ALASKA LEGISLATURE COMMITTEE FILES 1993-1994 8672
8173 HOUSE STATE AFFAIRS

438

HJR

51

HOUSE COMMITTEE REPORT

(7)

Date Referred: February 22, 1994 FURTHER REFERRAL: Finance

Date of Committee Action: 4-18-94

The STATE AFFAIRS Committee considered: HJR 51

HOUSE JOINT RESOLUTION NO. 51 SUIT RE POWS & MIAS AGAINST U.S. & OTHERS

Requesting the governor to file suit in the United States Supreme Court against the United States government alleging violations of the civil rights of Americans listed as prisoners of war or missing in action in Southeast Asia; and requesting the other states to join in this suit.

RECOMMENDATIONS:
be replaced with CSNJR-51 (STA) [ ] the same title [ ] a new title

[ ] have attached amendments(s)
[✓] do pass
[ ] do not pass
[ ] no recommendations
[ ] individual recommendations
[ ] additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept)
[ ] fiscal impact _____
[ ] zero fiscal note _____

APPROVES PREVIOUS: (Dept/Date)
[✓] fiscal note(s) UNDETERMINED LAW
[ ] zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
Al Vegas	X	Doug L Dean		✓	
Peter Trost	X				
Harley Allen	✓				
J. Allen	X				

Al Vegas
CHAIRMAN'S SIGNATURE

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HJR 51

Revision Date: February 11, 1994
Title: "Requesting the governor to file suit in the United States Supreme Court..."
Sponsor: Representative James
Requestor: House Special Committee on Mil. & Vet. Affairs

Department Affected: Department of Law
BRU: Legal Services
Component: Operations

COMPONENT SERIAL NO. 0093

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND &						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX
CAPITAL						
REVENUE						
FUNDING:						
1002 Federal						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
OTHER						
TOTAL	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX
POSITIONS:						
FULL-TIME	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) impact: XXXX

ANALYSIS: (Attach a separate page if necessary.)
Please see the attached analysis.

Prepared by: Richard L. Pegues, Director
Phone: 465-3672
Division: Administrative Services Division
Date: February 11, 1994

Approved by Commissioner: Richard L. Pegues [FOR] Bruce M. Botelho, Attorney General
Agency: Department of Law
Date: February 11, 1994

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For further distribution information call the Governor's Legislative Office

Rev 11/93

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HJR 51

ANALYSIS CONTINUATION:

HJR 51 requests the governor to file suit in the United States Supreme Court against the United States government alleging violations of the civil rights of Americans listed as prisoners of war or missing in action in Southeast Asia. The resolution further requests that the suit demand that the Department of Defense, the intelligence agencies, and the governments of Vietnam, Laos, Kampuchea, Russia, and China be ordered to turn over all documents concerning Americans listed as POWs or MIAs as a result of the Vietnam War. The resolution also requests the other states to join in the suit.

The Department of Law has no comment to offer concerning the merits of the resolution. However, we do note that if the intent of the resolution is carried out it will be necessary to hire outside counsel skilled in U.S. Supreme Court proceedings. Outside counsel would be needed to advise the state concerning preparation of the suit, requirements of federal and international jurisdiction, to provide liaison with the National Association of Attorneys General and the other states, and to represent the state in formal proceedings before the U.S. Supreme Court. At this early juncture we cannot determine what costs might be required. We caution, however, that the U.S. Supreme Court costs could eventually reach $50,000, or more.

REPRESENTATIVE
JEANNETTE JAMES
P O Box 56622
North Pole, Alaska 99705
(907) 488-0862

House District 34

Alaska State Legislature

Whit..
State Capi..
Juneau, Alaska
99801-1182
(907) 465-3748 63

House Of Representatives

SPONSOR STATEMENT

2/3/94

HJR 51

Requesting the Governor to file suit against the U.S. and others over POW/MIA'S from Alaska

There is continuing controversy concerning the presence of American servicemen, who were listed as Prisoners of War or Missing in action and may be being held against their will in the Southeast Asian nations of Vietnam, Laos, and Kampuchea (formerly Cambodia).

The United States government has stated that all of our Prisoners of War have been returned from Vietnam. A top secret Vietnamese report, dated 1972, by General Tran Von Kwong, Deputy Chief of Staff for the North Vietnamese Army, reported that in September of 1972 Hanoi held 1,205 American prisoners. Only 591 American Prisoners of War have been released under the 1973 Peace Settlement.

There are two missing and unaccounted for servicemen in Southeast Asia from Alaska.

I request that the Alaska Legislature hereby require the Governor of the state of Alaska, on behalf of the people of the state of Alaska, to file in the United States Supreme Court a cause of action against the government of the United States. Including the Department of Defense and the intelligence agencies, and also against the ambassadors or other public ministers and consuls of the governments of Vietnam, Laos Kampuchea, Russia, and China, alleging violation of civil rights of the people of Alaska. Especially alleging the violation of the right to life, liberty and the pursuit of happiness of the following named citizens of the State of Alaska, **Thomas E. Anderson, U.S.M.C.** Spenard and **Howard M. Koslosky U.S.N.** Anchorage.

RECEIVED FEB 0 3 1994

P.O.Box 8-2977
Fairbanks, Alaska 99708
29 January, 1994

The Honorable Richard Foster
Co-Chairman, Military & Veterans Affairs
Alaska State Legislature
State Capitol
Juneau, Alaska 99801-1182

Dear Mr. Foster:

The proposed resolution on our POW/MIA's that I asked your support of, has been introduced into the Alaska Legislature as House Joint Resolution (HJR) No. 51. It is being sponsored by Representatives James and Therriault, and has been referred to the House Special Committee on Military and Veterans' Affairs, and then to the Committee on State Affairs. I understand it will go to the Senate after the House has acted on it. (A similar resolution in the Washington State Legislature is already "on the floor", and it is pending in other states, as well.)

This is not a partisan issue - it is an American issue: Americans do not knowingly abandon fellow Americans. Resolution HJR 51 is the catalyst for action to bring our POW/MIA's home - both those who are still alive and those who died in captivity. (The attached article provides specifics on some of the most recent evidence of live POW's.)

Please issue a strong recommendation from your committee favoring passage of this resolution.

Thank you.

Sincerely,

Gary C. Tyndall

Gary C. Tyndall
Viet Nam Vet

Attachment: Editorial by Tommy Denton,
Fort Worth Star-Telegram,
from Fairbanks Daily News-Miner (1/25/94)

Fairbanks Daily News-Miner, Tuesday, January 26, 1993

Photograph adds to evidence that POWs exist in Vietnam

By TOMMY DENTON

For the first time in nearly 21 years, with a public announcement by the U.S. State Department that was almost totally ignored by the major American news media last week, cracks are beginning to appear in the official denials that the U.S. government left behind its own servicemen held as prisoners after the Vietnam War.

The sorry spectacle of cover-up is beginning to come into even clearer focus on Department of Defense deceit regarding satellite imagery that suggests a remarkable likelihood that a captive U.S. serviceman may have signalled to be rescued as recently as June 1992.

Given the evidence that began to emerge from a special 18-month Senate investigation of the POW/MIA issue that ended in January 1993, pieces of the puzzle are slowly revealing an ugly picture that even Henry Kissinger's successors no longer can ignore.

Thanks to the tireless and relentless reporting of award-winning columnist Sydney Schanberg of Newsday, more pieces of the puzzle help that picture to become clearer week by week.

In the last 12 days, Schanberg has reported in splendid detail the enormous lengths to which Department of Defense officials continued to try to bamboozle the American public in their efforts to hide—possibly even destroy—evidence of living American prisoners.

Schanberg wrote last week that Pentagon officials finally, under pressure, allowed family members of Maj. Henry Serex, shot down April 2, 1972, over Vietnam, to examine some of the satellite imagery taken June 5, 1992, which revealed the imprint of his name—"S-E-R-E-X"—and his secret identifier code stamped into the ground in a field near a prison in northern Vietnam.

Pentagon officials tried in every way possible to prevent and then confuse and misdirect the examination, almost to the point, Schanberg wrote, of outright lying.

The sorrier spectacle in this all-too-familiar story is that the Senate committee could have done something about it when the photos became available but bowed in cowardly deferral to the very targets of its investigation.

A year and a half later, the issue refuses to go away, much to the chagrin of many powerful people in Congress and the federal bureaucracy.

On Jan. 18, a dispatch written by Sid Balman Jr., from the Washington office of United Press International and based on a Jan. 10 State Department statement, may as well have been delivered under cover of stealth technology. The story of the possibility of U.S. prisoners still in Laos got no play that I could detect as of late last week in the major print and broadcast news outlets.

Some of the reason may be the fact that the major outlets are so busy—when they pay attention at all—covering the dramatic "digs" going on in Vietnam now. Teams of U.S. and Vietnamese excavators are scavenging for remains at old battlefields and suspected aircraft crash sites.

The "digs"—a staple in the public-relations repertoire of Hanoi and Washington—are frankly nothing more than what many longtime government officials hope will be the prelude to dropping the 19-year-old economic embargo imposed after the war and normalizing diplomatic and economic relations with Hanoi.

In addition, the operations are a wonderful economic development scheme for Vietnam, as U.S. taxpayers for years have been paying possibly hundreds of millions of dollars to defray the expenses. The bottom line amounts to a neat, and admittedly much-needed, cash infusion into an economy devastated by the embargo—even though its sole remaining objective is to obtain a full and honest accounting of the POWs/MIAs.

The State Department statement was far from conclusive in acknowledging the possibility of living U.S. prisoners, but the announcement is the first official break with the standard denial that "any credible evidence" exists to suggest that servicemen missing since the United States left Vietnam could still be held captive as collateral for long-awaited, unpaid reparations promised just before the cease-fire and return of 591 prisoners in early 1973.

"We cannot rule out the possibility that live Americans may be held in Laos," the statement said, a departure from the myopic naivete of Assistant Secretary of State Winston Lord, who couldn't praise Vietnam enough during a December visit for its "cooperation."

In fact, the Jan. 10 release even took issue with the finding in the 1993 report by the Senate select committee that the inquiry revealed no evidence that "any specific prisoner or prisoners were left behind."

Of course, conceding the possibility of prisoners only in Laos ignores the fact that the satellite imagery of the 1992 distress signal was not in Laos but in a field near a prison in northern Vietnam.

Unfortunately, that Senate "investigation" was compromised from the beginning, and its conclusions reflected shame upon the competence and integrity of the Senate. Enormous amounts of evidence were uncovered by staff investigators, only to be debunked or mitigated by some senators or by their staff members' collusion with the very agencies under investigation, primarily the Department of Defense.

Any honest inquiry by the Ethics Committee very well could result in prosecution for criminal obstruction of a congressional investigation, but the committee had no stomach for such an inquiry in 1992 when presented with internal documentation supporting a complaint of such obstructionism.

One of the key players in that nefarious dodge, according to internal documents from committee proceedings, was Frances Zwenig, a chief of staff appointed by committee Chairman John Kerry, D-Mass. Among other things, she orchestrated "scripting" of Pentagon officials' testimony and managed to insert Defense Department "amendments" to the final report, some of which were simply self-serving spins, others outright falsehoods.

Zwenig, according to Schanberg, made a phone call in December from her new job as executive assistant to the U.S. ambassador to the United Nations, Madeleine Albright.

The call went to Carroll Lucas, the same photo analyst she hired to try to neutralize, if not discredit, expert testimony that the 1992 imagery of "S-E-R-E-X" was credible evidence. The call was to invite Lucas to assist Defense officials in "explaining" to members of the Serex family why the photos were merely "anomalies," as Lucas had sought to debunk the evidence before the committee.

A question for President Clinton: What interest does the office of your ambassador to the United Nations have in critiquing satellite intelligence imagery examined in a Senate investigation, the conclusions of which were contradicted at least in part by your State Department?

Tommy Denton is a columnist and senior editorial writer for the Fort Worth (Tex.) Star-Telegram.

THE AMERICAN LEGION

DEPARTMENT OF ALASKA
519 WEST 8TH AVENUE, SUITE 208
ANCHORAGE, ALASKA 99501
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George Sterbenz
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Kodiak, Alaska 99615

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2323 First Avenue
Ketchikan, Alaska 99901

Dean C. Hill
Department Adjutant
519 West 8th Avenue, Suite 208
Anchorage, Alaska 99501

March 21, 1994

The Honorable Al Vezey
Alaska State Capitol
Capitol Building, Room 102
Juneau, Alaska 99801-1182

Dear Representative Vezey:

On March 10th, 1994, The American Legion, Department of Alaska's Executive Committee voted unanimously on behalf of its 9,000 members to support passage of HJR 51.

Our National Headquarters, representing over three million veteran Legionnaires, has adamantly opposed lifting the embargo against Vietnam for several years. As a Vietnam veteran and an Alaska resident, I felt a deep sense of pride in our great state when I became aware of HJR 51, sponsored by Representative James, and co-sponsored by Representatives Therriault, Mulder and Martin.

The federal government has <u>all but given up</u> trying to obtain an accounting for over two thousand Americans missing in Southeast Asia. However, passage of HJR 51 will let them know <u>Alaska will never rest</u> until we have an accounting for our own.

Our National Headquarters has taken a keen interest in HJR 51. They indicated they intend to address it in the next copy of the *LEGION* magazine, going to those three million members mentioned earlier. Perhaps passage of HJR 51 will become contagious and start grass roots movements in the other states. I believe it will.

I am asking that you consider only two things when you have an opportunity to vote on HJR 51: What if Thomas E. Andersson, USMC, or Howard M. Koslosky, USN, were your own father, son, brother or neighbor? And, don't we owe this to those missing Alaskans and their families?

For God and Country,

George P. Sterbenz
Department Commander

THE AMERICAN LEGION
DEPARTMENT OF ALASKA

PHONE 278-8598
FAX 278-0041

March 2nd, 1994

The Honorable Jeannette James
Alaska State Capitol
Capitol Building, Room 501
Juneau, Alaska 99801-1182

Dear Representative James:

On Friday, February 25th, I talked briefly with Representative Ed Willis. During that discussion, Ed indicated someone had expressed doubts to him about the accuracy of some of the information provided in HJR 51. Ed asked it I was aware of a knowledgeable authority at our National Headquarters who could review the Resolution. He said his primary concern was to save the Legislature from any embarrassment for voting on a Resolution containing incorrect support clauses.

I FAX'd a copy of the updated House Joint Resolution No. 51 (MLV) to John Sommer, Jr., the American Legion's Executive Director of Administration in Washington D.C. John is our National Headquarters' in-resident expert on Vietnam issues. Should you like to talk to him, his number is (202) 861-2711.

I asked John to read over the Resolution and let me know if there were any changes he would suggest that would improve the accuracy of the statements contained therein. John just called and recommended the following.

PAGE ONE:

1. In the 2nd WHEREAS (line 9), change to read, " WHEREAS the implied United States government position is that all ..."

2. In the 3rd WHEREAS (line 12), change the spelling of the General's last name from Kwong to Kwang.

PAGE TWO:

1. In the 2nd WHEREAS, (line 5), change to read, "...to the public, yet individuals within the federal ...".

2. In the 5th WHEREAS, (line 16), change to read, "...not actively searching for remaining Americans; and".

Stating he presumed the WHEREAS statement addressing the two missing and unaccounted for servicemen from Alaska was correct, Mr. Sommer indicated the remainder of the statements reflected factual information.

I have sent copies of HJR 51 to all Posts within the State and intend to address the American Legion, Department of Alaska's support for this Resolution at our next Department Executive Committee meeting to be held in Palmer, Alaska on March 10th.

Once again, thank you for your continued Veterans' support and submission of this most important Resolution.

Sincerely,

Dean C. Hill
Department Adjutant

cc: Rep. Therriault
Rep. Willis
Rep. Martin
Rep. Mulder
Rep. Larson
Mr. John Sommer, Jr., American Legion Executive Director of Administration

Alaska State Legislature

REPRESENTATIVE
JEANNETTE JAMES
P.O. Box 56622
North Pole, Alaska 99705
(907) 488-1546
FAX (907) 488-9006
House District 34

While in Juneau
State Capitol
Juneau, Alaska
99801-1182
(907) 465-3743
FAX (907) 465-2381

House of Representatives

MEMO

3/17/94

To: Rep Vezey

From: Rep. Jeannette James

Re: HJR 51

HJR 51 was referred to your State Affairs Committee on February 22, 1994 . Will you please schedule the Bill to be heard at your earliest opportunity.

Thank You.

Public Opinion Message

Only those single messages delivered by the signing individual to the Legislative Information Office by phone or fax, hand-delivered or written at the Legislative Information Office will be accepted for transmission via electronic mail as a Public Opinion Message. We require the following information to be held confidential: (1) name address and phone number of sender, (2) who the POM should be addressed to, (3) the text of the POM (50 words or less), and (3) when possible, the bill number referenced in the POM. Your message may be directed to any individual or combination of the following members of the Legislature.

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	Anchorage Delegation (*)
	Fairbanks Delegation (+)
	Mat-Su Delegation (^)
	Bush Caucus (#)

Committees	
Indicate H for House or S for Senate.	
	Community & Regional Affairs
	Finance
	Health, Education & Social
	Judiciary
	Labor & Commerce
	Resources
	Rules
X	State Affairs
	Transportation

Senate			
	Adams#		Lincoln#+
	Donley*		Little
	Duncan		Miller+
	Ellis*		Pearce*
	Frank+		Phillips*
	Halford*^		Rieger*
	Jacko#		Salo*
	Kelly*		Sharp+
	Kerttula*^		Taylor
	Leman*		Zharoff#

House					
	Barnes*		Hoffman#	Ciberg#	
	Brice+		Hudson	Parnell*	
	Brown*		James+	Phillips	
	Bunde*		Kott*	Porter*	
	Carney^		Larson^	Sanders*	
	Davidson		Mackie#	Sitton+	
	Davies+		MacLean#	Thernault+	
	Davis, B.*		Martin*	Toohey*	
	Davis, G.		Menard^	Ulmer	
	Finkelstein*		Moses#	Vezey+	X
	Foster#		Mulder*	Williams#	
	Green*		Navarre*†	Willis*	
	Grussendorf		Nicholia#+		
	Hanley*		Nordlund*		

Mr., Mrs. (Mrs.) Dr. Etc.

Name	Lisa Parkerson
Address	115 Montgomery Way
City	Palmer, Alaska
Phone	278-8598
ZIP	99645

Subject: HJR 51

Time	2	for	3	playing	4	fool's
games	6	by	7	introducing	8	bogus
bills	10	is	11	over!	12	Now
it's	14	time	15	to	16	get
down	18	to	19	some	20	"real"
work!	22	HJR 51	23	has	24	been
sitting	26	in	27	that	28	committee
for	30	five	31	weeks.	32	Please
pass	34	it	35	Now!	36	Let's
not	38	wait	39	until	40	the
next	42	session.	43	We	44	need
accountability	46	of	47	our	48	POW/MIAs.
	50					

Support ☑ Oppose ☐ Amend ☐ None ☐

APR 14 1994

Signature Lisa D. Parkerson

01/1393

APR 1 1994

DEPARTMENT OF ALASKA 04-14-94 07:31AM #1
[illegible] 3601 C Street, Suite 150, Anchorage, AK 99503 561-7007

Public Opinion Message

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	Fairbanks Delegation (+)
	Mat-Su Delegation (^)
	Bush Caucus (#)

Committees	
Indicate H for House or S for Senate.	
	Community & Regional Affairs
	Finance
	Health, Education & Social
	Judiciary
	Labor & Commerce
	Resources
	Rules
	State Affairs
	Transportation

Senate			
	Adams#		Lincoln#+
	Donley*		Little
	Duncan		Miller+
	Ellis*		Pearce*
	Frank+		Phillips*
	Halford*^		Rieger*
	Jacko#		Salo*
	Kelly*		Sharp+
	Kertula*^		Taylor
	Leman*		Zharoff#

House					
	Barnes*		Hoffman#	Olberg#	
	Brice+		Hudson	Parnell*	
	Brown*		James+	Phillips	
	Bunde*		Kott*	Porter*	
	Carney^		Larson^	Sanders*	
	Davidson		Mackie#	Sitton+	
	Davies+		MacLean#	Therriault+	
	Davis, B.*		Martin*	Toohey*	
	Davis, G.		Menard^	Ulmer	
	Finkelstein*		Moses#	Vezey+	✓
	Foster#		Mulder*	Williams#	
	Green*		Navarre*+	Willis*	
	Grussendorf		Nicholia#+		
	Hanley*		Nordlund*		

Mr., Mrs., Ms., Dr. Etc.

