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THE UNICAMERAL LEGISLATURE

TALBOT D'ALEMBERTE* AND CHARLES C. FISHBURNE, JR.**

The United States Supreme Court in *Reynolds v. Sims*¹ and its companion cases held that state legislatures must apportion both houses "as nearly of equal population as is practicable."² If the decision is implemented, leadership in most states must grapple with the difficult problem of reapportioning both houses.

In view of the many problems involved, it may not be irreverent to suggest that the time has come to abandon the bicameral legislature and to adopt a single chamber. This system may be the logical answer to several obvious questions: Why is it necessary to have two houses organized on a population basis? When both chambers are apportioned on a population basis, isn't a particular county or district as well represented by ten "representatives" as by those same representatives and a "senator?"³

These questions have been asked by many people. The press has called attention to the organization of the Nebraska Legislature⁴ and the issue is vital enough to have caused one Florida newspaper to take a poll of voter opinion on the subject.⁵

The reapportionment cases provide the crisis that makes it possible to foresee change, but in implementing this change we can scarcely afford the luxury of ignoring the fundamental requirements of government. There are many arguments in favor of a unicameral legislature as the most effective organization to accomplish the purpose of the legislative branch — the formulation of policy.

A study of comparative government teaches us that there is no "natural order" for legislative structure. Although we have known the bicameral system throughout most of our history, the national

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1. 84 Sup. Ct. 1362 (1964). For a full discussion of this series of cases see Baldwin & Laughlin, *The Reapportionment Cases: A Study in the Constitutional Adjudication Process*, 17 U. FLA. L. REV. 301 (1964).

2. *Id.* at 1390.

3. There are other possibilities. Florida state Senator Verle Pope has suggested that senators should qualify from apportioned districts, but should be elected in state-wide elections.

4. For example, articles have been noted in the Miami Herald, Miami News, Tallahassee Democrat, St. Petersburg [Fla.] Times, and Burlington [Vt.] Free Press.

5. Result: favoring the bicameral 39%, favoring the unicameral 18%, undecided 43%. St. Petersburg Times, Sept. 20, 1964, §B, p. 4, col. 1.

government under the Articles of Confederation had a unicameral legislature, and, as we shall see presently, some of our states had early experience with unicameral legislatures. At the Constitutional Convention of 1787, Benjamin Franklin favored a unicameral legislature for our national government.⁶

Among foreign governments, we find varied experiences. Sweden once used four houses. In Canada, all provinces except Quebec use the unicameral form. France, which long had three chambers, now has two.

Our own experience is an interesting blend of tradition and pragmatic action, for all of our states, except Nebraska, have retained two houses while our larger cities have abandoned the bicameral assembly for a single chamber.

In considering this topic we shall examine the historical background as well as the existing nature of legislative structure both unicameral and bicameral. We will then examine the advantages and disadvantages, as expressed in arguments and tested in practice, and finally endeavor to draw some tentative conclusions.

BRITAIN AS THE "MOTHER OF PARLIAMENTS"

Most Americans probably regard the bicameral legislature as a part of "our way of life," acknowledging an indebtedness to Britain for its role as the "Mother of Parliaments." What is perhaps less widely appreciated is the fact that Britain after exporting her traditions, came before the end of the last century to have what is, for most practical purposes, a single-house assembly, while maintaining the traditional two-house form.⁷

The British development of parliamentary institutions was never frozen at any level by a written constitution, but the period of greatest colonial expansion was at a time when both chambers were fairly vital. The British enthusiasm for things British was contagious and most of the colonies imitated the institutions of Westminster.

It was, then, the British example, but it was a Frenchman's interpretation and observations of English institutions that influenced the concepts of government of our "founding fathers."⁸ That Frenchman, Baron de Montesquieu, had already earned a wide reputation as an author and administrator when he traveled to England in 1729.

6. BEARD, *AN ECONOMIC INTERPRETATION OF THE CONSTITUTION OF THE UNITED STATES* 197 (1961).

7. Garfinkel, *The Constitution and the Legislature* (1961) (Michigan Constitutional Convention Studies No. 7, prepared for the Constitutional Convention Preparatory Commission, State of Michigan).

8. James Madison studied Montesquieu's work at Princeton and could quote passages many years later. VANDERBILT, *THE DOCTRINE OF THE SEPARATION OF POWERS AND ITS PRESENT-DAY SIGNIFICANCE* (1953).

