



Mobilization of Power

The unicameral structure provides a flexible framework for the use of political power. Flexibility in this instance refers to three major areas—method of selection of legislative leaders, development of leadership by specialization, and the presence of voting blocs which shift with specific issues. Neither seniority, partisanship, nor gubernatorial influence have been of major significance in the power struggle in Nebraska's unicameral structure.

The election of legislative leaders—the speaker, chairman of the committee on committees, and the chairman and vice chairman of the legislative council—is by secret ballot, not by party alignment.²⁹ The speaker presides during the absence of the Lieutenant Governor,³⁰ but his real power is based upon his membership in the reference committee³¹ and the legislative council executive board. The speakership, often conferred on one of the senior members, has been more a position of honor than power in Nebraska.

The chairman of the committee on committees is a strategic position. This committee chooses the chairman and members of each standing committee. Though geographical distribution, nonpartisanship, and a blend of freshman and experienced Senators is sought, politics is a vital aspect of committee assignments. Both opponents and proponents of a broadened tax base in the past have attempted to put their friends on the revenue committee. Spending agencies of state government, in like manner, are always happy when their supporters find a position on the budget committee.

A person can rise to committee chairman in as few as two terms. Often geographic location or spending philosophies are the basis for selection. Peculiar to the unicameral is the fact that committee chairmen usually retain their positions for no more than two consecutive sessions. The chairman and vice chairman of the five-member legislative council executive

board can be very influential. This board, which also includes the speaker and chairman of the committee on committees, heads the main research unit available to the Legislature and directs interim studies.

Bills are assigned to various standing committees by the reference committee—the speaker, chairman of committee on committees, and the Lieutenant Governor. Obviously, referral to an unfriendly committee can greatly lessen a bill's chances for survival.

While partisan machinery might make voting blocs more rigid, Nebraska's nonpartisanship finds that opponents on one issue may be proponents on another. In other words, issues tend to take the place of party alliances in Nebraska's legislative voting patterns.

Leadership

The legislative climate includes an opportunity for advancement which is not based on seniority. Nonpartisanship permits legislators to wield a considerable amount of individual authority and influence through identification with specific subjects. Ideally, the Nebraska unicameral structure provides the laboratory for the individual who desires to use his talents to full capacity to experiment with the problems of state government. The product of legislation in the American democracy must include the ingredients from the many elements of the society being served. To meet the diverse needs and demands requires the leadership traits of courage, patience, and understanding. The author believes these traits have been encouraged to a greater degree under a nonpartisan, one-house legislative structure.

Majority and Minority Rule

Minority groups in our framework must be allowed to speak, but not so loudly or forcefully as to thwart the majority. A Nebraska citizen can be heard on any issue through individual effort or by uniting with a group which shares his view.

A potent majority, properly organized, is provided adequate means of expression within the unicameral system. Neither party, seniority customs, nor a second house stands in the way

²⁹Ibid., Rule 3, sec. 1.

³⁰Ibid., Rule 2, sec. 1.

³¹Ibid., Rule 14, sec. 1.

of the majority. Lobbying by minority groups behind closed doors is reduced by a visible, accessible, legislative system operated by a small, easily identifiable membership.

Democratic Representation

The sum of all the elements discussed previously should lead to representative government producing moderate decisions. A legislative structure must afford the opportunity for the cooperative use of all its elements to meet the challenges facing modern representative democracy. The nonpartisan unicameral structure provides the mechanism to meet the demands of the first seven points. The seven goals, together, can attain maximum coordination through the nonpartisan, unicameral structure and thus produce the eighth goal—moderation through democratic, representative government.

INFORMAL INFLUENCES ON DECISION MAKING

Each individual elected to the unicameral brings with him predetermined philosophies and prejudices which collide with the informal rules of the group. His "role concept"—how he relates to each individual, to society, and to the world—influences his behavior in the role of a legislator. This "role concept" can be said to be composed of three elements: (1) the personal background and relationships a legislator brings with him to the Legislature, (2) the outside pressures of constituents, groups, parties, and agencies of state government, (3) the "rules of the game" governing the roles and actions of the members of the legislative group itself.³²

The Legislator in Perspective

As was the pattern in the majority of the States, the Nebraska Legislature has had to wrestle with the reapportionment problem. Originally set up on an equitable distribution of population, urban growth in the 1950-60 decade resulted in an imbalance. The 1962 general election results not only indicated the

population disparity between rural and urban legislative districts, but also revealed the appreciable difference within the metropolitan areas of both Omaha and Lincoln.

Urban-sponsored reapportionment acts were killed in the 1959 and 1961 sessions. A compromise establishing a population-area formula was passed by the Legislature as a constitutional amendment in 1961 and was approved by the voters. The 1963 Legislature implemented the measure, allowing a 20 per cent weight for area. A three-member federal court, however, voided the act, but approved a 1965 reapportionment act following a population discrepancy of almost 20 per cent.³³ Thus, one obstacle to possible majority rule in the Nebraska unicameral has been overcome.

As may be expected, farming-ranching has been the dominant occupation represented in the unicameral. Lawyers, traditionally well represented in legislative bodies, have steadily declined in the unicameral and business-oriented occupations seem to have taken their place. Few blue-collar workers have served in the Nebraska Legislature. The average age of Nebraska legislators has remained fairly constant over the years. The early sessions had the youngest personnel—47.0 years of age in 1941. The average age rose gradually to 54.2 in the 1947 session, and has remained around 54 years. Of all the legislators serving between 1936 and 1962, more than 67 per cent of those elected served more than one term, and more than 37 per cent served more than two terms. About one-third served but one term in the unicameral.

Of 125 uncontested races in the elections held between 1936 and 1962 (20.7 per cent of the total races), 114, or 91.2 per cent, involved incumbents. The "staying power" of Nebraska Senators seems to be very high. Once elected, if he so desires, an individual has greater than an 80 per cent chance of being reelected. Of 416 incumbents running in the years 1936-1962, 341, or 81.5 per cent, were successful. If one discards those defeated by former legis-

³²John C. Wahlke, Heinz Eulau, William Buchanan, and LeRoy C. Ferguson, *The Legislative System* (New York: John Wiley & Sons, Inc., 1962), pp. 141-169.

³³*League of Nebraska Municipalities v. Frank Marsh and others*, 232 F. Supp. 411 (U.S. District Court, 1964), and *League of Nebraska Municipalities v. Frank Marsh and others*, 232 F. Supp. 27 (U.S. District Court, 1966).

lators, the result is 341 out of 395 successful, or 86.3 per cent.³⁴

The turnover ratio in the unicameral has been generally below 40 per cent, and in the last few years seems to be near the national average which was 34 per cent in both houses in 1963.

More influential in the selection of candidates than state-wide pressure groups are the local organizations which feel that the incumbent legislator is not properly representing their interests. This situation will usually result in a meeting of the major groups and a subsequent attempt to draft a new legislative candidate.

Election to a legislative office in Nebraska does not offer a fertile ground for advancement to a higher state office, since very few individuals have moved from the Legislature to other state offices. Since 1951, the author's first legislative term, only one unicameral member has been elected to a higher office.

The pay for senators is \$4,800 a year (the unicameral meets biennially, except for special sessions).³⁵ Fringe benefits given senators are minimal. They are not provided offices and must conduct their affairs from the desks on the floor of the unicameral. Senators can call upon the legislative council, composed of a staff of six people, two of whom are available to individual legislators for research during the session and the interim. In the 1967 session, law students from the University of Nebraska were utilized by the legislative council on a part-time basis to aid in research. Another service is provided in the form of a bill-drafter's office. Here, a legal staff drafts each bill introduced in the Legislature. In 1962, the office of a legislative fiscal analyst was added to the staff of the legislative council. Responsible to the committee on budget and appropriations,

³⁴Compiled from *Nebraska Blue Book*, 1936-1962, inclusive.

³⁵Article III, sec. 7 of the Nebraska Constitution provides that a Senator shall receive "not more than two hundred dollars per month" for his term of office. At the time of the adoption of this amendment in 1960, there were some charges that the wording of the amendment masked the intent of raising legislative salaries which previously had been around \$870 per year. Section 7 amended in 1968 read: "not to exceed four hundred dollars per month during the term of his office."

the fiscal staff has provided invaluable assistance to the implementation of program budgeting for the State.

The Legislator as Representative

Perhaps one of the greatest influences upon the representative as he functions in the legislative arena is potential constituency pressure. Elected on a nonpartisan basis, a Nebraska legislator is committed to support specific groups or issues, rather than to support a party platform.³⁶ The influence of constituency pressure will depend upon the position of the Senator within his own district. Some believe that the increase in senatorial terms from two to four years, adopted in 1964, will relieve some of the constituency pressure. This will permit a legislator to build a better record and to accept leadership in more sensitive areas with less fear of immediate repercussions.

THE NEBRASKA UNICAMERAL— CONCLUDING OBSERVATIONS

To be an active and accepted organ, a Legislature must reflect the basic thought of a majority of the State's opinion-makers. It must derive sustenance from the lifeblood of the environment of the State it serves. The Nebraska system fulfills those qualifications, for it is a creature, or a creation, of the history, the wishes, the thoughts of the citizens it serves.

The legislative structure derives its basic traits from the people, works with these same people in making state policy decisions and, in turn, has its own impact upon the people once the decisions are implemented. The input to the Legislature from the State and its people is received, remolded, and returned to the people in the form of legislative or decisional output.

The Legislature is considered to be an active and influential part of the social process of the State. Likewise, each of the elements exerting major impact upon the decisions of the unicameral is to be considered a segment

³⁶In the 1959 session, the author, on constitutionality grounds, voted against an Associated Industries of Nebraska-sponsored bill on secondary boycotts. Subsequently, he was forced to attend a special meeting of his business constituents to explain his stand.

of the same social system. Thus, the environment exerts an influence on the legislative body directly, and also through the formal and informal structures of the legislative system. Likewise, the formal and informal act upon each other, as well as upon the environment and upon the Legislature itself. Finally, the unicameral system, receiving the total impact of these three important pressures, by its final decisions, or output, completes the circle by exerting its own influence back upon the environment and the people of the State it serves.

The decisions of the Legislature, reflecting the people's main characteristics and beliefs, produce moderate answers or conclusions to the major problems. Such flexibility is present within the unicameral legislative structure. The pressure groups, too, are products of the

social system and must operate within the same basic framework of a formal structure and an informal process as the legislators being pressured. Both elements, the pressured and those exerting the pressure, are influenced by the same basic elements of the State's social system.

The unicameral structure provides the governmental tools that the people of Nebraska need to confront present challenges. The system is streamlined to eliminate obstacles which stand between the people and their goals of democratic representation. The worth of the unicameral has not always been fully understood, appreciated, or utilized. This is no reason to discount its value or underestimate its contribution in meeting the current need to upgrade and strengthen state government in the latter decades of the twentieth century.



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INTRODUCTION

UNICAMERALISM: WISCONSIN LEGISLATIVE HISTORY

Nebraska is the only state in the United States that currently has a unicameral (that is, one-house) legislature. It has been in existence since 1937 with no apparent attempts to change the structure. Three other states (Pennsylvania, Georgia and Vermont), however, began with a unicameral legislature and later abandoned it.

Although the unicameral legislature is not very popular in the United States, many foreign countries have adopted it. For example, when Quebec abolished its two-house parliament in 1969, the last of Canada's 10 provinces became unicameral. The governing bodies of most municipalities and counties in the United States are also unicameral in nature.

The history of unicameral proposals in Wisconsin began with 2 proposed constitutional amendments introduced in 1915. After a lapse of 12 years, there was at least one such proposal introduced in every regular biennial session from 1927 to 1937. In 1935, 5 separate joint resolutions were introduced relating to adopting a unicameral legislature. Two of these proposals (1935 Assembly Joint Resolutions 10 and 95) were passed by the Assembly. These are the only 2 such measures which have ever received passage by at least one house. 1935 AJR 95 was not a proposed constitutional amendment, but rather, a proposed referendum relating to the establishing a unicameral legislature.

Not until very recently has there been any revived interest in unicameralism since the 1930's. Four proposals have been introduced in the last 3 sessions of the Wisconsin Legislature to provide for a unicameral legislature. Unicameralism has been given considerable attention since 1964 in many other states beside Wisconsin. The recent upsurge of interest is at least partially due to the United States Supreme Court's 1964 ruling in Reynolds v. Sims (377 U.S. 533; 84 S. Ct. 1362), which held that both houses of state legislatures must be apportioned according to population. In Wisconsin, of course, both houses have always been apportioned "according to the number of inhabitants". Since representation for both houses of state legislature now has to be based on population, some commentators have suggested that there might be no further need for 2 houses.

CONSTITUTIONAL PROVISIONS RELATING TO THE LEGISLATURE

The current provisions of the Wisconsin Constitution governing the number and size of the houses comprising the Wisconsin Legislature are found in Article IV. They read as follows:

Section 1. The legislative power shall be vested in a senate and assembly.

Prepared by Gary Hatchke, Research Analyst

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Section 2. The number of the members of the assembly shall never be less than 54 nor more than 100. The senate shall consist of a number not more than one-third nor less than one-fourth of the number of the members of the assembly.

If Wisconsin were to adopt a unicameral legislature, additional sections of constitution would have to be amended. Those sections which would also be affected are:

- Article IV, Section 3. Apportionment.
- Section 4. Assemblymen, how chosen.
- Section 5. Senators, how chosen.
- Section 7. Organization of legislature; quorum; compulsory attendance.
- Section 8. Rules; contempt; expulsion.
- Section 9. Officers.
- Section 10. Journals; open doors; adjournments.
- Section 17. Style of laws; bills.
- Section 19. Origin of bills.
- Section 20. Yeas and nays.
- Section 26. Extra compensation; salary change.
- Article V, Section 8. Lieutenant Governor president of senate....
- Section 10. Governor to approve or veto bills; proceedings on veto.
- Article VI, Section 2. Secretary of State duties relating to the legislature.
- Article VII, Section 1. Impeachment proceedings.
- Section 13. Removal of judges.
- Article VIII, Section 6. Public debt for extraordinary expense; taxation.
- Section 8. Vote on fiscal bills; quorum.
- Article XI, Section 4. Legislature prohibited from incorporating banks.
- Article XII, Section 1. Constitutional amendments.
- Section 2. Constitutional conventions.
- Article XIII, Section 6. Legislative officers.

WISCONSIN LEGISLATION PROPOSING A UNICAMERAL LEGISLATURE

No proposed constitutional amendments relating to the establishment of a unicameral legislature have ever achieved passage through both houses of the Wisconsin Legislature, so as to be eligible for "2nd consideration" review 2 years later in preparation for their submission to the voters of Wisconsin. Therefore, all the proposals listed in the following table constitute "1st consideration" constitutional amendment proposals.

A. Proposed Constitutional Amendments Providing for a Unicameral Legislature*

LRB-MB-70-5

Year	Joint Resolution	Author	Name of Body	Size of Body	Length of Term	Type of District	Misc. Provisions
1915	SJR 20	G. Weissleder	Legislature	3 mbrs. from each congress. district	Staggered 4-year terms	Correspond with congress. districts	
1915	AJR 33	W. L. Mortenson	Legislative Commission	1 mbr. from each congress. dist. & 2 from state at large	4 years	Congress. dist., plus 2 from the state at large	One of the 2 at large mbrs. receiving highest no. of votes - pres., other vice-pres.
1927	AJR 17	Wm. Coleman	Legislature	133 Members	Staggered 4-year terms	Single dists. of convenient contiguous territory	
1929	AJR 131	Robert Caldwell	Legislature	Number of mbrs. equal to the no. of U.S. Rep.s from Wisconsin	Staggered 4-year terms	Correspond with congress. districts	
1931	AJR 48	Philip Wenz	Legislature	133 Members	4-year terms	Single districts	
1933	AJR 26	G. Weissleder	Legislature	Not more than 3 mbrs. from each congress. district	Staggered 4-year terms	Single dists. of convenient contiguous territory	Sessional salary of \$1200
1935	AJR 10	M. H. Hall	Legislature	Not less than 30 nor more than 50 members	2 years	Single member districts	
	A.An. 1 (Adopted)	B. M. Vaughan		Not less than 90 nor more than 100 members			

*In measures proposing a staggered 4-year term, most proposals provided for half of the Legislature being elected for 2 years in the initial election under the new unicameral legislature, and subsequently for 4-year terms.

Proposed Constitutional Amendments Providing for a Unicameral Legislature -- Con't

Year	Joint Resolution	Author	Name of Body	Size of Body	Length of Term	Type of District	Misc. Provisions
1935	AJR 11	G. Weissleder	Legislature	Not more than 3 mbrs. from each congress. district	Staggered 4-year terms	Single member districts	Legislature would meet once each mo. until all business completed. Annual salary of \$4,000
	A.Sub.Am.1 as amended by A.Amdt. 1 and 2 (Adopted)			Not less than 90 nor more than 100			Legislature would meet once every 2 years
1935	AJR 70	Mary Kryzak	Legislature	Not less than one mbr. from each county nor more than 100 members	4-year terms	No dist. would embrace more than one county.	
1937	AJR 11	M. H. Hall	Legislature	Not less than 30 nor more than 50 members	2 years	Single member districts	
1965	AJR 107	Barbee, Iverson, Lipscomb & Schaus	Legislature	Not less than 43 nor more than 75 members	Staggered 4-year terms	Single member districts	Annual salary of \$10,000. Annual sessions
1967	SJR 26	J. Lourigan	Legislature	Not more than 45 members	Staggered 4-year terms	Single dists. of compact contiguous territory	
1967	AJR 37	Barbee, Lipscomb, Anderson, Kessler & O'Malley, co-sponsored by Lourigan	Legislature	Between 33 and 75 members	Staggered 4-year terms	Single member districts	Annual salary of \$12,000. Annual sessions.

Proposed Constitutional Amendments Providing for a Unicameral Legislature -- Con't

Year	Joint Resolution	Author	Name of Body	Size of Body	Length of Term	Type of District	Misc. Provisions
1969	AJR 18	Barbee, Lipscomb & Sanasarian	Legislature	Not less than 33 nor more than 75 members	Staggered 4-year terms	Single member districts	Annual salary of \$12,000. Annual sessions

B. Proposed Referenda Relating to Establishment of a Unicameral Legislature

Year	Joint Resolution	Author	Referendum Question
1935	AJR 95 A.Sub.1	G. Weissleder	This proposal would submit to the voters a referendum consisting of the following 5 questions and comprising 7 parts: (1) "Do you favor a one-house legislature?"; (2) (a) "Do you favor a legislative membership of not less than 30 nor more than 50 members?"; (or) (b) "Do you favor a legislative membership of not less than 30 nor more than 100 members?"; (3) "Do you favor the legislature sitting as a body to hear all arguments for and against all matters coming before it?"; (4) "Do you favor having the legislature meet once each month and remain in session until its business is completed?"; (5) (a) "Do you favor a 4-year term for the members of the legislature?"; (or) (b) "Do you favor a 2-year term for the members of the legislature?". The measure was adopted by the Assembly by a vote of 48 to 32. The Senate, however, nonconcurred in it by a 23 to 7 vote.
1935	AJR 171	E. W. Blomquist & A. F. Polt	This proposal would have submitted one question to the voters: "Do you favor a one-house legislature? Yes _____ No _____"
1955	AJR 91	Louis C. Romell	This proposal would have provided an advisory referendum consisting of 2 questions: (1) "Do you favor an amendment to the state constitution to provide for a unicameral legislature of 100 members, one-half to be elected every 2 years for terms of 4 years?" or (2) "Do you favor an amendment to the state constitution to provide that the legislative branch shall consist of 2 houses similar to the legislative branch of the federal government?"

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The House Nebraska Built

by Donald Janson

Its simple plan for making state government cheaper and more efficient has worked out remarkably well and may soon be copied elsewhere.

Though Vermonters may dispute the title, Nebraska is probably the thriftiest state in the union. For example, the state's bonded debt is limited to \$100,000 and Nebraska stays well under that. It has no sales tax or state income tax because so many Nebraskans feel the revenue would open the door to unnecessary spending.

If you are aware of this penny-pinching tradition it is a shock when you drive the arrow-straight road from Omaha to Lincoln to find a veritable architectural extravaganza looming up out of the surrounding plains.

This spectacular skyscraper is the State Capitol. It cost about ten million dollars and took ten years to build, being paid for by a special property tax which yielded a million dollars a year. "An innocent traveler from the East who thinks that Nebraska is a stick-in-the-mud state

will get some surprises," John Gunther wrote in *Inside U.S.A.*, after his first glimpse of this startling building.

The surprises, however, are not merely architectural. Recent visitors are viewing with even more interest what goes on inside the Capitol. For this is the headquarters of the only one-chamber state legislature in the nation, an innovation which may, in the years ahead, be widely copied in other states. If this comes to pass, the full potential of a remarkable institution may be discovered—for Nebraskans, though generally pleased with their brainchild, have tended, in characteristic fashion, to maintain it on a starvation diet.

Senator George W. Norris—Nebraska's great innovator—was the chief architect of the "unicameral," as it is generally known. At the time it was created it seemed of no more than local significance to the rest of the country.

Now, thirty years later, it has become an object of national interest as a result of the Supreme Court's reapportionment decision on June 15. Despite the delaying tactics of the 88th Congress, district lines will inevitably be redrawn and state legislatures are headed for a shake-up. Economy-minded citizens are pondering the possibility of shaking one house out of existence in the process. If this should happen, millions of tax dollars will be saved. More importantly, legislatures might be largely cleansed of the corruption and inefficiency that blight state governments across the country.