Name	DEAN C. HILL
Address	519 W. 8th Ave. STE 208
City	Anchorage, AK 99501

Phone	278-8598
ZIP	

Subject: HJR-51

1 AS	2 A	3 VIETNAM	4 VETERAN
5 AND	6 MAGAGING	7 Editor	8 OF
9 THE	10 ALASKA	11 LEGIONNAIRE,	12 A
13 NEWSPAPER	14 GOING	15 TO	16 ALMOST
17 8,000	18 VETERANS	19 IN	20 ALASKA,
21 I'M	22 APPALLED	23 THAT	24 HJR-51
25 HAS	26 STAGNATED	27 IN	28 YOUR
29 STATE	30 AFFAIRS	31 COMMITTEE,	32 IT
33 SHOULD	34 BE	35 A	36 TOP
37 PRIORITY,	38 WE	39 OWE	40 IT
41 TO	42 THE	43 FAMILIES	44 OF
45 THE	46 MISSING.	47	48
49	50	Date/Time	Operator

Support ✓ Oppose Amend None

APR 18 1994

APR-16-94 SAT 13:30 FBX INFO OFFICE FAX NO. 9074563346 P.01

APR 18 1994

Alaska State Legislature

Please enter into the record my testimony to the HOUSE STATE AFFAIRS committee name

committee on HJR 51 / POW/MIA's (CS) bill/subject, dated 16 APRIL, 1994

(PLEASE SEE ATTACHED TESTIMONY, DATED AND PREPARED FOR DELIVERY ON 16 APRIL, 1994.)

Signed: GARY C. TYNDALL Gary C. Tyndall
Testifier

451-2218 (W)
488-1433 (H)

SELF
Representing (Optional)

P.O. Box 8-2977, FAIRBANKS, ALASKA 99708
Address

APR 18 1994

TESTIMONY ON HJR 51 TO HOUSE STATE AFFAIRS COMMITTEE - 16 April, 1994

Good morning (from the land where winter returned with a vengeance). My name is Gary Tyndall; (I'm a 27 year resident and a Vietnam Vet,) and I'm here to ask you to vote in favor of House Joint Resolution No. 51.

This resolution would allow Alaska to join with other states in petitioning the United States Supreme Court to order the release of government records on our Prisoners of War and Missing in Action in Southeast Asia. Beginning with Michigan last May, five states have passed similar resolutions so far, and twenty eight others have it under consideration. This resolution is necessary because

1. Our own government's policy on POW/MIA's has vacillated between denying the prisoners' existence, and ineffectual diplomacy to secure their release,
2. POW/MIA family members have been deliberately misled and have been denied access to information about the status or fate of these men by representatives of our own government, and
3. The right to liberty guaranteed by our Declaration of Independence and Constitution is being denied any American being held prisorer in Southeast Asia.

For years, POW/MIA families, veterans groups, and a large number of concerned citizens organizations tried to work with or through various agencies and units of our federal government to find out what happened to these missing men. Yet the same government which in January, 1973 had strong reasons for demanding that the North Vietnamese release or account for over 3700 POW/MIA's, then accepted the return of only 591 - less than 15 percent - as a full accounting and promptly declared all the others dead. In the 21 years since then, the prevailing mindset has been to debunk, rather than investigate, information about the remaining POW/MIA's.

This resolution provides a central focus for these families, veterans, and citizens. It reaffirms that individual Americans, sent to do their country's bidding, will not be abandoned for the government's convenience, and that their families will not be left wondering what happened to them or whether they might still be alive.

Alaska has, proportionately, the largest veteran and military population of any state. We Alaskans also tend to think of ourselves as the champions of individual liberties and Constitutional rights. Resolution of the POW/MIA issue goes right to our foundations as a people. How can we, then, as a State, turn our backs on such a fundamental issue.

Please pass HJR 51 this session - the timing, for the prisoners, and their families, will never be better.

Thank you.

Gary C. Tyndall

Gary C. Tyndall

Alaska State Legislature

Ple enter into the record my testimony to the HOUSE STATE AFFAIRS committee name

committee on HJR No. 51 bill/subject, dated APRIL 16, 94

I WISH TO EXPRESS MY STRONG SUPPORT FOR THIS RESOLUTION CONCERNING OUR AMERICAN SERVICEMEN LISTED AS MISSING IN ACTION OR PRISONER OF WAR. THERE HAS BEEN, AND CONTINUES TO BE, TO MUCH EVIDENCE OF "COVER UP" AS TO THEIR STATUS AND POSSIBLY, WELFARE, IF IN FACT SOME ARE STILL ALIVE. THE STATUS OF THESE MEN SHOULD NOT BE EFFECTED BY POLITICS, TRADE AGREEMENTS OR OTHER WHIMSICAL FACTORS.

Signed: W. Todd McBride
Testifier

Representing (Optional)

P.O. Box 83567 FAIRBANKS 99708
Address

Alaska State Legislature

Please enter into the record my testimony to the HOUSE STATE AFFAIRS committee name

committee on HJR 51 / POW/MIA's (CS) bill/subject, dated 16 APRIL, 1994

(PLEASE SEE ATTACHED TESTIMONY, DATED AND PREPARED FOR DELIVERY ON 16 APRIL, 1994.)

Signed: GARY C. TYNDALL Gary C. Tyndall
Testifier

451-2218 (W)
488-1433 (H)

SELF
Representing (Optional)

P.O. BOX 8-2977, FAIRBANKS, ALASKA 99708
Address

TESTIMONY ON HJR 51 TO HOUSE STATE AFFAIRS COMMITTEE - 16 April, 1994

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2. POW/MIA family members have been deliberately misled and have been denied access to information about the status or fate of these men by representatives of our own government, and
3. The right to liberty guaranteed by our Declaration of Independence and Constitutic is being denied any American being held prisoner in Southeast Asia.

For years, POW/MIA families, veterans groups, and a large number of concerned citizens organizations tried to work with or through various agencies and units of our federal government to find out what happened to these missing men. Yet the same government which in January, 1973 had strong reasons for demanding that the North Vietnamese release or account for over 3700 POW/MIA's, then accepted the return of only 591 - less than 15 percent - as a full accounting and promptly declared all the others dead. In the 21 years since then, the prevailing mindset has been to debunk, rather than investigate, information about the remaining POW/MIA's.

This resolution provides a central focus for these families, veterans, and citizens. It reaffirms that individual Americans, sent to do their country's bidding, will not be abandoned for the government's convenience, and that their families will not be left wondering what happened to them or whether they might still be alive.

Alaska has, proportionately, the largest veteran and military population of any state. We Alaskans also tend to think of ourselves as the champions of individual liberties and Constitutional rights. Resolution of the POW/MIA issue goes right to our foundations as a people. How can we, then, as a State, turn our backs on such a fundamental issue.

Please pass HJR 51 this session - the timing, for the prisoners, and their families, will never be better.

Thank you.

Gary C. Tyndall

Gary C. Tyndall

Alaska State Legislature

Please enter into the record my testimony to the HOUSE STATE AFFAIRS committee name

committee on HJR No. 51 bill/subject, dated APRIL 16, 94

I WISH TO EXPRESS MY STRONG SUPPORT FOR THIS RESOLUTION CONCERNING OUR AMERICAN SERVICEMEN LISTED AS MISSING IN ACTION OR PRISONER OF WAR. THERE HAS BEEN, AND CONTINUES TO BE, TO MUCH EVIDENCE OF "COVER UP" AS TO THEIR STATUS AND POSSIBLY, WELFARE, IF IN FACT SOME ARE STILL ALIVE. THE STATUS OF THESE HERO'S SHOULD NOT BE EFFECTED BY POLITICS, TRADE AGREEMENTS OR OTHER WHIMSICAL FACTORS.

Signed: W. Jack McBride

Testifier

Representing (Optional)

P.O. Box 83567 FAIRBANKS 99708

Address

HJR

53

HOUSE COMMITTEE REPORT

(7)

Date Referred: February 4, 1994 FURTHER REFERRALS: Judiciary
Finance

Date of Committee Action: 4-15-94

The STATE AFFAIRS Committee considered: HJR 53

HOUSE JOINT RESOLUTION NO. 53 UNICAMERAL LEGISLATURE/SESSION LIMIT

Proposing amendments to the Constitution of the State of Alaska relating to the length of a regular session and establishing a unicameral legislature; and providing for an effective date for each amendment.

RECOMMENDATIONS: [ ] the same title
be replaced with _____ [ ] a new title

[ ] have attached amendments(s)
[, do pass
[ ] do not pass
[✓] no recommendations
[ ] individual recommendations
[ ] additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept)
[✓] fiscal impact LAA
[ ] zero fiscal note _____

APPROVES PREVIOUS: (Dept/Date)
[ ] fiscal note(s) _____
[ ] zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
	X			✓	
	X			X	
	✓		X		
	X				
	X				

CHAIRMAN'S SIGNATURE

Alaska State Legislature

WHILE IN SESSION:
CAPITOL BUILDING
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(907) 465-4316 FAX

INTERIM ADDRESS:
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DISTRICT 10

CHAIR, OIL & GAS COMMITTEE
VICE CHAIR, LABOR & COMMERCE COMMITTEE
JUDICIARY COMMITTEE
RESOURCES COMMITTEE
INTERNATIONAL TRADE & TOURISM COMMITTEE

ECONOMIC TASK FORCE

Representative Joe Green

FEB 0 9 1994

TO: Representative Al Vezey, Chairman
House State Affairs Committee

FR: Representative Joe Green

RE: HJR 53

DATE: February 7, 1994

This memo is to request a hearing on HJR 53 "Proposing amendments to the Constitution of the State of Alaska relating to the length of a regular session and establishing a unicameral legislature; and providing for an effective date for each amendment."

I would very much appreciate an opportunity for the public to hear arguments on the concept of a unicameral legislature. I have assembled an impressive collection of information for your committee packets that I will make available upon your request.

Thank you for your consideration.

Alaska State Legislature

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DISTRICT 10

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RESOURCES COMMITTEE
INTERNATIONAL TRADE & TOURISM COMMITTEE

ECONOMIC TASK FORCE

Representative Joe Green

SPONSOR STATEMENT - HJR 53

HJR 53 proposes to amend the state constitution to establish a unicameral legislature and to shorten the length of the regular legislative session.

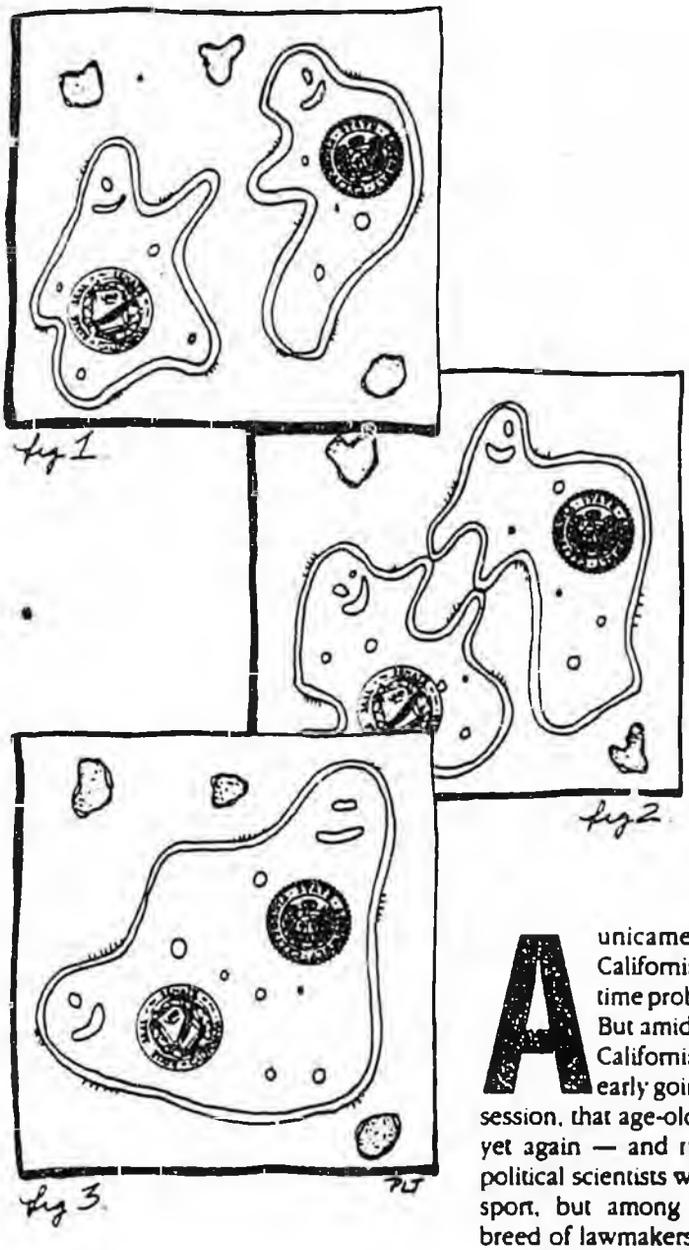
The concept of a unicameral legislature is one that Alaskans have considered before. In 1976 voters said "yes" when asked on the statewide ballot if the legislature should amend the constitution to provide for a unicameral legislature. Unfortunately, the legislature did not act on the peoples' wishes.

The unicameral system is used widely at the municipal, borough, and county government level. It has also been used in the state of Nebraska for over 50 years.

The unicameral system offers Alaskans a number of advantages. The operation of a single legislative body would result in potentially great savings. HJR 53 proposes 49 legislators, 11 fewer than we currently have. Having a single body would do away with much of the current duplication of staff, printing, and process, offering savings of time and money.

A unicameral system would also offer a more responsive legislative process. With legislation moving through only one house, the public would find the process easier to understand, which would make the legislature more accountable.

As legislators we should be asking Alaskans how we can do a better job. Allowing Alaskans to vote on HJR 53 would be one way to ask that very question.



The unicameral legislature

New look at an old idea

By Jim Richardson

A unicameral legislature in California is an idea whose time probably has not come. But amid the ruin that is the California Legislature in the early going of the 1991-1992 session, that age-old idea has surfaced yet again — and not just among the political scientists who find the subject sport, but among the more cynical breed of lawmakers as well.

The outcome of their dialogue likely will not be a one-house Legislature in the foreseeable future, even its more candid proponents admit. But the discussion, some lawmakers believe, could bring a more modest *perestroika* to the hide-bound California Legislature.

The latest to advance the cause of unicameralism is Democratic state Senator Lucy Killea of San Diego, heretofore chiefly noted for her upset victory in a 1989 special election — an event in part prompted by voter reaction against a Catholic bishop who barred her from receiving communion over her pro-choice views on abortion.

In the spring of 1991, already frustrated in her new job, Killea busily stumped service clubs and lined up political scientists behind unicameralism. Killea proposes establishing a state constitutional revision commission to work out the details. She took a well-publicized trip to Nebraska, the only state with a unicameral legislature. Killea got a fair amount of news coverage on the issue, particularly in her hometown newspapers (where, perhaps not coincidentally, she has been floating the idea of running for mayor later this year).

"We have certainly ended up with gridlock rather than checks-and-balances," said Killea.

But the last thing some of the Legislature's weary leaders want to think about is a major reform of their institution at a time when they are grappling with a $12 billion budget deficit and have district reapportionment looming just around the corner. Nor have legislative leaders recovered from the legal confusion of Proposition 73's campaign contribution limits, overturned after a long legal wrangle. They are still trying

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Jim Richardson is a reporter in The Sacramento Bee *Capitol bureau.*

CA JOURNAL ART.

to get used to Proposition 112, a measure they successfully put forward — with varying degrees of enthusiasm — that drastically restricts gifts and bans honoraria for speeches. And legislative leaders are still in deep shock over term limits and accompanying severe budget cutting required by Proposition 140, approved by voters in November 1990.

The Legislature can only take so much major restructuring," lamented Democratic Senate President pro Tempore David Roberti of Los Angeles, in an interview on Killea's unicameral proposal. "If every time you turn around there is another proposal to restructure the Legislature, quite frankly we'll never get anything done. At some time we have to concentrate on substantive issues."

Killea's argument is that the Legislature has not focused on substantive issues partly because the two houses are so different. Among the contributing factors to the paralyzing budget impasse of 1990, when the Legislature left the state without authority to spend money for nearly a month, was that the two houses could not reach agreement. Each house became consumed in its own politics. At one point, the Senate passed a budget and left town, leaving a fuming Assembly. One Assembly member had choice words for the Senate's action, calling it "dog doo" left on the front porch.

The idea of a unicameral legislature has a certain appeal — doing away with duplicative legislative functions, consolidating dual committees, bringing forth a degree of efficiency and accountability — to lawmaking. Killea maintains that the only thing stopping a unicameral legislature are "artificial reasons" for having two houses and institutional resistance to change.

"I think the sense of crisis around here is causing people to look at it more closely," said Killea. "What we have isn't working. There are a tremendous number of major issues we haven't been able to deal with even in a minor way."

She got a boost to the cause from no less than Republican John Larson on his way out the door as chairman of the state Fair Political Practices Commission. "You can hide too many things with the two houses here," he said in a newspaper interview endorsing unicameralism. "One house will give you anything you want, knowing the other is going to throw it right in the river."

Killea is not the first to push the unicameral idea. Between 1913 and 1937 there were no fewer than 15 proposed constitutional amendments on the subject put forward by California legislators. The idea was revived in the 1970s by the most successful legislator of the modern era — the late Assembly Speaker Jesse Unruh. But 11 such proposed amendments got nowhere.

"The present two-house system is a costly and inefficient anachronism that thwarts the popular will, caters to private interests and hobbles responsible and responsive decision-making," Unruh said in a widely quoted speech. "Unless unicameralism is made central to the present efforts to reform and modernize state legislatures, I do not believe that increased salaries, new facilities, and professional staff will be more than temporary palliatives for the ills that it is hoped they will cure. These reforms in themselves only make a more efficient horse and buggy. I take little comfort from the fact that legislatures can be the fastest horse and buggy in the jet age."

Lucy Killea

Picking up the mantle, Democratic Assemblyman Tom Bane of Tarzana, now the powerful chairman of the Assembly Rules Committee, tried pushing a unicameral legislature in 1975. His bill was approved by a committee dominated by rebels to then Speaker Leo McCarthy. But it went no further. "Some of the people voted for it just because they wanted to have fun," Bane recently recalled.

The current majority and minority leaders of the state Senate, Democrat Barry Keene of Benicia and Republican Kenneth Maddy of Fresno also pushed unicameral bills in the 1970s and early '80s. Keene and Maddy have signed on as co-authors to Killea's bill.

"There's no reason to have two houses," said Maddy, adding he sees "no chance" for Killea's bill (a reality making it easier to support).