He stayed for several years, observing English institutions and, on occasion, visiting Parliament for debates.⁹ In 1748, he published *The Spirit of the Laws* in which he examined the English political structure. His remarks on the separation of powers were widely read and are, even today, frequently quoted.¹⁰

He also commented on the manner in which the British legislative power was split between two bodies, and many observers read in his remarks the theory of "checks and balances."¹¹ As with other things English, he voiced his approval. It is his reasoning, not his conclusion, that is of particular interest today. The two houses are necessary, according to Montesquieu, because:¹²

[T]here are always persons distinguished by their birth, riches, or honors; but were they to be confounded with the common people, and to have only the weight of a single vote like the rest, the common liberty would be their slavery, and they would have no interest in supporting it, as most of the popular resolutions would be against them. The share they have therefore in the legislature ought to be proportioned to their other advantages in the states; which happens only when they form a body that has a right to check the licentiousness of the people, as the people have a right to oppose any encroachment of theirs.

Thus, although Montesquieu did speak of the virtues of a two-house legislature, his reasons are not reasons that would find general acceptance in a country dedicated to a broader democracy.¹³ At any rate, there is no doubt that Montesquieu's view of Westminster would not hold up today for the House of Lords no longer has the "right to check the licentiousness of the people." In modern practice, the House of Lords is not an equal chamber.¹⁴ If Montesquieu were a political anglophile today, he would have to delete many passages from his famous book.

9. He reported these debates with some accuracy despite the fact that he learned his English from an Irishman in Italy. SHACKLETON, MONTESQUIEU, A CRITICAL BIOGRAPHY (1961).

10. In this article we distinguish the often confused doctrines of "separation of powers" and legislative "checks and balances." We do not mean to argue against the separation of powers among the legislative, executive, and judicial branches.

11. All commentators do not agree. SABINE, A HISTORY OF POLITICAL THEORY (1954) expresses doubts about Montesquieu's real meaning. The supremacy of parliament was settled in 1688, observes Sabine, and "checks and balances" was not the dominant idea of the British "Constitution," even in Montesquieu's time.

12. MONTESQUIEU, THE SPIRIT OF THE LAWS 115-16 (6th ed. Nugent transl. 1793).

13. Montesquieu was not a democrat. He favored a limited monarchy.

14. The House of Lords may be entirely by-passed by Commons and since

AMERICAN EXPERIENCE WITH LEGISLATIVE ORGANIZATION

Montesquieu's words and the English example did have an impact, and most Americans are accustomed to the bicameral system for state and national legislatures.¹⁵ Less well known is the fact that several states have had unicameral legislatures in the past.

Among the original colonies along the Atlantic seaboard, all had bicameral legislatures except Pennsylvania and Delaware. In the reorganizations that followed the Declaration of Independence in 1776, bicameral legislatures were established in all cases except in Georgia, Pennsylvania, and in the fourteenth state, Vermont.

The constitutions establishing unicameral legislatures were associated with democratic groups. In all of these legislatures there was a frill in the form of an executive council (or board of censors), which was selected to meet separately to consider or review legislation.¹⁶ In Georgia this group was selected by the members of the Assembly, and final power rested with the House of Assembly.¹⁷ In Pennsylvania and Vermont, the executive group had more power.

Following the establishment of the new national government, and as a reaction to broadly based democratic control, the constitutions of these three states were changed and the unicameral system abandoned for a dual-house system.¹⁸ The experience was brief and inconclusive and without any real lessons for our era.¹⁹

UNICAMERALISM IN NEBRASKA

The story of how the change was made from a bicameral to a unicameral legislative body in Nebraska is a study in politics that warrants separate treatment. Foremost is the fact that the activation of the unicameral house in 1937 was the culmination of a campaign by some Nebraskans stretching over a twenty-four year period. Thus, by the time of adoption not only the lawmakers, but the public as well, were thoroughly educated on unicameralism.

there is no judicial review of parliamentary action and the executive is responsible to Commons, there is no effective "check" or "balance" to the action by the Commons. Of course the Commons is still the "lower" house in British parlance.

15. This is an anomaly — the institutions copied by the Americans were frozen into written constitutions while the British have seen fit to make sweeping changes.

16. THORPE, *AMERICAN CHARTERS, CONSTITUTIONS AND ORGANIC LAWS* (1909).

17. For a full discussion see SAYE, *A CONSTITUTIONAL HISTORY OF GEORGIA* (1948).

18. Vermont kept its unicameral legislature until 1836. Pennsylvania and Georgia were quick to abandon theirs following periods of instability.