If nothing else, experience in Lincoln has proved that one house is cheaper than two. Specifically, the taxpayers' bill for the first unicameral that met in 1937 was approximately half that of the preceding chamber session. And when one body must do the work of two, there is little time to waste on the glut of meaningless bills commonly tossed in the hopper at the start of state legislative sessions. The number introduced was cut in half in the unicameral. Conspicuously absent are the hundreds of nuisance and special-interest bills annually proposed in one house on the assumption that they will be killed in the other.

"There's now no way for us to pass the buck," says State Senator Richard D. Marvel, who has served in the unicameral for ten years. "I can't say to a constituent, 'Okay, I'll introduce this for you,' and then run to the other house and say, 'Boys, kill this.' The lobbyist, too, doesn't dare talk out of both sides of his mouth and offer bribes. We are working in a goldfish bowl."

With only one house, there are, of course, none

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THE HOUSE NEBRASKA BUILT

of those conference committees whose secret sessions have long been a convenient locale for lobbyists' less savory maneuvers. In Nebraska's unicameral, all committees are required to hold public hearings, to announce them far enough in advance so that all interested citizens can attend, and to conduct their deliberations in plain view of the electorats.

Senator Norris was particularly eager to eliminate the powerful conference committee, which he saw as the graveyard for much beneficial legislation as well as the focal point of lobbying manipulations. Traditionalists claim to fear that getting rid of one house would do violence to the governmental system of checks and balances, but Norris' response to that was curt: "After the legislative session comes to an end and we balance the books, we generally find that the politicians get the checks and the special interests get the balance."

Buck-passing, logrolling, and undercover pressure in matters of taxation, schools, utilities, public power, and transportation had long plagued Nebraska. These were the chief targets of Senator Norris' campaign for a unicameral legislature. But his arguments on these points had little impact for a decade. In the end it was a sure-fire Nebraska issue—economy—that proved his trump card.

This came about in the blistering summer of 1934, when temperatures steadily soared over the hundred-degree mark and only fourteen inches of rain—the least the state had ever had—fell all year on parched cornfields. In the third consecutive year of drought, hot prairie winds turned the plains into a dust bowl and the corn crop withered to a pitiful three bushels an acre, compared with the accustomed twenty-four. This agricultural calamity multiplied the miseries of the great depression, which had already swept the state with foreclosures, frozen credit, bankruptcies, and unemployment.

With his familiar black string tie hanging limp from his wilting collar, Norris stumped the state from Omaha to the western sandhills that searing summer pleading the cause of a one-house

state legislature. He wore out two sets of automobile tires, crisscrossing the state. He had the aid of a small band of reform-minded allies. One of the most persuasive of these was former Congressman John N. "Nate" Norton (whose daughter, Mrs. Evelyn Lincoln, later became President Kennedy's secretary). "Save time, talk, and money," he urged.

Arrayed against the Norris-Norton forces was a formidable coalition of the state's power structure—major farm and professional organizations, railroads, utilities, and the press. Newspapers "forgot" to report Norris' speaking engagements; handbills posted to announce them were torn down.

"If I offered the Lord's Prayer as an amendment they would fight it," Norris said of his foes on election eve.

But in the end, Norris' dynamism and the appeal to frugality won out. Advocates of the unicameral were helped, too, by the fact that two popular proposals—one advocating repeal of prohibition, the other authorizing pari-mutuel betting—were also on the ballot. All three propositions were approved, the unicameral by a vote of 286,086 to 193,152.

The returns shocked Nebraska's newspapers and politicians. Most stunned of all were 90 of the state's 133 legislators who had been voted out of their jobs. The surviving 43 decided to call themselves senators and went to work as a single-chamber legislature in 1937. Norris skipped an opening of Congress to be there. "I congratulate you on being members of the first unicameral legislature," he told the new senators their first day. "Every professional lobbyist, every professional politician, and every representative of greed and monopoly is hoping and praying that your work will be a failure."

Lobbyists in the Open

Today the unicameral system is firmly entrenched in the state. Nebraskans deny that the money saved is the only reason. They claim that legislators have been made more responsive to the will of the electorate. Probably this is true. But in a tightfisted state, the result is not necessarily progressive.

For example, last year the revenue committee held public hearings on a bill to establish a state income tax. The American Farm Bureau Federation, the Farmers Union, and the Grange sent representatives to oppose it. So did the state teachers' association. Appearing in support was

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by Donald Janson

an Omaha taxpayers' group called the Nebraska State Improvement Association. Most witnesses opposed the bill and in the floor debate that followed it was killed.

Last year, similarly, the budget committee held public hearings for two weeks on a special appropriation for the state's university. Its backers, calling themselves Friends of the University, included prominent farmers and industrialists eager to see increased funds devoted to agricultural research. The owner of a television station and a former mayor of Lincoln favored increased university funds for other purposes. The principal officers of the university and its department heads explained their budget requirements to the committee. Individual taxpayers, however, spoke against parts of the proposal, as did representatives of more than 130 Omaha doctors who opposed a full-time faculty in an augmented medical school. Their testimony prevailed and a proposed \$35 million program to improve medical-school facilities was drastically altered.

This was, of course, a victory for a special-interest group. In other states the AMA and the practicing doctors who have also been part-time teachers in medical schools have fought against salaried full-time faculties, although medical educators generally believe the trend is the inevitable consequence of the increased specialization and scientific intricacy of modern medicine.

The doctors' victory in Nebraska, however, was openly arrived at after public debate. This is a very different process from the backstairs operations of the lobbyists for the Union Pacific Railroad, the Burlington Railroad, the utilities and liquor interests in the old two-house legislature whose deliberations seldom saw the light of day.

Senator Norris hoped that the limelight shed on the unicameral legislature would attract more capable men to it. He assumed that they would be better paid for their work, since they were fewer in number. Nebraskans, however, don't believe in pampering their public servants. So for years, legislators' annual salaries remained at \$872. Recently they were increased to \$2,400, which is still not nearly enough to live on. (In other states legislators' pay ranges from New Hampshire's \$200 per biennium to New York's \$10,000 a year.) Inevitably the legislators' energies must be divided. Senator Marvel, for example, sold his insurance-and-loan business to serve in the legislature. But he will soon be back at a second job, teaching political science at the Municipal University of Omaha.

There are a number of competent, dedicated

men in the Nebraska legislature, but there is a notable dearth of lawyers, and the overall caliber is not too different from that of the men I have watched in other state legislatures.

Unquestionably, however, they work harder and more effectively than in many states. For example, the senators assigned to appropriations serve on no other committees. They delve deeply into the specifics of all money measures and when a budget is finally passed there is no question that the legislators know, in detail, just what they are doing.

Between sessions, the legislature—which meets every two years—functions as a “legislative council” which works continually on the state's perennial problems. This valuable service would be considerably more effective if Nebraskans were less parsimonious. The council—along with the legislature generally—is short on research and clerical staff. No senator has a secretary or administrative assistant of his own—he must rely on a meager secretarial pool. Though the council studies and prepares some eight hundred bills on three hundred subjects for each session, its research staff consists only of a director, one assistant, and two secretaries. The budget committee has only two fiscal assistants. Some of these gaps could be filled by university graduate students serving as legislative interns. However, in 1961 Nebraska turned down a foundation grant offered for such a program because it required the state to match the foundation funds in part.

To cite such shortcomings is not to belittle the advantages of the unicameral system. The pattern of an agriculturally oriented state, which is in many respects unusually frugal, would not be duplicated in more urban, ethnically mixed, and liberal states. And those who have worked with the unicameral in Nebraska—from the Governor down—attest to its practicality, efficiency, and responsiveness.

“Ours is the best government on earth and the envy of a lot of people in other states,” says Senator Leroy Bahensky. This may be hyperbole. But one cannot dispute him when he adds, “It isn't easy to acquire.”

Not Ordained in Heaven

Probably the major roadblock for other states wishing to imitate Nebraska is tradition—the feeling that two houses were ordained by the Founding Fathers. Actually, the idea was borrowed from England. In the early days of the

THE HOUSE NEBRASKA BUILT

union, some states permitted only the wealthy to vote for members of the upper chamber.

In Maryland, for example, a net worth of at least a thousand pounds was required. Like the House of Lords, the upper chamber was intended to provide the propertied class with a check against impetuous action by the lower house representing the mass of freemen.

At one time some 40 per cent of the nation's cities also had bicameral legislative bodies. Only two now survive—in small New England towns. Britain, as a practical matter, long ago evolved a unicameral system, when the House of Lords was shorn of most of its power.

Apart from tradition, the odds against adoption of a unicameral are considerable. Though legislatures in all states but New Hampshire and Delaware may propose constitutional amendments, they are not inclined to propose eliminating half their membership. Nor is the idea likely to be popular with the politicians who dominate the constitutional conventions which could initiate such a change in all states.

The best prospects are in the dozen states, besides Nebraska, which permit the people themselves to initiate reform by petition leading to popular referendum. These states are Arizona, Arkansas, California, Colorado, Massachusetts, Michigan, Missouri, Nevada, North Dakota, Ohio, Oklahoma, and Oregon. There have been a few attempts, both before and since 1934, to eliminate one house. None has yet succeeded.

However, a major justification for two houses has been wiped out by the Supreme Court's decision that both houses must be apportioned on the basis of population alone, eliminating area as a consideration. "It doesn't make any sense," said W. Dale Hess, Democratic floor leader of the Maryland House of Delegates, after the ruling was handed down, "to have two houses, both based on equal population, since they'd only be duplicating each other."

While there are dissenters, the decided feeling from most quarters in Nebraska today is that Hess is absolutely right and so were Norton and Norris and the Nebraska voters of 1934.

Nebraska's Unicameral Legislature

Saves Money for Taxpayers

By L. E. AYLSWORTH
University of Nebraska

Claims of its advocates that adoption of a one-house body would result in a marked reduction in legislative costs fully substantiated by figures now available.

SEVERAL incomplete, very inaccurate or biased statements regarding the cost of Nebraska's unicameral legislature have been published and are being circulated. A statement of the actual facts that is complete, accurate, and impartial appears to be needed and worth while, in order that interested citizens the country over may be rightly informed. The following presentation, based on a thorough examination of the record of legislative expenditures in the office of the state auditor, attempts to achieve this result.

The constitution of Nebraska contains the unusual provision that "the auditor shall within sixty days after the adjournment of each session of the legislature, prepare and publish a full statement of all moneys expended at such session, specifying the amount of each item and to whom and for what paid." This statement gives all legislative expenditures until three to six weeks after the regular session ends. It has always included the total salary of members for their entire term unless a special session was held later. But it has never included all the expenditures of a legislature during its term. These continue for over a year and a half until the next legislature meets. Such expenditures have included in the past the preparation and publication of the permanent senate and house journals and the ses-

sion laws, also the custodial care of the chambers and other rooms devoted to legislative purposes. Under the unicameral system they now also include the salaries of the members, expenses of the office of the permanent clerk, and of the legislative council for the rest of the term. These post-session expenditures, therefore, have to be taken into account in order to arrive at a complete and accurate statement.

Legislative costs in Nebraska under the bicameral system, while usually greater than necessary, have been moderate compared with those of many other states, and never flagrantly excessive. Nevertheless, unicameral advocates urged that the adoption of a smaller one-house legislature would result in a marked reduction in legislative costs even though the salary of members was more than doubled. A careful examination and comparison of the records show that they fully substantiate this claim.

Nebraska's first unicameral legislature, despite statements to the contrary,¹ both appropriated and expended much less for legislative purposes than any of its bicameral predecessors for over a decade. The average appropriation of the last five bicameral legislatures was \$220,793.63 for regular sessions only, and \$240,893.63 if the three

¹"The total cost of the unicameral session . . . was \$237,581.96, an increase in round numbers of \$32,000 over the cost of the . . . most expensive bicameral session in the history of the state." See G. E. Price, *Unicameralism in Practice, The Nebraska Legislative System*, p. 173. H. W. Wilson & Co., New York, 1937. This glaring misstatement is due mainly to three errors: the counting of the annual \$37,500 salary three times instead of two; the inclusion of a vetoed appropriation of \$10,700; and the figuring of appropriations as actual expenditures.

	Appropriations for Unicameral Legislature	Unexpended Balances	
		Sept 1, 1938	Dec. 31, 1938
Incidentals (by legislature 1935)	\$2,000.00	None	None
Salary, members	75,000.00	\$8,600.26	\$0.26
Employees, supplies, etc.	77,143.60	6,052.53	4,500.00
Printing Journal, Session Laws	10,000.00	5,936.08	5,936.08
Salary of permanent clerk	7,200.00	3,000.00	1,800.00
Legislative council	15,000.00	10,562.67	8,000.00
TOTAL	\$186,343.60	\$34,151.64	\$20,236.34

special sessions are included. The average expenditure was \$194,479.94 for regular sessions, and \$211,733.46 for both regular and special sessions.

The total appropriations by the unicameral body for legislative expenses with their unexpended balances are shown by the tabulation above.

The \$4,500 and \$8,000 balances on December 31, 1938, (the end of the

term of the present legislature) are conservative estimates. At the present rate of expenditure they are likely to be somewhat larger. The other three balances are definite and sure.

The following detailed comparison of the expenditures of Nebraska's last bicameral and first unicameral legislatures brings out clearly the lessened cost of the latter not only for salaries but also for other expenses:

COMPARATIVE COSTS OF 1935 AND 1937 LEGISLATURES*

	Bicameral Legislature, 1935-36			Unicameral Legislature, 1937-38
	Regular Session to Dec. 31, 1936	Special Session to Dec. 31, 1936	Total for Both Sessions	Regular Session to June 30, 1937
Salaries:				
Members	\$106,660.00	\$13,300.00	\$119,960.00	\$37,499.87
Officers	11,142.00	2,135.50	13,277.50	4,510.50
Employees	34,338.89	3,125.40	39,464.29	26,867.06
Supplies	7,828.88	1,701.46	9,530.34	3,612.11
Printing	26,106.12	2,954.72	29,060.84	15,267.13
Telephone and Telegraph	692.24	268.23	960.47	388.19
Postage	7,287.40	1,221.63	8,509.03	6,300.00
Travel expenses:				
Mileage	3,698.40	3,679.50	7,377.90	565.11
Special	1,034.85	170.48	1,205.33	189.36
Expert assistance:				
Legislative reference bureau	4,000.00	—	4,000.00	4,000.00
Legislative counsel	1,180.00	340.00	1,520.00	4,697.05
Special legal, auditing, stenographic, and medical	1,317.65	176.90	1,494.55	—
Journals:				
Preparation	2,950.00	572.00	3,522.00	—
Printing	5,470.70	1,074.73	6,545.43	1,477.12
Session laws:				
Preparation	856.50	437.00	1,293.50	—
Printing	4,482.26	2,102.92	6,585.18	2,586.80
TOTAL	\$219,045.89	\$35,460.51	\$254,506.40	\$107,959.30

*In this comparison the salary of the lieutenant-governor is eliminated for all three

sessions because the attorney-general holds that he is an executive officer whose salary is not a legislative expense.

TOTAL UNICAMERAL EXPENSES TO JUNE 30, 1937 (FORWARD)		\$107,959.30
<i>Unicameral Expenditures from July 1, 1937 to September 1, 1938</i>		
Salaries of 43 members—three-quarters, 1938		\$28,899.87
Clerk's office		
Salary of clerk	\$4,200.00	
Salary of secretary	1,830.00	
Custodial service	2,112.40	
Renovating legislative chambers	1,231.90	
Other expenses	1,521.26	
		<u>10,895.56</u>
Legislative Council		
Expenses, members	\$963.89	
Assistants payroll	2,798.22	
Other expenses	675.22	
		<u>4,437.33</u>
		44,232.76
<i>Expenditures from September 1, 1938, to December 31, 1938</i>		
Salaries of 43 members		\$8,600.00 ^a
Clerk's Office		
Salary of clerk	\$1,200.00 ^a	
Secretary, custodial service, and supplies	1,532.53 ^b	
		<u>2,732.53</u>
Legislative Council		<u>2,562.67^b</u>
		13,915.20
TOTAL UNICAMERAL EXPENDITURES FOR BIENNIUM		\$166,107.26

^aDefinite ^bEstimate

Inspection of this comparison shows that the total cost of the unicameral legislature for the biennium, including the expense of both the permanent clerk's office and the legislative council, will be only \$166,107.26 as against \$219,045.89 for the regular bicameral session—a reduction of \$52,938.63 or 24.17 per cent. If the expense of the legislative council be excluded for two reasons: first, that it is a new institution not provided for by the bicameral legislature; and second, that its function is to gather and prepare material for the use of the next legislature, the saving jumps to \$59,938.63 or 27.36 per cent.

These comparisons are all on the basis of one regular session for the biennium. But, what about the comparative cost of unicameral and bicameral in case a special session is found necessary? In 1930 the total cost of a special session of eleven days was \$23,861.06, and the next year for another of equal length, \$26,746.05.

The special session of twenty-four days in 1935 cost a total of \$35,460.51. A little thought will show that the additional cost of a special session under the unicameral set-up will be much less than this. There will be no extra expense for the salaries of the members and the permanent clerk. The extra mileage expense will be only one-sixth of what it was formerly. Other expenses will also be less. Hence a special two- to four-weeks session of the unicameral can be held at an extra cost of \$10,000 or less. This would make a total of only \$176,107.26 for a regular and a special unicameral session as compared with \$254,506.40, the cost of the two sessions of the last bicameral legislature—a saving of \$78,399.14 or 30.8 per cent.

The chief saving as predicted is in the salaries of members and officers. There is a saving in the expense for employees but not so much as expected. The amount of work and correspondence devolving upon the forty-three

members was probably as great as that upon the 133 members of any bicameral session. Hence more secretarial assistance was needed. Then, too, committees were supplied with secretaries as never before, to promote the keeping of better records of their proceedings. This expense for assistance was well worth while. In the future, doubtless more care will be exercised to assure the selection of somewhat fewer and, in some instances, more highly qualified employees. There is a striking drop in mileage and special transportation. The expenditure for the latter of only \$188.36 is phenomenally low. There was certainly nothing even suggestive of legislative junketing in the record of the unicameral body. In fact for this small expense to the taxpayers all or a part of the committee on appropriations, without prior notice, visited and inspected all the state institutions, some twenty-five in number, without a single exception, a record hitherto unequalled.

Another very noteworthy decrease in cost is that for the preparation and printing of the permanent legislative journal and the session laws. The last bicameral legislature spent \$4,815.50 for preparing, and \$13,330.63 for printing, its permanent journals and session laws, a total of \$18,146.13. The cost of printing the unicameral journal and session laws was only \$4,063.92. The preparation for printing was done by the permanent clerk and staff. The difference, \$12,082.21, is more than enough to pay all the extra expense of the permanent clerk's office for the entire biennium.

The unicameral expenditure for postage while less than formerly is probably too high. The body persisted in continuing the very questionable practice of a flat postage allowance per day for all members. This was elevated from thirty-five cents to one dollar, or \$98.00 to each member for the ses-

sion. No doubt some members actually spent this, or even more, for official purposes. But in many instances this allowance was to a large extent an unjustifiable personal perquisite. This fixed daily allowance should be abolished and the postmaster authorized to record and stamp all official mail presented by any member.

For only one aspect of legislation did the unicameral legislature appropriate and spend more than any bicameral legislature, namely, expert assistance and counsel. Some \$8,700 was spent during the session for such aid, or \$3,500.00 more than by the last regular bicameral session. Impressed by the number of important acts passed by the last two legislatures that had been stricken down by the state supreme court as unconstitutional, the unicameral legislature broke new ground by spending \$4,700 for a special group of three legislative counsellors to pass on the constitutionality of bills as to which there was any doubt. A similar increased recognition of the need of planning, research, and competent assistance in order to secure proper and effective legislation and records was shown by the establishment of the permanent clerkship and the legislative council with special appropriations of \$22,200 for their expenses.

A final observation seems pertinent. The \$50,000 to \$75,000 reduction in legislative costs by the first unicameral legislature, compared with the last bicameral, will doubtless appear small to many in these days of huge governmental expenditures, and more so in some other states than in Nebraska. But it is the percentage of reduction, not the amount, that is of vital importance. A like reduction in legislative costs in Illinois would equal from \$300,000 to \$400,000 each biennium, and in Pennsylvania from \$500,000 to \$600,000.

News in Review

City, State and Nation

H. M. Olmsted, Editor

Nebraska 'Unicam' Operates Smoothly

Handles 737 Bills
With No Final Rush

NEBRASKA'S unicameral legislature this year, as in the past, had a performance quite in contrast to that of other state legislatures, particularly that of New York, described as "The Rites of Spring in Albany," by Mel Elfin in *The Reporter* of April 27 this year.¹

The bill load of the Nebraska 1961 session, almost the same as that of 1959, was heavier in relation to the size of the legislature, i.e. to the number of members to share the burden, than in prior years—737 bills or an average of 17 per member (Iowa and Illinois figures this year were 8 and 11). The session was the longest by a week in the unicam's history, adjourning just before noon on Saturday, July 8, the 126th legislative day. This was the only Saturday sitting of the session. On Friday the legislature rejected proposals to suspend rules or cut procedural corners in order to finish in a hurry, held a morning and an afternoon sitting that day with a two-and-a-half hour recess at noon, but had no sitting at night.

Despite the heavy bill load per member, and contrary to the usual practice of bicameral legislatures, the bulk of the work did not pile up for last-minute action. Two weeks before adjournment Lincoln and Omaha newspapers reported that all but 25 of the bills had already been disposed of definitely, either by passage or rejection in some manner. The remaining days could be devoted to deliberations on the comprehensive

budget bill for the ensuing biennium, on a few other highly controversial measures demanding full debate, and on the various proposals and instructions for investigations to be undertaken by the Legislative Council and its professional staff during the 18-month interim. Inasmuch as every member serves on that council, each may participate in committee hearings and deliberations at various times during the biennium under the general scheduling of its executive board. In this sense the legislature is never really inactive.