In advancing her bill, Killea took a different approach than in earlier efforts. She proposes increasing the size of the Legislature — although she has not suggested exactly to what size. In effect, Killea proposes giving legislators smaller districts, an idea attractive to many who are otherwise loath to a single-house legislature.

Smaller districts are harder to gerrymander. The cost of getting elected theoretically would be less and serving a smaller number of constituents would be easier. Also, the argument goes, with so many more representatives in the Legislature, it would be harder for a narrow special interest to buy or influence enough votes to dominate an issue.

"There is some logic to that," said Senator William Leonard of Redlands, the second ranking Republican. Although he calls unicameralism a "stupid idea," Leonard likes the idea of a bigger Legislature with smaller districts. However, he points out, smaller districts could be achieved without a single-house legislature. Leonard suggested increasing the size of the Assembly by a three- or four-to-one ratio with the Senate instead of the current two-to-one ratio.

"I think we pass too many laws around here," said Leonard. "The idea of us becoming a better bill factory by having one less house, one less review of some of these bills, strikes me as being absolutely wrong."

Leonard said that despite predictions to the contrary, the Assembly and Senate have each maintained a distinctive character even after court decisions put Senate districts on the same one-person, one-vote basis as Assembly districts. "Here, theoretically, we should all be duplicates of each other. We're not. And I think that's healthy. That means each of us is looking through different eyes at these same bills to see if they read the same way to each of us."

Maddy, however, said that in reality, the Legislature has killed few bills. Roughly 5000 bills per session landed

on then-Governor George Deukmejian's desk and there is no sign the number will be appreciably smaller for Governor Pete Wilson. "There is really not a 'check-and-balance' between the two houses," said Maddy. "The trial lawyers are just as strong over there as they are here. They're not checked-and-balanced."

Like Maddy, Bane sees little chance of Killea's proposal succeeding. Bane maintained that a traditional distrust of unicameralism in the Senate will doom any such proposals. "Where it will have its most problem is in the Senate because they will not want to give up the power they've got. Where it will have the most reception is in the Assembly because they'd all like to be senators," said Bane.

Lawmakers maintain publicly that they have an open mind toward Killea's proposal. However, many say privately — and a few will say publicly — that the real value to her proposal is in spurring a discussion of the Legislature's unwieldy rules.

"I think the real benefit will come out of an examination of how well this system functions," said Democratic Assemblyman Richard Katz of Los Angeles. "I don't think you can deal with the problems of California the same way that Nebraska does. But I also think it makes sense to periodically look at the structure and see if it meets today's needs."

Roberti and many Democrats have long argued that the single largest impediment to lawmaking is not the dual-house system but the rule that the state budget must be approved by a two-thirds vote in each house. The rule has allowed a small minority of Republicans — sometimes only in one house — to thwart the will of the majority.

"It's obvious to anybody who pays attention to this — something is stopping action," said Roberti. "It's not that members don't work hard. I mean, they are here all hours of the day and night. So what is causing the roadblock? I think it is the two-thirds vote."

The two-thirds vote rule, however, has been next to godliness and the line-item veto in sanctity with Republicans, who have been in the minority in both houses of the Legislature for 20 years. However, some Republicans have begun to change their minds, partly spurred by the discussion over the unicameral proposal. The two-thirds vote has fostered a mentality of being a permanent minority, and in their view, allowed Democrats to escape responsibility for their actions.

"I think we lose in the public relations image every year," said Leonard. "We say we are holding out for something to fill in the blank. The public doesn't buy it. I'm almost of the opinion of saying, 'Look-it, you Democrats, there's a $12 billion problem — you want to run it? Here, you put it out by majority vote. Don't count on me to vote aye.'"

Then, Leonard suggests, Republicans will be in better position to run for office and become the majority party. "Do you like this? If not, vote for me."

And that suits Roberti fine. "Right now everybody can legitimately confuse the issue as where responsibility lies," said the Senate's top leader.

Nebraska's Unicameral

Fifty Years Without a Conference Committee

Nebraska embarked on a legislative experiment in 1937 that has become a tradition there after half a century, but so far no other state has copied it.

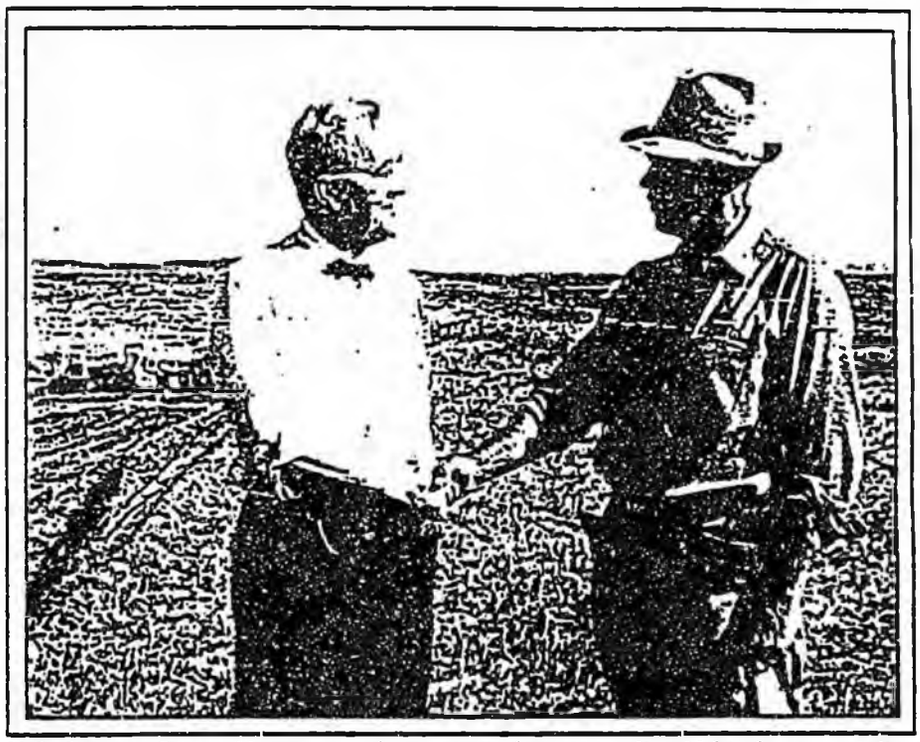
By Pat Wunnicke

Times were tough in Nebraska in 1934, drought and Depression taking their toll, the Legislature doing nothing effective about either. An appealing aspect of one proposal for the November ballot was the promise that a new one-house legislature would be cheaper to operate than two, and might be more effective.

The idea of a unicameral legislature, like the idea of non-partisanship and citizen initiative, grew out of the Progressive movement at the turn of the century, and had been kicking around in Nebraska as well as other states in the Midwest and northern plains for a good many years. In fact, the proposal had been defeated by only one vote in the Nebraska constitutional convention of 1920, after being repeatedly quashed early in the century by legislators perhaps understandably reluctant to sacrifice their own seats.

But now the proposal had the backing of beloved George Norris, longtime U.S. senator and Nebraska hero. First elected to the U.S. House of Representatives in 1902, Norris spent 40 illustrious years in the Congress before he died at 83. The summer and fall of 1934, however, he spent traveling the dusty back roads of Nebraska —"wore out two sets of tires and two windshields," recalled his widow three decades later—speaking at every opportunity on the evils of the bicameral system ("illogical and clumsy"), extolling the virtues of unicameralism and pleading with the voters to support it.

Photos: Nebraska State Historical Society



U.S. Senator George Norris spent the summer of 1934 traveling Nebraska, expounding on the evils of the bicameral system and extolling the virtues of unicameralism.

A one-house legislative body was not unheard of. It had been adopted, in various guises, by almost all cities and counties, and in modified form was (and still is) a feature of Canadian provincial governments. During Revolutionary times, Georgia, Pennsylvania and Vermont experimented with a type of unicameralism, but abandoned it early, Georgia and Pennsylvania before the turn of the 19th century, and Vermont in 1836. For a century thereafter, the two-house state legislature prevailed throughout the United States. (Among the territories, Guam and the Virgin Islands use the unicameral system.)

But years of legislative experience had convinced Norris that the conference committee, inevitable with two bodies, was an unmitigated evil, distorting or even thwarting legislation that had been approved by a majority. In addition, he disapprovingly traced the two-house method of organization back to the English class system that produced the House of Commons and the House of Lords. He said, "...in

Pat Wunnicke is assistant editor of State Legislatures.

STATE LEGISLATURES, OCT. '87

this country we have no such classes and the constitutions of our various states are built upon the idea that there is but one class. If this be true, there is no sense or reason in having the same thing done twice, especially if it is to be done by two bodies of men elected in the same way and having the same jurisdiction."

Norris was ahead of his time. His comments were on firmer ground 30 years later, after the reapportionment decisions did ensure that both bodies of a legislature were "elected in the same way and (have) the same jurisdiction."

The question of one house or two and the merits of each had been discussed at length 150 years before. Madison wrote worriedly (in The Federalist, #38) of the Confederation's "Congress, a single body of men,... the sole depositary of all the federal powers." Salvaging the Constitutional Convention in 1787, the Great Compromise setting up a two-house legislature put to rest the fears of the delegates from the smaller states that their interests would be overlooked by a national legislature dominated by representatives from the large states.

Although low on the list of national priorities, unicameralism is still being debated. At an Eagleton Institute of Politics conference for state legislators in the 1960s, the late Jess Unruh, fabled California politician and sometime speaker of the California Assembly, called unicameralism "the wave of the future," asking rhetorically, "Does any corporation have two boards of directors?" He called the two-house system "a costly and inefficient anachronism" and said, "I do not believe that increased salaries, new facilities and professional staff will be more than temporary palliatives for the ills that it is hoped they will cure. These reforms in themselves only make a more efficient horse and buggy. I take little comfort from the fact that legislatures can be the fastest horse and buggy in the jet age."

Unruh's disciples have kept the discussion going in California, but it has yet to make its way to the ballot box. In recent years, several other states have looked at the unicameral option with more than curiosity: Hawaii and Mississippi have considered it in constitutional conventions, and petition efforts were made but failed to gain enough signatures in Michigan and Montana. Alaska voters, invited by the Legislature in 1976 to cast an "advisory vote" on whether an amendment to the state constitution should be offered future voters, obliged with 58,782 yeas and 55,204 nays, but the following years' sessions ignored the advice.

Minnesota Speaker David Jennings proposed a unicameral setup in 1985 as a way of dealing with conference-committee problems, but the Minnesota Citizens League disagreed. Its report, "Power to the Process," published in September 1985, found "no compelling evidence that the unicameral structure is superior to the two-house model." The report, while admitting that the two-house arrangement requires additional work and extra staff, suggests that it brings the advantages of different ideas and policy approaches to the policymaking process, and introduces "a major check into the legislative process."

However, a report in the University of Minnesota's Humphrey Institute *Future of the State Legislature* series, published in March 1986, takes a more positive view of the unicameral option, although it stops short of explicitly advocating the change.

Robert Sittig, professor of political science at the University of Nebraska (Lincoln), and author of *The Nebraska Unicameral After Fifty Years*, believes that only in the 14 states with the initiative has the system much of a chance. He points out that "the greatest drawback often is the one which frustrated the original unicameral proponents in Nebraska: The legislature itself is the prescribed starting place for constitutional amendments; however, legislators are disinclined to approve proposals which would alter substantially the body in which they serve."

Norris and his cohorts in 1934 used that powerful new tool, the initiative, which had been adopted by Nebraska 22 years before. He and John P. Senning, professor of political science at the University of Nebraska, drafted the language of the initiative that was to amend the state constitution that fall. It would save time, talk and money, they said. (It did save money. The cost of the first unicameral session in 1937 was about half that of the last bicameral in 1935.)

The battle might have been easier if Norris had not insisted that the members of the new body be nominated and elected on a non-partisan ticket. That feature earned the proposal the enthusiastic opposition of both political parties and most of the state's newspapers. Even among ardent supporters of the unicameral idea, feelings were, and still are, mixed about the question of allowing partisan representation. Nevertheless, nearly twice the needed number of voter signatures were collected that summer and with the issue on the ballot the proposal was handily approved in November of 1934 by a vote of 286,760 to 193,152.

Senator Jerome Warner, who has served in the Nebraska "Unicam" for 25 years, as speaker and most recently as chair of the Appropriations Committee, says that "non-partisan-

Norris, stumping for a unicameral legislature, thought two houses 'illogical.'

How the Nebraska Unicameral Works

Nebraska's thinkers have managed to prevent the kind of hasty legislative action that the two-house arrangement was said to avert, by bringing the public into the process at every stage. A nine-member "reference committee" refers all bills either to a standing committee or directly to the general file; and the reference committee sets all bills for hearings. Every bill must receive a public hearing, preceded by at least five days' published notice of date, time, place and subject. After the hearing, when the standing committee goes into executive session, media representatives must be allowed to attend and report on the proceedings.

Introductions are limited to the first 20 days of the session. A minimum of seven days must elapse from introduction to final enactment of any measure. Assuming committee approval, three floor votes are necessary for passage. The constitution requires that at least one legislative day pass between correct engrossment and a final vote.

About a dozen committees deal with the 600 or 700 bills introduced or carried over in each annual session. Each member typically serves on two committees, with a few on three and Appropriations members on no other. Committee membership is structured by four geographic regions, with each region entitled to two seats per committee. The lieutenant governor presides.

On final reading and passage, all bills are read through in full by the clerk, with senators required to be present and seated.

For what it's worth, a look at Nebraska's proportion of enactments to introductions during the 1985 session compared to a half dozen other part-time legislatures show that Nebraska is on the low end of a range of numbers of introductions (728 compared with numbers commonly above 1,000) and also in the low range of percentage enacted (34 percent compared with ranges from 37 to 59 percent).

Members' terms are four years, staggered so that about half are elected every other year.

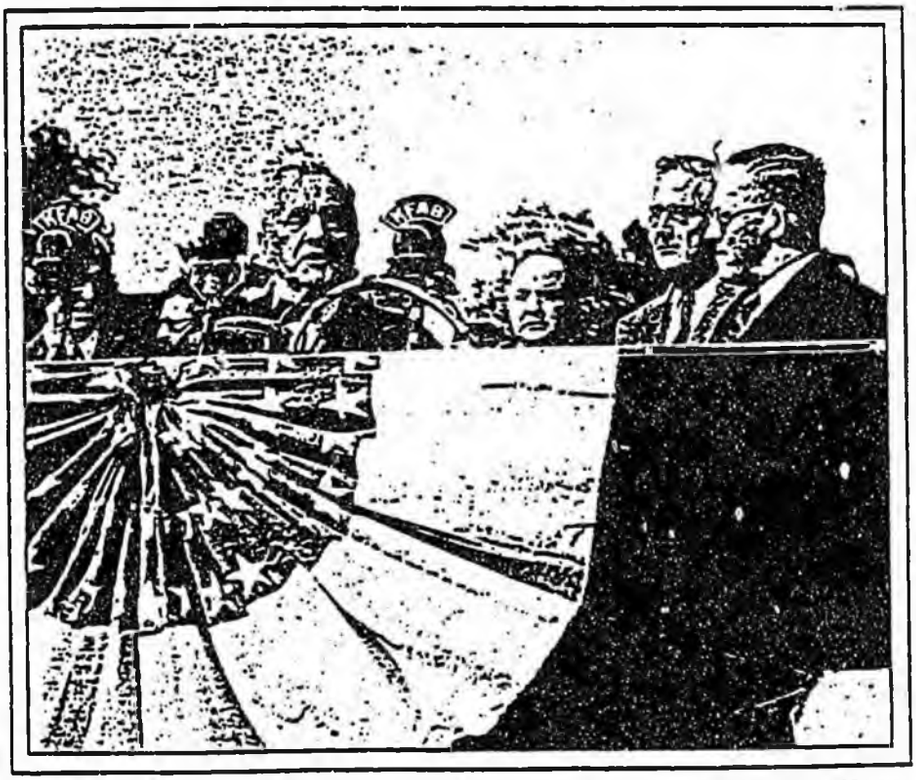
The beloved senator used his influence to persuade thousands of voters.

ship wasn't all that strange" to Nebraskans, who had a long history of support for the idea. A Non-Partisan League was active in the state at the turn of the century, and a number of offices at the local level were stripped of party labels. Historically, says Warner, as in many other states there was "a far stronger geographic division in alignments than partisan division, even when it was a two-house legislature. It was whether you were north or south of the Platte [River]."

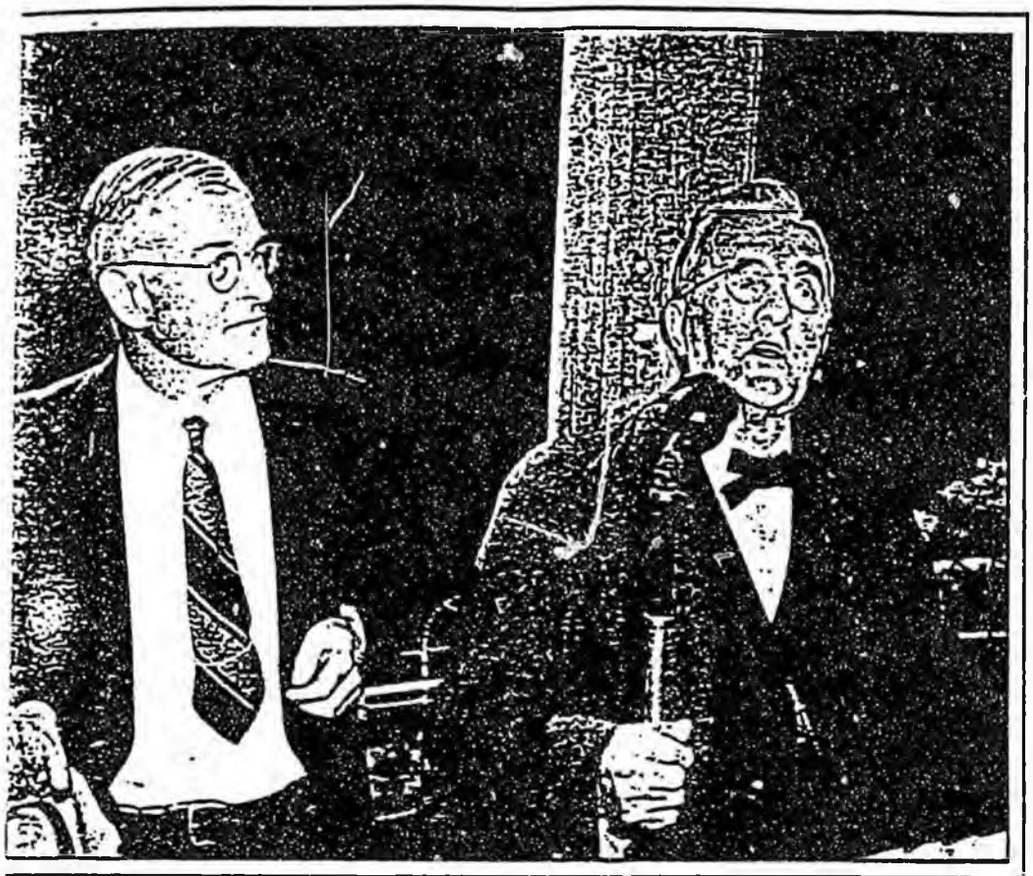
Commenting on the fateful 1934 election, Warner notes that there were two other proposals on the ballot with the initiative, one to allow pari-mutuel horse racing and another to repeal Prohibition. "The advertising was to vote yes on all three," says Warner, "and there are those who think that may have been a factor."

But it may have been simply the force of George Norris' personality that got the thing passed 3-2 in the face of powerful opposition. Bob Sittig thinks so. "It *was* George Norris. He deserves nearly all the credit for pushing it over the top, after people had been working on it for 20 years." After it passed, Norris went back to Washington and Professor Senning, soon to be officially named consultant to the Legislature on the unicameral, began drawing redistricting maps. The last bicameral legislature in 1935 looked over, and quarreled over, nearly three dozen different maps before finally passing one on the last night of the session.