19. CARROLL, *THE UNICAMERAL LEGISLATURE OF VERMONT* 75 (1933) states that the author finds nothing in the Vermont experience that supports an assumption of superiority of the bicameral over the unicameral system.

Playing a prominent role in this process were many persons, but the champion of unicameralism in the years nearest adoption was a highly popular and deeply trusted Nebraska politician, United States Senator George W. Norris. Norris, a fiery Republican liberal, endorsed the idea as a reform measure as early as 1923.²⁰

In 1934 Norris had an opportunity to campaign for his ideas when the voters of Nebraska were offered a constitutional amendment providing for a single-house legislature. Working with a poorly financed organization and opposed by leaders in both parties and the major newspapers, Norris stayed on the road in an extensive speaking campaign.²¹ It was a bitter campaign and at one point Norris commented on his opposition, saying, "If I offered the Lord's Prayer as an amendment, they would fight it."²²

The fact that it was a successful campaign is certain, for the voters approved the unicameral legislature by a vote of 286,086 to 193,152. Not so certain are the causes of this victory for many factors were involved: Norris' personal magnetism, the depression era, and voter approval of the arguments concerning cost and efficiency. Also, the new system was tied to a "non-partisan" plan whereby the legislators would run and be selected without party labels. This factor may have appealed to the voters, but it certainly stiffened opposition by political leaders.²³ At any rate, by the time of the election, a decisive majority of the Nebraska electorate was convinced that it wanted the change.²⁴

In evaluating the success of the Nebraska experiment, we must not overlook the other differences in Nebraska's lawmaking organization and process that have attended the change from bicameralism. The consequences of the change to unicameralism have inspired numerous reports and commentaries, almost entirely favorable, but not always accurate in their implications that Nebraska's apparently highly efficient legislature owes its success wholly to unicameralism. One must take into account, for example, the fact that Nebraska has

20. New York Times, Jan. 28, 1923, §8, p. 12, col. 1. In 1920 the National Municipal League drafted a model state constitution that featured a unicameral legislature, and many states had dallied with the unicameral idea in the early part of this century. Among them were Arizona, California, Colorado, Minnesota, and New York. SENNING, *THE ONE HOUSE LEGISLATURE* (1937).

21. NORRIS, *FIGHTING LIBERAL* (1945).

22. Nebraska University School of Journalism, *Behind These Doors Is the Story of Nebraska's Unicameral Legislature* (Depth Report No. 1 1961), quoting the McCook [Neb.] Gazette on election eve.

23. George Norris tells of an offer of Democratic support if he would drop the nonpartisan features. He refused saying that he wanted the entire package or none at all. NORRIS, *supra* note 21.

24. JOHNSON, *THE UNICAMERAL LEGISLATURE* 131-37 (1938).

adopted and used such devices as the legislative council, the legislative reference bureau, bill drafting services, and the electric roll call. Moreover, before unicameralism, Nebraska had, and has retained, a rule limiting the introduction of bills to the first twenty days except under exceptional conditions.

The facts, however, do clearly demonstrate that the Nebraska unicameral legislature has acquired or improved all the modern services noted above, and that this has been done for roughly one-half of the cost incurred by the bicameral legislature.²⁵ Further, the unicameral legislature devotes more time to the business of law-making,²⁶ provides complete distribution of all bills to all members before final voting, and has multiplied salaries of members by a factor of six times that paid during the last (1935) bicameral session. In other words, for roughly half the number of dollars, the purchasing value of which has shrunk far below that of the earlier period, Nebraska, in its first twenty years of unicameralism, has financed a legislature exhibiting all the hallmarks of modernized legislative operation among the fifty states.²⁷

It would be misleading to attribute this monetary economy wholly to the unicameral legislature. Nevertheless, it is significant that the present body is composed of only ten more members (43) than the earlier body had in its upper house, and the unified house reflects only fifteen standing committees compared with an earlier total of sixty-one. This facilitates the regulation of committee work and utilizes time effectively without distraction from plenary sessions of the house where bills are introduced, debated, and voted upon in an orderly manner. In short, the facts support the contention that the unicameral body does facilitate economy in the resources committed to lawmaking.

There is another aspect of the Nebraska operation that, since it apparently is not common to both types of structure, invites closer investigation. This may be described as the "single-focal-point" as distinguished from the "double-focal-point-linked-by-joint-committee" aspect. Where there are two houses, the public and the press must be very alert to keep track of the progress of legislation. In this respect

25. The comparison is made between the last twenty years of the bicameral legislature and the first twenty years of the unicameral. No adjustment is made for the shrinkage in purchasing power.