The unicameral continues to bear all the distinctive marks of a conservative midwest assembly. It still adheres to the property tax and has fended off attempts to impose general sales and income levies. During this session it outlawed the Communist party and lacked only one vote of ordering an investigation of school books as to their degree of "Americanism." It holds the purse strings tightly and had the University of Nebraska and other state institutions and agencies unusually on edge as it dealt with the budget. In the face of charges of gross gerrymandering, it reduced the state's congressional districts by one, but failed to touch its own legislative districts.

One thing was clear this session: the unicam's operations are sufficiently in the open, and its decisions or prospective decisions clear enough, so that a give-and-take occurs between legislature and public. For instance, what may have been a legislative policy mistake made during the session was corrected before the session was over as the result of repercussions through press publicity and pressure groups. It happened that a bill was passed about midsession requiring colored photos on drivers' licenses and centralising control of is-

¹ See also the Review, May 1961, page 254.

suance. Some alleged mishandling of contract-letting to implement the act only added fuel to the earlier controversy. The wisdom of the law was challenged with the upshot that an emergency bill was introduced and passed to repeal it.

The general appropriation bill was likewise before the legislators and public in time for public and administrative reaction. All could view and assess the proposals as a comprehensive program. The result was that some of the Appropriations Committee's cuts were modified before final action, although the totals were less than administrative recommendations by far and less than those for the previous biennium. The fact that the governor was not of the same political party as the majority of the "nonpartisan" legislators probably did not help.

The committee's bill, however, called for a new approach to budgeting and appropriations and had all agencies uneasy. One editorial emphasized that the attempt of the appropriations chairman to effect a functional basis for dealing with finances was likely to be of lasting benefit to the state. Considerable attention attached to the creation of a post of legislative fiscal analyst within the staff of the Legislative Council as an aid to both council studies and committee operations.

Praise came to the legislature for abolishing the Board of Control of state institutions and the substitution of departments and advisory boards, whose professional heads would be named by and responsible to the governor.

A slight reversion to the traditional American partisan pattern came about when the lieutenant governor, acting while the governor was absent at the Governors' Conference, appointed a recognized partisan, one whom the governor would not have appointed, to fill a vacancy in the nonpartisan legislature. This points up the fact that some

Nebraskans continue to complain that the legislature flounders without leadership in the absence of partisan elections, even though leadership of a sort has certainly developed in the mechanism of the Appropriations Committee.

Different from other states, but usual in Nebraska, nearly all bills passed were in the governor's hands early enough for a vetoed bill to be returned for reconsideration while the legislature was still in session. Only six bills were left to be dealt with finally on the morning of that last day, between eight o'clock and noon, and the budget bill utilized most of this time because it was read, taking an hour and 27 minutes. Unusual for Nebraska, but causing more comment than alarm, was the enactment of the appropriation bill more than a week after its fiscal biennium had begun.

RICHARD C. SPENCER

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Unicameralism Passes Test

Nebraska's one-house legislature, after extended trial, has shown itself a sound instrument in the solution of the state's problems; fears of critics prove unfounded.

By JOHN P. SENNING
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ALTHOUGH the United States is engaged in an unprecedented world war and the end is not yet in sight, the thoughts of the people are turning to postwar planning. Near the close of World War I interest in state government was focused on budgetary reform and administrative reorganization; today it is centered upon the state legislature.

Many reputable citizens are pointing to the ineptitude of legislatures in their handling of the depression issues as an omen of their inability to cope with the many serious questions of social and economic policy that will plague them in postwar days. They feel that the mechanism of legislative procedure must be reconstituted so that the lawmaking process will be adaptable to the nature and solution of those problems.

The nature and extent of that reform, whether it will follow the course of merely rejuvenating the bicameral setup or the example of Nebraska in adopting a unicameral structure, is unpredictable. Each plan has its staunch supporters and opponents. Unicameralism is a live issue in the Missouri constitutional convention now in session. The reasons advanced in opposition follow the traditional pattern of thought familiar to Nebraskans.

It is ten years ago this month that the campaign for a unicameral legislature was begun in Nebraska

with the drafting of a constitutional amendment by a citizens committee.¹ Again and again the question is asked as to why this amendment was successful at the polls. The reasons have been published too often to require repetition here, except for one very important factor—Nebraska had kept the idea of a one-house assembly alive and before the people since 1913. No matter how fiercely the fire of a campaign for governmental reform burns, there must be a backlog of education and information if the fire is to arouse the people to affirmative action.

Since the questions raised in opposition to the unicameral principle in Missouri and elsewhere are identical with those which were the center of debate in Nebraska, it may be appropriate to turn to actual experience of the operation of a unicameral assembly, through four sessions and one special session, and to see to what extent the prophets of gloom and pessimism failed in their predictions. The skeptic answers each of these questions with an emphatic "No." Is it possible for a small single-chamber assembly to be representative of the people? To be an effective deliberative body? To be

¹See "Nebraska Considers a One-House Legislature," by Lane W. Lancaster, NATIONAL MUNICIPAL REVIEW, July 1934, p. 373; also "Nebraska Adopts Single-Chambered Legislature," *op. cit.*, December 1934, p. 695.

a protection against hasty and ill-considered legislation? To be able to cope successfully with powerful pressure groups? Such an attitude reveals a misconception and a traditional view imposed upon the idea of a modernized legislature functioning in the present-day industrial and social environment.

In Nebraska the substitution of a nonpartisan, single-chamber assembly of 43 members for a partisan, bicameral body of 100 representatives and 33 senators reduced the total number of representatives without disturbing to any appreciable extent the ratio of farmers, business, or professional men and lawyers elected. Consequently the cross section of interest represented in the small assembly and in the bicameral body, subject to certain fluctuation, is the same. Multiplying men of the same occupational interest will not improve the representative character of the legislature.

Improved Personnel

Pursuing the subject of personnel we discover distinct gains in what may be termed a higher type of legislator. Considerably over 50 per cent of the unicameral legislators have either completed a college course or have attended an institution of higher learning one or more years. Furthermore a study of their place in the community shows that most of them have held public office or are influential members of civic and state social and economic organizations. They have therefore acquired a knowledge of the problems that are before the people and that are likely to need legislation for solution.

The most appealing argument used against representation in a small unicameral legislature was that, since Nebraska is predominantly agricultural in economic interest, the percentage of farmers elected would be too small for equable agricultural representation. One apparent fact was overlooked on the part of those who feared inequitable representation—that because of modern transportation, methods of production and distribution and industrialization of farming, urban and rural economic interests have become so intertwined that the differences of an earlier day have virtually disappeared.

A second fact emerged from an extended study of the occupations of the men elected to the one-house assembly and, for comparison, of the men who had served in the lower house of the bicameral legislature from 1921 to 1935. Of the bicameral representatives approximately 48 per cent were identified with two or more occupations while 52 per cent followed a single occupation. Of the unicameralists who served from 1937 to 1943 inclusive, approximately 69 per cent are identified with two or more occupational interests while 31 per cent have only a single occupational interest. Mr. Farmer, for example, also specializes in live-stock raising, serves on a board of directors of a farmers coöperative or of a rural telephone company or a local bank, and at the same time is identified with the associations representing those interests. Likewise Mr. Merchant, Mr. Lawyer, or Mr. Professional Man has a similar breadth of interests.

While the legislators do not lay

claim to being experts, but just plain ordinary men, nevertheless by reason of their catholicity of interests, their wealth of experience, coupled with their demonstration of good judgment and common sense in their labors session after session, it follows that this small body of legislators is actually more representative of the state's interest than a body twice its size or one of a hundred members.

Representatives of this quality are aware of their responsibility as the custodians of the great power vested in the single-chamber assembly. They gave evidence of that attitude during the first session in setting up the procedural framework within which the process of legislation has been carried on. The rules have been kept simple. A conscious effort was made to implement and supplement the safeguards set up in the constitution to prevent hasty and ill-considered legislation. Nor did the legislators rest on their oars after the rules of procedure were adopted. At each successive session alterations to facilitate work or to increase responsibility have been incorporated in the rules. This constant urge for improvement is in striking contrast to the old type of legislature in which rules were used for manipulation instead of for safeguarding the process of legislation.

The system of mandatory public hearings on all bills, inaugurated by the unicameral legislature, has steadily grown in importance. No legislator may serve on more than two of the eleven standing committees which deal with substantive legislation. Conflict of committee attendance is avoided by a carefully pre-

pared schedule of time and place of meetings. This schedule, published in leaflet form and widely distributed, becomes a highly important source of information as each committee announces what bills will be heard at each session. The latter notice must be published five days prior to the session at which the hearing is had and a like notice is issued if a second hearing on the same bill should be necessary.

No Secret Sessions

The public announcements of committee hearings and the full press reports of the discussions at the hearings have created a renewed interest in the legislature by the people of the state. Increasing citizen participation in the hearings from session to session has brought the legislature close to the people. Hearings are also a great aid to the committee in determining the attitude of the public toward the legislative proposals under consideration. The press reports hearings almost, if not quite, as fully as it does the deliberations on the floor of the House. Contrary to the practice in at least some bicameral legislatures, there are no secret executive sessions of committees. The public is excluded from executive sessions but the press is present. In addition to its recommendation to the legislature as to disposition of a measure, the committee presents a statement giving reasons for its decision. This is mimeographed and placed on the desk of every member.

After a bill has been reported favorably by the committee to the parent body, it receives two thor-

ough considerations by the legislature itself. The first, General File, is the more exhaustive of the two. It is here that the bill is amended and each section approved or disapproved. It is also at this stage that the greatest casualty of legislative proposals occurs, except, of course, in the standing committee.

Legislative Procedure

Because a bill is so thoroughly discussed on General File, the debate unchecked, the clash of opinions often sharp and sometimes lobbying tactics exposed, there is captious criticism that the legislature is too slow. It is recommended, chiefly by lobbyists, that there be two or three leaders who would dictate to the rest of the House how to vote.

An interval of not less than three days must intervene between the first or General File consideration and the second or Select File consideration. Unless the measure is indefinitely postponed on General File it is sent to the Committee on Enrollment and Review for a thorough overhauling by the committee's legal expert for incorporation of amendments, attaining clarity of expression, and technical arrangement. All changes recommended by this committee are acted upon by the House. Following the second consideration on Select File, the Committee on Enrollment and Review prepares the bill for third reading and final passage. After the bill is printed in final form it must, by rule, lay on the members' desks for two legislative days before the final vote.

The full and open discussions, spacing of time between files, care-

<i>Nebraska Unicameral Legislature</i>				
<i>Disposition of Bills</i>				
	1937	1939	1941	1943
Bills Introduced	521	523	515	446
<i>Committee Action</i>				
Recommended to				
General File	312	306	298	301
Indefinitely Postponed	205	124	177	136
Omnibus Motion	56	93	31	9
Withdrawn	8	0	9	0
<i>House Action</i>				
General File	312	306	298	301
Passed	239	155	209	250
Indefinitely Postponed	54	34	12	30
Omnibus Motion	19	117	75	21
Select File	239	155	209	250
Passed	235	148	204	249
Indefinitely Postponed	2	7	5	1
Omnibus Motion	2	0	0	0
Third Reading File	235	148	204	249
Passed	230	144	202	247
Defeated	5	4	2	2
Vetoed by Governor	16	6	7	7
Became Law	214	138	196	241

ful examination for errors after each consideration, machine and record votes, laying over of bills for additional information, all make for a satisfactory product. Moreover the orderly progress of work throughout the session prevents the piling up of a large number of bills to be disposed of during the closing days—another safeguard against hasty legislation. Not only does this make for a satisfactory product but also the governor is not confronted by a large number of bills for his approval or veto after the legislature adjourns. After adjournment in 1937 the governor had in hand 26 measures, 24 in 1939, eleven in 1941 and seven in 1943.

The relation of the governor to the unicameral legislature has been watched with interest especially since opponents of the unicameral plan predicted that the governor would exercise complete domination

over the small legislative body. As a matter of fact the nonpartisan legislature and the chief executive have worked together more as two coordinate departments than did the governor and legislature under the bicameral system. A closer relationship exists at present between the governor and the assembly since the governor acts as liaison officer between the federal government and the legislature in transmitting the interpretation of federal laws, rules, and regulations relating to federal-state legislation, to committees and to the House. He has been able to iron out differences much more effectively than if the legislature dealt directly with the federal agencies.

Both governors who have been in office since the inception of the unicameral body have objected strenuously to the constitutional prohibition that prevents the chief executive from vetoing items in the appropriations bill which have been raised above the figures set in the executive budget, after the bill has been passed by a three-fifths vote. This objection is not directed at the unicameral legislature but rather at a decision of the State Supreme Court in 1929, which said that veto of such items would constitute a second veto. In 1943 Governor Dwight Griswold asked the legislature to pass and submit to the people a constitutional amendment which would give the governor the constitutional power to veto items raised above the executive budget but the proposal did not get out of committee.

The veto power has never been exercised to any great extent in Nebraska and the same is true under

the unicameral plan—see table above. Furthermore there are frequent conferences between members of the legislature and the governor and understandings are effected while a proposal in which the governor is interested is under consideration. The position of influence which the one-house legislature has attained makes it stand on the same footing and coordinate with the executive department. Thereby the governor and the legislature act as a check upon each other.

What of the Lobby?

Is the one-house assembly able to cope with the lobby? Opponents of the unicameral legislature warned that the lobby would throw the legislature into confusion and assume control. They pictured the lobby as a few powerful special interest groups working under cover and attempting to corrupt the membership. Modern pressure groups are made up of a vast number of citizens whose manifold interests cover all the major fields of legislation. But the old-fashioned lobbyist is still on the scene using the objectionable tactics with which his name is associated. The unicameral legislature gives the representatives of pressure groups opportunity to be heard at the public hearings where they perform a distinct function in expressing public opinion and in furnishing factual information.

A few persistent lobbyists pester the legislature in their insistence on attaining their objectives. The very nature of the one-house legislature, however, is a check upon their activities. The direct and open procedure soon exposes any member who

is prone to succumb to lobby influence. It is not uncommon for a legislator on the floor of the House to call a lobbyist by name and to state in what underhanded practices he is engaged.

Each session has seen one outstanding struggle where powerful lobbies were pitted against each other—in 1937 the allotment of one cent of the gasoline tax for relief in 1939 and 1943 bills which brought private and public electric power forces into conflict, and in 1941 the regulation of small loan companies. The one-house legislature is much more successful in combatting lobbying influence than was the bicameral assembly, because its small membership is unhampered by party control, and because of the open procedure, the searching publicity, and the neutralizing influence of opposing pressure groups upon each other.

Why has the Nebraska unicameral legislature increased in popularity during the seven years of its operation and why are the requests for a return to the bicameral system few and far between?² The product of legislation has been satisfactory and shows the result of exhaustive con-

sideration and matured judgment. The process of deliberation is orderly and effective, conducted by a group of men who are representative of all interests in the state. The resistance to the lobby has inspired the confidence of thinking citizens in their lawmaking body. The development of research facilities through the legislative council assures accurate information to the legislature. The quarterly meetings of the council, held in different parts of the state where public hearings are conducted, induce citizen participation and lead the people to think of the legislature not as a discontinuous body but as a constantly functioning department of the state.

What of the future? There is a disposition on the part of members of the legislature to be alert for improvements in deliberation. Planning for and research upon important issues will be increased in scope. Forward-looking legislators are talking about a staggered four-year term to replace the present biennial term, of quarterly sessions to take the place of the long biennial session, and of salaries equal to those of judiciary and executive state officers.

The modernized structure of the Nebraska legislature is not a solution of legislative problems but only an instrument in their solution. It is a human instrument and as such cannot claim no infallibility but it is a step toward coordination of the process of lawmaking with the social and economic life of the people of the state.

²See also "Nebraska's Nonpartisan Unicameral Legislature," by L. E. Aylsworth, NATIONAL MUNICIPAL REVIEW, February 1937, p. 77; "Nebraska's Unicameral Legislature Saves Money for Taxpayers," *op. cit.* October 1938, p. 490; "One House, Two Sessions," by John P. Senring, December 1939, p. 843; and "Nebraska's One-House Legislature—After Six Years," by Harry T. Dobbins, September 1941, p. 511.

Nebraska's One-House Legislature — After Six Years

"Having observed the old way and the new, I unequivocally say that the new way is immeasurably the better."

By HARRY T. DOBBINS
Nebraska State Journal

THE Nebraska unicameral legislature recently finished its third regular session. The unicameral body was created by a constitutional amendment, adopted in 1935, which substituted a one-house legislature of from thirty to fifty members for a law-making body composed of a house of one hundred members and a senate of thirty-three members. Using the authority given by the amendment the last bicameral legislature fixed the membership at forty-three, a figure which came closest to securing equal district representation.

Members of the bicameral were paid \$800 a biennium for their services. As the constitutional amendment limits to \$75,000 the amount that can be paid in salaries to members for a biennium, the number of members—which may be changed by law at any session within the limits fixed—determines the individual salary. Under the present setup this salary is \$1,744 for the two-year period, with no additional pay for extra sessions.

Representation is based upon population. This gives the counties of Douglas and Lancaster, in which are located respectively the cities of Omaha and Lincoln, a total of ten members. With one exception all the

other districts are made up of from two to ten counties. The speaker now in office, R. M. Howard, represents the ten-county district.

Committee work is divided among ten groups composed of from five to eleven members each. In addition there is a committee on enrollment and review, whose duties are confined to seeing that pending legislation is properly arranged, that the phraseology is correct, and that it is properly correlated to existing statutes; a committee on committees, which selects the membership of the standing committees; and a committee on rules.

As with all pioneering efforts, various criticisms of the unicameral legislature have developed since its adoption in 1937.

Those heard most frequently are that members are elected on a non-partisan ballot and that the membership is too small, that election on a party ticket enables the people to fix responsibility whereas nonpartisan election confers upon a small group the task of operating without any mandate solely on the basis of individual judgment.

It is quite true that a number of the members possess a yearning and a desire to have somebody else tell them what to do, and thus relieve

them of the burden of personal responsibility for their acts, or a desire to get organized backing. It is the old cry that the unicameral cannot furnish leadership of its own and that there should be party responsibility. But suppose the party declines responsibility. It has been doing that for years.

The proof lies in the examination of the platforms adopted last year preceding the election of members of the legislature. The Republican party, on state issues, declared for amendment of the primary law; so did the Democrats. The Republicans condemned the Democratic state administration for the extravagance with which it was charged; the Democrats commended the same administration for the rigid economy it had practiced; the Republicans declared for local administration of relief and public assistance and for a fair distribution of state highway funds, while the Democrats declared for limited civil service without stating a limit, for a minimum hour and wage law for women, and for adequate salaries for teachers without saying what is an adequate salary.

Issues Not Political

What sad befuddlement would have overwhelmed the members had they been elected as Republicans or Democrats when they faced the big controversial issues of the session: licensing of osteopaths to do operative surgery, a small loans law, gasoline tax refund for farmers, an unfair trades practices act, none of which was contained in the party platforms. Furthermore, could even the tyro in

politics conjure up a party convention which would declare itself against teachers' retirement, against strict regulation of small loan companies, for or against tax refunds to farmers, or for an act designed to fix and freeze prices? The answer is that there are few state issues to divide along party lines.

In my view the unicameral system, which requires a candidate for the legislature to get out on his own power and contact the people whom he asks to represent, enables him to get a better knowledge of what his constituents think and want; and his constituents will be much more content with him if he faithfully and intelligently represents them, than with a man who, when questioned about his stand on a pending measure, proudly points to his party's platform and says: "There's where I stand; blame it, not me."

This party responsibility idea is a fetish, originally devised as a whip to hold party legislators in line and used and usable as a false front behind which timid-minded legislators may hide. Party platforms are written by party leaders and dictated by the head of the ticket. They contain what he and they regard as vote-catching pledges and promises and, as will be seen by the references just made to those adopted last year, they present no real issues. I have seen spokesmen whose duty it is to act as bellwether or shepherd for a governor who has an eye on a senate seat. I have seen party leaders acting as lobbyists standing in the wings and directing action by messenger service or by calling members to their

it afforded a check against hasty and ill-formed legislation. In practice it greatly encouraged log-rolling and bill-trading. While trading is not absent from the unicameral, it possesses checks equally if not more effective than those of the bicameral body. As it is operated the members have three chances at a bill, in committee of the whole, on special file, and on third reading. If a measure passes the committee of the whole, it goes to a special committee which has in its employ a lawyer selected for his ability to detect constitutional imperfections. This special committee often rewrites a bill so as to more effectively declare its purpose, inserting amendments adopted on the floor in their proper places. The bill is then reported to special file, which is the equivalent of the committee of the whole, from which the bill proceeds to third reading. Only two bills of the many that passed the gauntlet were killed on third reading, a common place of fatality under the old system. All of these processes are leisurely gone through, and a law remodeled to suit the majority is the final result.

It is urged as a reason for a larger membership that too much work is imposed on the committees, which usually consist of eleven members. The cure for this is the introduction of fewer bills, or smaller committees.

In sharp contrast to bicameral practices, no bill can be considered in committee until five days' notice has been publicly given. Full hearings in public are given to all who wish to be heard upon any measure. In executive session reporters are ad-

mitted and no restrictions are placed upon what they may print.

The average number of bills introduced at the three unicameral sessions has been a little over five hundred. In bicameral days it was in excess of a thousand.

Order Out of Chaos

Twice as much time is devoted to consideration of legislation as was possible under bicameral operation. The observer is impressed, when he watches the unicameral in action, with the orderliness which has been substituted for the chaos and haste of the old days, with the seriousness which the members show in weighing the pros and cons of a proposed measure, and with the care taken to avert mistakes.

Between sessions a legislative council of fifteen members holds periodical meetings. It employs a corps of research workers, who gather all possible data on matters of taxation and other questions likely to be raised in succeeding sessions for the guidance of the membership of the future.