The amendment called for between 30 and 50 members, to be designated senators; the 1935 session settled on 43; there are now 49. And it provided that "the aggregate salaries of all the members shall be $37,500 per annum, divided equally among the members..." Considering that sessions



Senator Norris and President Franklin Delano Roosevelt at a campaign stop, 1936.



Norris and his friend, University of Nebraska Professor John P. Senning (above), together drafted the language of the unicameral initiative. Later, Senning was named official consultant to the Legislature on the unicameral. Left, Norris at home in McCook after 1944.

were biennial, and lasted for only about 100 days, that wasn't too bad a wage with bread at a dime a loaf.

The voters of Nebraska thought it was plenty for 23 years. In 1960 they finally approved a raise to $2,400 a year per member. Today it is $4,800 plus per diem, for annual sessions that run 90 days in odd-numbered years, 60 in the even numbered, unless extended by a four-fifths vote of the members. Nebraska is one of the few states whose constitution specifies a salary amount for legislators.

Three-quarters of the members of that first unicameral in 1937 were the same partisans, now under a non-partisan banner, who had previously served in the traditional legislature. Jerome Warner's father, Charles J. Warner, was the first speaker under the new regime that began Jan. 5, 1937. First elected to the statehouse in 1900, the year after he graduated from the University of Nebraska, he spent 26 years, off and on, as a member. "We're a political family," says the younger Warner, who adds that, although an active Republican, he wouldn't change the Nebraska system. He said that the lack of party requirements leaves members free to oppose or support both legislation and people for leadership positions, and he believes that that is an advantage, not a detriment. "Like any other legislator," he confesses, "I suppose I like the system because I'm used to it."

Who does lead in a non-partisan body? With whom does a governor, or a lobbyist, deal? Jerome Warner says it's a "one-on-one" situation. Professor Sittig says, "If there's one thing I'm critical of, it is the rather ill-defined areas of authority that result from non-partisanship. Power seems to drift toward the speaker, and though there has been some strengthening of the standing committees, basically it's a fairly unstructured, collegial sort of operation." Collegial wasn't what Nebraska Governor Roy Cochran called it more than 40 years ago. He said, "There is no formal leadership. It's just like a Mexican army, all generals."

"The lobbyists like it," said Sittig, "and that makes me a little uneasy." He went on to say that the Unicam, as it has come to be called, gets good media coverage, and since fully a third to a half of the first half of the session is devoted to open committee hearings, any citizen who's interested can participate.

Although there are rural-urban and geographic splits without partisanship, "there's a lot less acrimony and animosity," says Dick Hargesheimer, director of the Nebraska Legislative Research Division. "With only 49 members, they get to know each other pretty well." He contends that although lobbyists have fewer people to deal with, without formal political caucuses and with fluid coalitions that change frequently, "it's harder for them to get a handle on it." Interestingly, Minnesota had a non-partisan bicameral legislature up through the late 1960s, but that is another story.

Non-partisanship is only a feature of the Nebraska system, not its essence. Says one-time Wyoming treasurer Shirley Wittler, a Nebraska native and former president of the Lincoln League of Women Voters, "I grew up with the [one-house] system, so it didn't strike me as unusual until I started looking at [other states]. For the citizen, it's much easier to track legislation, and the processes are methodical and unhurried. There are open sessions every morning, and committee hearings in the afternoon, with times and subjects published in advance."

It has also been suggested that access to a single chamber is easier for the unsophisticated lay person, while the sophisticated find it impossible to play the kinds of games between the bodies that is possible in the other 49 states.

But if Nebraska's legislative system, now an established tradition there, is the wave of the future for other states, it's a mighty slow-moving wave.

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AMERICAN JOURNAL

Nebraska's Unique Unicameralism: A Populist Tradition Endures

By Rick Atkinson
Washington Post Staff Writer
LINCOLN, Neb.

When the gavel comes down Monday to end this year's session of the Nebraska Legislature, lawmakers will have pondered the usual sublime-to ridiculous array of issues facing every state. Here these include school financing, drugs, abortion and whether to honor the founder of the National Liars Hall of Fame in Dannebrog.

Unlike in the 49 other states, in Nebraska the gavel will fall only once. For more than half a century, this state has remained proudly and uniquely unicameral - the sole state legislature with only one house.

"There's so very little that's really different among the 50 state governments, but this is something that really is different," said Robert Sittig, a professor of political science at the University of Nebraska. "And people in Nebraska are anywhere from very to wildly supportive of it."

Delegations from other states regularly troop through Lincoln to study the virtues of unicameralism. California, North Dakota and Montana flirted with the idea in the 1970s; Mississippi, Minnesota and Florida considered it more recently. But all remain resolutely bicameral. "It's sort of a lost cause," admitted Dale W. Olsen, a unicameral enthusiast and chairman of the political science department at the University of Minnesota in Duluth. "It's just not catching on because, if you're a state legislator, switching from a bicameral system can mean voting yourself out of a job."

Nebraska also is unique in that its legislature is non-partisan and relatively small - 49 members, each called "senator." Although all but one senator are registered as Republicans or Democrats, party affiliation counts for virtually nothing within the 400-foot state capitol. Coalitions congeal and crumble around particular issues such as water development or education reform rather than at the direction of partisan caucuses. The 13 standing committee chairmanships are selected by secret ballot of the full legislature; although registered Republicans hold a 29-to-19 edge, Democrats occupy several important chairs.

"It's much easier to accomplish things there," said Rep. Doug Bereuter (R Neb.), who served in the state legislature before being elected to Congress in 1978. "You are much more likely, in my opinion, to have your ideas judged on the merits. I still have a very difficult time coping with the rather extraordinary degree of partisanship in the Congress."

On the other hand, Bereuter added, "one of the defects is that there is a lack of leadership structure with which to advance matters of statewide influence. . . . Members tend to be more parochial - representing their little fiefdoms - to an extent greater than in most legislative bodies."

The animating spirit behind the switch to unicameralism in the mid-1930s was Nebraska's great populist Sen. George W. Norris. A maverick Republican, Norris detested the secrecy and lack of accountability in what he called the "third house" found in most bicameral systems: the "conference committee" appointed to resolve differences between House and Senate versions of a bill.

At Norris's urging, Nebraska voters agreed to abolish their bicameral, 133

member legislature and replace it with "the Unicam" that first met in January 1937. Apparently in a reforming mood, the state also approved on the same ballot parimutuel horse racing and sale of beer. Not least among selling points in the Great Depression was a recognition that one house would be cheaper.

To compensate for the missing check-and-balance brake provided by a second house, Nebraska requires three votes on proposed laws and public hearings on most bills. Filibusters also are possible, and the legislature this year endured a shorter version of the abortion-bill filibuster that recently paralyzed the Maryland Senate.

Non-partisan unicameralism has its critics. Nebraska governors routinely complain of difficulty in finding the kind of political leadership that can cut deals and expedite legislation. "The unicameral also is very subject to being influenced by outside interests," Bereuter said. "It's a happy hunting ground for lobbyists. Because you have only one house and only one set of informal leadership, it's noticeably more influenced by lobbying interests than is the Congress."

For many years, the legislature here was considered "an end rather than a beginning for political careers," said state Sen. Dennis Baack, 43, a wheat farmer from Kimball. Very few legislators, such as Bereuter, made the leap to statewide or national offices, in part because the $4,800 annual salary tended to dissuade the young and ambitious from service in the unicameral. The pay recently was raised to $12,000, which is expected to lure younger candidates.

Dick Herman, editorial-page editor of the Lincoln Journal and a statehouse observer since the early 1960s, said, "The changes that I see include more young members, more ambitious members, a greater reliance on staff, larger staffs, a move toward 'caseworking' instead of public-policy issues. They've become small congressmen. They are far less citizen legislators than they were 15 or 20 years ago. They're much more professionalized, much more attuned to the exploitative potential of television."

The bicameralism so stubbornly maintained elsewhere in the Union reflects the nearly universal mimicry in state capitals of the Great Compromise that broke the deadlock between large and small states at the Constitutional Convention in 1787.

There, the U.S. Congress was made bicameral, with equal representation in the Senate - thus protecting the interests of smaller states - and proportionate representation in the House, guaranteeing the political clout of large states. A one-house, popularly elected legislature was considered by many to be potentially radical and unpredictable, and thus a threat to the propertied class.

But in Nebraska, at least, there appears to be widespread concurrence with the political theory recalled not long ago by a lawyer writing in the Mississippi Law Journal. There is no need, he noted, to have "two sets of fools arguing over what to do" when one set can do the job just fine.

Should Alaska Have a One-House Legislature?

Its Citizens Will Decide

Remarks of

Hon. Anthony J. Dimond

Delegate from Alaska

in the

House of Representatives

April 26, 1938

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DIMOND'S REMARKS

REMARKS
OF
HON. ANTHONY J. DIMOND

Mr. DIMOND. Mr. Speaker, for several years there has been considerable discussion in Alaska, as well as in the States, about the possible advantages of a one-house legislature. A memorial requesting a one-house legislature for Alaska was unanimously adopted by the Territorial house of representatives during the session of the legislature in 1935. That memorial was in form simple. It expressed approval of the principle of the one-house legislature but also went sufficiently into detail to suggest that the proposed new legislature, to be known as the Alaska Legislature, should be composed of 24 members elected for the term of 4 years, 6 of whom should be elected from each judicial division at the general election in 1936, and 3 from each division at each general election thereafter. Evidently the plan was to retain the senators whose terms had not expired and to elect a sufficient number of additional members so that the entire membership should be 24 in number, to be equally divided among the four judicial divisions of Alaska, one-half to be elected at each biennial election.

The memorial was defeated in the senate by a vote of 6 to 2, and as no record is made of debates in the Territorial legislature, it is not easy to determine at this time the motives which led to the rejection of the memorial by the senate.

It is fair to assume, however, that as the memorial was passed unanimously by the House and had two votes in the Senate, those of Senators Walker and Roden, there is material sentiment in the Territory in favor of the one-house legislative system. Subsequent to the meeting of the Alaska Legislature in 1935, the State of Nebraska has changed its legislative system from two houses to one house, a session of the Nebraska one-house legislature has been held, and thus some additional experience has been gained as to the actual working of such a legislature.

In view of the undoubted opinions of a considerable number of the citizens of Alaska in favor of a one-house legislative system, I thought it only just and right that the question should be submitted to the people of Alaska at a general election so that all of the voters of the Territory would have a fair opportunity to express their views on the subject by

secret ballot. This is peculiarly a question which ought to be based firmly upon the expressed will of the people who are affected. Such a reference of important governmental matters to the people is in true harmony with the principles of democratic government.

Accordingly on June 20, 1937, I introduced in the National House of Representatives a bill to provide for a referendum in the Territory of Alaska to determine whether the people of Alaska desire the establishment of a one-house legislature, and making provision for the printing of the ballots and the counting and canvassing of the votes. The bill was passed and approved by the President on August 6, 1937. It is now Public Law No. 307, Seventy-fifth Congress. Copy of the act follows:

[PUBLIC, No. 307, 75TH CONG., CH. 602, 1ST SESS.]

[H. R. 6051]

An act to provide for a referendum in the Territory of Alaska as to the establishment of a one-house legislature, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That at the general election held in the Territory of Alaska, in the year 1938, for the election of a Delegate to Congress from Alaska, members of the Alaska Territorial Legislature, and such other officials of the Territory as may be by law then elective, each of the qualified electors of the Territory shall be afforded an opportunity to vote upon the question as to whether a one-house legislature shall be provided for the Territory of Alaska, such vote to be taken by furnishing to each of such electors a ballot, separate and apart from the ballot which embraces the names of the candidates for office to be voted upon at said election, having printed thereon the following:

"SPECIAL REFERENDUM BALLOT

"(Place an (X) in square before your preference)

"(Vote for one only)

"☐ I favor a one-house legislature for Alaska.

"☐ I do NOT favor a one-house legislature for Alaska."

SEC. 2. Such ballots shall be prepared, printed, numbered, and distributed, so far as may be practicable, in the same form and manner as the ballots containing the names of candidates for office to be voted upon at said election; and the special referendum ballots so cast at said election shall be counted, tallied, canvassed, and returns thereon made in substantially the same manner as in the case of ballots containing the names of candidates.

SEC. 3. The expense of preparing, printing, distributing, counting, tallying, and canvassing such special referendum ballots, and all other additional expenses incurred in said election by reason thereof, shall be paid in the same manner as the other costs and expenses of said election.

Approved, August 16, 1937.

It will be observed that the referendum is not complicated or hard to understand. Every voter has an opportunity to say whether he favors or does not favor a one-house legislature for Alaska. So plain is the ballot that there is no chance for anyone to be confused. Not a single person now voting in Alaska but knows that the Territory at the present time has a two-house, or bicameral, legislature, and that the change suggested is to the one-house, or unicameral,

system. It is to be hoped that every citizen of Alaska who votes at the September 13, 1938, election will vote on the referendum with respect to the proposal of the establishment of a one-house legislative system for the Territory.

So far as I am concerned, the proposal of a one-house legislature for Alaska is not and ought not be a partisan political issue. Whatever lies within my power, I have done to keep it from being such an issue. I have not suggested and do not now suggest that any Democrat should vote in favor of the proposal because he is a Democrat, and I am unable to see that any Republican is obliged to vote against it because he belongs to that party. But I should be less than candid if I did not make my own views known, and that without being asked the question. The people of Alaska have done me the honor to elect me as their representative, and therefore I owe to them the duty to tell them my own considered judgment with respect to the matter, just as I owed them the duty, which I have now fulfilled, of giving them an opportunity to express their opinions through the referendum ballot.

It is not denied by anyone that a two-house legislature has its advantages. If there were no arguments in favor of that system, it would not have survived so long under democratic forms of government. I am not so foolish as to think that the Territory will be lost if the one-house legislative plan is not adopted. Our experience in the past forbids any such idea. I realize the advantages of the two-house legislature just as keenly as anyone, but after careful study of the subject I am firmly convinced that under modern, present conditions a one-house legislature possesses greater advantages and will work out to the larger benefit of more of the people in the Territory—or of a State—than does the two-house system. In my judgment, the one-house legislative system is preferable in Alaska for several reasons. It is superior to the two-house system in that it is more efficient, more responsible to the will of the people, and therefore more democratic.

Despite my own views, the will of the people of Alaska in this matter is my will. If the people of the Territory prefer a two-house legislature, I shall bow to their conclusion. The reason that I introduced and secured passage of the act providing for a referendum was to find out with certainty what the voters of Alaska, who elect Delegates to Congress and members of the Territorial Legislature, think about this particular subject.

What I have to say here should not be considered a reflection upon any legislature which has been held in Alaska or upon any member of any legislature, for I have no such thing in mind. As most of you who read this know, I served in the senate of the Alaska Legislature for four sessions, those of 1923, 1925, 1929, and 1931, and therefore I

have first-hand knowledge of the operation of the Alaska Legislature as it is constituted at the present time. I have high respect and esteem for the members of the legislature with whom I served and for many members at other sessions whom I have known.

Generally the people of Alaska have been faithfully served by the members of their legislature. But it would be too much to expect that any legislative body will ever be composed of wise and patriotic saints. In legislatures, as everywhere else on earth, we must deal with human beings who are not always as intelligent, or as good, or as brave as they might be, and who thus resemble all the rest of mankind; and therefore it is the more expedient for us to make the best possible use we can of the human beings who serve us in our Alaska Territorial Legislature and to surround them and ourselves with such safeguards as are most likely to protect them and us in their legislative work. That is the sole purpose of proposing a one-house legislature.

Those of us who favor the one-house legislature believe that system preferable because we are confident that it will simplify the legislative business and thus make it easier for the people of the Territory to understand it and to make their desires effective; that it will fix responsibility so that no member of the legislature, through weakness or carelessness, will be able to say that the fault of what was done or not done lies in another body; that it will entirely eliminate the inherent faults of what almost amounts to secret legislative manipulation through the conference committees; and that it will restore to the legislature as a whole its duty and function to pass upon every bill and every feature of every bill in the full light of public discussion and in open view.

Is it not a singular thing that there ever should have been a two-house legislature anywhere on earth? That question may be asked because the answer is historically plain. The two-house legislative system had its origin in class distinctions which in this Nation do not now exist. The two-house legislature was created because the so-called highborn, those who belonged to the nobility, refused to sit in the same body with representatives of ordinary people, the commons. The two-house legislative system, as we have inherited it from England, was originated in precisely that fashion. An English king called together the nobles and representatives of the commons for advice upon the welfare of the realm. The lords declined to sit with the representatives of the common people, and so they met in separate rooms, and thus was established in the first instance this plan which has come down to us through the centuries as a two-house legislative system. It was a class division. In Great Britain the two-house system was abolished for a while during Cromwell's time, but as soon as normalcy was restored and

Charles II came back on the throne of England, the lords again decided that they should not sit with the representatives of the commons, and so the two-house parliament was reestablished and has survived until the present time. But right here it may be noted that Great Britain, the modern mother of the parliament system, has long since virtually abandoned that system and has now in substance a one-house parliament. While the House of Lords still exists, it has been so shorn of its power that it is in present times little more than a show piece of the government without any real authority and without daring to prevent the enactment of legislation. In fact, it is not easy to recall any occasion when the House of Lords of Great Britain has rejected or even materially amended a bill passed by the House of Commons.

In organization, the Canadian Parliament follows that of the mother country, and consists of two houses—the House of Commons, the members of which are elected by the people, and the Senate, the members of which are appointed for life by the Governor General in Council. Thus, in a measure, was perpetuated the theory of the English Parliament that the upper house should be in form and composition different from the lower house, and the lower house alone should directly represent the people. In eight of the nine Provinces of the Dominion of Canada the legislature is unicameral, being composed of a legislative assembly elected by the people. Only in Quebec is there a second chamber, styled a legislative council, and composed of nominees of the provincial government. Accordingly, we see that generally in Canada the provincial legislation is enacted by one legislative body, and that in only one of the Provinces is there another house, and in that Province the members of the second house are not elected by the people but are chosen by the government in power. This analogy is worth while, because we in Alaska are the next-door neighbors of British Columbia, which bears somewhat the same relation to the Dominion of Canada that Alaska bears to the United States. And yet the great and rich Province of British Columbia, containing a population of nearly 800,000—more than 10 times the population of Alaska—has only a one-house legislature and is apparently entirely content with it.

The bicameral legislature was generally adopted by the Colonies, which afterward became the United States of America. This was perfectly natural, because the residents of the Colonies were familiar with the British parliamentary system. Colonial legislatures generally embraced a lower house, composed of members elected by the people, and an upper house, or governor's council, composed of members appointed by the Crown, or by the governor as representative of the Crown. Again, we find that the members of only one house were elected by the people and responsible to the

people. After the Declaration of Independence the States retained, as far as conditions permitted, the form of government which they already had.

Then, too, at that time there was still enough of class distinction remaining in the original States on which to base the reason for the two-house legislatures, and even to restrict the voting for members of the upper houses in some of the States to those citizens who had certain property of a determined value, and the membership to those who could similarly qualify, which was not required in considering the lower houses. I shall not take time to entirely cover these distinctions, but the following examples will make clear the situation as then established: In New York State property qualifications for voting for State senators were so much higher than for voting for members of the house that only about one-fourth of the voters that could elect members to the house could vote for members to the senate. Under the North Carolina constitution of 1776 all taxpayers could vote for members of the house, but the citizen was required to own at least 50 acres of land before he could vote for a State senator. And under the South Carolina constitution of 1778 any citizen owning 50 acres of land was eligible for membership in the house, while the requirement for membership in the senate was such that the candidate had to own land valued at £2,000 or more.