26. In comparative periods the single-house records show that less legislation was introduced and more was passed than by the bicameral legislature. NORRIS, *supra* note 21.

27. See Nebraska Legislature, *Brief Comparison of the Bicameral and Unicameral Legislative Systems and Rules and Laws Governing Their Operation in Nebraska* (1959); also relative to salary increases see THE COUNCIL OF STATE GOVERNMENTS, *THE BOOK OF THE STATES* 36-37 (1962).

we must necessarily rely more upon commentary than factual data. The fundamental issue raised here is whether the unicameral successor in Nebraska is more responsive and responsible to its masters, the electorate.

Only six years after the change was voted, the view of the press, which had expressed vigorous opposition, was exemplified by this opinion:²⁸

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

A few years later another Nebraskan, Dr. John P. Senning, underscored the increased interest, awareness, and participation on the part of the citizens, which had developed subsequent to the change.²⁹

Senning also had some pertinent comments to make on the lobbying relationship. Lobbying was, to be sure, still present and particularly visible in the public hearings where the unicameral system adds to public awareness of the pressures being exerted. The lack of camouflage in the unicameral house has tended to check the influence of lobbies working in a crass manner because exposure is so easy and so clearcut. There could be no doubt, wrote Senning, that Nebraska's one-house legislature is much more successful in combatting lobbying influence than was the bicameral assembly.³⁰ These views were confirmed ten years later by the findings of a study committee of the American Political Science Association, which addressed itself to state legislatures.³¹

Another authority, the Director of Research for the Nebraska Legislative Council, reaffirmed these findings in 1957. Noting that while opponents of the change in 1934 had labeled the unicameral system "dangerous" and "un-American," Dr. Jack Rogers found that Nebraskans "like the openness" of the single-house and its procedures.³²

28. Dobbins, *Nebraska's One-House Legislature—After Six Years*, 30 NAT'L MUNIC. REV. 511, 514 (1941).

29. Senning, *Unicameralism Passes Test*, 33 NAT'L MUNIC. REV. 62 (1944).

30. Senning, *supra* note 29, at 64-65.

31. AMERICAN STATE LEGISLATURES 253 (Zeller ed. 1954).

32. Rogers, *One House for 20 Years*, 46 NAT'L MUNIC. REV. 342, 347 (1957).

In addition to the aspects of economy and openness to the public, already discussed, there is yet another facet that warrants comment. Significant changes are evident in the comparative volume of bills processed in the two types of legislatures. Statistics are available to facilitate this comparison. They show, for example, that during the last ten bienniums of the bicameral legislature nearly twice as many bills were introduced than during the first ten bienniums of the unicameral body. Under the bicameral body, less than one out of four of these bills became law, resulting in the actual passage of 2,268. Under the unicameral body, one out of every two bills became law, resulting in the actual passage of 2,837.³³

This data will not support any contention that better or worse laws were passed; however, they do illustrate that over a sustained period of time it has been possible for a forty-three member, one-house legislature to make a comparable number of apparently suitable laws while considering about half the number of proposals that confronted its one hundred thirty-three member, two-house predecessor.

During the same periods the unicameral body required a total of one hundred forty-two more days to do its job than the bicameral body; however, the general trend of length of sessions (including special sessions) reveals a fairly steady rise from a low of around eighty days in the beginning of the forty-year period up to one hundred fourteen days at its end.

After examining the record of Nebraska's experience over the past four decades, it is difficult to disagree with the evaluation by the National Municipal League:³⁴

Most of the claimed virtues of unicameralism have been realized in the Nebraska experience during the past 25 years. Nebraska's single house with 43 members has permitted more easily the pinpointing of legislative responsibility than in some of the sprawling two-house legislatures. Fewer bills have been introduced and a higher percentage of them passed. The prestige of membership has risen and in the view of many observers the quality of candidates.

On the other hand, and in spite of the more extensive experience with the bicameral system, there are no data to support the claim that two houses result in better policies and more carefully written laws. There are no data to support the claim that the second house is a constructive check against hasty action.

