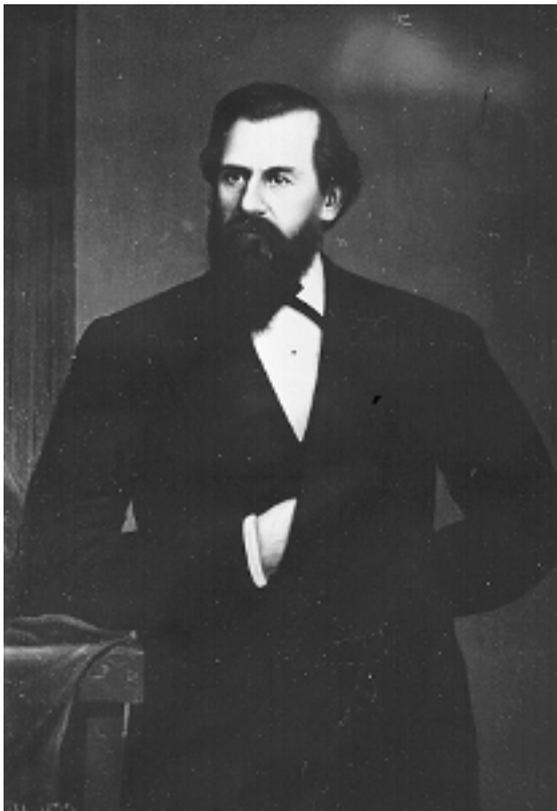


Myth 149: Veto Mania

By Guy Rocha, former Nevada State Archivist



After 75 regular legislative sessions, the record for governors' vetoes and legislative veto overrides set in Nevada's first legislature was not only broken, it was smashed. Governor Jim Gibbons' legacy includes 48 bills vetoed in 2009.

Lawmakers overrode 25 of the vetoes and may increase the number at the 2011 legislature.

The record number of vetoes by Governor Henry G. Blasdel, 38, and the record number of legislative veto overrides, 11, had never been seriously challenged until Governor Gibbons battled with the 2009 legislature.

Historically most governors' vetoes were sustained.

What happened in the first legislative session in 1864-65 to account for so many vetoes and veto overrides?

Republican Governor Blasdel in his 1864 inaugural address said he intended to cooperate with the first Nevada Legislature. After all, only two Democrats sat in the body, one in the Senate and one in the Assembly. The nation's 36th state was very much dominated by the Union Party. (This was the wartime name given to the Republican Party, to make it more palatable for Democrats to vote for Lincoln's reelection.)

Just the same, the new governor soon had major issues with a legislature controlled by his own party.

In his 1935 history of Nevada, U.S. Representative James G. Scrugham, a former governor, wrote that "The [1864-65] legislature showed a tendency to disregard the provisions of the constitution in more than one particular. The revenue bills exceeded the constitutional taxing powers, and some one devised an ingenious method of getting around the constitutional prohibition against special franchises. There were also several 'relief acts' which the governor vetoed on the ground that they were special bills."

Governor Blasdel's fights with the legislature were not based on rigid ideology, as was the case with Governor Gibbons more than 140 years later. As the state's first elected chief executive, Blasdel's principal concerns focused on the legislature exceeding its constitutional authority.

For instance, he particularly objected to the language in a Virginia & Truckee Railroad right-of-way bill that, in effect, granted a monopoly.

"It certainly was not the intention of the framers of our constitution that ever a special franchise should be granted by the Legislature, except for municipal purposes, by this bill, you grant not only a special, but an exclusive franchise for railroad purposes . . ." Blasdel declared. The Legislature overrode the governor's veto.

While Blasdel's disputes with the legislature were mostly over the law and Gibbons' disputes were mostly over ideology, there is also some overlap in their conduct. Both men were zealots, teetotaler Blasdel on Christian morals and doctrinaire Gibbons on anti-tax ideology. Zealotry is rare in governors; like most public officials, they tend to be pragmatists.

In Blasdel's case, this showed up most prominently in his 1869 veto of a legalized gambling bill, a fight that has analogies to this year's veto battles. He and the lawmakers were actually close together on the issue - both wanted to crack down on gambling. But where Blasdel wanted it prohibited outright, legislators believed that prohibition would only make it seem alluring to the public. A legislative committee report argued that "a prohibitory law will not in the least contribute to the suppression of such evil, but, on the contrary, will add another, to wit: The crime of setting at defiance the laws of our state." The committee recommended enacting a bill to use tax law to suppress gambling, a technique later used in federal anti-drug efforts. A bill "to license it [gambling] heavily" was passed, but Blasdel, unwilling to compromise, vetoed it because he wanted an outright ban. His inflexibility earned him another override.

Photo credit: Photograph of the portrait of Governor Henry Goode Blasdel, GOV-0002, courtesy of the Nevada State Archives. The portrait hangs in a corridor of the Nevada State Capitol.

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