The unicameral legislature is the newspaper man's paradise. As a legislative reporter his mission is to keep the public informed as to the nature, purpose, and progress of legislation. The unicameral simplifies this task. Everything is open and above board. There are no secret meetings from which he is barred, and every facility is afforded for keeping track of the work of the lawmakers. Having observed the old way and the new, I unequivocally say that the new way is immeasurably the better.

side. This is alien leadership, not leadership within the body of law-makers.

The notion that there can be no leadership in the unicameral legislature itself is without basis of fact. Each session of the unicameral has brought a gradual rise in the average ability and intelligence of members. The pay of \$1,744 for the two-year term, for sessions averaging five months, makes it possible to secure the services of men of character and ability who can spare that time away from their private affairs, enables the members to be independent of the lobby which is always ready to dine and wine, and permits a member to devote necessary time to legislation.

Leadership Evident

It is self-evident that no legislature could turn out 202 laws without leadership. It is quite true that the independence which is the possession of unicameral legislators breeds a distrust of efforts of any member or members to assume leadership, and a general inclination to beat down the ears of one who seeks to assume that role. Yet leadership is slowly but surely emerging, leadership of a definite kind, based upon powers of logic and persuasion combined with a knowledge of facts and intelligence able to point out the results of proposed action.

Two years ago an effort was made to increase the number of members to eighty-six, double the present membership. It failed. No attempt has been made to renew the movement.

One argument in support of a

larger membership is that with the present limitation all interests and areas are not represented.

Anyone with a critical knowledge of the operations of the bicameral system is aware that the best work was done by the small senate, while the house of one hundred members was unwieldy and added to the chaos of conflict that surrounded attempted legislation.

It is urged that the smaller number makes it possible for the lobby to operate with greater success, that with only forty-three members to concentrate upon, the pressure is increased. Lobbying takes two forms—that by representatives of vested interests whose status is menaced at each legislative session and who stay from beginning to end, and the pressure groups, such as teachers, firemen, members of the professions, bankers and merchants, who come and go as the tide of legislation flows. Much might be said upon the question. It is undeniable that the lobbyists prevent much bad legislation, and also some good legislation. The fact that almost to a man they oppose the unicameral system is significant. With only one house there are, of course, no conference committees, and it was the conference committee, meeting in secret, that was the lobbyist's most effective weapon. Through it disagreements between the two houses could be utilized to kill off legislation. It was in the closing days of the bicameral that most of the important measures hung in the balance, and the conference committee was often their burying ground.

The theory of the bicameral is that

Nebraska Idea 15 Years Old

One-house legislature no longer considered experimental; people well satisfied with result of their pioneer move.

By RICHARD C. SPENCER*

NEBRASKA'S experience with the unicameral legislature is now beyond the experimental stage. The one-house system is well established and it is possible to make a fairly accurate appraisal of its features. Seven regular biennial and three special sessions have been held. Some suggestions for minor changes will go on the ballot in the 1950 general election, but they do not call for any return to the two-house system.

Probably every session of any legislature pleases some people who are affected by its enactments or by its inaction while it displeases others by some of those same measures. Nebraska is not an exception in this respect but, regardless of expressions of disappointment at some of the bills that become law, one does not hear now, certainly not from important political sources, any demand for reversion to two houses.

The constitutional amendment of 1934 provided merely for the abolition of the two-house legislature and the substitution of a relatively small house of from 30 to 50 members. The size was fixed within these limits in 1935 by the last bicameral legisla-

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ture in providing for 43 districts, a member to be elected from each, for the term beginning in 1937.

The biennial sessions were unchanged and so also were the relations of the governor to the legislature by way of budget proposals, veto power and the confirmation of gubernatorial appointments. The lieutenant governor's duties as presiding officer were transferred from the old Senate to the new body.

By statute the office of the clerk of the legislature was made permanent and a legislative council with research and reference staff was established to assist the legislature. These offices have been a distinct aid and the fact that they need serve only a single house prevents confusion and waste of effort on their part.

The early accounts of the first two or three sessions of the new legislature seemed to some skeptics to be somewhat generous in praise of the new system but, in general, longer experience has proved the skeptics wrong. Some former political opponents who at first viewed the device with alarm or scorn soon became adjusted to the new idea, or even began to view it with approval or at least with some degree of optimism. A lieutenant governor who presided over the new legislature is numbered among the converts.

The 43 districts were rather equitably arranged on the basis of the population census of 1930 and, ac-

According to the 1940 census, no great change occurred to alter the picture seriously. But a further growth of the metropolitan communities could upset Nebraska's representation just as it has done in some other states. Any attempt to rearrange single-member districts, of course, could result in a gerrymander. The principal safeguard against such a contingency is that these legislators are elected on a nonpartisan basis. This nonpartisan, or "non-political," feature has been subject to some attack from partisans, at least during the earlier years, but no present proposals for change heed this criticism.

Election records show that voters are fully aware of their legislature and are interested in their representatives. Although legislative nominees do not have a prominent place on the ballot, about four-fifths of those voters appearing at general elections vote for legislative candidates. And between 80 and 90 per cent of those voting at primary elections vote for legislative candidates even though they are not on partisan sections of the ballot.

More than that, candidates elected are usually persons who have already won some local distinction, by long service on school boards or in city or county offices. A number have been presidents of their local chambers of commerce. Two-thirds or more of those elected each session have had previous experience in the legislature, some of them for a number of terms, so that Nebraska laws are not made by green legislators. Thus far there have always been a few members who had served in the former bicameral legislature.

Until now, at least, no member seems to have his district sewed up through local machine politics. Seldom are candidates without opponents, at least in the primary, and in some districts considerable rivalry develops.

Factors of Success

Internally, the factors that have contributed to the success of the unicameral legislature may be listed as: (1) knowledge of what goes on, that is, absence of the uncertainty so common under bicameral systems caused by not knowing what another chamber, its standing committees or committee chairmen or conference committees may do; (2) a bill procedure that is deliberate and democratic; (3) procedure that is clear, understandable, observable and easily reportable by the newspapers; (4) committee structure that promotes some degree of internal leadership and coordination; (5) a session that is not limited as to duration.

The preliminary examining or drafting of bills is real and not perfunctory. The rules requiring introduction of bills early in the session can be and are applied. Committees report bills only after each has a public hearing announced in the journals five days in advance and the report thereon adopted in a committee meeting held at a scheduled hour and a committee record made. A successful exposure of an attempted evasion of this rule late in the 1949 session indicates that rules on committee procedure are enforced. Newspaper reporters may attend executive sessions of committees.

The legislature itself has an adequate opportunity to debate each bill. Technical safeguards are provided so that there seems to be little opportunity to railroad a bill through, as so frequently happens in bicameral legislatures.

After the first general debate on a bill it is given a thorough review for technical accuracy, even rewritten if necessary. Then after a second consideration it is engrossed and reprinted by the same technical committee, and its draftsman, that had previously reviewed it.

Only then does it go on the calendar for final reading and passage. A bill may not be read finally for passage until at least five legislative days after having been submitted for review and two days after placement on final reading file and at least one legislative day after final printed copies have reached members' desks.

There are only eleven bill-considering committees, so that they do not get in each other's way. Their chairmen, as members of the committee on order and arrangement, prepare the daily calendar after the close of the period for free introduction of bills and thus can help coordinate committee action with the debate schedule of the house itself.

A further coordination of effort apparently is achieved through the influence of the budget committee whose chairmanship is recognized as one of the, if not the, most powerful positions in the legislature. The general appropriation bill, introduced early, comes to the floor for extended debate and amendment

during the last two or three weeks of the session when the most difficult bills are in their final stages, and it is likely to be the last bill passed.

Fewer Bills, More Laws

All these things have had their effect on the total operation of the legislature. On an average the number of bills introduced in a session is about half that under the former bicameral system. The number of laws passed, however, is somewhat larger than in the bicameral legislature, but are felt by all concerned to be in better form technically and less subject to misinterpretation or to questioning as to constitutionality. As elsewhere, the number of laws needed is on the increase, also as elsewhere, most of them are corrective or amendatory of laws already on the books rather than of new substance. Regular sessions have increased in length somewhat, but this increase is less than 14 per cent, or by an average of about twelve legislative days.

The time-table of the session is rather striking. The deadline for the introduction of bills is enforced. Only seventeen bills in 1949 were introduced after the lapse of the first twenty legislative days, and a number of these were either recommended by the governor or were substitute or consolidated bills presented by committees rather than by members. The size of the job could thus be estimated early in the session.

In the 1947 session about three-fourths of the bills ultimately reported out of committee were so reported by the time the session was barely half over. Similarly, in 1949,

something better than half the bills either to be passed or defeated in the session had already been disposed of when the session was half over, and about three-fourths of them were disposed of when the session was two-thirds of the way along. In general, only the difficult bills were left until late.

In striking contrast to the usual closing days of bicameral sessions, the last two weeks of the session saw only eight bills killed and 36 passed. The figures for the last week were two killed and six passed, and the only bill passed on the last day was the general appropriation bill. The number of bills on the governor's desk at the close of the session, therefore, is amazingly small compared with that usual in other states. Ordinarily the number is well under twenty.

The people of Nebraska have been well satisfied with their single-house legislature, at least until toward the close of the recent session, and they have enjoyed the distinction their state has in being unique in this particular.

There are now proposals for minor constitutional change in the system but no suggestion of returning to bicameralism.

One of the measures to go to the voters in 1950 was passed in the 1949 session. It would amend the constitution to provide for four-year terms, half the members to be elec-

ted every two years, and for fixing the legislative salary by statute—instead of the rather low maximum now embedded in the constitution. It would also permit annual sessions and, if annual, the session in even-numbered years limited to budgetary appropriations and confirmation of appointments.

An initiative petition is in circulation calling for a vote on increasing the legislative membership to somewhere between 75 and 85, and raising the salary. The thought of Nebraskans is thus upon alteration of details without changing the essential features of unicameralism.

Smooth Operation

The 1949 legislature may or may not have made some grievous errors. But in spite of charges of lack of leadership on policy and that in vote trading it was a "fraternity of tolerance," its program did not bog down or end up in the wild confusion common to most bicameral systems. This smooth operation seems to have been characteristic of all sessions of the unicameral system. Sly tricks may be attempted, but the work is so open that they are almost sure to be caught.

Perhaps one of the greatest assets of the Nebraska system is that operations, including those of lobbyists and members alike, are out in the open where newspapers may report them and keep the people of the state currently informed.

UNICAMERALISM VS. BICAMERALISM

A Study-Discussion Guide

League of Women Voters of Nebraska

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Nebraska is unique among the fifty states with its truly unicameral form of legislature. Although many foreign countries and most United States cities employ the one-house legislative body, Nebraska has the only state unicameral assembly since Vermont changed to a bicameral form in 1836.

In recent years other states have been watching the operation of our unicameral legislature as they have considered state constitutional revision. It would, therefore, seem very appropriate for us to take a careful look at the relative merits and shortcomings of unicameralism and bicameralism.

The History of Bicameralism and Unicameralism in America

Most of the American colonies started their legislative bodies in a unicameral form. Elected representatives sat with the governor and his appointed council in order to consider the enactment of laws, the levying of taxes and the transaction of state business. It was not long, however, before the executive division, the governor and his council, began to meet separately in order to be able to exercise an executive veto, and also because the elected representatives objected to the presence of members of the executive branch. By the end of the colonial period, all the colonies, except Pennsylvania and Delaware, were using the two-house arrangement.

When the colonies became states and wrote their first constitutions, all the states, with the exception of Georgia, Pennsylvania, and Vermont, provided for a bicameral legislature. The Governors' Councils became elected upper houses, and thereby lost their executive and judicial powers. They were designed primarily to protect the rights and privileges of the larger property holders. To this end, there were higher property qualifications for both voters and members. It was felt by many that the lower house, representing the population in general, would tend to be more radical, and might encroach on the rights of the propertied.

The upper house was also designed to give advice to the lower house when needed and to defeat ill-considered measures passed by the democratic lower house. Many felt that the concentration of power in a single house would lead that body to become exceedingly ambitious. These factors, and a tendency towards imitation, led all new states admitted into the Union to adopt bicameral legislatures.

However, three states, Georgia, Pennsylvania and Vermont, retained the unicameral form. Each of these maintained a council of censors that in many respects closely resembled a second house. This council had three functions: to act as the watchdog over governmental operations, to make recommendations for change, and to call for a constitutional convention when it seemed necessary. In 1789, Pennsylvania, and in 1790, Georgia, abandoned their original constitutions and in the new ones provided for two-house legislatures. Georgia was apparently influenced by the pattern of the federal Congress, and Pennsylvania seemed dissatisfied with both her council of censors and the executive council and thus abolished them. Vermont maintained her unicameral legislature from 1777 to 1836. Until the last year of the unicameral legislature, it seemed to be highly regarded by the people of the state. In 1835 at the election of a governor no candidate received a majority of the popular vote. In attempting to elect the governor, therefore, the legislature became involved in a deadlock

that resulted in a recommendation by the council of censors to abandon the only unicameral assembly in the country and adopt a bicameral legislature, which passed by a very close popular vote. For the next hundred years there was no unicameral state legislature in the United States.

Bicameral legislatures saw some change during this time, the most significant being the spread of universal manhood suffrage. This stripped the upper houses of their property qualifications and their duty in protecting the rights of property owners. In many states, however, this did not cause an equalization of representation in both houses. The lower house continued to be elected on the basis of population, while in most instances, the election districts for representatives to the upper house were based not only on population but also area. This tended to protect the then extremely important rural economy from the more progressive interests of the urban areas. As the urban areas have increased in size and relative importance, this has posed an increasing problem.

The Development of the Unicameral Legislature in Nebraska

As with all the other states that entered the Union after the Revolution, Nebraska's first constitution provided for a two-house legislature. This was maintained until 1934, in which year the people of Nebraska by a vote of 286,086 to 193,152, following a hotly contested campaign, established a unicameral legislature. It seemed strange to many observers that Nebraska, an extremely conservative farm state in the grips of a serious depression, would adopt such a dramatic change from the traditional form of state government and establish the only unicameral legislature in the United States. It has remained thus for over twenty-five years in spite of rather overwhelming agreement by political scientists that, no matter what its problems, Nebraska's unicameral legislature has proved itself to be a successful experiment.

In 1934, the idea of a unicameral assembly was not new to Nebraska. It had been proposed here, as in many other states, for many years. John N. Horton was its first strong advocate. He campaigned for this cause as early as 1913. In 1915, a joint legislative committee recommended that the people vote on a one-house form. This bill did not pass the legislature, and similar bills failed in 1917, 1919, 1920, 1923, 1925, and 1933. At the Constitutional Convention in 1919-1920 the proposal for discussion of a one-house legislature failed by only one vote, that vote being the presiding officer's vote to break a tie. Why after all these failures did it finally become a reality in 1934?

Although it remains somewhat of an enigma to those who know Nebraska, political observers have suggested several reasons for the establishment of the unicameral legislature. Possibly the most important reason was the vigorous personality and prestige of its strongest advocate, George W. Norris. It is upon his insistence that non-partisanship was established as a characteristic of the one-house body. He selected a propitious time for his campaign. A two-headed dragon was attacking Nebraska. The Midwest, along with the rest of the country, was in the depths of depression. As if this weren't enough to make times difficult for Nebraska's citizens, the early thirties also brought serious drought. Even the conserva-

tive, frugal people of Nebraska found living in these circumstances extremely difficult. Costs of state government had been a burden to some due to the building of the State Capitol, which had been constructed on a pay-as-you-go basis over a period of ten years. Therefore, the fact that a single, small legislature would cut governmental costs may have had its effect on the vote.

Another reason advocated as possible explanation was the fact that there were two other highly popular amendments offered at the same election—local option on prohibition, and legalized pari-mutual betting. The first won by a 110,000 majority, and the second by 64,000. The unicameral amendment was approved by a majority of 93,000. Possibly the popularity of these other issues helped to

carry the unicameral amendment with them.

Nebraska's unicameral legislature has had twenty-five years to prove its effectiveness. There have been no major changes in the original provisions. The unicameral amendment provided for a one-house legislature, with all the privileges and responsibilities of the preceding two-house body. The 1935 legislature was to determine the legislative districts, using the 1930 census as their population guide. There were to be not more than 50, nor less than 30 members of the legislature. These members were to be elected on a non-partisan basis for a two-year term. The aggregate salaries of the legislators was not to exceed \$37,500 per annum. In addition to his salary, each member would receive his actual traveling expenses for one direct round trip between his home and Lincoln for each legislative session, regular or special. The Lieutenant Governor would be the presiding officer, voting only to break a tie. A majority of the legislature would constitute a quorum. The legislature would determine its own rules, qualifications for membership, and be the judge of elections. It would choose its own officers, including a speaker to preside in the absence of the Lieutenant Governor. A two-thirds vote would be necessary for the expulsion of any member, and such member might be expelled only once for the same offense.

The legislature would also publish a journal in which, if requested, roll call votes would be recorded. Legislative sessions would be open to the public unless there was some special reason for secrecy. There were also provisions for the passage of bills stated in the amendment.

Most of the early opponents to the change have been converted or stilled in the face of the success of the unicameral legislature. Today, no one of any prominence suggests that Nebraska return to a two-house legislature, although there are many proposals for changes, with which the sponsor hopes to make the one-house body work more effectively.

Steps in the Passage of a Bill

Unicameral

1. The bill is introduced and read by title on the floor.
2. It is then referred to the standing committee for consideration and public hearing.
3. The standing committee reports the bill and refers it to General File.
4. General File provides reading, consideration, general debate and amendment by the Legislature, then the bill is referred to the Enrollment and Review (E & R) Committee.
5. The bill is reported back by the E & R committee and referred to Select File.
6. The Select File provides a second consideration and then the bill is referred to E & R for engrossment.
7. The bill is reported back by the E & R committee and referred to the Final Reading File.
8. On final reading, the bill has its third consideration and passed or killed.
9. The bill is sent to the Governor for his signature.
10. If the Governor vetoes the bill, he sends it back to the Legislature to allow them to override the veto.

(This is the procedure for bill passage used by the Nebraska Legislature.)

Bicameral

1. The bill is introduced and read for the first time on the floor of the house of origin.
2. It is then referred to a standing committee.
3. After committee investigation, the bill is reported from committee.
4. The bill is then discussed in committee of the whole amended, killed or advanced without change.
5. The bill passed, third time, in the house of origin.
6. The bill is then sent to the second house.
7. It is then referred to the proper committee.
8. The second house committee refers the bill back to the main body after the usual consideration.
9. The bill then may be amended and passed.
10. If the amended bill is not accepted by the House, a Conference Committee is appointed to reach an agreement between the two versions of the bill.
11. When the Conference Committee reports a bill to the respective Houses, it is either accepted or rejected by the two groups without amendment of the conference committee report.
12. If the bill is rejected by either House, it is sent back to a new Conference Committee for further consideration.

13. If the bill is accepted by both Houses, it is sent to the Governor for his signature.
14. If the Governor does not approve of the bill, he may veto the measure and return it to the Legislature, usually giving his reasons for the veto.

Two lists of arguments often advanced in discussions of the form of state lawmaking bodies are presented below. One list argues in favor of a unicameral form and the other argues in favor of a bicameral legislature. Some of the arguments are used for both sides. Some are more valid arguments than others. Generalizations are often made. Consider each argument as it is presented in an attempt to determine the important issue or issues underlying each point. Following the summary of arguments for the two legislative forms, some discussion questions are presented.

Arguments in Favor of a Unicameral Form of State Legislature

1. There is no reason for people to vote for representatives in two separate houses.
 - A. Originally, class differences dictated the need for two chambers. Now, these qualifications have disappeared and the same people vote for the members of both houses.
2. The Unicameral form simplifies bill passage.
 - A. The unicameral form with only one chamber and a limited number of legislators, simplifies bill passage because fewer steps are required. Therefore, it is less likely for the bill to become confused or altered. Having fewer steps also means that a bill can be passed more quickly and efficiently without the necessity of limiting debate.
 - B. The large bodies, of the lower houses particularly, in the bicameral form, make many complicated rules and procedures necessary. Passing a bill requires many involved steps and constant watchfulness, in order to follow the bill's progress. The complexity causes many delays and aids in the passage of poor legislation. Delayed bills often fail to receive consideration until the last minute clean-up rush.
3. Better legislation would result from a unicameral legislature.
 - A. In the unicameral assembly, the process through which a bill must pass is more direct and a bill is more readily available for scrutiny by the legislators themselves and by the public. The well-regulated, easily defined process of bill passage would eliminate to a major extent the pile up of bills at the end of the session, because a bill is not so easily buried.

- B. The bicameral form often causes hasty and ill-considered legislation. Two considerations do not necessarily mean double consideration. The first house may pass a bill quickly expecting that the second house will give it more careful study. Then the second house may assume that the first house gave the bill adequate consideration and automatically pass the bill. In practice, the majority of bills passed by one house are passed without change by the other. The number of poor bills that are passed indicates how poorly the check of the second house works in practice. Studies have indicated that the governor is a better check on the passage of bad bills. Many bills, passed by bicameral legislatures, might not be passed if legislators felt final responsibility for their actions.
- C. The end of session rush in the bicameral legislature often results in poor legislation. In the beginning of a legislative session, much of the time is spent in organization. Several studies of bicameral legislatures have shown that between 50% to 90% of the bills are passed in the final two weeks. In most legislatures, a majority of bill passage occurs under suspension of the rules. Often bills are advanced, past the second reading and debate, to the final reading. This rush results in lack of consideration, poor wording and ill-advised amending.
4. A unicameral legislature places upon the members more responsibility for their actions.
- A. Public attention can focus more easily upon the well-defined narrow procedure of the unicameral body, rather than being lost in the multitude of committees in the two-house legislature. George Norris has stated, "Responsibility always makes a person more deliberate, more logical and more careful. The same individual would be a much better legislator in a one-house legislature, where every official act must be performed before the eyes of the public, than in a two-house legislature, where all kinds of opportunities are offered to shift his responsibility, to share it with others, or to conceal his official acts from the public gaze."*
- B. In a bicameral legislature, most legislators do not feel full and ultimate responsibility for their actions. Politicians can introduce popular, but objectionable, legislation by having similar bills introduced and passed in both houses, and having each one killed in the second house. Thus the legislator can placate public opinion and be on record in favor of a popular bill, while having no bill become law.
- C. In the bicameral body, it is difficult for the average voter to follow a bill and assign responsibility for it. Intricate legislative machinery often conceals a politician's trail. A bill is easily lost to the public eye by rapid passage for minor amendment between committees of the two houses.