33. Nebraska Legislature, *supra* note 27.

34. NATIONAL MUNICIPAL LEAGUE, MODEL STATE CONSTITUTION 43 (6th ed. 1963).

In adopting the unicameral form for its Model State Constitution, the National Municipal League found that a one-house legislature can be at once more representative in character, more efficient in operation, and more responsible politically than a bicameral body.³⁵

BICAMERALISM V. UNICAMERALISM: A THEORETICAL VIEW

With this background of the Nebraska experience, we can turn to a more balanced consideration of the virtues of the two systems as viewed by the political theorists.

In presenting the arguments for and against the bicameral and unicameral forms of legislative assemblies the object is not to claim or to prove that one is more satisfactory than the other. Rather, we wish to present the arguments in an open question — a question that needs to be perennially reviewed to evaluate the manner in which institutions are employed. Arguments over the relative merits of the two systems often have obscured the fact that many problems exist irrespective of the structure.

It is necessary, therefore, to be cautious of the makeweight arguments advanced by both sides of this argument. For instance, one of the original advocates of the unicameral legislature for Nebraska makes the case for the fast, efficient, simple, and inexpensive government provided by the unicameral system.³⁶ In many respects his arguments would apply equally to a smaller legislature, whether of one or two houses. That is, a small legislature would gain the advantages of economy and would result in enhancing the prestige and power of the members.

Another authority on American government has called attention to this, pointing out that the question of structure "does not necessarily touch any of the most pressing problems now confronting our legislatures — organizational, planning, or scientific bill-drafting."³⁷ Whether there is one house or two, "the size of the legislative bodies could be reduced, and the rules of procedure could be modernized . . . service agencies can be established . . . adequate bill-drafting services can also be established."³⁸ Indeed, steps along these lines to provide better services have been taken by the majority of states. Consequently, as we review some of the traditional arguments pertaining to the actual structure of the houses, it is pertinent to look between the lines of rhetoric.

35. *Id.* at 43-44.

36. Senning, *The One-House Legislature in Nebraska*, 13 NEB. L. REV. 341 (1935).

37. GRAVES, AMERICAN STATE GOVERNMENT 193 (1953).

38. *Ibid.*

Advantages claimed for the bicameral legislature consist of the following assertions: Two houses check each other, avoid hurried and careless legislation, produce better legislation; they are more secure against special interest lobbies, are more difficult to corrupt; they make division of legislative functions such as impeachment and origination of money bills possible; they deter usurpation of power by the legislature and minimize despotic trends in government; they allow better representation of different groups and areas.³⁹

Disadvantages attributed to the bicameral legislature include the following contentions: Two houses are expensive; in actual practice one house does not act as a suitable check on the other; two houses consume too much time and delay leads to poor legislation; they encourage "buck-passing"; they entail cumbersome organization; they do not provide suitable representation, especially where one house, based upon geographical areas places control in a disproportionate number of the people; they require resort to the conference committee to resolve disputes and this leads to practices not in the best interests of the people.⁴⁰

Shifting our attention to the proclaimed virtues of the unicameral system, we find many of the same contentions stated in diametrically opposite terms. For example, studies on state constitutions made in Hawaii summarize alleged advantages as follows: One house concentrates responsibility resulting in the legislators' being motivated to do a better job; one house costs less; one house lends greater prestige to the job and therefore attracts better qualified people; it speeds up the legislative process and results in better legislation; it minimizes "buck-passing"; it is, with proportional representation, more representative of the people.⁴¹ Recent Michigan studies add other points, emphasizing that the public can better recognize what transpires; the conference committee and its abuses are eliminated; a single house can be checked sufficiently by executive veto and judicial review.⁴²

In the arguments against the unicameral legislature, we again find many of the above enumerated contentions simply turned around: One house can increase the power of any party machine or special interest that may have secured control; it facilitates domination of a

39. For a summary of the conventional arguments, in their broadest scope, that have been put forward, we shall draw upon the very extensive studies prepared for constitutional conventions in Alaska, Hawaii, and Michigan. Alaska, Public Administration Service, *Constitutional Studies* (1955); Hawaii, *Manual on State Constitutional Provisions* (1950); Garfinkel, *The Constitution and the Legislature* (1961) (Michigan Constitutional Convention Studies No. 7, prepared for the Constitutional Convention Preparatory Commission, State of Michigan).