And so, according to tradition, we have generally in the United States a two-house legislative system, although that system has little more to support it than the ancient British tradition which was founded on the distinction and the social gulf between the lords and the commons. When the time came in the framing of the Constitution of the United States to provide for a national legislature, the English and colonial traditions were again influential. But the framers of the Constitution were controlled by another reason. The small States were jealous of their sovereignty and hesitated to enter a union in which the larger States might first dominate and then ignore them. Accordingly, as a matter of compromise, it was agreed that Members of the House of Representatives of the Government to be established should be proportionately divided in accordance with population and the Members thereof should be elected by the people. But that as to the Upper House or Senate, each State should have two Members and no more; and those Members should be elected by the State legislatures, thus giving the people only remote control of the Upper House and at the same time providing a legislative body where the small State should be equal in authority and power to the large one.

In Alaska we are far removed from the causes and the reasons which led to the two-house legislative system in England and the two-house legislative system in the establishment of the government of the United States. In Alaska

there are no classes and no division of classes. If the citizens of Alaska who are wealthy believe themselves wiser and better than other people, they do not proclaim it and they do not ask for any special treatment or consideration on account of their superior economic status. In fact, little, if any, such sentiment prevails, and we are a true democracy. Moreover, in Alaska there are no independent municipal organizations which demand or have any right to demand such treatment. We are in every way one people of common aspirations, common patriotism, and common devotion to the general good.

What sense is there, then, in having two bodies to legislate for us? Is it not better in every respect and simpler and more truly democratic to have our laws passed by one body of individuals whom we elect to act for us? Is not one body just as likely to be wise and patriotic as two of them? Is wisdom increased by having a so-called upper house, the members of which are chosen from and by the people and are elected just the same as are the members of the so-called lower house? To ask all these questions is to answer them. The present two-house system is cumbersome, unwieldy, and inefficient in business. Generally in life and in the conduct of our own most important affairs we demand simplicity and we demand efficiency, because they are in all respects reasonable and right.

It is said that the two houses are a check upon unwise or hasty legislation. The two-house system, in my judgment, tends rather to promote unwise and hasty legislation, for several reasons. Consciously or not, the members of each house lack the same feeling of responsibility that they would have if there were only one house of the legislature. Consciously or unconsciously, every member is subject to influence by the thought that if he and the other members of his house make any mistakes, those mistakes will be corrected when the bill reaches the other house. This tends to carelessness. If there were only one house of the legislature, every member would feel the sharp responsibility of knowing that he must avoid mistakes; that he must not act hastily because what he does is final and cannot be corrected except through a veto of the Governor. Under present conditions the people of the Territory find it difficult to follow the course of legislation through the two houses of the legislature. It has been said that a spotlight cannot be trained on two different places at the same time, and that is true. With one legislature the spotlight of public inspection and public opinion will be always focussed on the house that is legislating, for there will be only one place to look and one body only will be responsible for the results.

Now, it may be said that no such public inspection of legislative processes is necessary and that it is an offense to our citizens who are elected to the legislature to assume that

they will not properly perform their duty if they are not watched all the time. On the contrary, I think it is a compliment to the women and men who represent us in the legislature to have them know that they will always be under our interested and sympathetic or even critical gaze and that we trust them and them only to legislate wisely for us and that we do not place our reliance in a multiplicity of houses as though we doubted their wisdom or their patriotism.

The operation of the conference committee system of two-house legislatures is another blot on the two-house plan. Of course, if a bill passes both houses in exactly the same form no conference is necessary and the measure then goes to the Governor for approval or disapproval. But if a bill passes one house and is amended in the other house it then goes to conference in order that an effort may be made to agree upon the amendment or amendments. Each house under the rules appoints several of its members as members of the conference committee. Those members meet and endeavor to adjust the differences between the two houses. If they fail to agree then it is usual for the same conference committee, or for another, to be given "powers of free conference" which enables them to change any feature of the bill as passed by the house or the senate. All meetings of the conference committee are usually held with no one else present or permitted to be present. The people of the Territory do not know what is going on and have little opportunity to find out. This in a measure amounts to secret legislation. The operations of the conference committee are, in my judgment, a legislative weakness, inherent in a two-house legislature, and lend themselves to poor legislation. Things may be done in the conference committee which members would probably not do on the floor of the house or senate. Democratic government ought to be conducted in the open daylight at all stages. It is better for the members and better for the people that it should be so conducted. As long as we have conference committees we shall have opportunity for a greater degree of political and legislative manipulation than would otherwise exist. But with the one-house legislature there is no such thing as a conference committee. The bill is brought up and discussed and debated on the floor of the house and a record vote is taken on it, all under the scrutiny of the people of the Territory. There is no opportunity for any secrecy.

Moreover, with two houses it is the invariable custom to have many of the important measures considered by the legislature finally worked out in conference in the closing hours of the legislative session. Conference committees of the two houses, wearied by long hours of labor, at last reach some sort of an agreement and bring the results back to the houses for final vote. And such a conference report must be voted up or voted down in its entirety; there is no chance

for amendment. This system and this result can be more truthfully called hasty legislation than anything which could possibly be done in a one-house legislature. Without the slightest reflection upon anyone who ever served on the Alaska Territorial Legislature, it is better for the members and better for the people that all legislative processes should take place in the open.

What I am now about to say is presented with full recognition of the principle that no legislative majority, however great, may lawfully or rightly invade the domain preserved by constitutional safeguards. As human beings, citizens have natural rights which no legislature may justly transgress. But with that thought in mind, it is nevertheless true that one of the essentials of democracy is that the legislative processes, subject to constitutional restrictions as to fundamentals, shall be controlled by a legislature which ordinarily expresses its will through majorities. If that idea is abandoned, then this Government cannot flourish and may not be able even to survive. If, under the Constitution, we deny the concept of legislative rule by the legislature, which involves majority government as to the matters ordinarily within the legislative jurisdiction, we deny one of the essential elements of democratic government. And yet in our two-house legislative system in Alaska, as at present constituted, a very small minority of both houses may be able to defeat the will of an overwhelming majority. Four members of our Alaska Senate may conceivably prevent the passage of legislation desired by the 10 members of the house and the other four members of the senate—20 in all. Surely it is not the best kind of democratic government to give 4 people out of 24 a possible absolute and final veto upon legislation. In fact, in the absence of one of the members of the senate by reason of sickness, three members of the senate may defeat the will of the other 21 members of the legislature. No person can seriously call this the most nearly perfect kind of democratic government.

The two-house legislature lends itself to influence of lobbyists for minorities, to an extent not possible with a one-house body. A two-house system gives every advantage to representatives of interests which are well financed. I would be the last person to say that any person interested in legislation, whether poor or rich, should not be given the amplest opportunity to have his views presented to the members of the legislature either individually or in committee. It would be a tragic mistake to attempt to deny to anyone the right to be heard. But under the two-house system the lobbyist who works secretly has undue advantage, because there is always the opportunity to bring influence to bear after a bill has passed both Houses and has gone to conference, which usually consists of three Members of each House and where

meetings of the conference committee are not held in the open or publicly. Moreover, a person without any large amount of money, whether acting for himself or a representative of others, who is interested in legislation, may find it impossible to remain in the Capital long enough to see a bill through both Houses—a difficulty not encountered by those who are better off in this world's goods. While it is realized that wealth always has had and always will have an advantage, there is no good reason why such advantages should be deliberately multiplied.

Almost every Alaskan is to some extent familiar with the form and mode of operation of business corporations. Some of those corporations, as you know, contain tens of thousands of stockholders who are represented in carrying on the business of the corporation by a board of directors. The board of directors formulates and lays down the policies to be pursued by the corporation. Those policies are expressed in minutes of meetings or in resolutions. The board of directors in a sense is the legislature of the corporation. The analogy between the corporation and its board of directors and the Territory and its legislature is not strained or far-fetched, and yet no sane person would ever consider that the board of directors of a corporation should consist of two bodies or two houses in order to prevent hasty and unwise corporate legislation. Frequently, however, the decisions taken by boards of directors of large corporations are more momentous and more vitally affect the economic welfare of stockholders of the corporations than the decisions taken by the Alaska Legislature and expressed in Territorial laws affect the welfare of the citizens of the Territory.

The great cities of our country containing hundreds of thousands and sometimes millions of people find no occasion for a municipal two-house legislative system. The people well know that such a system would be cumbersome, inefficient, and lend itself to the dodging of responsibility. And yet the legislation—the ordinances—of municipal legislative bodies bear just as vitally upon the welfare of the people of the municipality as do the laws enacted by the Alaska Territorial Legislature upon the inhabitants of Alaska. In our municipalities in Alaska we have found no occasion to set up two common councils or a common council of two bodies, and most of us, if the idea were suggested, would think of it as absurd.

No municipality and no corporation can afford a bicameral legislature or board of directors. How, then, can Alaska afford it? Only because the two-house system possesses the false sanctity which may sometimes accompany age and because the price is paid out of the public treasury. In fact, I am convinced that if the people of the United States did not have a genius for democracy, the two-house legislature would scarcely work at all.

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Considerable emphasis has been placed about the danger of hasty legislation if a one-house legislature should be set up. I have already adverted to the real danger of hasty and ill-considered legislation through the operation of the conference committees under a two-house system. It would be a simple enough matter, if a one-house legislature should be established in Alaska, to provide in the enabling act for the lapse of sufficient time between the introduction of a bill and its final consideration and passage to afford everyone an opportunity for discussion, debate, and thought. In setting up the one-house legislature in Nebraska this was taken care of by providing that no bill may be placed on third reading and final passage until 5 legislative days after its initial reference to the committee on enrollment or review, or until 2 legislative days after its reference to the third reading file, nor until printed copies of the bill in final form for passage have been on the desks of the members for at least 1 legislative day. Similar provision could easily be made to prevent hasty action if a one-house legislature should be provided for Alaska. To say that two houses are necessary in order to prevent hasty legislation is to overlook the fact that such action may be absolutely barred in another and more effective way.

Recently there was sent me copy of pamphlet entitled "An Appeal to the Voters of Alaska to Defend Their Full Territorial Form of Government." The title of the next page is "Shall Alaska's American Territorial Form of Government Be Destroyed or Developed?" The cover of this pamphlet bears a statement to the effect that a one-house legislature is the first step in an organized plan to create a full, centralized, bureaucratic form of government in Alaska through a "unicameral or one-house legislature, without check or balance, the Nazi-German type." Another pamphlet suggests that "Delegate Dimond would destroy our American form of representative government in Alaska and substitute the communistic and fascistic unicameral legislature."

During prohibition days, if one man did not like another and wished to hold him up to scorn and ridicule, he sometimes referred to the latter as a bootlegger or a moonshiner. Nowadays other terms are used, and the "Nazi," or "Fascist," or "Communist" is applied to those people or to those measures which individuals do not favor, and frequently the derogatory word is so applied without foundation in fact. As I have already shown, the one-house system is the exact opposite and the very contradiction of the Nazi or Fascist or Communist or any other kind of dictatorship and, in fact, a one-house legislature is really a more simple form of democracy and a form more immediately responsible to the people, than a two-house system.

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It is to be hoped that no one will be misled or dismayed by the bad names which the advocates of the two-house system may apply to a one-house legislature. In fact, I am somewhat amazed that such terms should be used in an argument which ought to be maintained on the high plane of reason.

The opponents of the one-house legislature suggest that the setting up of the one-house system will somehow lead to dictatorship, but that again is simply frivolous. The establishment of a one-house legislative system in Alaska will not change in any respect the Constitution of the United States and every citizen will still enjoy the protection of that great instrument. Nor will the establishment of a one-house legislature in Alaska affect in any respect the veto power of the Governor. Those of us who support the one-house system have no such thing in view. The Governor's veto power may well be a check upon unwise and hasty legislation because a two-thirds vote is required to override it. That is not unreasonable. If a legislative measure is really of sufficient importance to be demanded by the people and to be in their interest, it is highly improbable that a two-thirds vote cannot be obtained for that legislation. But under the present system we have a condition where it may be within the power of one-sixth of all the members of the legislature to not only veto, but to absolutely prevent, the passage of a bill, and one-eighth of the members of the legislature with the veto of the Governor may be able definitely to forbid the enactment of any measure.

This is not the best and highest type of democratic government. I believe that the veto power of the Governor is a wise provision of law, because it requires reconsideration of a measure which has passed and which the Governor deems unwise for one reason or another, but I do not care to go further than that. It is quite proper on such occasions to require a vote of two-thirds of the representatives of the people to pass a bill vetoed by the Governor, but it is not reasonable to require legislation to have more than five-sixths of all of the members of both houses of the legislature in order to enact it or more than seven-eighths of all of the members in order to override the Governor's veto.

The question of a full territorial form of government is not involved. All Alaskans have always understood the phrase "full territorial form of government" means the granting of further power and authority to the legislature, and particularly full legislative and administrative control over the fisheries and over the fur and game. That phrase has never been considered to have any reference to a legislature of two houses or any other number of houses, but only to self-government to the largest possible degree under territorial status. Nor is there involved in this proposal any

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plan of shifting the apportionment of members of the legislature. All one has to do is to read the referendum to see that is true. The referendum act simply calls for an expression of an opinion of the voters of Alaska as to whether a one-house legislature is desired. There is nothing else in it and to read anything else in it is to draw upon fancy or imagination or some other unreal thing. In the language of the late great Will Rogers, such a suggestion is as unsubstantial as soup made from the ghost of the shadow of a pigeon that had starved to death.

Please remember that a one-house legislature is essentially more democratic than a two-house system. It is a move not toward dictatorship but away from it. It is a move in favor of greater legislative control by the people of the Territory. It is giving democracy a better chance to exercise and function.

At the present moment it seems to me that if the one-house referendum is carried by a substantial majority and if Congress should act favorably upon the wishes of the people as so expressed, then the details of the plan, such as the size of the legislature and the apportionment of members, should be worked out by the legislature as at present constituted, and by the legislature recommended to Congress, for I am sure that the members of the legislature who will be elected on September 13, 1938, will be just as anxious to follow the will of the people of Alaska as any other person can possibly be. Perhaps the provisions of House Joint Memorial No. 3 which passed the house unanimously in 1935, as before stated, may serve as a model.

In considering this matter my mind goes back to the far-off days when we all were younger and when Alaska seemed even more the land of promise. Those who are now the old-timers in the Territory would not have gone to Alaska if they had been timid about undertaking new things. One of the most admirable and zestful characteristics of the early Alaskans was their undoubted spirit of adventure—adventure controlled by reason. While they revered tradition, they respected it as a teacher, not a jailer.

The same intelligent spirit that induced us then to search the far horizons should lead us at the present moment not to blindly reject the proposal of the one-house legislature on the fictitious ground that it is un-American or undemocratic, or Nazi, or has in it the elements of dictatorship, but should rather lead us to make a searching and critical examination of all of its features and then to reject it if we find that it is not suited to our needs, but to adopt it for our use if we find it right and good.

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Alaska State Legislature

Legislative Research Agency

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October 12, 1990

MEMORANDUM

TO: Senator Jim Duncan

FROM: Gordon S. Harrison, Director gsh

RE: **1976 Statewide Vote on Unicameral Legislature**
Research Request 91.048

You asked for background information on the 1976 initiative regarding a unicameral legislature for Alaska and subsequent legislation on the subject. The issue of unicameralism in Alaska has a long and interesting history, and this memorandum will briefly review that history in addition to discussing the revival of efforts in the mid-1970s to create a one-house legislature.

Second Organic Act of 1912

The Second Organic Act passed by Congress in 1912 conferred territorial status on Alaska. It created a popularly elected, bicameral legislature of 24 members--eight senators and 16 representatives. However, Alaska's territorial legislature came close to being unicameral: the legislation adopted by the U.S. Senate called for a one-house territorial legislature. The House bill created a bicameral legislature, and the final bill that emerged from conference committee incorporated the House version.

Referendum in 1938

Within Alaska, interest in a unicameral legislature stirred during the 1930s. This was a period when the idea was attracting attention elsewhere as well. In 1934, voters in Nebraska ratified a constitutional amendment that created a one-house legislature (the only unicameral legislature in the United States today). Progressives in Alaska were frustrated by what they perceived to be a conservative and torpid Senate that was the captive of well-financed lobbyists. At the time, the Alaska territorial Senate consisted of eight members, and the votes of only four senators could thwart any legislative proposal.

In 1935 the territorial House unanimously adopted a memorial to Congress requesting that the Second Organic Act be amended to create a one-house legislature in Alaska. The memorial deftly proposed a new unicameral legislature of 24 members who would be elected gradually, thus allowing sitting senators to finish their terms and creating enough seats to accommodate all of the displaced senators in the new body.

Nothing came directly from the memorial, but it encouraged Alaska's delegate in Congress, Anthony Dimond, to pursue the matter. Delegate Dimond was convinced that the Alaska territorial Senate, of which he had been a member, was an obstacle to progress in the territory, in part because of its vulnerability to lobbyists representing nonresident corporate interests.

To convince Congress to make the change, Mr. Dimond needed evidence that the idea of a unicameral legislature was widely supported in the territory. Thus, as a necessary first step, he introduced a bill and shepherded it through Congress that authorized a referendum in Alaska on the question of whether or not the voters favored a one-house legislature. Unfortunately for the delegate, in the fall election of 1938 more voters disapproved of a one-house legislature than approved (4,975 in favor and 6,639 opposed).[1]

Constitutional Convention

In 1955 when the Alaska constitution was drafted in convention at Fairbanks, the unicameral idea received considerable discussion by the delegates. While there was support for the idea from many delegates, it was firmly rejected, partly on the basis of the merits of bicameralism and partly out of fear that a unicameral legislature would jeopardize the chances of the constitution being ratified by the Alaska electorate and Congress simply because the institution was poorly understood and unconventional.[2]

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[1]Dimond dropped the unicameral idea, but not his efforts to reform the territorial legislature. He introduced legislation to expand the size of the Senate from eight to 18 members and the House from 16 to 18 members, and to require both houses to be apportioned on the basis of population. His arguments on behalf of these reforms were eloquent, insightful, and advanced for his time. He was eventually successful in expanding the Senate to 16 members and apportioning the House on the basis of population, changes that took effect in 1946.

[2]Gerald E. Bowkett, *Reaching for a Star; The Final Campaign for Alaska Statehood*, Epicenter Press, 1989, pp. 29-33.

1976 Initiative and Subsequent Legislation

When Alaska was a territory, Congress had the power to decide if Alaska should have a unicameral legislature. After statehood, it was up to the voters in Alaska. Because Alaska's bicameral legislature is created by the state constitution, a constitutional amendment is necessary to adopt a unicameral system. Amendments to Alaska's constitution must be approved by the voters. Proposed amendments can come before the voters from either a constitutional convention or from the legislature, which must approve proposals by a two-thirds vote of each house. The constitution may not be amended by the initiative process.

Interest in the unicameral concept revived in Alaska in the mid-1970s among liberals who thought that the Senate was overly obstructionist to progressive legislation, and among others who simply believed that the legislative process was unacceptably slow, wasteful and unwieldy because of the necessity for all legislation to be approved by a small upper body where ten members (fewer in some cases) could thwart the will of 50 others.

Proponents in the House of Representatives of a unicameral legislature faced opposition from most senators, who, predictably, were not attracted to the idea of voluntarily disbanding. It was therefore fruitless for the proponents to pursue a constitutional amendment by the legislative route, certainly in the absence of popular demand for change. Therefore, like Anthony Dimond before them, they set about to demonstrate political support for the unicameral idea.