*Norris, George W.; "One-House Legislature," Annals of the American Academy, September, 1955, p. 57.

This rapid passage also enables political buck passing.

5. The Conference Committee is an inherent evil necessary for the operation of the bicameral assembly.
 - A. In the unicameral legislature, the conference committee can be eliminated, because it is only needed when two independent groups cannot agree and compromise is indicated.
 - B. The conference committee in the bicameral is made up of members appointed by the presiding officers of both houses. Its purpose is to reconcile differences between the two houses. The report from this committee cannot be amended by either house, so it either must be accepted in its entirety by both houses or the bill fails. In seeking compromise, the conference committee often changes or amends the original purpose of the bills. Conference committee meetings are often held in secret, without rollcall, and no records are kept. Because a majority of the conferees from each house must agree to the compromise, it is possible for a minority to block passage of the committee provisions. This creates an increased opportunity for making political trades.
6. Lobbyists are less effective in the unicameral body.
 - A. In a unicameral legislature there is less opportunity for objectionable lobbying. Because its procedure is apt to be more intelligible, there is less opportunity for manipulation by lobbyists, and a greater sense of responsibility by the legislators toward their constituents.
 - B. In the two-house legislature, a lobbyist has many opportunities for intervention. Not only can he approach and attempt to control legislators in both houses and, thereby, sometimes succeed in one where he has failed in the other, but he also has an excellent opportunity to influence the conference committee. With these several sources, the lobbyist has more opportunity to cover his tracks and make his intervention less obvious. Because the legislator feels less direct responsibility, he is more apt to bow to the pressure of the lobbyist.
7. Special advantages of the unicameral legislature.
 - A. It is easier to achieve cooperation between the Executive and Legislative branches of government. Their relationship is more direct, because there is only one organization of the legislature with which the Governor has to deal. It is easier for him to exert legislative leadership, resulting in a more unified and planned legislative program.
 - B. The unicameral form may be more economical than the bicameral form with fewer salaries and related expenses to be paid. There is apt to be much less waste in the unicameral assembly with its simplified organization.
 - C. The responsibility offered to the legislators as well as the opportunity to pay higher salaries is apt to attract

better qualified individuals.

- D. The unicameral form has been advocated by the scholars of the National Municipal League since 1920, when they drafted their Model State Constitution.

Arguments in Favor of a Bicameral Form of State Legislature

1. The unicameral body is often in reality bicameral in nature.
 - A. Most states of countries that operate under a unicameral legislature have what is in effect a second house by using appointive councils as a check on the action of the single house.
2. The bicameral form insures more equal representation to all interests within the state.
 - A. All the people within a state should be represented, not merely a majority. Now, instead of the two houses of the bicameral representing property holders and non-property holders, they generally represent urban and rural interests. Representation in one house does not do this as effectively. Besides rural and urban interests receiving their due consideration, other special interests and classes can be represented, thereby counterbalancing the popular element and making for more sound legislation.
 - B. The unicameral form does not represent the whole state as well as the bicameral. The small number of legislators will not represent the smaller communities and interests. It would tend to represent only the majorities. A single chamber will be apt to give unequal representation to cities. Apportionment becomes more of a problem in the unicameral because of the small number of representatives.
3. The Bicameral provides for more careful consideration of legislation.
 - A. Double consideration of all issues is provided. The procedure for bill passage is more deliberate.
 - B. The bicameral form affords a sound check upon unwise legislation. It eliminates the feeling on the part of the individuals and the body that they have only themselves to consult and satisfy. Usually, each house takes pleasure in detecting carelessness on the part of the other. If legislation is good, it is usually passed by both houses. If it is not good, it is fortunate that there is another body to oppose or correct it. The delay inherent in a more complicated system often works to benefit the legislature by preventing much bad legislation from getting through.
 - C. "If the second house does its duty, no harm is done. If it fails to do its duty, there is nothing to show that it would not likewise have failed if it had been a single chamber."*

*Luce, Robert, Legislative Assemblies, Houghton Mifflin Co., New York, 1924, p. 40.

- D. The one-house system provides for no real check. Because only one action is necessary, bills can often be quickly passed under sway of emotion. The Governor's check is often inconsequential because it can easily be set aside by a not poor legislation. The single body is well aware of its potential power.
4. Many of the charges of shifting responsibility are exaggerated and ill-founded.
- A. The joint-committee system in many states (Massachusetts, Vermont, Main, Connecticut, and Wisconsin) has had the effect of assigning responsibility.
- B. Any legislator who seemed to be continually failing to accept responsibility would not be re-elected.
- C. There is no reason to suspect that where similar bills were offered in each house and defeated in the other, the legislators were merely trying to shift responsibility and were not looking seriously at a situation.
- D. Opportunities for shifting responsibility are available in the unicameral. Delay and killing of bills can be shifted to the committees to which bills are referred. Responsibility can be shifted by trade-outs to members whose constituencies are disinterested in the bill. If all members are shifted to those not up for re-election. Responsibility can also be shifted to the Governor.
5. The Conference Committee is subjected to many checks and is not the evil often claimed.
- A. Both houses must vote on the bills referred back from the committee. Either house may demand action on any bill in committee. Each house has the right to send back any bill for further consideration. In many states, there are constitutional checks on the conference committee, prohibiting them from changing the intent of the bill.
- B. If the joint-committee system is used, there is often no disagreement and, therefore, no need for the conference committee. Secrecy can easily be removed by providing for open meetings and publication of the proceedings. Antilobbying legislation can eliminate the influence of lobbyists on the conference committee.
6. Objectionable lobbying is not the major problem in the bicameral legislature that it is often assumed to be.
- A. A large unwieldy legislature is also unwieldy for a lobbyist. There are more opportunities for lobbying to fail, more gaps that have to be filled. Two houses are more difficult to manage than one.

- B. Regulatory measures can easily be passed that would control any lobbying problem that may exist.
 - C. The one-house legislature can easily be controlled by lobbyists or special interests. Although it may be easier for a lobbyist to thwart legislation in a two-house legislature, he can much more easily promote desired legislation where he has to control only one house.
7. Although the bicameral state legislatures in existence today are not perfect, it would be easier and more satisfactory to correct the flaws in them, than to radically change the form of the legislature.
- A. Procedures for bill passage can be more clearly defined and greatly simplified, eliminating delays, unwieldiness and the end of season rush. One example of a simplification is the adoption of the joint-committee system.
 - B. Legislation controlling procedures of the conference committee and of lobbying could easily be provided.
 - C. The adoption of bill drafting services, legislative reference bureaus, and revision committees would facilitate the passage of more accurate, intelligible, clearly worded bills.

Questions for Discussion

1. What are the central issues dividing the proponents of bicameralism and unicameralism?
2. For each of the issues identified as central, an exploration of the following questions should contribute to a better understanding.
 - a. What is the nature of this issue and why is it important?
 - b. Which form of legislature seems best suited to a satisfactory resolution of this issue?
3. After carefully considering the characteristics of both forms, do you in general prefer a one-house or a two-house state legislature?
4. In your view are there any important differences between the desirability and effectiveness of the theoretical unicameral form, and the way in which it operates in practice in Nebraska?

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Unicameralism: 'It Would Work Anywhere'



Beetle

... One House Legislature Will Be 1967 Topic

Most ideas for state legislative reform are mild compared with a proposal that two houses be cut back to one. So far the only "buyer" has been Nebraska. Yet the question—that of unicameralism—came up at New York State Constitutional Conventions in 1915 and 1938. It most certainly will be discussed as the 1967 convention approaches. Here's the first of four articles discussing Nebraska's experiences and the relevancy of the idea to New York.

By DAVID H. BEETLE
Gannett News Service

There's a saying that if you build a better mousetrap, the world will beat a path to your door.

Well, Nebraskans thought they built a better mousetrap when they became the first state to establish a unicameral (one house) legislature back in 1937, but the world failed to respond.

They gave high schoolers a national debate topic and political scientists a few paragraphs in their texts, but that was about it.

Today, though, thanks to the one-man-one-vote mandate, things are perking up.

A lot of people around the country are saying: "If both houses have to be based on population, why have two?"

"If this doctrine stands, the inevitable outcome will be unicameral legislatures in all our states," Cecil H. Underwood, a former West Virginia governor, told this year's national legislative conference in Portland, Ore.

This prediction may be extreme, but the presence in Nebraska's tower-dominated Capitol of one left-over legislative chamber now used mostly for hearings, bid openings, and civil service tests is getting to be more than just a curiosity for passing tourists.

It's the abandoned one that's significant. The one that's in use looks perfectly normal.

INVITATION "sales trips" to tell "the Nebraska story" are mounting. Governor Frank B. Morrison has appeared before the Texas legislature and the New Jersey bar; Lt. Gov. Philip C. Sorenson has told Rhode Island constitutional convention delegates that there's nothing about a unicameral's value that's peculiar to Nebraska; legislative clerk Hugo F. Srb (he says his name reads like a radio station) has spoken similarly in Kentucky and California.

Mail inquiries are pyramiding. A Tennessee constitutional delegate writes in. So do curious legislators from other states: Connecticut, Pennsylvania, Ohio, Iowa, North Dakota, Alaska. And even citizens, eyeing reforms: a physician from Idaho, a chamber of commerce secretary from the state of Washington, an ex-Nebraska newspaperman now in Colorado.

Long eyeing Nebraska with satisfaction has



NEBRASKA'S CAPITOL

been the National Municipal League. It has seen one city after another abandon bicameral councils until they now linger only in a couple of places in New England. As far back as 1918, the league wrote unicameralism into its model state constitution. When visitors from other lands pause in Lincoln, they often find Nebraska somewhat less than startling. Most of the Canadian provinces, as well as some countries in Europe, Latin America and Africa get by with one house.

Much of the current interest in unicameralism eddies around the office of clerk Srb. His earliest Nebraska memories go back to a day when he came home from the first grade

sobbing to his Czech parents that "Everyone spoke English."

A TEACHER and attorney, he was a senator in the old two-house legislature and became the first and only clerk of the unicameral. Closer to the scene than anyone else living, he is enthusiastically and voluntarily pro-one house.

"With one house you fix responsibility. A legislator can't go home and say: 'We passed it, but something went wrong in the other house.' It's a lot easier for voters to keep track of one senator than one senator and three representatives."

Mr. Srb's enthusiasm is typical.

"The people of Nebraska are just about as likely to vote out unicameralism as the people of Colorado are to vote out Pike's Peak," one Nebraska editor wrote.

Among 30 Nebraskans sampled at random in Lincoln, only two—a barber and a draftsman—thought the state should have two houses. They felt vaguely it might lead to a better legislation. A 1961 survey of 68 present and former legislators turned up only four who favored the bicameral.

Governor Morrison, playing it safe, says that if unicameralism were put up to the voters, they'd go for it 75 per cent.

"Twenty-five per cent of the people are against anything you propose," he said, explaining the figure.

"I DON'T SEE why we need two legislatures any more than a bank needs two presidents, the United States needs two presidents or a city needs two school superintendents. There are a lot of vestigial things around—things like an appendix—and a bicameral legislature is one of them."

"The Nebraska Legislature has given a good account of itself," summarizes political scientist Adam C. Breckneridge, vice chancellor of the University of Nebraska. "I think other states could use one house—especially the more homogenous ones. I don't know but that it would work well anywhere."

"State government in order to survive has to be an equal co-partner with the federal government," believes Senator Richard D. Marvel, Hastings. "You can achieve this only by streamlining the structure and unicameralism is the one way to do it."

Even the newspapermen "on the scene"—and no group is more wary—are "cold."

"It's a reporter's dream," exclaimed one. "With a single house it's so much easier to track down legislation and find out its status."

Another newspaperman, now in California, said: "Come to think of it, I've worked in five different states and only in Nebraska did the legislature seem to command a lot of respect."

(Next: The start of it all.)

Unicameralism: Where Nobody Can Hide



Beetle

Non-Partisanship Is Included in the Package

Most ideas for state legislative reform are mild when compared with a proposal that two houses be cut back to one. So far the only "buyer" has been Nebraska. Yet the question—that of unicameralism—came up at New York State Constitutional Conventions in 1915 and 1938. It most certainly will be discussed as the 1967 convention approaches. Here's the second of four articles discussing Nebraska's experiences and the relevancy of the idea to New York.

By DAVID H. BEETLE
Gannett News Service

Almost any knowledgeable American probably knows that Nebraska has a unicameral (one-house) legislature.

But it's a "hep" one indeed who also knows that it's non-partisan.

Yet historically the two are inseparable.

They were sold in Nebraska in a package in the searing summer of 1934. The top "salesman" was Senator George W. Norris, a "New Deal Republican," famous for the TVA, the REA and a black string tie. By November, he'd worn out two sets of auto tires stumping the state.

"Unicameralism" got the headlines, but "non-partisanship" was equally dear to the senator's heart. He had himself refused to take "party orders." He looked on the political pros as "Dealers in jobs who sold them over the political pie counter as a merchant sells calico."

Thus the two concepts were linked in the constitutional amendment that did the trick—an amendment which Nebraskans first got on the ballot by petition and then adopted 288,088 to 193,152.

The electorate was in a "yes" mood the same day they ended prohibition and OK'd parimutuels. As for unicameralism, it wasn't a bolt from the blue for Nebraskans. Spurred on by political scientists and others, they had been talking about it for 19 years. In 1934, plagued by depression, drought, and ten-cents-a-bushel corn, they were also looking for economy.

IN THE UNICAMERAL, they got it. The amendment provided for from 30 to 50 legislators in one house as against 133 in two. The enabling statute settled on 43—a number but

recently upped to 49. It took 22 years before the unicameral's budget climbed back to what the bicameral was costing.

The unicameral has also legislated with an eye to the state's dollar—some think more than it should. State aid is skimpy. In 1963 Nebraska collected less per capita in state taxes than any other state. It is also debt-free—but perhaps only because the Constitution still insists on it.

As he pressed his campaign from urban Omaha to the western ranges, Senator Norris made it clear that the idea of a two-house legislature emerged in England and elsewhere when the aristocracy gave recognition to the common people. He saw no excuse for two houses in a democracy. He branded bicameralism as a device to throw sand in the eyes of the voters, so they couldn't follow legislation and find out what went on. He didn't really "buy" two houses even for Congress, but there he felt stymied by states rights and the U. S. Constitution.

He affirmed one house would end legislation by conference committee. Here he felt lobbyists got in their licks behind closed doors. And while he doesn't seem to have conceived as even possible a bicameral state like New York without conference committees, one feels sure he would have felt that this state's mysterious methods of ending disagreements were skullduggery compounded.

"Instead of one house being a check upon the other, the double-barreled system is a shield for corruption," he charged, "concealing the record of unworthy representatives and making it impossible for a critical public to know just what the record is."

HE ALSO FAVORED fewer and better paid legislators—an idea that just now seems to be ripening 30 years later.

A lot of Senator Norris's dreams for what he predicted would be a "business-like legislative operation" have been fulfilled.

Nebraska's Senate is an easy-to-understand, simple-to-follow, goldfish-bowl operation.

The senate (technically the house was abandoned because the title "senator" sounds more impressive) elects a speaker, other officers, a committee on committees, and through this 14 working committees. It's the smallest number of legislative committees in any house in any state. The organization voting is carried on by secret ballot.

If a legislator introduces a bill, he has to prepare a statement telling what he expects to accomplish. The bill and the statement go to the appropriate committee. It calls a hearing. This is public. Anyone who wants to attend, appears. What they say—and what the legislators say—get summarized in a public record.

To act, a committee goes into executive session. To this, though, the press is invited. Technically the reporters can only report the result (bill out, 5-2; bill killed, 7-0, etc.); Actually if a reporter hears anything he wants to write, he can ask the legislator for it afterwards—on the record. Usually he gets it. In any case, the committee chairman is mandated to put on each senator's desk a public memo explaining the committee's action and its reasons.

ON THE FLOOR, a member can get a roll call on any bill or motion, simply by asking. And a lot ask. A voting machine quickly obliges with a tally. Everything said in the chamber gets on a public record—one that's indexed yet. No bill can get through to the governor in less than a week.

Doggedly and methodically, the legislature holds sessions mornings, 9 to 12, and committee meetings in the afternoon, 1:30 to 5. These go on from Monday through Friday until the job is done. The hours may be extended in the afternoon if a lot of people want to be heard. Otherwise they seldom change. If a dozen bills are voted on in any one day, it's a lot. The usual number is half-a-dozen.

This summer, a seven-and-a-half month biennial session droned to a calm ending at 3:10 p.m. on August 17. That last day legislators acted on seven bills, no log jams.

So Senator Norris got the kind of legislature he wanted: a business-like place where no one can hide.

He also got a house with no "majority leader" and no "minority leader"; a house whose members may belong to a party but don't run on any party ticket.

This system is as rare as unicameralism—perhaps rarer. Even Minnesota legislators who don't run on a party ticket choose up sides after they're elected.

And in Nebraska, unlike unicameralism, non-partisanship is hotly controversial.

(Next: The Second Half of the Package.)

Unicameralism: Protection Against Lobbyists



Beetle

Nebraska's Legislature Is No Clay Pigeon

Most ideas for state legislative reform are mild when compared with a proposal that two houses be cut back to one. So far the only "buyer" has been Nebraska. Yet the question—that of unicameralism—came up at New York State Constitutional Conventions in 1915 and 1938. It most certainly will be discussed as the 1967 convention approaches. Here's the third of four articles discussing Nebraska's experiences and the relevancy of the idea to New York.

By DAVID H. BEETLE
Gannett News Service

Any state that wants to adopt a unicameral legislature has to face the fact that the country's only state-level model—Nebraska's—has an added feature: Non-partisanship.

Thus, in evaluating the success there of the one-house system, it's necessary to figure out how much of it is due to unicameralism and how much to non-partisanship. On this, even Nebraskans don't agree.

A few—though they seem to be a small minority—think that unicameralism will only work well in a non-partisan situation. They argue that if you had one house linked with a governor of the same party, he'd have too much power.

Others—perhaps most—believe that while non-partisanship and unicameralism don't have to go together, it makes for a nice marriage.

Still others—again a large number—feel that while unicameralism works well, "partisanship" would make it work better.

"In a non-partisan legislature, matters will be discussed and decided regardless of the wishes or interests of the party bosses," predicted the late Senator George W. Norris, the free-wheeling Nebraskan who "sold" the two-part package.

Then, as now, a lot of the party "pros" oppose non-partisanship.

REPUBLICAN WOMEN, with considerable rank-and-file help from both parties in 1963 circulated a petition to amend the Constitution to require that legislators run on a party ticket.

Needed to put the question on the ballot were 46,459 signers. They were 150 signers short. "And, at the end they were paying 15 cents a signature," a newspaperman observes. It was freely predicted the voters would have rejected it anyway.

A similar move to get the legislature itself to put the amendment on the ballot failed miserably. Only eight legislators favored it.

"Nebraskans are about evenly divided on the non-partisan issue," says Governor Frank B. Morrison. "But I think over the long run at the state level, non-partisanship works better. You see a lot of backwash from national politics confusing state issues around the country."

He acknowledged that as governor he might be able to get his own program across better if he had a legislature of his own party. "But that might be good or bad," he added. "The long range effect of a non-partisan legislature acting on a governor's policy is likely to be beneficial."

Hugo Srb, the legislature's clerk who was a senator in the old bi-cameral legislature, thinks those who favor partisanship just haven't seen it in operation. "That's the sad part of it," he says. He still recalls an eye-opening day 30 years ago when he was pressured into voting for an incompetent "because the party wanted it."

"WHAT HAPPENS when a crisis erupts—be it in Washington or anywhere?" he asks. "There's an instant appeal to drop politics and deal with it on a non-partisan basis."

Richard D. Marvel, Hastings senator and a political science professor, sees both sides but leans toward non-partisanship.

"I'm responsible directly to the people and not to any political leader," he says. "I can't blame anything on a majority or minority leader, either."

For a Nebraska politician's argument that "non-partisanship had led to a house full of Mexican generals all going off on their own the senator had a forthright answer.

"Leadership evolves here on a subject matter basis," he says. "We tend to specialize."

It's better to have a dozen leaders than one. In the areas of public power, budget, taxes, education, health, you don't find one man calling all the shots—and that's good."

"One of the problems," he acknowledges, "that we probably pass more bills than we should simply because under our system it's sometimes hard to rally opposition."

Also favoring non-partisanship is Mrs. Fe Hubbard Orme, a housewife and school teacher turned senator. "I'm sure if I had a majority leader, I wouldn't do half as much as I do now," she says.

"He would be calling the boys in and telling them what to do. From what I've heard of other legislatures, there's a lot of goofing off."

SENATOR NORRIS SAW in "non-partisanship" and "unicameralism" a double protection against lobbyists. And while Nebraska's legislature seems to be no "clay pigeon" for pressure groups it's not easy to decide which element in the two-part package affords the most protection.