40. Hawaii, *op. cit. supra* note 39, at 2.

41. *Ibid.*

42. Garfinkel, *op. cit. supra* note 39, at 20-21.

state's diverse interests by the urban interests; there is less time within which the public may act to combat undesirable legislation; it will tend to become despotic and avaricious; it lacks the advantage to improve bills through the conference committee that draws upon both houses.⁴³

A moment's reflection upon the preceding collection of alleged advantages and disadvantages of two houses or one house may cast some light upon what, at first blush, appears to be hopelessly irresolvable. As noted earlier, either form can, and, in fact, has benefited from the provision of services such as bill drafting, legislative reference, electric voting machines — all of which serve to free the member of the legislature from unnecessarily delaying administrative or clerical work and help to speed the legislative process.

Among all the points mentioned for and against, one suspects that the essence of the debate must bear a close relationship to the question: What can two houses do that one house cannot do as well or better? If the answer is that the one house functions as well, but that there is a danger in allocating power to one house without the check of a second chamber, then the argument is obviously related to the overall distribution of powers, and a strong legislature can be checked by a strong executive or judicial branch. In other words, there are other ways to check a unicameral legislature than by imposing a second chamber that may confuse the organization and increase the expense of the legislative branch.

On balance, these arguments strongly suggest that the real issue is more closely identified with the central question of apportionment. If apportionment has received a final answer in *Reynolds v. Sims*,⁴⁴ then we have come full circle.

CONCLUSION

What conclusions may be validly drawn from this discussion of legislative structure? More specifically, are there any lessons of value here to states that must now strive to adjust themselves to the requirements of reapportionment?

We know that the bicameral form of legislative body in the United States is a result of our historical heritage, and that the popular objections to the unicameral structure are based almost wholly upon theory rather than experience.

We have seen that the principal argument for the retention of the bicameral system is that "it is necessary to protect the people by a system of checks and balances." Senator George Norris of Nebraska

43. Hawaii, *op. cit. supra* note 39, at 2.

44. 84 Sup. Ct. 1362 (1964).

had a witty, if somewhat glib, answer for this when he said: "After the legislative session comes to an end and we balance the books, we generally find that the politicians get the checks and the special interests get the balance."⁴⁵ The senator's answer probably will not satisfy those Americans who may have come to regard the bicameral system as a part of "our way of life."

Undoubtedly, the dual house does check legislation for the more cumbersome machinery makes legislation more difficult to pass. But if we assume that bad legislation will meet this fate, we must also realize that much good legislation may also be blocked. Otherwise, we should be arguing that legislators exercise wisdom in reviewing legislation by the "other" house, but fail to do so in drafting or proposing legislation. Thus, it is interesting to note that these critics of the unicameral system change their approach when considering city or county government. Two legislative chambers would seem wasteful in this context, and somehow this is different.⁴⁶ One is, therefore, led to suspect that much of the opposition stems from something else — most likely from fear of incurring personal loss in terms of political influence, economic advantage, or social prestige.

If this is the case, the electorate should be informed of the facts, and, as a beginning, lawyers should know that many outstanding authorities, along with the majority of the people and political leaders of Nebraska, are agreed that the unicameral system has proven very satisfactory. This Nebraska experience has exploded the general condemnations of the one-house system and has demonstrated that many of the claimed advantages can, in fact, be realized within the over-all context of an integrated state government.

The ultimate argument for the unicameral legislature may be in the reframing of the original questions: Why have the second house when both are to be organized on a purely democratic basis? Presumably the interests represented in both houses will at least roughly coincide and only when we have divergent interests do we get the checks and balances.

45. Nebraska University School of Journalism, *Behind These Doors Is the Story of Nebraska's Unicameral Legislature* (Depth Report No. 1 1961), quoting the Falls City [Neb.] Journal.

46. Also different, apparently, is the business organization. Senator Norris used an apt similitude when he compared state government to a business organization: The governor is the president of the corporation, the legislature is the board of directors, and the people are the stockholders. The stockholders have a right to know what their board of directors does and how it is done. They have a right to be able, by the record of the votes, to know whether the members of the board of directors have properly represented the stockholders. *New York Times*, Jan. 28, 1923, §8, p. 12, col. 1.

In the final analysis, a person's view of this question may depend upon his political philosophy. The person who wants little legislation passed (and that in relative obscurity) will prefer the two-house system. The person who wants the state legislatures to involve themselves with the problems of the people and deal with those problems openly may feel some attraction to the single-house plan.

In the political melee that will attend any attempt at reapportionment of both houses, the unicameral system should be examined. The prospect of a simpler, clearer, more responsible, and less expensive legislative structure merits serious consideration, especially in view of the fact that apportionment problems historically exhibit a peculiar characteristic — they keep recurring and, by their very complexity, invite inertia. This is not the kind of check and balance that today's problems demand.