A bill was introduced late in the first session of the ninth legislature (May, 1975) by Representative Mike Bradner with 20 co-sponsors that authorized an advisory vote on the question of whether the legislature should adopt a proposed constitutional amendment to re-cast the legislature as a unicameral body. The bill passed the House within days and was sent to the Senate, where it died in the state affairs committee, its first committee of referral.

Backers of unicameralism then turned to the initiative process to seek a statewide advisory vote on the issue.[3] Representative Bill Parker led the initiative campaign, and enough signatures were garnered to put the issue on the ballot. In the general election of November 1976, ballot proposition number 6 asked voters for an advisory opinion on whether the legislature should adopt a constitutional amendment that, if ratified by the voters, would create a one-house legislature. The measure passed by a vote of 58,782 to 55,204.

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[3]The use of the initiate to seek a nonbinding advisory vote of the people on an issue was a somewhat novel use of the process. As contemplated in the constitution, the initiative is to be used to adopt substantive legislation. However, the initiative cannot be used as a vehicle to adopt a proposed constitutional amendment. Therefore, in this case it was used to get an indication of voters' support for the unicameral concept.

Early in the first session of the tenth legislature, House Joint Resolution 7 and Senate Joint Resolution 2 were introduced in their respective bodies. Both resolutions proposed a constitutional amendment to create a unicameral legislature. Summaries of the legislative histories of HJR 7 and SJR 2 are attached. The Senate resolution died in the first committee of referral; the House resolution failed on reconsideration by a vote of 21-17-2. Thus, the positive outcome of the advisory vote notwithstanding, the unicameral proposal did not even command enough legislative support to pass the House.

I hope this information is useful. If you have any questions, please contact this agency.

Attachment

HJR 6 REQUESTING THE PRESIDENT TO DIRECT THE CREATION OF A UTILITY CORRIDOR FOR THE EXTENSION OF THE ALASKA RAILROAD TO THE CANADIAN BORDER

AMENDED TITLE: CS *

PRIME SPONSORS: SWANSON

CO-SPONSORS: BENNETT MEEKINS BRADLEY,R. RUDD MCKINNON HAYES PHILLIPS

	DATE	SEQ. NO.	JOURNAL PAGE	HOUSE ACTION	DATE	SEQ. NO.	JOURNAL PAGE	SENATE ACTION
	01/12/77	01	0016	FIRST READING -- COMMITTEE REPORTS	02/03/77	08	0188	FIRST READING -- COMMITTEE REPORTS
	01/27/77	02	0143	S.A. -- DNP01, CS05, NR01	02/09/77	09	0229	S.A. -- DP04
	02/02/77	03	0192	SECOND READING				
	02/02/77	04	0192	S.A. CS ADOPTED BY UNAN CONSENT				
	02/02/77	05	0192	ADVANCED TO 3RD READING BY UNAN CONSENT				
	02/02/77	06	0192	THIRD READING				
	02/02/77	07	0192	PASSED BY DIV 39-CO-01				
**	05/30/77	10	0001	EXPIRED AT END OF FIRST SESSION				

HJR 7 PROPOSING AMENDMENTS TO THE CONSTITUTION OF THE STATE OF ALASKA RELATING TO THE LEGISLATURE

AMENDED TITLE: CS * AM

PRIME SPONSORS: BRADLEY,R.

CO-SPONSORS: MALONE

	DATE	SEQ. NO.	JOURNAL PAGE	HOUSE ACTION	DATE	SEQ. NO.	JOURNAL PAGE	SENATE ACTION
	01/13/77	01	0028	FIRST READING -- COMMITTEE REPORTS				
	04/01/77	02	0733	S.A. -- DP04, NR03				
	05/07/77	03	1249	JUD -- DP02, DNP03, NR01				
	05/22/78	04	1259	PULLED FROM RLS TO JUD BY UNAN CONSENT				
	06/09/78	05	1522	JUD -- CS03, NR01				
	06/12/78	06	1590	SECOND READING				
	06/12/78	07	1590	JUD CS ADOPTED BY UNAN CONSENT				
	06/12/78	08	1590	ADVANCED TO 3RD READING BY UNAN CONSENT				
	06/13/78	15	1627	AMC1 ADOPTED BY UNAN CONSENT				
	06/13/78	16	1627	ADVANCED TO 3RD READING BY UNAN CONSENT				
	06/12/78	09	1590	THIRD READING				
	06/12/78	10	1590	FAILED BY DIV 21-19-00				
	06/13/78	11	1590	NOTICE OF RECONSIDERATION GIVEN				
	06/13/78	12	1624	READ AGAIN THIRD TIME				
	06/13/78	13	1627	READ AGAIN THIRD TIME				
	06/13/78	14	1627	RETURNED TO 2ND READING BY UNAN CONSENT				
	06/13/78	17	1627	READ AGAIN THIRD TIME				
	06/13/78	18	1628	FAILD TO REIN 2ND READNG BY DIV 10-28-02				
**	06/13/78	19	1628	FAILED ON RECONSIDERATN BY DIV 21-17-02				

Senate 10th Leg. 2nd Session

SJR 1 PROPOSING AN AMENDMENT TO THE STATE CONSTITUTION LIMITING REGULAR SESSIONS OF THE LEGISLATURE TO 90 DAYS

PRIME SPONSORS: ORSINI

DATE	SEQ. NO.	JOURNAL PAGE	SENATE ACTION	DATE	SEQ. NO.	JOURNAL PAGE	HOUSE ACTION
** 01/17/77	01	0036	FIRST READING -- COMMITTEE REPORTS JUDICIARY RULES				

SJR 2 PROPOSING AMENDMENTS TO THE CONSTITUTION OF THE STATE OF ALASKA PROVIDING FOR A UNICAMERAL LEGISLATURE

PRIME SPONSORS: RADER

CO-SPONSORS: CROFT

DATE	SEQ. NO.	JOURNAL PAGE	SENATE ACTION	DATE	SEQ. NO.	JOURNAL PAGE	HOUSE ACTION
** 01/17/77	01	0036	FIRST READING -- COMMITTEE REPORTS JUDICIARY RULES				

SJR 3 PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF ALASKA RELATING TO STANDARDS OF SENTENCING AND PENAL ADMINISTRATION

PRIME SPONSORS: ORSINI

DATE	SEQ. NO.	JOURNAL PAGE	SENATE ACTION	DATE	SEQ. NO.	JOURNAL PAGE	HOUSE ACTION
** 01/17/77	01	0036	FIRST READING -- COMMITTEE REPORTS JUDICIARY RULES				

SJR 4 PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ALASKA RELATING TO BAIL IN FELONY CASES INVOLVING VIOLENCE

PRIME SPONSORS: ORSINI

DATE	SEQ. NO.	JOURNAL PAGE	SENATE ACTION	DATE	SEQ. NO.	JOURNAL PAGE	HOUSE ACTION
** 01/17/77	01	0036	FIRST READING -- COMMITTEE REPORTS JUDICIARY RULES				

SJR 5 INVITING THE PRESIDENT OF THE UNITED STATES TO ADDRESS THE ALASKA LEGISLATURE

PRIME SPONSORS: CROFT

DATE	SEQ. NO.	JOURNAL PAGE	SENATE ACTION	DATE	SEQ. NO.	JOURNAL PAGE	HOUSE ACTION
01/17/77	01	0036	FIRST READING -- COMMITTEE REPORTS				
** 02/15/77	02	0305	WITHDRAWN BY SPONSOR				

Alaska State Legislature

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May 3, 1991

MEMORANDUM

TO: Representative Mike Navarre

FROM: Gordon S. Harrison, Director

RE: **Synopsis of Unicameralism**
Research Request 91.274

You requested a synopsis of the case for and against a unicameral legislature in Alaska. The following discussion is intentionally brief and general. I will be happy to prepare a lengthier analysis of the subject at a later date.

In addition to offering the comments below, I am attaching two documents that I have at hand. One is a collection of essays on unicameralism published some time after 1971 (there is no date on the title page) by the *National Municipal League;* the other is a proposed constitutional amendment creating a unicameral legislature that was introduced by Representatives Bill Parker and Brian Rogers in 1980.

Procedural Issues

Establishing a unicameral legislature in Alaska will require an amendment to the state constitution. Constitutional amendments, which require ratification by the voters, may be proposed by two methods: 1) a resolution passed by two-thirds of both houses of the legislature, or 2) a resolution adopted by a constitutional convention.

It is unlikely that a unicameral resolution will pass the Alaska senate. At least that is the lesson of recent history: unicameral resolutions proposed during the 1970s and early 1980s never received a hearing in the senate (even though the voters in 1976 expressed a desire to have the legislature adopt a unicameral resolution). Therefore, if Alaska voters are to get a chance to vote on a unicameral amendment, the proposal is probably going to come before them from a constitutional convention.

The 1992 general election ballot will give voters a chance to call a constitutional convention (the constitution requires that voters be given a

MAY 3, 1991 MEMO

chance to vote on a convention every ten years).[1] Therefore, if voters called for a convention, unicameralism could be considered by the delegates.

Many people regard Alaska's constitution highly, and they oppose the calling of a convention for fear that it could open the door to amendments that would weaken rather than strengthen the constitution. On the other hand, a convention may be the only feasible route for certain constitutional changes. Thus, the risk that a convention would be dominated by fringe groups is one that must be faced by people who favor a convention to achieve unicameralism or accomplish some other progressive objective.

Substantive Issues

Proponents of the unicameral idea advance several arguments on its behalf, but mainly they see unicameralism as a means of streamlining the legislative process and making the legislature a more responsive, active and vital institution. Opponents are fearful that a unicameral legislature could be too responsive, too active, and too vital. The pros and cons of unicameralism are summarized below.

Pros

- unicameralism simplifies the legislative process, making it more understandable to citizens and therefore more accessible;
- unicameralism is more efficient; it eliminates duplication (of staff, hearings, research, and debate);
- unicameralism enhances the accountability of the legislative process;
- unicameralism could end legislative paralysis (the gridlock that seems to exist on major issues, which accounts for the low esteem of Congress and statehouses in the United States today);
- unicameralism would prevent a small number of senators (10 in Alaska today) from thwarting the will of the majority of legislative members;
- unicameralism could reduce the undue influence of lobbyists and special interests (who have access to too many sources of dispersed power in both houses);

---

[1]The framers of the constitution inserted this provision in the state's basic document because they realized that the legislature might be unwilling to consider certain measures, particularly reform measures aimed at the legislature itself.

- unicameralism does not violate the essential system of checks and balances among the legislative, executive and judicial branches in the U.S. system of government (a unicameral legislature would probably strengthen somewhat the legislative branch vis-a-vis the executive branch);

- apportionment of both houses of the state legislature on the basis of population removes the historical rationale for a second chamber, which was to secure representation of geographical areas.

Cons

- bicameralism promotes good legislation because there are two institutional layers of scrutiny; legislation receives a second round of deliberation and constructive criticism;

- bicameralism slows down the legislative process, and therefore gives more time for citizens to learn about proposed legislation and rally against bills they oppose;

- bicameralism reduces the probability of ill-conceived and hasty legislation being adopted by impulsive or impassioned legislators.

Additional Observations

In addition to the foregoing arguments for and against unicameralism, you may want to consider the following.

- the Nebraska legislature is unicameral and nonpartisan; these two issues are separable (a unicameral legislature could be partisan);

- most municipal governments are both unicameral and nonpartisan, including many that deal with far more people and appropriate far more money than does the Alaska legislature;

- recent referenda in other states on adopting a unicameral legislature have been defeated (North Dakota in 1972, 109,146 to 48,217; and Montana in 1972, 122,425 to 95,259, for example).

I hope this information is useful to you. Please let me know if you would like a more comprehensive analysis of this matter.

Attachments

ESSAYS
ON
UNICAMERALISM

Edited by:

Page Elizabeth Bigelow

$1.50

National Municipal League
47 East 68th Street
New York, New York 10021

One-House Legislature Advocated by Unruh

By JESS UNRUH

National Municipal League
Carl H. Pforzheimer Building
47 East 68th Street, New York, N. Y. 10021

Reprinted from National Civic Review, May 1971

CORRECTION

THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY

ESSAYS
ON
UNICAMERALISM

Edited by:

Page Elizabeth Bigelow

$1.50

National Municipal League
47 East 68th Street
New York, New York 10021

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One-House Legislature Advocated by Unruh

By JESS UNRUH

National Municipal League
Carl H. Pforzheimer Building
47 East 68th Street, New York, N. Y. 10021

Reprinted from National Civic Review, May 1971

Amendment

Original sponsors: Parker and Rogers

Offered 4/14/80
Referred Judiciary

IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE

CS FOR HOUSE JOINT RESOLUTION NO. 1

IN THE LEGISLATURE OF THE STATE OF ALASKA

ELEVENTH LEGISLATURE - SECOND SESSION

Proposing amendments to the Constitution of the State of Alaska providing for a unicameral legislature.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. Article II, secs. 1, 2, 3, 12, 14, 16, 18 and 20, Constitution of the State of Alaska are amended to read:

SECTION 1. LEGISLATIVE POWER; MEMBERSHIP. The legislative power of the State is vested in a legislature [CONSISTING OF A SENATE WITH A MEMBERSHIP OF TWENTY AND A HOUSE OF REPRESENTATIVES] with a membership of fifty-nine senators [FORTY].

SECTION 2. MEMBERS' QUALIFICATIONS. A member of the legislature shall be a qualified voter who has been a resident of Alaska for at least three years and of the district from which elected for at least one year, immediately preceding his filing for office. A senator shall be at least [TWENTY-FIVE YEARS OF AGE AND A REPRESENTATIVE AT LEAST] twenty-one years of age.

SECTION 3. ELECTION AND TERMS. Senators [LEGISLATORS] shall be elected at general elections. Their terms begin on the second [FOURTH] Monday of the January following election unless otherwise provided by law. The [TERM OF REPRESENTATIVES SHALL BE TWO YEARS, AND THE] term of senators shall be [,] four years. Thirty [ONE-HALF] of the senators shall be elected in the presidential election year and twenty-nine in the gubernatorial election year [EVERY TWO YEARS].

SECTION 12. RULES. The [HOUSE OF EACH] legislature shall adopt [UNIFORM] rules of procedure. The legislature [EACH HOUSE] may choose

its officers and employees. The legislature [EACH] is the judge of the election and qualifications of its members and may expel a member with the concurrence of two-thirds of its members. The legislature [EACH] shall keep a journal of its proceedings. A majority of the membership of the legislature [EACH HOUSE] constitutes a quorum to do business, but a smaller number may adjourn from day to day and may compel attendance of absent members. The legislature shall regulate lobbying.

SECTION 14. PASSAGE OF BILLS. (a) The legislature shall establish the procedure for enactment of bills into law. No bill may become law unless it has passed three readings [IN EACH HOUSE] on three separate days, except that any bill may be advanced from second to third reading on the same day by concurrence of three-fourths of the membership [HOUSE CONSIDERING IT]. No bill may become law without an affirmative vote of a majority of the membership of the legislature [EACH HOUSE]. The yeas and nays on final passage shall be entered in the journal.

(b) A vote on final passage of a bill may not be taken until five legislative days after the introduction of the bill and until at least one legislative day after the date publicly announced for the bill to appear on the daily calendar of the legislature. However, in the case of an urgency bill necessary for the immediate preservation of the public peace, health, or safety, three-fourths of the membership of the legislature may dispense with these requirements. A statement of facts constituting the urgency shall be set out in one section of the urgency bill, and that section and the bill shall be voted on separately and each may be passed only by the concurrence of two-thirds of the membership of the legislature. An urgency bill may not create or abolish a state office, change the salary, term, or duties of a state official, grant a franchise or special privilege, create a vested right or interest, or

levy a tax.

SECTION 15. VETO. The governor may veto bills passed by the legislature. He may, by veto, strike or reduce items in appropriation bills. He shall return any vetoed bill, with a statement of his objections, to the legislature [HOUSE OF ORIGIN].

SECTION 16. ACTION UPON VETO. Upon receipt of a veto message, the legislature shall meet immediately [IN JOINT SESSION] and reconsider passage of the vetoed bill or item. Bills to raise revenue and appropriation bills or items, although vetoed, become law by affirmative vote of three-fourths of the membership of the legislature. Other vetoed bills become law by affirmative vote of two-thirds of the membership of the legislature. The vote on reconsideration of a vetoed bill shall be entered in [ON] the journal [JOURNALS] of the legislature [BOTH HOUSES].

SECTION 18. EFFECTIVE DATE. Laws passed by the legislature become effective ninety days after enactment. The legislature may, by concurrence of two-thirds of the membership [OF EACH HOUSE], provide for another effective date.

SECTION 20. IMPEACHMENT. All civil officers of the State are subject to impeachment by the legislature. Impeachment [SHALL ORIGINATE IN THE SENATE AND] must be approved by a two-thirds vote of the members. The resolution [MOTION] for impeachment shall list fully the basis for the proceeding. Trial on impeachment shall be conducted by the legislature [HOUSE OF REPRESENTATIVES]. A supreme court justice designated by the court shall preside at the trial. Concurrence of three-fourths [TWO-THIRDS] of the members of the legislature [HOUSE] is required for a judgment of impeachment. The judgment may not extend beyond removal from office, but shall not prevent proceedings in the courts on the same or related charges.

* Sec. 2. Article VI, Constitution of the State of Alaska, is repealed

THE
FOLLOWING
DOCUMENTS
ARE
POOR
ORIGINAL
COPIES

and re-adopted to read:

ARTICLE VI. LEGISLATIVE DISTRICTING.

SECTION 1. LEGISLATIVE DISTRICTS. (a) Members of the legislature shall be elected by the qualified voters in the legislative districts established as provided in this article.

(b) Legislative districts shall consist of compact, contiguous territory. Each senator shall represent, as nearly as possible, an equal number of persons. The number of persons represented by each senator is determined by dividing the total membership of the legislature into the total population of the State. The basis for legislative redistricting shall be the total population of the State as reported in the most recent decennial federal census. If the redistricting is pursuant to a court order, the total population of the State as determined by the most recent decennial federal census, or, if the census is five years old or older, then other reliable population data, including but not limited to population estimates based on public school enrollments, public utility connections, registered voters or certified employment payrolls, shall be used as the basis for the legislative redistricting.

(c) To the extent the requirements of equality in terms of population permit, each legislative district shall contain, as nearly as practicable, a relatively integrated socio-economic area. In the formation of legislative districts, consideration shall be given to local government boundaries. Whenever possible, drainage basins and other identifiable geographic features shall be used in describing legislative district boundaries.

SECTION 2. REDISTRICTING. (a) The governor shall redistrict the legislature in the manner prescribed by this article immediately following the official reporting of the decennial federal census, or imme-

diately following a court order to redistrict the legislature.

(b) The term of office of a member of the legislature is not affected by a change in the boundaries of the district from which he was elected.

SECTION 3. REDISTRICTING BOARD. The governor shall appoint a redistricting board to advise him. The board shall consist of five members, none of whom may be a public employee or official. At least one member of the board shall be appointed from the (1) Southeastern, (2) Southcentral, (3) Central, (4) Western, and (5) Northwestern regions of the state. Appointments to the board shall be made without regard to political affiliation. However, the board shall include at least one member from each political party which nominated a candidate for governor who received at least ten percent of the total vote cast at the general election for governor preceding the appointment of the board. Board members shall be compensated. The board shall elect one of its members chairman and may employ a temporary staff. Concurrence of three members of the board is required for a ruling or determination by the board, but a lesser number of members may conduct hearings or otherwise act for the board.