"I've made it a point to talk with quite a few lobbyists through the years," says Earl E. Hershberger, a pharmacy owner at Lincoln's "Comusker Hotel." His job gives him a ring side seat. "The first three or four years the lobbyists thought it was going to be a snap, but it hasn't worked out that way. The lobbyist tell me they have to work harder here than anywhere; that they just can't get a majority leader on their side; that they have to talk with all the legislators individually."

One thing is sure. Nebraska's motto is: "The salvation of the state is watchfulness in the citizen"—and unicameralism makes it easier for him to watch.

(Next: But would it work in New York?)

Unicameralism: Could It Work Here?



Beetle

One-House Proposals Were Killed in 1915, 1938

Most ideas for state legislative reform are mild when compared with a proposal that two houses be cut back to one. So far the only "buyer" has been Nebraska. Yet the question -- that of unicameralism--came up at New York State Constitutional Conventions in 1915 and 1938. It most certainly will be discussed as the 1967 convention approaches. Here's the last of four articles discussing Nebraska's experiences and the relevancy of the idea to New York.

By DAVID H. BEETLE
Gannett News Service

"It would be unfortunate if a constitutional convention were held in New York and consideration were not given to a proposition which, in recent times, has commanded the attention and thought of nearly all profound students of political science."

The quote refers to a one-house state legislature. It sounds like a nice, fresh quote newly minted for the approaching New York State Constitutional Convention.

Actually, it goes back a couple of constitutional conventions ago to the appearance in 1915 of a Long Island senator before a legislative procedures committee.

The idea of unicameralism is as persistent as Harold Stassen. The reasons for it change little, but the objections shift.

In 1915 it was argued that unicameralism "was a radical step" and that New York should not be the first. At the 1938 Constitutional Convention, it was contended that while the Nebraska experiment seemed to be working out okay, it was really too new to tell. And now in 1965, it's affirmed that while unicameralism works fine in a place like Nebraska you wouldn't want it in a big complex place like New York.

NEBRASKANS, for the record, note that complexity is relative. With a corn belt in the east, range country in the west, and 350,000-people's worth of urban sprawl around Omaha, they have their problems too. A run-down of their 1966 legislative program looks suspiciously like New York's--arts council, abolition of capital punishment, cigaret tax increase, park bonds, urban renewal, fair housing, auto junk yards, State U. tuition and so on.

The 1915 convention actually got three unicameral proposals calling respectively for



MR. SAMUELS



MR. KIRVIN

single houses of 60, 100, and 168. All died in committee, but not until after three members of the legislative procedures committee from Owasco, Whitehall and New York, staged a floor fight. They argued that one house was more efficient and economic. That two houses existed only because of "the plaster cast of tradition."

They dredged back in history to discover that Benjamin Franklin had said that setting up a two-house legislature was like hitching a horse to each end of a cart and letting them pull in opposite directions.

Unicameral proponents also showed up at a committee hearing.

"How long would a bank, a railroad or a factory escape bankruptcy if it were managed by two boards of directors with equal powers and a chairman with extensive veto powers?" asked William E. Verplanck, Fishkill.

"With two houses and two sets of new committees, bills are shunted back and forth so many times that when one finally becomes law it is often impossible to tell who is responsible for it, or if a good bill is defeated it is almost impossible to tell who is responsible for its defeat," complained the Long Island senator, William McKinney.

"AMONG CITIES the first tendency was to correct evils by imposing further checks and balances," reminded the merchants association of New York. "The cure was worse than the disease. It was not until pressure for improvement was turned toward simplification of municipal government that real progress was made". A key point, it observed, was elimination of dual city-level legislative bodies.

The 1938 Constitutional Convention received--

and killed in committee--two unicameral proposals. One was fathered by Court of Appeals Judge Harlan W. Rippey at the request of Democratic-lawyer John A. Milliver, a fellow Rochesterian who once ran for the State Senate. The other bore the name of Charles Poletti, later governor. He introduced it for the Citizens Union.

Staffers for a Poletti-headed committee doing pre-conference research listed the pros and cons of unicameralism. These tended to balance off except a couple of "cons" no longer held. One was that the Nebraska experiment was too new; the other that two houses permit representation of both people and area.

As the 1967 convention approaches, most of the cast will be different but a lot of the lines will be the same.

Governor Poletti today isn't necessarily for one house but believes it is something the convention should study.

ARDENT UNICAMERAL backers are the National Municipal League's Alfred Willoughby and the Citizens Union's George Hallett.

Even a few political activists are speaking up.

On the heels of the one-man-one-vote mandate, former GOP speaker Joseph Carlino said unicameralism would be worth looking into.

John F. Kirvin, a Schenectady Democratic assemblyman who won reelection by a narrow margin in a GOP-carved district, favors one house of 100 or 150. Today he sees "no checks and balances" if the same party controls both houses and only "wastefulness, friction and political folly" if it doesn't. He acknowledges two houses mean more patronage but doesn't think that's good.

Outspoken for unicameralism is Howard J. Samuels, a Canandagua business man and Democrat, who eyes the governorship.

Interestingly, while talk about borrowing Nebraska's "unicameralism" persists there is little mention of borrowing the other part of the late Senator George Norris's package--"non-partisanship."

Back in the 1915 convention an Albion delegate asked: "Are the people educated up to unicameralism?"

"Why not anticipate their demand?" shot back a New Yorker.

And that seems to be the way things stand 50 years later. It could simply be a good idea waiting for another George Norris to come along.

Nebraska Strong for Unicameral

Thirty Years' Experience Disproves Arguments Advanced Against It

Richard D. James
in *The Wall Street Journal*

LINCOLN, Nebr.

One attraction sure to catch the eye of anyone approaching Nebraska's second largest city is the state Capitol, a towering white Indiana limestone edifice dominating the Nebraska plains for miles. Completed in 1932, it was acclaimed one of the nation's architectural showpieces.

It is probably more noteworthy these days, however, as the home of the nation's only one-house state legislature,

The Mirror

of

Public Opinion

which has been thrust into the national spotlight recently by revival of an issue that once appeared virtually dead — unicameralism.

The historic "one man, one vote" U.S. Supreme Court decision, under which states now are busily recarving legislative districts to conform solely to population, raises the question of whether or not two legislative houses are necessary, if both are apportioned on the same basis. To find out how unicameralism works, it is necessary to turn to Nebraska, the only state with a single chamber since Vermont adopted bicameralism in 1838.

Though the idea of substituting one house for two, largely dormant since Nebraska adopted it in 1934, is not given much chance of making substantial headway in other states any time soon, some are discussing the possibility again.

Nebraska officials were asked by Kentucky to testify before an assembly revising the Kentucky Constitution. A former Rhode Island Governor spent three days in Lincoln studying the system and a unicameral bill is pending before the Illinois legislature. In nearly every state the concept is getting consideration.

Nebraskans are quick to champion unicameralism. Using comparisons of the state's final bicameral legislature in 1935 with the first unicameral body in 1937, they claim the one-house system is more economical and more efficient.

The last bicameral session cost \$202,593, or nearly double the \$103,443 for the first unicameral session. The number of legislators was cut to 43 (currently 49) from 133, the number of standing committees to 18 from 61 and the number of bills introduced to 581

from 1056. Yet the first unicameral lawmakers passed 214 laws in 98 days; their bicameral counterparts, meeting 12 days longer, counted 22 fewer bills.

The one-house system, Nebraskans say, firmly fixes responsibility for good legislation or poor. "There's no way to pass the buck to the other house," says state Senator Richard D. Marvel. "The responsibility is right here."

But the most important advantage, some think, is eliminating the small but potent conference committee which resolves differences when bills passed in both houses vary in content. The process, some contend, grants to a few men great power in determining the ultimate shape of legislation. Moreover, "the committee is a lobbyists' paradise" since only two or three Senators usually need to be swayed, says state Senator Stanley A. Matzke.

Interestingly, from its inception, Ne-

terest, the people can repeal it through a referendum."

Mindful of this criticism, Nebraska carefully provided the opportunity for ample deliberation. Contrary to practice in some states, in Nebraska it's mandatory that all bills—some 900 in the current session—receive public hearings and that hearing dates be published at least five days in advance.

In addition, Nebraska's Constitution now prohibits passing any bill in less than a week. "In the old bicameral," recalls state Senator Peter H. Clauson, who served in the body, "it was possible by unanimous consent to introduce a bill in the morning and have it become law by evening. The public didn't have a chance to object."

Another important check was added, too. Before a bill becomes law it must pass three separate votes of the full Senate, the first following a complete

reading and general debate on the Senate floor and the second not less than three days later. If it passes these hurdles, two more days must intervene before it is put to the final vote. A defeat at any stage kills the measure.

Other safeguards were created, too. The press is permitted to attend executive committee sessions, the theory being it keeps the legislative process more open. While reporters can relate the essence of a discussion, however, they must not report individual votes or statements. Executive sessions in bicameral

days were closed to all outsiders as in most legislatures today.

As yet it's too early to tell whether unicameralism will gain more than the threshold it presently has. The Supreme Court decision, while raising some doubts regarding the need for two houses, didn't suggest there is no point in having two bodies even if both are based on population. Nonetheless, Nebraska's experiences with a unicameral system suggest some obvious advantages which in a time of rising governmental cost and complexity may deserve consideration.



—Renault in *Frontier*

One Man, One Vote, One House

braska's unicameral body was apportioned on the basis of population. But voters in 1962 approved a constitutional amendment giving 20 per cent weight to area and the 1963 legislature reapportioned itself on that basis, adding six seats. Now, in light of the "one man, one vote" principle, it is reapportioning anew, using population once again as the sole standard.

The arguments thrown up to block unicameralism in those days are still those generally cited today. A second house is needed as a check on the first, opponents say. But Gov. Frank B. Morrison answers:

"On the basis of logic, I see no reason for two houses. The checks and balances come in other ways. The Governor has the veto; the law can be challenged in the courts; and finally, if the legislation isn't in the public in-

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The Argument Goes On.

A One-House Legislature?

By JOHN M. GREENE

ALBANY—Fifty years ago, former Sen. William McKinney of Northport tried to convince the delegates to the Constitutional Convention that New York State should shelve its bicameral legislature with its two branches and install a unicameral (one house) legislature in its place.

"It would be unfortunate," said the senator, "if a constitutional convention were held in New York and consideration were not given to a proposition which, in recent times, has commanded the attention and thought of nearly all profound students of political science.

"With two houses and two sets of committees," McKinney told the delegates, "bills are shunted back and forth so many times that when one finally becomes law it is often impossible to tell who is responsible for it or, if a good bill is defeated, it is almost impossible to tell who is responsible for its defeat."

THE 1915 CONVENTION got three unicameral proposals calling for one house of 60, 100 and 168 members respectively. All three died after a hectic floor fight during which proponents quoted Benjamin Franklin as saying that setting up a two-house legislature was like hitching a horse to each end of a cart and letting them pull in opposite directions.

Two unicameral proposals were submitted to the 1938 convention, one of which bore the name of Charles Polletti, who later served briefly as governor of the state. He introduced the proposal for the Citizens Union.

George Halleck of the CU is still convinced a unicameral legislature should come into being. So is Alfred Willoughby of the National Municipal League. But Polletti now only goes so far to say it is something the 1967 convention should study.



John Greene

So does former Assembly Speaker Joseph F. Carlino of Long Beach, who hopes to be a delegate to the convention. Howard J. Samuels of Canandaigua, who has gubernatorial ambitions, is also a unicameral booster.

Dr. Belle Zeller, a Brooklyn College professor and author of "American State Legislatures," said: "I don't go along with the idea that unicameralism is just a good idea for Nebraska because it's small." She said she'd like to see a few big states try it.

Dr. Zeller was asked if she feared lest an ambitious governor with a legislative majority from his own party might not put one house in his pocket. She replied, "That's not a serious objection. A governor usually has two pockets and he can put one in each."

A Democratic assemblyman from Schenectady, John F. Kirwin, favors one house of 100 or 150 members. He sees "no checks or balances" if the same party controls both houses and only "wastefulness, friction and political folly" if it doesn't.

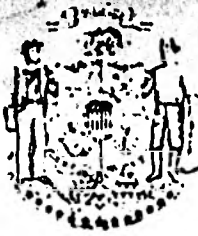
IN 1915, IT WAS argued that unicameralism was a "radical step" and that New York should not be the first to take it. Twenty-three years later, the contention was that, while Nebraska seemed to be making it work, it really was too new to tell for sure.

Now, in 1965, the feeling seems to be that while unicameralism does work fine in a place like Nebraska it just wouldn't in a big complex state like New York.

Nebraskans have an answer to that. "Complexity," they say, "is relative." They have their problems with their corn belt to the east, their range country in the west and 350,000 peoples worth of urban sprawl around Omaha.

But take a look at its 1966 legislative program—arts council, abolition of capital punishment, cigaret tax increase, park bonds, urban renewal, fair housing, auto junkyards and state university tuition.

Sound familiar?



Wisconsin Briefs

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UNICAMERALISM: WISCONSIN LEGISLATIVE HISTORY

INTRODUCTION

Nebraska is the only state in the United States that currently has a unicameral (that is, one-house) legislature. It has been in existence since 1937 with no apparent attempts to change the structure. Three other states (Pennsylvania, Georgia and Vermont), however, began with a unicameral legislature and later abandoned it.

Although the unicameral legislature is not very popular in the United States, many foreign countries have adopted it. For example, when Quebec abolished its two-house parliament in 1969, the last of Canada's 10 provinces became unicameral. The governing bodies of most municipalities and counties in the United States are also unicameral in nature.

The history of unicameral proposals in Wisconsin began with 2 proposed constitutional amendments introduced in 1915. After a lapse of 12 years, there was at least one such proposal introduced in every regular biennial session from 1927 to 1937. In 1935, 5 separate joint resolutions were introduced relating to adopting a unicameral legislature. Two of these proposals (1935 Assembly Joint Resolutions 10 and 95) were passed by the Assembly. These are the only 2 such measures which have ever received passage by at least one house. 1935 AJR 95 was not a proposed constitutional amendment, but rather, a proposed referendum relating to the establishing a unicameral legislature.

Not until very recently has there been any revived interest in unicameralism since the 1930's. Four proposals have been introduced in the last 3 sessions of the Wisconsin Legislature to provide for a unicameral legislature. Unicameralism has been given considerable attention since 1964 in many other states beside Wisconsin. The recent upsurge of interest is at least partially due to the United States Supreme Court's 1964 ruling in Reynolds v. Sims (377 U.S. 533; 84 S. Ct. 1362), which held that both houses of state legislatures must be apportioned according to population. In Wisconsin, of course, both houses have always been apportioned "according to the number of inhabitants". Since representation for both houses of state legislature now has to be based on population, some commentators have suggested that there might be no further need for 2 houses.

CONSTITUTIONAL PROVISIONS RELATING TO THE LEGISLATURE

The current provisions of the Wisconsin Constitution governing the number and size of the houses comprising the Wisconsin Legislature are found in Article IV. They read as follows:

Section 1. The legislative power shall be vested in a senate and assembly.

Section 2. The number of the members of the assembly shall never be less than 54 nor more than 100. The senate shall consist of a number not more than one-third nor less than one-fourth of the number of the members of the assembly.

If Wisconsin were to adopt a unicameral legislature, additional sections of constitution would have to be amended. Those sections which would also be affected are:

- | | | |
|---------------|-------------|---|
| Article IV, | Section 3. | Apportionment. |
| | Section 4. | Assemblymen, how chosen. |
| | Section 5. | Senators, how chosen. |
| | Section 7. | Organization of legislature; quorum; compulsory attendance. |
| | Section 8. | Rules; contempt; expulsion. |
| | Section 9. | Officers. |
| | Section 10. | Journals; open doors; adjournments. |
| | Section 17. | Style of laws; bills. |
| | Section 19. | Origin of bills. |
| | Section 20. | Yeas and nays. |
| | Section 26. | Extra compensation; salary change. |
| Article V, | Section 8. | Lieutenant Governor president of senate.... |
| | Section 10. | Governor to approve or veto bills; proceedings on veto. |
| Article VI, | Section 2. | Secretary of State duties relating to the legislature. |
| Article VII, | Section 1. | Impeachment proceedings. |
| | Section 13. | Removal of judges. |
| Article VIII, | Section 6. | Public debt for extraordinary expense; taxation. |
| | Section 8. | Vote on fiscal bills; quorum. |
| Article XI, | Section 4. | Legislature prohibited from incorporating banks. |
| Article XII, | Section 1. | Constitutional amendments. |
| | Section 2. | Constitutional conventions. |
| Article XIII, | Section 6. | Legislative officers. |

WISCONSIN LEGISLATION PROPOSING A UNICAMERAL LEGISLATURE

No proposed constitutional amendments relating to the establishment of a unicameral legislature have ever achieved passage through both houses of the Wisconsin Legislature, so as to be eligible for "2nd consideration" review 2 years later in preparation for their submission to the voters of Wisconsin. Therefore, all the proposals listed in the following table constitute "1st consideration" constitutional amendment proposals.

A. Proposed Constitutional Amendments Providing for a Unicameral Legislature*

LRB-WB-70-5

Year	Joint Resolution	Author	Name of Body	Size of Body	Length of Term	Type of District	Misc. Provisions
1915	SJR 20	G. Weissleder	Legislature	3 mbrs. from each congress. district	Staggered 4-year terms	Correspond with congress. districts	
1915	AJR 33	H. L. Mortenson	Legislative Commission	1 mbr. from each congress. dist. & 2 from state at large	4 years	Congress. dist., plus 2 from the state at large	One of the 2 at large mbrs. receiving highest no. of votes - pres., other vice-pres.
1927	AJR 17	Wm. Coleman	Legislature	133 Members	Staggered 4-year terms	Single dists. of convenient contiguous territory	
1929	AJR 151	Robert Caldwell	Legislature	Number of mbrs. equal to the no. of U.S. Rep.s from Wisconsin	Staggered 4-year terms	Correspond with congress. districts	
1931	AJR 48	Philip Wenz	Legislature	133 Members	4-year terms	Single districts	
1935	AJR 26	G. Weissleder	Legislature	Not more than 3 mbrs. from each congress. district	Staggered 4-year terms	Single dists. of convenient contiguous territory	Sessional salary of \$1200
1955	AJR 10	M. H. Hall	Legislature	Not less than 30 nor more than 50 members	2 years	Single member districts	
	A.A. 1 (Adopted)	B. M. Vaughan		Not less than 90 nor more than 100 members			

*In measures proposing a staggered 4-year term, most proposals provided for half of the Legislature being elected for 2 years in the initial election under the new unicameral legislature, and subsequently for 4-year terms.

Proposed Constitutional Amendments Providing for a Unicameral Legislature - Con't

Year	Joint Resolution	Author	Name of Body	Size of Body	Length of Term	Type of District	Misc. Provisions
1935	AJR 11	G. Weissleder	Legislature	Not more than 3 mbrs. from each congress. district	Staggered 4-year terms	Single member districts	Legislature would meet once each mo. until all business completed. Annual salary of \$4,000
	A.Sub.Am.1 as amended by A.Amdt. 1 and 2 (Adopted)			Not less than 90 nor more than 100			Legislature would meet once every 2 years
1935	AJR 70	Mary Kryzak	Legislature	Not less than one mbr. from each county nor more than 100 members	4-year terms	No dist. would embrace more than one county	
1937	AJR 11	M. H. Hall	Legislature	Not less than 30 nor more than 50 members	2 years	Single member districts	
1965	AJR 107	Barbee, Iverson, Lipscomb & Schaus	Legislature	Not less than 43 nor more than 75 members	Staggered 4-year terms	Single member districts	Annual salary of \$10,000. Annual sessions
1967	SJR 26	J. Lourigan	Legislature	Not more than 45 members	Staggered 4-year terms	Single dists. of compact contiguous territory	
1967	AJR 37	Barbee, Lipscomb, Anderson, Kessler & O'Malley, co-sponsored by Lourigan	Legislature	Between 33 and 75 members	Staggered 4-year terms	Single member districts	Annual salary of \$12,000. Annual sessions.

LRB-70-5

Proposed Constitutional Amendments Providing for a Unicameral Legislature -- Con't

Year	Joint Resolution	Author	Name of Body	Size of Body	Length of Term	Type of District	Misc. Provisions
1969	AJR 18	Barbee, Lipscomb & Sanasarian	Legislature	Not less than 33 nor more than 75 members	Staggered 4-year terms	Single member districts	Annual salary of \$12,000. Annual sessions

B. Proposed Referenda Relating to Establishment of a Unicameral Legislature

Year	Joint Resolution	Author	Referendum Question
1935	AJR 95 A.Sub.1	G. Weissleder	This proposal would submit to the voters a referendum consisting of the following 5 questions and comprising 7 parts: (1) "Do you favor a one-house legislature?"; (2) (a) "Do you favor a legislative membership of not less than 30 nor more than 50 members?"; (or) (b) "Do you favor a legislative membership of not less than 30 nor more than 100 members?"; (3) "Do you favor the legislature sitting as a body to hear all arguments for and against all matters coming before it?"; (4) "Do you favor having the legislature meet once each month and remain in session until its business is completed?"; (5) (a) "Do you favor a 4-year term for the members of the legislature?"; (or) (b) "Do you favor a 2-year term for the members of the legislature?". The measure was adopted by the Assembly by a vote of 48 to 32. The Senate, however, nonconcurrent in it by a 23 to 7 vote.
1935	AJR 171	E. W. Blomquist & A. F. Polt	This proposal would have submitted one question to the voters: "Do you favor a one-house legislature? Yes _____ No _____"
1955	AJR 91	Louis C. Romell	This proposal would have provided an advisory referendum consisting of 2 questions: (1) "Do you favor an amendment to the state constitution to provide for a unicameral legislature of 100 members, one-half to be elected every 2 years for terms of 4 years?" or (2) "Do you favor an amendment to the state constitution to provide that the legislative branch shall consist of 2 houses similar to the legislative branch of the federal government?"

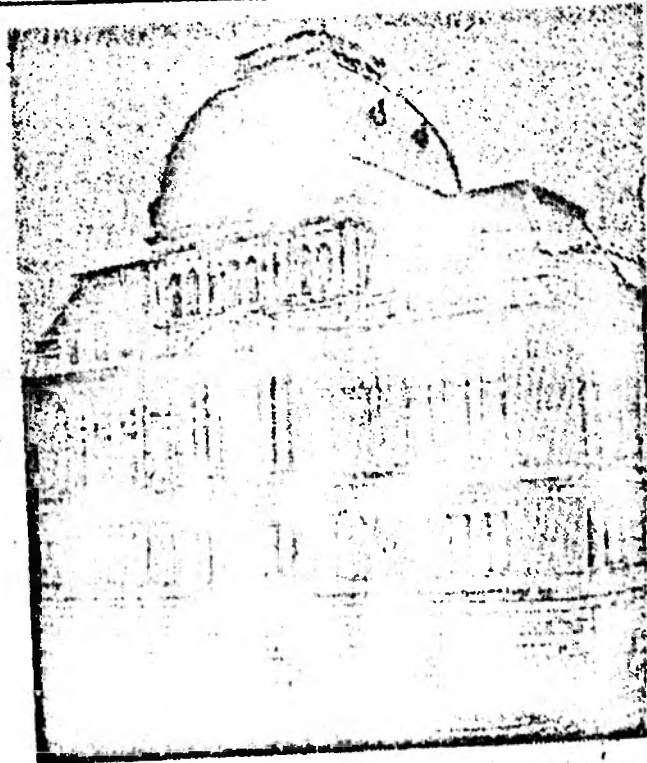
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One Branch or Two?

Two levels of government:
At left the State House
and at right, Providence
City Hall.



The Cities Chose One

By JOSEPH A. KELLY

Joseph A. Kelly watches city government from his post as manager of the Journal-Bulletin's bureau in Pawtucket.

light U.S. cities with great populations and bigger gets than the state of de Island are governed by ameral city councils.

re number of councilmen hese one-body local legis- res ranges from nine in roit and Houston to 50 in ago.

os Angeles, with two and all times the population of de Island, has 15 council- a. Philadelphia has 17.

century ago nearly all ge cities had bicameral ncils, usually a board of ritten and a common coun-

They were on the wane 1850, almost extinct in G.

Only Two Left

of the 3,000 municipalities the U.S. today, there are ameral councils in only 2—Everett, Mass. and Wa- ville, Maine.

Providence abandoned its ameral council in favor of unicameral council in 1940. Pawtucket, Woonsocket, New- rt and Central Falls did the me than they adopted me rde charters in 1952.

Much more significant than e change of the bicameral uned to the almost unani- ous agreement that the uni- meral council had produced tter local government in hode Island and throughout e country.

Former Governor Dennis J. Roberts, a leader of the fight the Constitutional Conven- on for a unicameral state gislature, said the one-body uned in Providence brought rramendous improvement in ty government.

Pawtucket, Woonsocket and entral Falls are said to have njoyed their best government 1 years since they adopted ew charters with unicameral ouncils.

In these and other cities round the country the small- r unicameral councils have sually handled municipal usiness more expeditiously. here has been a better nderstanding by the public d controversial issues simply ecause they have been de- ated by fewer city council- n.

There has been better scrui- ny of the councils by the otors simply because there ave fewer councilmen to ead. Pawtucket, for ex- ple, decreased its council- nen from 21 to nine, Woon- socket from 20 to seven, Bos- ton from 73 to nine.

Decline of Bosses

The unicameral council con- tributed much to the decline of political bossism in the cities. Conditions in the old bi- cameral councils with their many committees (the Boston council once had 42 commit- tees) were so complex that it almost required a political boss to straighten them out.

The small one-body council focused more attention on the individual councilman and, generally, he acted accord- ingly. In almost every city it produced a higher caliber of candidate for the unicameral council. As a result, there was less dual office holding, fewer political shenanigans, more tending strictly to busi- ness.

Mr. Roberts believes the General Assembly and the city council are comparable, and that a unicameral legisla- ture could bring the same im- provements in state govern- ment that it has brought to the cities.

"The function of a city council is much like that of the General Assembly, even though it does not have the same inherent power," Mr. Roberts said.

The city council is a legis- lative body, he continued. It appropriates money and adopts ordinances regulating the public safety, health and other affairs of the city in much the same way as the General Assembly enacts laws.

Providence

Mr. Roberts, who served on the commission that framed the Providence charter in 1940 and then became the first mayor under the charter, as- sessed that the old bicam- eral council never functioned in its proper sphere. He re- called that committees of the board of aldermen and com- mon council tied up business for months and on one occasion the appointment of a police commissioner was held up for more than two years.

"The unicameral council functioned as a legislative body should function from the outset. It was a tremendous improvement," Mr. Roberts said.

The former governor re- called that the only objections to the switch to a unicam- eral Providence council in 1940 came from the political structure, both Democrats and Republicans.

"They said the unicameral council would be the death knell of the Democratic party in Providence, that it would deprive the people of their rights, and the Democrats would never win another elec-

In prac' e, it turned out that the Democratic party was stronger than ever under the unicameral council. The former governor point- ed out that the Democrats received bigger pluralities than ever; they never lost the mayoralty again and there have never been more than four Republicans in the council.

In 1952, there was no con- troversy as the bicameral councils were abolished in Pawtucket, Woonsocket, Cen- tral Falls and Newport. Even councilmen who were losing their jobs failed to pro- test.

Forgotten Issue

The campaign for a new Pawtucket charter was fought bitterly by the professional politicians but no men- tion was ever made of the shift to the one-body council. It was just taken for granted that the bicameral coun- cil was long outmoded.

Hundreds of thousands of words were spoken at charter commission hearings on the manager plan vs. the mayor- council, partisan vs. nonparti- san elections and a merit sys- tem for city employes but no- body suggested that the old board of aldermen and com- mon council should be re- tained.

Kevin K. Coleman, former mayor of Woonsocket, has no recollection of any demand that the bicameral council be retained in that city.

"What is important was the change for the better in Woonsocket after the switch to the seven-mem- ber unicameral council elected at large," Mr. Coleman said. "It proved quickly to be the more efficient way of leg- islating city business."

Authorities on government for nearly 75 years have held that the bicameral legisla- ture at the city level created more problems than it solved and caused more evils than it prevented.

The first city governments established two houses of their municipal legislatures in imitation of Congress and in the belief they provided a necessary system of checks and balances.

Norfolk, Va., had a bi- cameral council in 1788, Phil- adelphia in 1793, Baltimore in 1797, Pittsburgh in 1816 and Boston in 1822. By 1840 the bicameral council had become general in the larger cities.

Fear of the Mob

Richard S. Childs, chair- man of the executive com- mittee of the National Mu- nicipal League and a leading

authority on municipal gov- ernment for 60 years, ex- plains the early trend to bi- cameral city councils this way:

"In the making of charters of those days there was a great fear of headlong demo- cratic action and mob rule. This led to innumerable de- vices to encumber the activi- ties of government in an ef- fort to insure elongated con- sideration of every measure.

"One of these devices was the establishment of two houses of the municipal leg- islation on the theory that if one house passes a bad bill, the other will block it.

"It was and is just as true to say that if one house passes a good bill, the other house will block it. The latter practice has been familiar for a century to all proposers of innovation and reform."

Boston had enough of its 78-member bicameral council by 1896, and Samuel B. Capen, president of the Boston Mu- nicipal League, told the Na- tional Municipal League at its annual meeting that year of the successful campaign for a unicameral council.

More Money

A city government does not need two boards of direc- tors any more than a cor- poration or a railroad, Mr. Capen said. The second body in a unicameral legislature "often increases and rarely diminishes public spending," he said.

In order to bring the two bodies into harmony and ob- tain the required number of votes, Mr. Capen said, it often was necessary to appropriate large sums for projects in the districts of various members "for their selfish and personal interests, not because of pub- lic necessities."

He said the single branch legislature helps to define re- sponsibility, making it easier for the voters to see who is responsible for legislation and where the blame rests when things go wrong.

W. B. Munro of Harvard University wrote in his "Gov- ernment of American Cities" in 1912 that "quite as many opportunities for evil arise from a council's versatility in impeding business as from its power to rush things through with unseemly haste."

"If a single chamber can malign pressure be too easily stamped into a vote which is not in the interest of the citizens, it is just as sure that a double chamber lends to every blackmailing political influence an undue advantage in blocking the path of measures which are in the city's interest," Mr. Munro said.

"The history of American city councils furnishes quite a many examples of malfeasance in one direction as the other," he added.

Delay and Friction

Mr. Munro said the bicameral legislative system "encourages profitless delay and needless friction; it precludes the city from pursuing the prompt and businesslike methods of private organizations and it is out of harmony with the arrangements which exist in the best governed cities of other countries."

Howard L. MacBain of Columbia University said in 1916 in a paper on the evolution of the types of city government, "The introduction of the two chambered council was a disastrous step in the direction of cumbersomeness of organization."

Numerous authorities on government also have noted that no city which abolished the bicameral council has

ever shown any desire to restore it.

Mr. Childs told a charter group in Pawtucket in 1951 that their city had the rather dubious distinction of being one of only a dozen cities in the country with a bicameral city council.

"We hope," he said, smiling, "that one of your Rhode Island cities will keep its bicameral council forever as a museum piece to show posterity what sort of complicated, ramshackle contraption once passed for city government."

The following year Pawtucket, Central Falls, Woonsocket and Newport passed up this opportunity for immortality, just as Providence had done in 1940.

Waterville

The field has since been reduced to two and two years ago the people of one, Waterville, Maine, had a chance to adopt a modern charter. They voted nearly two to one to keep the bicameral form.

The Waterville Sentinel favored the proposed charter with its unicameral council and it told its readers, "We can't be right unless everybody else in the country is wrong."

What if we are the only ones? It makes us distinctive."

Supporters of the bicameral setup argued that doing away with the common council would eliminate a good school for people who go on to be aldermen, which is sometimes how it works.

Two recent governors of Maine came from Waterville, Edmund S. Muskie and the late Clinton A. Clauson. Ironically, neither of them served in the common council or board of aldermen.

Robert Drake, managing editor of the Sentinel, said the bicameral council was not the big issue in the charter campaign. He said the people voted down the new charter because it would have taken city jobs out of politics and provided an executive secretary to the mayor. The present charter could be described as a "very weak mayor" type of charter, he said.

Everett

In Everett, Mass. the people lost an opportunity to vote out the only other bicameral council a few years ago when the then Governor Endicott Peabody vetoed a bill that would have put the question on the ballot. Everett has seven aldermen and 18 councilmen.

Philip J. Crowley, who retired last month after 16 years as mayor, said some people called the governor and "got him shook up." He said the Governor "mistook the voice of a few for the voice of many."

"Why the opposition to the change?" Mr. Crowley was asked.

"Only that some people would lose their jobs. An alderman gets \$1,800 a year and a councilman gets \$1,200," he said.

Mr. Crowley said he was elected mayor eight consecutive times and he managed to get his program through the two branches of the council. Yet, he is not in favor of a bicameral council.

"The bicameral council is outmoded. Things die in one branch, never get to the other. It's hard to pinpoint responsibility. Twenty five council names are too many for anybody to remember," he said.

"There's no argument for the bicameral council. It's just that there have been no scandals. The government is pretty good. So, there is no hue and cry for a change."

Is the successful experience of the cities with unicameral government relevant to this issue as it now faces the states? In short, could a unicameral state legislature become as successful as the one-house city council which today is the accepted way of operat-

ing the legislative branch of municipal government?

For Bicameral

The advocates of bicameralism are generally political leaders who have served in the legislatures, or are now serving, and they say no. They cite these points:

—A one-branch house destroys the traditional checks and balances exemplified by the division in Congress between the Senate and the House of Representatives.

—It is much easier in a one-branch body for one man or a small clique to exercise control.

Those who advocate unicameralism, on the other hand, are numerous authorities on government and political figures who have served in the executive branch. They cite these points:

—The big budgets and big problems of education, urban renewal and civil rights are just as serious and just as difficult on a city level as on the state level, and the unicameral councils of the cities have been able to cope with them in a fashion that, if not perfect, is at least no worse than the usual fashion in which the states have coped with them. New York City has more serious problems, certainly, than the state of New York, and Chicago has more than the state of Illinois. Both cities operate with unicameral councils. None of the several thousand cities which have adopted unicameral government have ever returned to the two-house system, nor has Nebraska, thus far the only unicameral state.

—The need in government today is for responsible, effective action—not the interminable delays that often impede business in bicameral legislatures. The two-house Massachusetts legislature, for example, has debated for more than a year and so far has failed to resolve the question of providing a greater state tax base. Several years ago Michigan had a financial crisis because the two branches failed to agree on a tax program. Such indecision would be impossible in a unicameral legislature: a decision one way or the other would have to be made.

—While it is possible that a clique can control a one-branch legislature, the responsibility is obvious to the voters. It cannot be hidden among large numbers of legislators. Having fewer choices to make at election time, the voters can exercise greater discretion and discrimination. As a matter of fact there have been many examples of cliques controlling two-branch legislatures.

—The additional check and balance afforded by a second house is more attractive in theory than in practice. Such balance, if it exists at all, is often purchased at an expensive price in confusion, delay, frustration and inefficiency, all of which are rapidly becoming intolerable in the face of the enormous problems facing government at all levels. In actual fact, there are sufficient checks and balances between the three main branches—judicial, executive, and legislative—precisely as the architects of the federal Constitution laid them down.

The architects of the federal Constitution devised the two-branch legislature to deal with the problem of the "sovereign" states. Within these states there are no sovereign subdivisions, just as there are none within cities.

As Alfred Willoughby, executive director of the National Municipal League, expressed it: It is no more logical to have two branches of the state legislature than it is to have two governors.

THE NEED FOR UNICAMERALISM

William J. D. Boyd

State legislatures are probably the most abused governmental institutions in this country. They are misunderstood and they are distrusted. The legislative 'image' is low indeed and only part of this is of their own doing. Most of it is due to the shackles placed upon legislatures by the many "thou shalt not's" of our state constitutions and by the organisational structure of the legislature itself.

Legislatures generally are underpaid, understaffed, ill housed, bound up in procedural antiquities and burdened with entirely too much local government legislation. In one way or another, New York's legislature is encumbered by all these factors, some to a much lesser degree than others. Some of the ills are not dependent upon constitutional reform. On the whole, New York's legislature has been one of the very best. Its public image is lower than it deserves. But the legislature could be dramatically upgraded and its image vastly improved with virtually no change at all in legislative personnel.

Distrust of the legislature is deeply aired in public ignorance of who their legislators are. Immediately after last year's elections, Elmo Roper and Associates polled the inhabitants of New York City, Buffalo, and Onondaga County to find out how much they could remember about the candidates they had just voted for. Only eight per cent of the people in New York City could properly identify one of the candidates (they weren't even asked to name the winner) in either the Senate or Assembly. Only fifteen per cent in Buffalo were right, and a rousing twenty per cent were correct in Onondaga. This is how much the citizens of the Empire State know about the men and women representing them in Albany. No wonder the public views the legislature with suspicion.

At the same time, a Gallup Poll showed that forty-six per cent of the people knew their Congressman, and seventy per cent could identify their mayor.

What New York needs is a dramatic restructuring of its state government. Very serious consideration should be given to the adoption of a single-house legislature. As long as citizens are confronted with an interminably long ballot and are unable to understand or follow the progress of legislation through the two houses, they will never know their legislator nor have much basic trust of the legislature. Present the people of this state with a streamlined ballot — the governor and a legislator — and within ten years a profound change will have taken place in the level of knowledge and interest that the public displays toward state government. Others will doubtless address you on the subject of shortening the statewide ballot; I should like to stick to the subject of the unicameral, or single-house, legislature.

Recently the New York Times stated that, because a large number of delegates to the convention are legislators, unicameralism has little chance of being adopted. It would indeed be unfortunate if the very people who would benefit most were to be the most adamant opponents of unicameralism.

The suggestion that the state shift to a single-house system is interpreted by some legislators as a personal criticism of the job they have been doing. It is no such thing. New York has had one of the best legislative records in the nation and most people acknowledge it. That still does not change the fact that it has been far from perfect and that the public still doesn't know what is going on or who is who. The organizational structure of the legislature is at fault and not the individual legislators. Rather than attacking them, a proposal for unicameralism is meant as an aid to the very people who feel abused by the suggestion.

The single-house concept is not radical, nor is it un-American.

Americans were the first people in modern times to utilize it. Vermont, Pennsylvania and Georgia all had single-house legislatures when every nation in Europe was ruled either by an autocratic monarch or utilized some form of a two-, three-, or four-house system. A majority of American cities had two-house legislatures but have since shifted to the one-house set-up so completely that today only two small towns in New England use bicameralism. Why did city governments change? Because they needed a full-time, action-oriented governing body.

Who ever heard of a bicameral county legislature?

Nebraska has been admirably served by its one-house state legislature, but unfortunately has combined it with other undesirable features that have hurt its value. Often when unicameralism is discussed, the conversation shifts to the comparative merits of legislation passed by the Nebraska and New York legislatures. This is a totally erroneous basis upon which to discuss the issue. The issue is: does the unicameral system perform well in Nebraska in comparison with the old bicameral system in Nebraska? The answer is an emphatic 'yes'. At no time has repeal of unicameralism been proposed in that state. This, and this alone, is what is important when the Nebraska unicameral set-up is discussed.

Great Britain and all the Scandinavian nations have, in actual practice, a one-house system, since the upper chambers are virtually powerless. Both Japan and New Zealand have single-house legislatures and every province in Canada except Quebec also uses unicameralism. It is one of those ironies that, although we started the first major experimentation with unicameralism and were to adopt it for all city and county government in this country, we have been far slower than other nations to see its practical value for our states.

Actually, 'irony' has little to do with it. There are very practical reasons why we have retained bicameralism at the state level and why we want to

it in the first place. American usage of bicameralism began in the newly independent states. Rather than the states' copying the federal government, as is often claimed, the reverse is true. Just as the British system of bicameralism had its roots in class distinction, so, too, the original purpose in this country was to place a check on the "masses." The newly created assemblies of the states were the most egalitarian parliamentary institutions in the world, even if the right to vote was often circumscribed by property-holding requirements, and was always restricted to free males.

The primitive conditions of communications led some states to bicameralism as a means of diffusing representation on a geographic basis. Most, however, had different qualifications for voting for members of the two houses, invariably based on greater wealth for the second house.

A vitally important reason for creating a differently constituted upper house to place a check on the more popularly elected chamber was that few of the states gave their governors the right to veto legislation. The unpleasant memories of colonial governors caused all thirteen original states to create weak chief executives. It was, therefore, to a second legislative chamber that the power to check the popular will was given. Those states which had single-house legislatures changed to bicameralism in order to place such a check on "the people."

It was several decades before the strict property qualifications disappeared. By then tradition and universal acceptance of bicameralism were strong factors in its retention. Equally persuasive, however, was the fact that it had become an important element in the emerging rural-versus-urban controversy. State after state (including New York) changed its apportionment formula so as to perpetuate rural dominance in at least one house. Those states which had single-house legislatures changed to bicameralism so as to introduce area factors in one house, and after 1890 most states entering the Union based one house on area,

the other on population. Recent court actions have now invalidated that purpose for bicameralism.

Some would still argue, however, that bicameralism provides a means of achieving fine shadings of difference in the type of representation in the two houses, even though both must be based essentially on population. ~~There are~~

~~There are suggestions for lengthening the term of senators to four years, for deliberately creating Senate and Assembly districts unrelated to one another, and for placing citizens who live in an oversized Assembly district in an underrepresented Senate district.~~

~~Longer terms have some definite advantages but the claim of 'continuity' is a tenuous assertion in this state where the turnover in both chambers — even with reapportionment — is relatively small.~~

As for making the two sets of districts unrelated to one another, New York has long tried to keep a three-to-one ratio between the two houses, and the desire to place three Assembly districts in one Senate district is very strong. [¶] To try to balance out under- or over-representation in the two chambers is a practical impossibility, as anyone who has worked on the redistricting task in this state can testify.

New York has had dozens of legislators shift from the Assembly to the Senate with no discernible change in their voting patterns. In a highly competitive two-party state like New York, the position of the leadership of the Democratic or Republican party is much more important to a legislator than whether he is in the Assembly or the Senate.

The 'different shades of representation' argument has a very nice sound to it, but in the realm of practical politics it has little applicability to New York State.

Today the main argument for bicameralism at the state level is to create one house to act as a brake against impetuous action by the other. It is upon the validity of this that the fundamental value of bicameralism must be judged.

If an act is unconstitutional or damaging to the fundamental rights of any individual or group, there is the ultimate check of judicial review. An even more important factor is the governor's veto power. Any legislative measure that is hasty or ill-advised can be stopped by a governor and it requires a two-thirds majority to override his action.

The old argument that one house is needed to kill the precipitous action of the other is indeed faulty in a state like New York where the governor possesses strong veto powers and a wide range of other powers that aid him in seeing to it that his vetoes are upheld. This state's governors have regularly vetoed twenty-five per cent of the bills, and it has gone as high as thirty-five per cent. No governor's veto has been overridden in more than thirty years. This points up two fallacies in the one-house-checks-the-other thesis. First of all, the 'second' house seems to be letting a lot of legislation by it that our governors have considered questionable. And, secondly, the governors have done a pretty good job of stopping it. If the item veto is extended to non-appropriation items, this gubernatorial check in the 'checks and balances' system will be even greater.

Unicameralism would force legislators to assume fully the responsibilities of the office to which they were elected. Any legislator can tell you of the time — and money — wasted on legislation everyone knows is trivial, which is deliberately introduced with the full knowledge that it will never become law.