SECTION 4. REDISTRICTING PLAN; PROCLAMATION. Within ninety days following the official reporting of the decennial federal census, the redistricting board shall submit to the governor a plan for redistricting as provided in this article and shall make the redistricting plan public. Within ninety days after receipt of the redistricting plan, the governor shall issue a proclamation of redistricting. A statement accompanying the proclamation shall explain any change from the redistricting plan submitted to him by the redistricting board. The redistricting shall be effective for the election of members of the legislature until after the official reporting of the next decennial census.

SECTION 5. ENFORCEMENT; JUDICIAL REVIEW, CORRECTION. A qualified voter may apply to the supreme court to compel the governor to redistrict, to review the redistricting plan, or to correct an error in redistricting. An application to compel the governor to redistrict must be filed within thirty days of the expiration of either of the two ninety-day periods specified in Section 4 of this article. An application to review the redistricting plan or to compel its correction must be filed within thirty days following the date of a proclamation of redistricting. Original jurisdiction of applications filed under this section is vested in the supreme court, and the application may be reviewed by the supreme court upon the law and the facts.

* Sec. 3. Article II, sec. 10, and art. XIV, Constitution of the State of Alaska, are repealed.

* Sec. 4. The amendments proposed by this resolution shall be placed before the voters of the state at the next general election in conformity with art. XIII, sec. 1, Constitution of the State of Alaska, and the election laws of the state.

* Sec. 5. If the amendments proposed by this resolution are ratified by a majority of qualified voters voting on the resolution, the following provisions shall be followed in the transition from a bicameral to a unicameral legislature:

(1) the holdover members of the senate and those members of the senate and house of representatives elected to the Twelfth Alaska Legislature shall sit as a bicameral legislature during the first session, but shall sit as a unicameral legislature consisting of 60 members during the second session;

(2) at the first session of the Twelfth Alaska Legislature, the legislature shall make the necessary preparation for sitting as a unicameral legislature during the second session;

(3) no later than July 1, 1982, the governor shall redistrict the legislature in accordance with art. VI, Constitution of the State of Alaska, as amended by this resolution, to provide for a unicameral legislature consisting of 59 members; the total population of the state as determined by the most recent decennial federal census shall be used as the basis for the legislative redistricting;

(4) at the 1982 general election, 29 members of the legislature shall be elected to four-year terms, and 20 members shall be elected to two-year terms, set by the governor in the redistricting plan provided for by (3) of this section; the 10 members of the senate elected to four-year terms in 1980 shall hold over as members of the Thirteenth Alaska Legislature until the expiration of their terms in 1984.

HJR 1 PROPOSING AMENDMENTS TO THE CONSTITUTION OF THE STATE OF ALASKA PROVIDING FOR A UNICAMERAL LEGISLATURE

AMENDED TITLE: CS * AM

PRIME SPONSOR 'ARKER

CO-SPONSORS: ROGERS

	DATE	SEQ. NO.	JOURNAL PAGE	HOUSE ACTION	DATE	SEQ. NO.	JOURNAL PAGE	SENATE ACTION
	01/24/79	01	0038	FIRST READING -- COMMITTEE REPORTS				
	04/14/80	02	0946	S.A. -- CS02, NR03				
	04/24/80	03	1083	JUD -- DNP02, S.A. CS03, NR02				
	05/07/80	05	1239	SECOND READING				
	05/07/80	06	1239	S.A. CS ADOPTED BY UNAN CONSENT				
	05/07/80	07	1240	AM01 ADOPTED BY UNAN CONSENT				
	05/07/80	08	1241	AM02 ADOPTED BY DIV 24-14-02				
	05/07/80	09	1241	ADVANCED TO 3RD READING BY UNAN CONSENT				
	05/07/80	10	1241	THIRD READING				
	05/07/80	11	1241	FAILED BY DIV 13-25-02				
	05/07/80	12	1241	NOTICE OF RECONSIDERATION GIVEN				
	05/08/80	13	1258	READ AGAIN THIRD TIME				
	05/08/80	14	1258	RECOMMITTED TO RLS BY UNAN CONSENT				
	06/05/80	15	2161	READ AGAIN THIRD TIME				
**	06/05/80	16	2161	FAILED ON RECONSIDERAIN BY DIV 15-22-03				
	04/24/80	04	1083	JUD F/NOTE-HSE SUPPL #54				

HJR 2 RELATING TO THE SECURING OF VOTING RIGHTS FOR CITIZENS IN THE DISTRICT OF COLUMBIA AND PROVIDING FOR THEIR REPRESENTATION IN THE CONGRESS OF THE UNITED STATES ISTRICT OF COLUMBIA

AMENDED TITLE: SS *

PRIME SPONSORS: ELIASON

	DATE	SEQ. NO.	JOURNAL PAGE	HOUSE ACTION	DATE	SEQ. NO.	JOURNAL PAGE	SENATE ACTION
**	01/24/79	01	0038	FIRST READING -- COMMITTEE REPORTS STATE AFF. JUDICIARY				

Alaska State Legislature

Legislative Research Agency

P.O. Box Y
Juneau, AK 99811-3100
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July 8, 1991

MEMORANDUM

TO: Representative Mike Navarre

FROM: Gordon S. Harrison, Director

RE: **Efforts to Create a Unicameral Legislature in Alaska**
Research Request 91.289

The concept of a unicameral legislature--that is, a legislature with one chamber rather than two--has been a favorite of political reformers in the United States since early in this century. Unicameralism has been universally embraced at the municipal level of government, but scorned at the state level. While proposals for constitutional change to adopt a unicameral legislature have been considered at one time or another in virtually every state since 1912--as public referendums and initiatives, motions before state constitutional conventions, and bills and resolutions introduced in state legislatures--only in Nebraska has this reform effort borne fruit.

Although Alaska's legislature remains conventionally bicameral, unicameralism has a long history here. Alaska's territorial legislature was almost made a unicameral body when it was created by Congress in 1912. Unicameralism attracted attention during the 1930s, when Alaska's delegate to Congress, Anthony J. Dimond, promoted the idea. But when the voters rejected a referendum on unicameralism in 1937, Mr. Dimond turned to other avenues of legislative reform. A one-house legislature was favored by a number of delegates at the Alaska constitutional convention meeting in the winter of 1955 to 1956, but the idea was set aside, partly because it lacked the necessary trappings of political custom. The unicameral idea was advanced again in the early 1970s as a good-government reform. Voters approved an initiative on the general election ballot in 1976 that called on the legislature to adopt a constitutional amendment creating a unicameral legislature. But despite this expression of majority opinion in favor of the unicameral concept, the legislature failed to act.

This memorandum discusses the history of these efforts to create a one-house legislature in Alaska.

The Unicameral Idea

Under the traditional bicameral system used by Congress and 49 of the 50 states, there are two legislative chambers. The larger of these is usually called the house of representatives; the smaller is called the senate. A bill

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must pass both chambers before it is enacted and sent to the executive for final approval (or veto). The underlying rationale for two legislative chambers is that one provides a check on the other against hurried, ill-conceived, and poorly drafted legislation. The senate is commonly regarded as a necessary check on the house: more conservative by nature and more remote from the voters by virtue of their longer terms, senators are perceived as a counterpoise to members of the more impulsive "lower" house, who, standing for election every two years, are susceptible to the sudden passions of the populace. In any case, two houses are thought to be superior to one because the additional study and critical assessment of bills by the second chamber improve the final legislative product.

Critics of the bicameral system argue that this legislative process is slow, uncertain, inefficient, and mysteriously complex to everyone but those who are involved in it (and who profit directly from it). It tends to favor quiet deals and symbolic gestures over open and candid deliberation. No one can be held accountable for what finally emerges, or fails to emerge, from the murky labyrinth of committees.

By eliminating the second chamber, unicameralism promises to streamline the legislative process, de-mystify it, and open it to greater scrutiny and participation by the public. Advocates of a one-house legislature argue that constitutional safeguards, the executive veto, and the referendum provide adequate checks against hasty and misguided legislation. They also contend that legislation will be more thoroughly reviewed under a one-house system because legislators may no longer heedlessly assume that the second chamber will catch their mistakes.[1]

Many prominent politicians as well as political theorists have advocated the unicameral principle over the decades. Municipal governments are all unicameral, including those of major U.S. cities with annual budgets far larger than the budgets of many states. For years, the model state constitution of

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[1]A full discussion of the advantages and disadvantages of a one-house legislature is beyond the scope of this memorandum. However, there is an extensive bibliography on the subject. Among the more recent reviews are Demitrios M. Moschos and David L. Katsky, "Unicameralism and Bicameralism: History and Tradition," *Boston University Law Review*, Vol 46, 1965; and Talbot D'Alemberte and Charles C. Fishburne, "The Unicameral Legislature," *University of Florida Law Review*, Vol 17, 1964. The articles reflect renewed interest in the unicameral concept that appeared in the aftermath of rulings by the U.S. Supreme Court in a series of reapportionment cases in the early 1960s [the leading case was *Reynolds v. Sims*, 84 Sup. Ct. 1362 (1964)] that required *both* chambers of state legislatures to be apportioned on the basis of population. At the time, state senates were apportioned on the basis of geographical areas (typically, each county got the same number of seats, regardless of its population). The reapportionment directives from the U.S. Supreme Court undermined a traditional justification of bicameral legislatures that two chambers were necessary because they represented two different constituencies.

the National Municipal League called for a unicameral legislature. All ten Canadian provinces have unicameral legislatures. Yet despite its theoretical appeal and successful application elsewhere, the unicameral system has not made headway among American state governments.

Alaska's first brush with unicameralism occurred when Congress created the territorial legislature early in this century. Unicameralism, together with the initiative, referendum and recall, direct party primaries, and popular election of U.S. senators, was part of the reformist agenda of the progressive movement at the time.

Creation of Alaska's Territorial Legislature

Alaska's territorial legislature was established by an act of Congress on August 24, 1912.[2] This legislation culminated many years of effort by Alaskans to secure passage of a "home-rule" bill that would give Alaska territorial status and its own law-making body. Judge James Wickersham, Alaska's delegate to Congress from 1909 to 1917, played a central role in drafting and promoting home-rule legislation.[3] The measure finally adopted by Congress in 1912 was a compromise between dissimilar versions of Judge Wickersham's bill H.R. 38 that passed the House of Representatives and the Senate. A conference committee of three representatives and three senators negotiated the terms of the bill that finally won approval.

A sticking point between the Senate and House conferees was the Senate amendment to H.R. 38 that deleted references to the territorial senate, leaving a house of representatives with 16 members. In the face of opposition from the House committee members and from Judge Wickersham, the Senate conference committee members eventually acceded to the House version, which created a conventional, albeit small (24-member), bicameral legislature.

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[2]Second Organic Act (also referred to as the Territorial Organic Act) of August 24, 1912 (37 Stat. 512). See 48 U.S.C. 21 et. seq.

[3]Judge Wickersham, a Republican, returned to Washington, D.C., as Alaska's voteless delegate in 1918, 1921 and 1931.

It is ironic that the Senate bill proffered a one-house legislature, because the upper chamber (the one absent in a unicameral system) is typically the more tradition-bound of the two, and quicker to argue the necessity of internal legislative checks. No doubt the unicameral arguments of economy and efficiency were uppermost in the minds of the key senators who supported the unicameral amendment.[4]

Congress was disposed to give Alaskans some measure of self-government, but it was reluctant to burden the federal treasury with an elaborate and expensive institution for a region whose population was sparse and transient and whose economy was undeveloped. Although it would be without an upper chamber, the new territorial legislature would hardly be unbridled: the federally appointed governor and Congress itself could overturn acts of the body. Senate hearings on H.R. 38 dwelled on the power of Congress to veto acts of the territorial legislature.[5] Under the circumstances, Alaska's territorial legislature must have seemed a comparatively safe experiment in unicameral reform.

Noteworthy about Judge Wickersham's opposition to unicameralism at this time (he would oppose unicameralism for Alaska again 25 years later) was its apparent *tactical* nature. That is, Judge Wickersham's aversion to the Senate's unicameral amendment to his home-rule bill seemed to be a matter of political expediency rather than antipathy to the unicameral principle.

Indeed, Judge Wickersham was receptive to the unicameral idea at a hearing on one of his earlier home-rule bills. In 1910, in a meeting of the Committee on the Territories of the U.S. House of Representatives, the following exchange took place between Judge Wickersham and Falcon Joslin, president of the Tanana Valley Railroad Company, who preferred an appointed, unicameral legislature for Alaska.

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[4]These included Judge Wickersham's ally Senator William Smith of Michigan and Judge Wickersham's adversary, Senator Knute Nelson of Minnesota. Unicameralism was a democratic political reform being touted by progressives of the day. In 1912, Oregon was the first state in which voters considered a unicameral amendment. It was soundly defeated, as was a similar amendment two years later. In 1913 Governor George H. Hodges of Kansas began a campaign for a one-house legislature that received national attention. Several states considered unicameral amendments between 1914 and 1920. In Oklahoma, voters approved in 1914 a unicameral amendment by a vote of 99,686 to 71,742, but the measure failed because it did not receive a majority of the total votes cast in the election. These early efforts to create a unicameral legislature are discussed in Alvin W. Johnson, *The Unicameral Legislature*, University of Minnesota Press, 1938, pp. 95 - 108.

[5]Even though Congress seldom annulled a territorial act, it is evident from the hearing record that the senators considered it important that Congress retain the prerogative. See United States Senate, Sixty-second Congress, Second Session, *Hearings before the Committee on Territories on H.R. 38*, May 31, 1912.

Mr. Joslin: ". . . I supported you but I didn't support your idea for a double-headed legislature--that is, a two-body legislature. . . . I do not believe in the principle of a two-house legislature."

Mr. Wickersham: "We have talked about the matter, and I have said to you that I had no pride in that particular portion of my bill?"

Mr. Joslin: "Yes."

Mr. Wickersham: "That if we could get a single house I would be entirely satisfied with it?"

Mr. Joslin: "Yes; quite so."

Mr. Wickersham: "So we do not disagree on that at all."

The Chairman: "Then, Judge Wickersham, you and Mr. Joslin agree that you could agree on a one-house legislature?"

Mr. Wickersham: "Yes, if it were elective."[6]

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[6]United States House of Representatives, Sixty-first Congress, Second Session, Committee on the Territories, *Government for Alaska* ("Statement of Mr. Falcon Joslin of Fairbanks, Alaska"), March 22, 1910, pp. 9 - 10. Two years prior, Judge Wickersham had advocated a home-rule bill that provided for a federally appointed, rather than popularly elected, upper chamber. See U.S. House of Representatives, Sixtieth Congress, First Session, Committee on the Territories, *Territorial Government for Alaska*, March 18, April 1, 1908, page 23.

Judge Wickersham was bent on obtaining some form of representative government for Alaska, and he was quick to compromise for that end.[7] During subsequent debate on home-rule legislation, bicameralism best suited his purposes. This is because a home-rule measure for Alaska was strongly opposed by corporate mining and fishing interests, which feared taxation, and Judge Wickersham sought to allay fears that the new legislature would be too adventuresome in this regard. Under his bicameral proposal, tax laws, like other legislation, would have to run the gauntlet of two legislative houses as well as the veto of the governor and Congress. In congressional hearings he sought to reassure skeptics by emphasizing the many obstacles to legislation. For example, Judge Wickersham's bill proposed an even-numbered (eight-member) senate despite the probability of legislative stalemates from tie votes: that feature of the legislature, he said, ". . . is another block against legislation. . . ."[8]

Judge Wickersham also feared that opposition to unicameralism among key members of the U.S. House of Representatives would stymie his bill in that body. He wanted a bill that the House could accept. Historian Jeannette Paddock Nicholas writes about Judge Wickersham's "dismay" at the unicameral amendment in the U.S. Senate, for he feared "it would kill his measure."[9] Judge Wickersham's apparent concern about the symbolic implications of unicameralism rather than substantive shortcomings of the concept are suggested in a diary entry made during the House-Senate conference committee meetings on H.R. 38:

> ". . . I met Senator Smith a while ago in the Senate. He took me to one side & very seriously asked me if Alaska really needed the two House Legislature. I solemnly assured him that I thought it did -- *that anything less than the usual organization would lead to distrust and trouble etc.*"[10]

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[7]At one point in testimony on H.R. 38 before the U.S. Senate Committee on the Territories, the chairman addressed the delegate: "You are willing to accept pretty nearly anything to start this thing [legislature]." Judge Wickersham replied, "Yes." *Hearings*, May 31, 1912, p. 43.

[8]U.S. Senate, Committee on the Territories, *Hearings on H.R. 38*, p. 39. In other testimony on his bill, Wickersham said: "There is every guard to prevent the legislature from passing bad legislation." U.S. Senate, Committee on Territories, *Civil Government in Alaska*, Hearings on S. 1647, May 23. 1911.

[9]Jeannette Paddock Nicholas, *History of Alaska*, (Cleveland: Arthur H. Clark Co., 1924), p. 403.

[10]*Diary of Judge James Wickersham*, August 16, 1912; emphasis added.

1938 Referendum

Interest in unicameralism increased in the United States during the years of the Great Depression. In 1934, U.S. Senator George Norris of Nebraska, exploiting the fiscal hardship of government and widespread disgust with long, contentious and unproductive legislative sessions, convinced a majority of voters of that state to amend their constitution to create a unicameral legislature.[11] Between 1935 and 1937, measures to implement the unicameral system were considered in over half the states; 40 unicameral bills were considered by 21 of the 43 state legislatures in session in 1937 alone.[12]

In Alaska, Representative Joe Green of Hyder introduced at the beginning of the 1935 session of the territorial legislature House Joint Memorial No. 3, calling for Congress to amend the Second Organic Act "so as to provide for a Legislature of one body. . ."[13] The memorial passed the house unanimously, but it failed in the senate on a vote of six to two.[14] An identical memorial

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[11]Although the role of Senator Norris was pivotal, the people of Nebraska were well-acquainted with the unicameral idea. "Reform of the legislative set-up in Nebraska had been before the people since 1913. A commission created in that year made a careful study of the workings of the law-making body and in its recommendations to the legislature of 1915 suggested that one of the much-needed reforms was the establishment of a one-house legislative body patterned somewhat upon the Canadian system. A resolution to carry this recommendation into effect, proposed in the legislature of 1917, received extensive publicity, but was finally smothered. The constitutional convention of 1919 - 1920 defeated a similar proposal by a tie vote. The proposition reappeared in the legislative sessions of 1923, 1925 and 1933. In 1923, an initiative petition for a constitutional amendment to create a one-house legislature was circulated, but did not receive the requisite number of signatures. It can scarcely be said, therefore, that when Senator George W. Norris inaugurated his campaign for a unicameral legislature in the fall of 1933, the proposal was something new." John P. Senning, "Nebraska Provides for a One-House Legislature," *American Political Science Review*, Vol. 29 (1935), p. 69. See also, John P. Senning, *The One-House Legislature* (New York: McGraw Hill, 1937), pp. 50 - 74.

[12]Alvin W. Johnson, *The Unicameral Legislature* (Minneapolis: University of Minnesota Press, 1938), p. 95.

[13]Representative Green's memorial proposed a unicameral legislature of 24 members who would be elected gradually. The plan allowed sitting senators to finish their term, and it created enough seats to accommodate all of the displaced senators in the new body.

[14]*House Journal, 1935*, pp. 106 - 107; *Senate Journal, 1935*, pp. 58 - 59.

was introduced in the house again at the beginning of the 1937 session, House Joint Memorial No. 5, but this measure fared less well: it received a "do not pass" recommendation from committee, and at second reading it was laid on the table.[15]

Seizing the unanimous endorsement by the territorial house of the 1935 memorial (and ignoring the reversal of sentiment in 1937), Anthony ("Tony") J. Dimond, Alaska's delegate to Congress, launched an effort to make the Alaska territorial legislature a one-chamber body. Mr. Dimond was a progressive Democrat from Valdez who had served two terms in the territorial senate (1923 to 1926, and 1929 to 1932). He was aligned philosophically with President Franklin Roosevelt and the New Deal program. From his experience in the territorial legislature, and from his work on behalf of Alaska as delegate in Congress from 1933 (he would serve in Washington D.C. until 1945), Mr. Dimond became convinced of the need for an overhaul of Alaska's legislative machinery to make it more democratic and responsive.

Mr. Dimond could not, however, ramrod a unicameral amendment through Congress under the banner of democracy without a convincing expression of support for the change from the voters of the territory. Consequently, on June 20, 1937 (some four months after the legislative demise of the second memorial), he introduced in the U.S. House of Representatives H.R. 6651, "An act to provide for a referendum in the Territory of Alaska as to the establishment of a one-house legislature. . . ." The measure was passed and signed by President Roosevelt on August 6, 1937.[16] It called for a special referendum ballot at the general election of September 13, 1938, which offered voters the chance to express their preference for or against a unicameral legislature.[17]

A spate of opposition rose to the ballot measure. The *Juneau Empire*, a strongly Democratic newspaper that backed Mr. Dimond for reelection, editorialized against it. *The Fairbanks Daily News Miner* reviled the idea, branding it a "leap in the dark" that "people adhering to the principles of true Americanism will not take . . . ." It continued:

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[15]*House Journal, 1937,* p. 115.

[16]P.L. 307, 75th Congress, Ch. 662, 1st Session.

[17]Voters could check a box by the statement "I favor a one-house legislature for Alaska," or by the statement "I do NOT favor a one-house legislature for Alaska."

> What mysterious influence inspired the proposed change, what sinister objective may be concealed in the proposal, is still unanswered. Throughout the Territory suspicion has been aroused. Wise men in public and private life, dumbfounded by the persistence of the proposition and the mysterious unsponsored character of the movement have been chary of the whole thing from the beginning.[18]

Large display advertising urging a negative vote on the referendum appeared in major newspapers. Norman "Doc" Walker, a popular Democrat from Ketchikan who was one of the two territorial senators to vote in favor of the 1935 memorial, ran a full-page statement in which he recanted his earlier position and argued against the unicameral principle.

But the most vitriolic attack came from Judge James Wickersham, now an 81-year old Republican elder statesman residing in Juneau.[19] Judge Wickersham wrote and widely distributed a ten-page pamphlet bitterly attacking the referendum as a foolhardy and subversive proposition. On the cover it blared:

> The Dimond Referendum which you are urged to adopt is the first step in an organized plan to create a FULL CENTRALIZED BUREAUCRATIC FORM OF GOVERNMENT in Alaska through a Unicameral or One House Legislature without check or balance--the Nazi German type. VOTE AGAINST IT.[20]

The pamphlet pursued at some length the notion that a unicameral legislature would deprive Alaska of a "full territorial form of government," the popular slogan of the day for the struggle to secure greater autonomy from Washington, particularly over the management of fish and game. Judge Wickersham twisted the phrase to mean traditional governmental structures, including a bicameral legislature, rather than an expansion of governmental powers, and he thereby set Mr. Dimond's unicameral proposal against the mainstream political rhetoric in the territory, and against solemn pronouncements by Mr. Dimond himself.

Judge Wickersham's fulminations against unicameralism (which contrast with his more tolerant view of the idea a quarter of a century earlier) was an upwelling of his deep partisan suspicion of New Deal Democrats and dislike for their policies. His pamphlet warned that Congress, armed with a unicameral referendum, ". . . will not be bound to act in compliance with any request of

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[18]*Fairbanks Daily News-Miner*, September 12, 1938, p. 2.

[19]Evangeline Atwood, *Frontier Politics; Alaska's James Wickersham* (Portland, Ore.: Binford and Mort, 1979), p. 381.

[20]James Wickersham, *An Appeal to the Voters of Alaska*, pamphlet, no date. The pamphlet was apparently published early in 1938, as it bears a 1938 quote from Governor John W. Troy, and newspapers reported on it in February 1938. See, for example, excerpts published in the *Ketchikan Alaska Chronicle*, February 25 and 26, 1938.

the people, or of the Legislature of Alaska. The whole matter of reorganizing our Legislature will then be wide open to the powers or prejudices of Congress. Where will it all stop?" He raised the specter of higher taxes on gold mining and fishing, and a local legislature run amok.

Judge Wickersham's much-publicized opposition to a one-house legislature, together with hostile newspaper editorials and the display advertising of opponents, helped defeat the measure: 6,639 votes were cast against the unicameral legislature, 4,975 were cast in favor.

Much of the favorable vote was doubtless attributable to the immense popularity and prestige of Mr. Dimond, who was the sole public spokesman for the measure. Despite his own apparent invincibility at the polls (he was reelected in 1938 by a landslide), Dimond did not attempt to emulate Senator Norris of Nebraska, whose tireless campaign in 1934 on behalf of a unicameral initiative propelled the measure to victory in that state. While the delegate urged Alaskans to vote yes on the referendum, he strove to keep the measure from becoming partisan, and he was careful to distance his own bid for reelection from the unicameral issue.

Mr. Dimond, too, circulated a pamphlet on the unicameral referendum prior to the September election. Titled *Should Alaska Have a One-House Legislature? Its Citizens Will Decide*, the 15-page booklet was the transcript of a speech by Mr. Dimond in the U.S. House of Representatives that was printed by the U.S. Government Printing Office (but not at government expense, according to a parenthetical statement on the cover). Thorough, well-researched, and eloquent, it was perhaps too scholarly and long-winded for an effective polemical tract. Discoursing on the practical and theoretical merits of a unicameral system, Mr. Dimond points out that with a bicameral system a minority of legislators in the upper body can thwart the will of the legislative majority. This frustration with the Alaska territorial senate was doubtless the source of his zeal for the unicameral reform. That four of eight senators, all preyed upon by a corps of well-financed corporate lobbyists in Juneau, could repeatedly thwart progressive measures in the legislature was a profound affront to Dimond's democratic sensibilities. He wrote:

> . . . one of the essentials of democracy is that the legislative processes, subject to constitutional restrictions as to fundamentals, shall be controlled by a legislature which ordinarily expresses its will through majorities. . . . If, under the Constitution, we deny the concept of legislative rule by the legislature, which involves majority government as to matters ordinarily within legislative jurisdiction, we deny one of the essential elements of democratic government. And yet in our two-house legislative system in Alaska, as at present constituted, a very small minority of both houses may be able to defeat the will of an overwhelming majority. Four members of our Alaska Senate may conceivably prevent the passage of legislation desired by the 16 members of the house and the other four members of the senate--20 in all. Surely

> it is not the best kind of democratic government to give 4 people out of 24 a possible absolute and final veto upon legislation. . . . No person can seriously call this the most nearly perfect kind of democratic government.
>
> The two-house legislature lends itself to influence of lobbyists for minorities, to an extent not possible with a one-house body. A two-house system gives every advantage to representatives of interests which are well financed. . . . . under the two-house system the lobbyist who works secretly has undue advantage, because there is always the opportunity to bring influence to bear after a bill has passed both houses and has gone to conference, which usually consists of three Members of each House and where meetings of the conference committee are not held in the open or publicly.[21]

When the unicameral approach to reforming Alaska's legislature foundered at the polls, Mr. Dimond sought to democratize the institution by means of reapportionment--an interesting epilogue to the tale of the 1938 referendum. Ever since the Second Organic Act was passed in 1912, seats in the Alaska legislature were divided equally among the four judicial districts: each had two senate seats and four house seats. While the districts were roughly equal in population in 1912, they had not been so for many years (residents of southeast Alaska had sought reapportionment in the early 1920s because their district had acquired more population than the other districts and was consequently under-represented in the legislature). Delegate Dimond sought to rectify this malapportionment of the legislature, and also to increase its size. He adamantly believed that an eight-member senate and 16-member house were too small to be effective representative bodies.

Delegate Dimond's reapportionment bill, H.R. 4397, introduced in 1941, proposed to expand *both* the senate and house to 18 members and apportion *both* chambers on the basis of population.[22] But Congress was unprepared for such innovation. It eventually agreed to enlarge both chambers, but it retained the disparity in size between them: the senate was expanded from eight to 16

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[21]Anthony J. Dimond, *Should Alaska Have a One-House Legislature? Its Citizens Will Decide*; Remarks of the delegate in the House of Representatives, April 26, 1938, U.S. Government Printing Office, 1938.

[22]Mr. Dimond's opponents accused him of trying to fashion a unicameral legislature by the circuitous route of his reapportionment bill. In a personal letter to Mrs. Alf N. Monsen, editor of *The Daily Alaska Empire*, Dimond wrote: "It makes me rather impatient to hear some who are opposed to any change in the legislative system pontificate to the effect that 'a legislature of two houses with the same number of members in each house is a unicameral legislature under another guise.' Any reasonable man or woman should be ashamed to use that particular argument because it is a clear fiction." Letter from Anthony Dimond to Mrs. Alf N. Monsen, March 18, 1942.

members, and the house from 16 to 24. Also, Dimond had to settle for proportional representation (apportionment on the basis of population) in only the lower chamber; senate seats continued to be apportioned equally among the judicial districts. (Not until forced to do so by the U.S. Supreme Court in the 1960s did state legislatures apportion both chambers on the basis of population.) These changes passed Congress in 1942, but they were not put into effect until the 1944 election because of Alaska's preoccupation with World War II.[23]

Rejection by the voters of Mr. Dimond's unicameral proposal in 1938 did not put an end to the idea of vitalizing the Alaska legislature by amputating the second chamber. A unicameral proposal was brought before the newly reapportioned territorial legislature in 1945 and again 1946.

Freshman Democrat Chris Hennings of Juneau introduced House Joint Memorial No. 12 late in the 1945 legislative session. It called on Congress to amend the Second Organic Act to provide for "an Alaska Legislature of one body, to be known as the Senate, to consist of forty members. . ." that would be apportioned on the basis of population. The measure was taken up on third reading on the 51st day and narrowly defeated. However, notice of reconsideration was given, and on the 52 day it passed the House of Representatives by a vote of 13 to ten. The memorial was then sent to the Senate, which voted not to accept it because of the lateness of the session.[24]

Hennings introduced a similar measure, House Joint Memorial No. 4, early in the special session of 1946. It received a committee report of "do not pass," and the memorial failed on third reading by a vote of 9 to 12.[25]

Unicameralism did not become an issue again in Alaska politics until it was considered by the delegates to the state constitutional convention held in Fairbanks from November 1955 to February 1956.

Constitutional Convention (1955-1956)

Although a few candidates (both successful and unsuccessful) for seats at state's constitutional convention expressed their preference for a one-house legislature, unicameralism was not an issue in the campaign for delegates to the convention. Indeed, the lack of public discussion of the issue prior to the convention became a major obstacle to seriously entertaining the unicameral option during the convention. Unicameralism was put aside early in the

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[23]The bill that passed November 13, 1942 was H.R. 5459, introduced by Lex Green, Chairman of the House Committee on the Territories (56 Stat 1018).

[24]*House Journal, 1945*, pp. 365, 659, 673 and 698.

[25]*House Journal, 1946*, pp. 214, and 336 to 337.

proceedings, but not before it was thoroughly discussed, along with shortcomings of the territorial legislature that unicameralism proposed to remedy.

That a one-house legislature received the attention it did at the convention was due largely to the efforts of delegate John McNees of Nome. Mr. McNees had not served in the territorial legislature, although he later served one term in the state senate (1958 - 1962). Mr. NcNees had made a thorough study of the unicameral principle, and he became its primary advocate. Prior to the convening of the convention, McNees proselytized on behalf of a one-chamber legislature, circulating information and meeting with groups of delegates. As a result of his efforts, unicameralism got a serious hearing at the outset of the convention. Delegate John Hellenthal of Anchorage (a foe of unicameralism) remarked during the floor debate:

> . . . we all left home thinking that the problem of unicameralism was a remote possibility--that there would doubtless be a small minority effort to obtain a unicameral body but that it would not gain any weight at all. To our surprise the movement is rapidly gaining weight, gaining momentum, and it may very well be that after great deliberation this body decides to adopt a unicameral house. . . .[26]

The merits of unicameralism and bicameralism were contested in a special meeting of the Committee of the Whole early in the convention. It was decided that the issue should be resolved so the drafting committees could go about their business with an understanding of the basic structure of the legislative branch. Joining Mr. McNees in unequivocal support of the unicameral approach were only two other delegates, Jack Hinckel, mayor of Kodiak, and Dorothy Awes, an Anchorage attorney. The majority of those who spoke did so on behalf of a traditional, bicameral legislature.

A few delegates focused their remarks on the substantive merits of bicameralism, arguing that internal legislative checks and reviews are essential safeguards against bad or poorly drawn laws. Others simply pointed to the successful precedent of Congress and 47 of the 48 states. For example, delegate Michael Walsh of Nome declared: "I look to our Federal Constitution, and from there I take my views. It has withstood the test of time. It has gone past 150 years, and today it is respected the world over as the greatest form of government."[27]

Regardless of the comparative merits of the two systems, however, other delegates voiced a preference for bicameralism because of the difficulty they perceived of persuading the people of Alaska and Congress to accept a new and

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[26]*Proceedings of the Alaska Constitutional Convention*, p. 386.

[27]*Proceedings of the Alaska Constitutional Convention*, p. 457.

unfamiliar system. For example, delegate John Cross, a pilot from Kotzebue, said:

> We came here to build a constitution. This constitution has two basic requirements--one is that it must be workable, the other that it must be acceptable. I believe Alaska could work [with] a constitution with either form of legislature. I doubt very much that we could sell any but a two-house legislature. I am for the two-house legislature.[28]

Anchorage delegate Seaborn Buckalew remarked:

> If it was not for the fact that we hadn't put this idea to the people beforehand, I would vote for the unicameral house. The only reason I am not going to vote for it is that I think we are taking the people by surprise. It puts an additional burden on us to sell the constitution.[29]

The state constitution was being written as a political gambit in the campaign for statehood. In large measure, its purpose was to demonstrate to Congress the political maturity of Alaskans. Also, it was meant to be a document that would help rally Alaskans to the statehood cause. Under these circumstances--

not unlike those facing James Wickersham when he was urging Congress to pass a home-rule bill for Alaska over 40 years earlier--few delegates were in the mood for experimentation.[30]

Also, the delegates had great faith in the redemptive powers of the modern, enlightened constitution they were molding. The new constitutional regime would be inhospitable to the corrupt and undemocratic tendencies of the old, territorial legislature--those failings for which unicameralism promised

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[28]*Proceedings of the Alaska Constitutional Convention*, p. 460.

[29]*Proceedings of the Alaska Constitutional Convention*, p. 451. Delegate Marvin Marston of Anchorage held similar views. He supported the unicameral idea, he said, but his constituents ". . . expect me to help write a constitution that will be acceptable to the United States group and I think that is my first duty. If we need reforming I think I want to join up with a family of states and then reform from within and not start reforming from the outside."

[30]Writing about Alaska's new constitution, convention consultant John Bebout wrote that unicameralism was defeated in part "by the feeling that the Congress might view a unicameral legislature with some misgivings." John E. Bebout, "Charter for the Last Frontier," *National Municipal Review*, Vol. 45 (1956), p. 162.

reform.[31] The convention was particularly sanguine about the beneficial effects of an expansive apportionment scheme that would broaden the representational base of the legislature. At the time, the territorial house was apportioned on the basis of population (it had been since 1944), but there were only four large, multi-member districts. Consequently, the major population centers tended to elect legislators; candidates from outlying areas faced a severe handicap at the polls.

The convention delegates had been elected under an apportionment scheme adopted specifically for the convention, and they prided themselves on being the most representative convocation in Alaska's history.[32] They held a great deal of faith in the inherent virtue of a broadly representative assembly. In the minds of many, particularly the rural delegates, bicameralism was essential to that broad representation, because it assured underpopulated areas seats in the senate that these areas would be denied in a chamber apportioned strictly on the basis of population.

At the end of the meeting it was clear to everyone present that the preponderance of opinion favored the traditional bicameral legislature, and it was unnecessary to call the question. Unicameralism would not be heard from again in Alaska for approximately 25 years.

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[31]One of the failings of the territorial legislature acknowledged by the delegates was the undue influence of special interests. Delegate Benjamin Stewart of Juneau, who had come to Alaska in 1910 as a mining engineer, spoke bitterly about the tyranny of special interests (the situation that so offended Tony Dimond years before): "I have attended nearly every session of the legislature since the first. . . .Session after session I have seen measures that were for the benefit of the people as a whole pass through the House with a heavy majority, come up to the Senate, which in the earlier days had eight members, two of those members were employees of one large mining companies, one of them their chief attorney. If those two men alone with one other could persuade a fourth person to join them, they would kill any beneficial legislation for the benefit of the whole people by producing a tie. I have seen that happen over and over again." Delegate Ralph Rivers of Fairbanks asked: "Mr. Stewart, did not that situation improve when they enlarged the Senate to 16 members?" Delegate Stewart replied: "To a degree." Delegate Rivers: "Do you think that if we had a larger Senate so that not such a small group of people could cause a tie, that would minimize the lobby effect?" Delegate Stewart: "It might improve it, I wouldn't say that it would eliminate it." *Proceedings of the Constitutional Convention*, p. 453.

[32]"One result of districting and the nonpartisan election was that while 31 of the delegates came from Alaska's three major cities (Anchorage, Fairbanks, and Juneau), the remaining 24 came from 19 communities widely dispersed throughout the territory." Victor Fischer, *Alaska's Constitutional Convention* (Fairbanks: University of Alaska Press, 1975), p. 22.

1976 Referendum

In the mid-1970s a group of like-minded Alaska legislators, primarily Democrats in the House of Representatives, promoted unicameralism as a remedy to the unacceptably slow, wasteful and unwieldy legislative process. As others before them, they, too, resented the veto power possessed by a handful of senators over the legislative majority.[33] Their problem was how to bring about the change.

During territorial days, an act of Congress had been required to change the Alaska legislature from a bicameral body to a unicameral body. After statehood, this became a matter for Alaskans to address through their own constitutional mechanisms. Article XIII of the state constitution requires proposed amendments to be ratified by the voters. Further, it specifies that amendments must be advanced for ratification by either a constitutional convention or by the legislature; thus, the voters in Alaska--unlike those in some other states, Nebraska, for example--may not amend the constitution directly through the initiative process.

Efforts to pass a constitutional amendment in the legislature were futile because the senate was opposed to a one-house legislature, and it was unlikely to budge in the absence of popular demand for change. Like Tony Dimond in 1938, the contemporary proponents of unicameralism needed to demonstrate support for the reform from the people. They, too, wanted a statewide referendum.

In May 1975, during the first session of the ninth legislature, Representative Mike Bradner and 20 co-sponsors introduced a bill that authorized an advisory vote on the question of whether the legislature should adopt a constitutional amendment to recast the legislature as a unicameral body. The bill passed the house within days, but it died in the first committee of referral in the senate.

Stymied in the legislature, proponents of unicameralism then turned to the initiative process to seek a statewide advisory vote on the issue.[34] Representative Bill Parker of Anchorage lead the initiative campaign, and enough signatures were garnered to put the question on the general election ballot of 1976. Like the referendum 1938, the vote would accomplished nothing directly; it merely asked voters if they wanted the legislature to adopt a

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[33]Alaska's constitution created a 60-member legislature with 40 house seats and 20 senate seats. Thus, ten members of the senate (fewer on procedural matters) could block any piece of legislation.

[34]Although the advisory vote is often referred to as a referendum, it was not a referendum of the type authorized in Article XI of the constitution, which is a vote of the people to approve or disapprove a law enacted by the legislature.