A single house would stop such negative aspects of the present system as the buck-passing between the houses that keeps the public confused as to where responsibility lies. It would also stop the highly questionable practice of passing a vast amount of legislation in the last forty-eight hours of a session, when each house hastily passes large numbers of bills previously enacted by the other chamber.

Closely allied with the one-house-checks-the-other theme is the idea that two houses provide time for due deliberation of all measures. Is this actually true? What about the end-of-the-session rush in all bicameral state houses? In Nebraska — again comparing it in purely institutional terms, not in terms of the type of legislation or economy that exist in that state — the unicameral legislature enacts almost exactly the same number of bills each session as did the old bicameral set-up. But less than half as many bills are introduced. Nebraska, incidentally, generally enacts only about one-fourth as much legislation as this state, which is supposed to have a system where deliberation and delay prevail. The unicameral system is a blessing to the legislator, who actually gets much more time to deal with each separate piece of legislation.

Under bicameralism, when the two houses pass different versions of the same bill, it is necessary to refer the measure to a conference committee which works out the differences, and whose recommendations are invariably accepted as the final law. Since there is no public testimony given before conference committees and their deliberations are rarely, if ever, open to the public, the end product is frequently enveloped in a cloud of suspicion. Political scientists and other students of the legislative process have long singled out the conference committee as a priority item for reform.

The relative obscurity of the state legislature is the most damning argument against bicameralism. Unicameralism, on the other hand, offers a means

of concentrating the voter's attention upon his state legislator. Greater public awareness heightens the importance of a legislative career.

A single house would further strengthen the legislature as an institution of state government by eliminating one set of checks and balances. Checks and balances are best exercised AMONG the three branches of government, not WITHIN just one of them. Would it be logical to elect two governors, the second to stop administrative action initiated by the first, or to veto bills the other had signed? Should there be two state courts of appeal, one to nullify the rulings of the other? Little-known state legislators are hardly in a position to challenge a popular and powerful governor. (And they would be challenging him on major issues, not the trivial nonsense a second house is now supposed to check.)

A single house would help correct the present imbalance. The role of leading individuals within the legislature would be enhanced; with only one majority leader, one chairman of the education committee, one head of the committee on labor and industry, these men and their positions would come under closer public scrutiny. A poor performance would be punished more easily and a good performance could be rewarded with greater influence or higher office. Men would become known as experts in their own fields and their voices would carry greater weight whenever a legislative-executive dispute arose over a policy issue.

Restoring the balance between the legislative and executive branches could do much to restore public faith and interest in state government. This, in turn, could help to halt the so-called trend to 'big government in Washington'. Single-house legislatures would be closer to and more respected by the public, while at the same time strengthening and streamlining the legislative function.

Better pay, better staffing, and better facilities could be provided for one house than can be done for two. A large bicameral legislature will

never be able to find it politically feasible to spend the money on itself that is necessary in this day and age. A reasonable sized single house, whose members are known to their constituents, will be able to equip, pay and staff itself as a twentieth-century legislative institution should.

It is interesting that Joseph Carlino, former speaker of the New York Assembly, and Jesse Unruh, current speaker of the California Assembly, have both advocated the adoption of a single-house legislature.

Both gentlemen frequently have been on record in opposition to a governor of their own party. They have come to realize that if the legislature is to continue to play a real role in our society it must be strengthened. State government itself needs strengthening. Strong governors, and streamlined reorganized court systems, are not viewed as radical or dangerous anymore. They are, in fact, 'quite the thing' these days. The poor legislature, however, has taken a back seat. If New York really wants to improve its government, it had better think about all three branches, and give unicameralism real consideration.

These then are the arguments for unicameralism: economy, efficiency, a heightened importance to a legislative career, and a strengthening of the legislative institution. All of these are important and desirable but they are insignificant in comparison to the one all-pervasive reason why we should have a one-house legislature — its impact on public awareness.

If one person in a hundred in New York has the vaguest idea of how the legislature actually works and what his particular legislative representatives are doing, it is a miracle. One can present all the beautiful arguments in the world about the need to preserve 'checks and balances', about the 'good record' of past New York legislatures and the need for a 'modest amount' of institutional delay. The fact remains that public attention is shifting more and more to the federal government while, at the same time, awareness of local government

activities remains relatively high. But state government, other than the office of governor, is becoming an ever greater enigma. People DO NOT KNOW their legislators and they DO NOT KNOW what the legislature is doing. It is worse today than it was sixty years ago.

No level of government can remain healthy or dynamic when the public simply does not know and does not care — and that is exactly the situation we have today. The ONLY way that the public has any chance to learn about their legislator and to follow the activities of the legislature is for us to strip away much of the junk in our current constitution and to replace it with a streamlined fundamental document, one of the main features of which would be a single-house legislature.

Feb. 1967

WJDB

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Copy letter to
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POLITICAL THICKETS AND UNICAMERALISM*

by

Harold S. Roberts

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POLITICAL THICKETS AND UNICAMERALISM*

A simple statement on representative government by Chief Justice Warren in the famous reapportionment cases handed down on June 15, 1964 has been hailed as one of the most revolutionary actions of the United States Supreme Court. So revolutionary, in fact, that some state legislatures have suggested legislation to set aside the Supreme Court decision. Other individuals have suggested the impeachment of members of the Court and of the Chief Justice.

The revolutionary statement written by Chief Justice Warren said in part, "representative government is in essence self-government through the medium of elected representatives of the people, and each and every citizen has an inalienable right to full and effective participation in the political processes of his state's legislative bodies." Such a statement might have been deeply revolutionary in the period immediately following the American Revolution, but it doesn't sound that way in the mid nineteen sixties. During the 18th century we espoused representative government, yet it was not an accepted practice that "every citizen" had an inalienable right to full and effective participation in the political processes of his state's legislative bodies. This was available only to those individuals who had qualified as free citizens because of property rights and other qualifications which we in the 20th century hold to be discriminatory. Some of the reasons why Chief Justice Warren's mild statement is regarded as revolutionary in the 20th century are:

(1) The Supreme Court has entered into an area which before had been considered strictly political and one in which the legislators did not expect the courts to step in. (Their political prerogative would not be touched by the court.)

(2) The Supreme Court decision appeared to support the elimination of the ancient tradition of the bicameral legislature by holding that both houses of state legislatures would have to be apportioned substantially on the basis of population. Although the Court went out of its way to support bicameralism, its action requiring both houses of the legislature to be apportioned on population removed the major underpinning for the bicameral legislature.

Chief Justice Warren said in his opinion, "Most citizens can achieve this participation only as qualified voters through the election of legislators to represent them. Full and effective participation by all citizens in state government requires, therefore, that each citizen has an equally effective voice in the election of members of his state legislature. Modern and viable state government needs, and the Constitution demands, no less."

* Speech before the Unitarian Church of Honolulu, May 30, 1965.

The Court then went on to say, "Logically, in a society ostensibly grounded on representative government, it would seem reasonable that a majority of the people of a State could elect a majority of that State's legislators. To conclude differently, and to sanction minority control of state legislative bodies, would appear to deny majority rights in a way that far surpasses any possible denial of minority rights that might otherwise be thought to result.... Since the achieving of fair and effective representation for all citizens is concededly the basic aim of legislative apportionment, we conclude that the Equal Protection Clause guarantees the opportunity for equal participation by all voters in the election of state legislators. Diluting the weight of votes because of place of residence impairs basic constitutional rights under the Fourteenth Amendment.... We are admonished not to restrict the powers of the States to impose differing views as to political philosophy on their citizens. We are cautioned about the dangers of entering into political thickets and mathematical quagmires. Our answer is this: a denial of constitutionally protected rights demands judicial protection; our oath and our office require no less of us."

It might be well to note in passing that the Supreme Court did see some of the implications of its decision but hoped that it would be possible on the ground of the logic of its argument to work out acceptable procedures in each of the states so that the existing bicameral legislatures would be retained. The Court in a statement which is not very persuasive argues for the retention of bicameralism. Its argument is presented following its reasons for the use of population standards in both houses: "We hold (the Court said) that, as a basic constitutional standard, the Equal Protection Clause requires that the seats in both houses of a bicameral state legislature must be apportioned on a population basis. Simply stated, an individual's right to vote for state legislators is unconstitutionally impaired when its weight is in a substantial fashion diluted when compared with votes of citizens living in other parts of the State."

The reasoning set out by the Court seems to be clear enough. The Court said, "The right of a citizen to equal representation and to have his vote weighted equally with those of all other citizens in the election of members of one house of a bicameral state legislature would amount to little if States could effectively submerge the equal-population principle in the apportionment of seats in the other house. If such a scheme were permissible, an individual citizen's ability to exercise an effective voice in the only instrument of state government directly representative of the people might be almost as effectively thwarted as if neither house were apportioned on a population basis. Deadlock between the two bodies might result in compromise and concession on some issues. But in all too many cases the more probable result would be frustration of the majority will through minority veto in the house not apportioned on a population basis, stemming directly from the failure to accord adequate overall legislative representation to all of the State's citizens on a nondiscriminatory basis. In summary, we can perceive no constitutional difference, with respect to the geographical distribution of state legislative representation, between the two houses of a bicameral state legislature."

As I indicated the Court wanted to make it quite clear that its actions were not to be construed as demolishing the bicameral legislatures. It said immediately following its holding that both houses must be apportioned substantially on the basis of population -- "We do not believe that the concept of bicameralism is rendered anachronistic and meaningless when the predominant basis of representation in the two state legislative bodies is required to be the same -- population. A prime reason for bicameralism, modernly considered, is to insure mature and deliberate consideration of, and to prevent precipitate action on, proposed legislative measures. Simply because the controlling criterion for apportioning representation is required to be the same in both houses does not mean that there will be no difference in the composition and complexion of the two bodies. Different constituencies can be represented in the two houses. One body could be composed of single-member districts while the other could have at least some multi-member districts. The length of terms of the legislators in the separate bodies could differ. The numerical size of the two bodies could be made to differ, even significantly, and the geographical size of districts from which legislators are elected could also be made to differ. And apportionment in one house could be arranged so as to balance off minor inequities in the representation of certain areas in the other house. In summary, these and other factors could be, and are presently in many States, utilized to engender differing complexions and collective attitudes in the two bodies of a state legislature, although both are apportioned substantially on a population basis."

The New York Times in its editorial "The Court and the States" on June 21, 1964 had a very pungent observation on the court's apology for bicameralism. It said, "The strictness of the population yardstick will cause wonder whether there is purpose any longer in having a bicameral state legislature...Chief Justice Warren sought to offset such arguments in the Alabama Case. He maintained that two houses would insure mature and deliberate consideration of measures and prevent precipitate action. With different size constituencies and different length terms, differing collective attitudes would develop, he forecast, even though both bodies were apportioned substantially on a population basis. This (said the New York Times) sounds more like a prescription for political featherbedding than a justification for bicameralism."

Locally the Honolulu Star-Bulletin in its editorial on July 16 had the following to say on unicameralism: "The unicameral system saves time and money, it helps to keep the people's business out in the open, it discourages piling up of legislation for last minute wheeling-and-dealing, it pinpoints responsibility, and it does all this without the loss of essential checks and balances. But it could sideline some legislators, reduce patronage and make the role of the political manipulator more difficult."

The focus on unicameralism has been a long time in coming and I would venture to suggest that the Supreme Court decisions in the reapportionment case will do more for a reexamination of the basic structure of state legislatures in the United States than any single action of our courts.

My own interest in government structure goes back some 25 years to my study of political science. This was not very extensive and perhaps my practical experience in the federal and state government has provided a deeper and better understanding of the functioning of government. However, my introduction to political science, or in those days the study of American government, included a study of the then widely used textbook by Professor Frederic Ogg of the University of Wisconsin and Norman Ray of the University of California.

This voluminous tome as well as some of the general readings on the structure and function of American legislatures left me with two distinct impressions: (1) That there was very little good to be said for American state legislatures during the last 100 years -- their inefficiency, their personal benefits from positions of power and influence (if not outright corruption), the devious machinations of the legislative process, the buck-passing etc., was such that no political scientist would say a good word for them. (2) That the single chamber' (unicameral) legislature if given the opportunity might go a long way to make the legislative process more responsive to the needs of people.

The original attitude of trust of the legislatures as against the executive which followed the colonial period shifted quite drastically, and the detailed provisions of many state constitutions adopted during the second half of the 19th and early 20th century placed very stringent limitations on legislatures. This according to Professors Ogg and Ray reflected the growing distrust of the legislatures. They said in part, "The main explanation of our lengthy constitutions is...the widespread distrust of state legislatures growing out of the abuses of legislative power, accompanied by much corruption which marked the middle portion of the past century."

There have been recent observations on state legislatures which are equally damaging and critical, and suggest the need for wholesale revision. This of course is not a reflection on our State Legislature. The Hawaii Legislature compares very favorably with those of other States.

1950 During the campaigning for the Constitutional Convention, I debated the issue of unicameralism with then Senator William Heen primarily to get some community discussion on the relative value of bicameralism and unicameralism. I had no great conviction then that a unicameral legislature was necessarily the answer to the major problems of American legislative bodies, nor was I even convinced at that time that the unicameral legislature would be given serious consideration at the 1950 Constitutional Convention. It wasn't.

One of the helpful side-effects of the recent Supreme Court decisions relates to the removal of one of the major underpinnings of bicameralism -- namely that the establishment of two houses of a state legislature will assure different community interests and thereby complement one another and provide a better spectrum or cross section of the community. This basic argument has been eliminated with the Supreme Court requirement that both houses of a state legislature must be apportioned essentially on the basis of population and that any other criteria would be of a relatively

minor significance. Since this is the case, there seems to be relatively little argument for the retention of a bicameral legislature.

I know of no serious authority on American government who has argued for a bicameral system. They will, of course, in their textbooks present the usual arguments for the bicameral system, such as the argument that it provides better checks and balances; that it represents more diverse community groups; that it may represent varying geographic areas, or that the members of one house may have longer terms of office or may require older individuals in the Senate than in the House. I know of no book on American government which supports bicameralism, and I don't know of a single book which does not speak highly of the unicameral system. It may well be that this is because we in the United States have not had any serious experience of abuse under the unicameral since the unicameral exists in only one state of the union. There were a number of states during the colonial period that had a unicameral legislative body.

All of the arguments of logic and common sense suggest that the unicameral is a highly preferable approach to the legislative process. First and most important it is designed to achieve greater responsibility within the legislature. The importance of this responsibility becomes apparent when one examines the operation of a legislature. It is extremely difficult even for those who follow the legislative processes quite closely to know where the prime responsibility for action or inaction rests.

It is possible through understandings, deals and other devices to have one house adopt legislation with the understanding that it would be killed in the other house. This buck-passing is typical in most American states. It is frequently impossible to know where and to whom responsible citizens may turn to determine why legislation did not pass or why certain legislation did pass.

In addition to the two houses of the legislature, Senator George Norris, the person most responsible for unicameralism in Nebraska, argued that most legislatures in addition have a third house whose operation is even more devious and harmful to the public. This is the operation of the conference committee where the leadership in the two houses turn over the responsibility for working out a final proposal to a select group of both houses. This is reported back and invariably adopted by both houses. There is usually insufficient time at the end of the session or insufficient understanding of the bills, and since agreement had been reached by the leadership and by the conference committee, approval is almost invariably the result. In most cases, however, relatively few individuals are aware of what goes into the final bill and very few members of the public have any idea of what goes on in the conference committees which are generally held in executive session.

In addition there is a tremendous duplication of time and effort in myriad committees in both houses with voluminous and unnecessary bills which are generally used for the purpose of giving the impression to the voter that some legislator favors legislation desired by his constituent, even though it is often well understood that the bill will never get out of committee and will be "filed" in an appropriate dusty corner.

Ogg and Ray sum up the bicameral structure as follows: "Each chamber is, in short, a mere duplication of the other; neither is more conservative or radical than the other, and each is subject to the same influences. Thus it has come about that the state employs two substantially identical organs to perform the same functions." On the question of unicameralism they have this to say: "The advantages of the unicameral system are unmistakable. In the first place, it enables public attention to focus promptly upon the narrow and well-defined area, and therefore permits a real scrutiny of legislative proceedings while laws are being made, a thing which is practically impossible in the case of our present large two-house legislatures with their multitude of committees. In the second place, when there is but one chamber, responsibility cannot be bandied back and forth between two houses, members of one house working with members of the other to defeat legislation, and putting it beyond the power of the public to fix the responsibility....Agreements of this kind...are facilitated by the existence of a dual committee system in the great majority of states, each house having its full set of committees. This duplication furnishes abundant opportunities for shifty deals between two sets of committees, and two sets of political leaders, which still further serve to cloud issues and dissipate responsibility. The disappearance of the dual committee system (including the peculiarly irresponsible and autocratic conference committees), which would, of course, follow the abandonment of the bicameral system, would greatly simplify the legislative process and eliminate much of the delay which nowadays blocks good as well as bad measures....Deadlocks and friction which almost constantly arise between the two houses would cease when two houses no longer existed; and the cost of supporting the legislature might be reduced."

The question of course may well be raised -- why haven't Americans done something about this situation. A partial answer appears to be that the comfort of well-worn shoes are preferred to new ones which might pinch in unexpected places. Ancient shibboleths and customs have to be retained. What is, must be because it has existed for a long period of time even if it has outlived its usefulness or historic role.

It is of course possible to develop ways to make the bicameral structure work more efficiently through joint committees, joint hearings, the operation of the committee of the whole, or joint meetings of both houses. In the minds of many, the bicameral structure has outlived its usefulness. This is particularly true since the decision in Reynolds v. Sims. As a tool of government it is regarded by many as a clumsy and inefficient tool, especially in an automated, efficiency-minded, and forward looking society such as ours. No sensible businessman would ever run his business with a system of double committees and double effort and without the ability to pinpoint responsibility for action or for inaction.

(As I have noted, the Supreme Court after undermining the prime supports for the bicameral legislature argues rather lamely for the values of bicameralism. We tend to agree with the New York Times that the argument is nothing more than approval of "a prescription for political featherbedding.")

There is no question that there are a number of valuable features of bicameralism. None of these features need to be eliminated in any reorganization of the legislature. All of the qualities which are useful in bicameralism, such as the age of members of the senate, can also be included into a unicameral system. It is possible for the states to develop a single body which has members representing certain districts who might be elected on a two-year basis, whose minimum age might be 25 or 30, and another group elected from larger districts somewhat similar to the senate, to be elected with a minimum age of 30 or 35. It is also possible to have these individuals elected from differing size geographic units. It is also possible to build into the unicameral system whatever safeguards are necessary to avoid precipitate action. The so-called checks and balances strongly emphasized by those seeking the retention of the bicameral system become meaningless, where in spite of the bicameral system and the check and balances hasty legislation is passed during the closing hours of the session. In many situations the legislation has not even been read let alone understood by those voting for it.

It is possible to build into a unicameral as well as a bicameral system, a procedure for insuring that legislation before it is adopted for final action by the legislature be required to sit on the desk for at least three days. Also on the table should be a copy of the report of the committee setting out the reasons in support of and against the adoption. It is also desirable to require that each bill be read in its entirety to the assembled members of the legislature before a final vote is taken on the bill. It is also possible to see to it that public hearings are held before committees on all bills. The public should have the opportunity to examine the records and files of the committee as well as the votes of the members. Requirements can be written into the rules of the legislature or even through statute or the constitution if it becomes necessary, so that the public will be protected from precipitate action. On the matter of checks and balances, there is still the major check, the public vote during elections. There is also the balance or check of the executive office, which has the responsibility to review and to veto poor legislation. There is also the opportunity of the courts to review legislation which is of a questionable constitutional nature.

It is my belief that the unicameral system, particularly since the reapportionment decisions of the Supreme Court, is a fruitful area for study of our representative form of government. It holds within it the opportunity to revitalize the legislatures of our states. It should be noted that many of our city governments which have budgets and responsibilities in excess of those of the states, as for example in New York City, are unicameral in their operation. Some of the Canadian provinces have gone unicameral as have the Swiss cantons, Norway. It might be noted that State Constitutional Conventions including our own Constitutional Convention of 1950 was a unicameral body. There has been no claim of hasty or precipitate action, even though there was no executive to veto our action. There was, of course, and there always should be the veto power of the people in the adoption of our basic philosophy and structure in the State constitution.

I do not want to leave the impression that any structure, even a unicameral, would resolve the basic problems of government. Structures

are useful insofar as they help achieve the functions and goals of a community of people. It takes devoted and competent people to use the structure to achieve optimum results. A poor structure, however, is an added impediment toward efficient, effective and viable representative government.

It is the hope of many that in the months ahead, prior to our actual convening of a constitutional convention, the people of this community will discuss at length those features which will help bring about responsive and responsible state government. Careful and considerate study should be given to the unicameral legislature as one of the possible avenues for achieving that result.

We have not discussed the possible substantial savings of money which might come about as a result of having a single rather than a bicameral legislature. Substantial savings may be achieved, if the size of the legislature is not increased. The costs attributable to government, however, ought not to be the primary consideration. Providing effective representation should cost more. We ought to be willing to pay more for the kind of government which would be responsive to our needs; the kind that would attract the best people of our community to devote their full time, talents and energy to the administration of government. We believe this will require full-time paid salaries for legislators commensurate with those of other professions. The job should not be a part-time job taken out of a busy work schedule. The individuals should be paid on a full-time basis just as members of the U. S. Congress. Our representatives should be able to devote their full time to the needs of the State. The size of the body might well be reduced in a unicameral legislature.

Until we make a more careful review of the structure of our state governments, and insist on changes we want, we will not get the kind of government which all of us believe we should have and to which we are hopefully entitled. Let us work together to achieve more effective participation in our state government.