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HOW MANY HOUSES? A DISCUSSION OF THE
MERITS OF UNICAMERALISM FOR THE MINNESOTA LEGISLATURE

A Report for the Minnesota
Constitutional Study Commission, Legislative Branch Committee
and Professor Charles Backstrom,
Department of Political Science, Univ. of Minnesota

BY: ARTHUR REYNOLDS
DEPARTMENT OF POLITICAL SCIENCE
UNIVERSITY OF MINNESOTA
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INTRODUCTION

For many years, state legislatures in America have been the objects of an increasing barrage of criticism. This opprobrium, in the main stemming from civic reformers, citizens' leagues, journalists, and, of course, political scientists, is directed at the "horse and buggy era" operations which supposedly characterized the affairs of most state lawmaking bodies---archaic rules of procedure, inadequate salaries and staff services, too infrequent sessions, an overabundance of lobbyist influence and venality, malapportionment, and the like. Buck-passing and dilatory practices were also cited. A number of remedies (some say panaceas) for these legislative ills have been advanced, particularly influenced by technological innovations. But one of the oldest proposals still attracts quite a bit of currency, that being the establishment of a one-house, or unicameral, state legislature along with a significant reduction in total legislative membership. This venerable Progressive-era recommendation is the subject of this report. Would Minnesota stand to gain from the consolidation of its two legislative chambers? The opinion surrounding the answer is varied.

In the pages that follow, some of the literature concerned with unicameralism and related issues will be illuminated. An attempt will be made to make explicit the criteria by which reformers found unicameralism per se superior to a two-chamber institution. The proposal will be examined in light of its impact on Minnesota politics and government in general. Thus, an analysis of the relative merits of unicameralism for Minnesota will be undertaken hopefully to expose its purported benefits and shortcomings. In addition to scholarly materials, the opinions of other concerned citizens will be considered. For my part, no presumption of the proposal's utility, or lack of it, has been formulated, although there is much to be said in defense of the present arrangement. None the less, it is hoped that objective analysis will eclipse polemicism.

2. WHAT UNICAMERALISM IS ALL ABOUT

Unicameralism, of course, means a single-chamber or one-house legislative institution; there would be no mediating or co-equal lawmaking body between it and the Governor to pass on bills or resolutions. Many advocates of unicameralism in addition favor a sharp reduction in the size of the legislature, desiring a smaller yet better paid and more "efficient" body. The Committee for Economic Development, which favorably views unicameralism, recommended that the maximum size for any state legislature be 400; about 50 or 60 members would be suitable for a state of Minnesota's population. Some have suggested the use of proportional representation along with a single chamber. The core point is that there should be but one lawmaking body, subject to executive and judicial constraints. While Nebraska, most Canadian provinces, and most of our local governing bodies (some of which, like Chicago, have larger budgets and more employees than some states) are unicameral, 49 American states have bicameral legislatures.

Bicameralism is our legacy of the colonial experience. Using the example of the English Parliament, the colonies had two-house legislatures--an upper house, usually an appointed Governor's Council, to represent the Crown and the ruling oligarchic propertied classes, and a lower house, an Assembly or House of Burgesses, which was much more liberally elected, to represent the interests of the more "humble" freckholders. With Independence, the Governors' Councils were transformed into state senates and stripped of their non-legislative functions, while the assemblies continued to represent the "common man" and popular impulses which the wealthy feared. Thus, voting requirements for the senates were more rigid than for the assemblies. The "responsible" classes represented in the senates would check the excesses of the lower houses, and also counter the over-concentration of power in any one house. State senates were to have been our modified "House of Lords." States which were unicameral initially swiftly followed the Federal example

It is interesting to note that Pennsylvania, Georgia, and Vermont operated with unicameral state legislatures during the Revolutionary era, although the former two had a "council of censors" which served as an upper-house. But by 1790, Georgia shifted to bicameralism, and Pennsylvania had done likewise in 1789. Vermont retained a unicameral legislature from 1777 to 1836, but then abolished its council of censors and created a senate. Professor Jewell Cass Phillips of the University of Pennsylvania cited the following reasons for the perpetuation of bicameralism: 1) the impulse to follow tradition and past experience was very strong, and the heritage of the mother country and the colonial era was salient, 2) bicameralism was accepted as the sine qua non for checks and balances, that is, to ensure the sober consideration of bills and the prevention of power concentration, 3) the influence of the Federal pattern was important, 4) the two-house system permitted class representation in different houses, and 5) bicameralism permitted conflicts between urban and rural interests to be accentuated, with senates usually predominating of the latter.

With the spread of manhood suffrage in the 19th century and the consequent abandonment of property qualifications for voting and membership in both houses of the state legislature, the basic reason for having an upper house to protect property disappeared. Furthermore, in terms of the quality of membership or bills, or response to pressure groups, distinctions began to disappear as well, although differences between some state senates and lower houses persisted and generalizations across the 50 states are hard to come by. The Model State Constitution of the National Municipal League was an early display of advocacy for unicameralism. Its success at the state level was limited to Nebraska (a state usually not noted for its diversity or deep social cleavages) which adopted a one-house legislature in 1934 through a voter-approved constitutional amendment, to take effect in 1937. Unicameralism was thus one of the crowning achievements of George W. Norris and his brand.

Leslie Lipson, a Professor of Political Science at the University of California, Berkeley, termed the persistence of two-house legislatures the "bicameral habit." Abbe de Sieyès remarked: "Of what use will a Second Chamber be? If it agrees with the Representative House, it will be superfluous; if it disagrees, mischievous." Clearly, Professor Lipson notes, if the legislature is to consist of two Houses, there is no point in having them unless the people are represented under different guises. And, in truth, recent Supreme Court decisions, stemming from *Baker v. Carr*, have eliminated any of the substantive differences which remained between the two popularly-elected houses of the state legislature. Our democratic principles could hardly countenance an upper house which reflected "aristocratic" or clearly upper-class interests. The Supreme Court has ruled, via *Reynolds v. Sims* and *Lucas v. Colorado*, that both houses of a bicameral state legislature must be apportioned on the basis of population (i.e. "one man-one vote"). Other nations, faced with having both chambers elected more or less by the people, have chosen to turn to unicameralism, as New Zealand had done in 1950. Of course, some federal republics have retained bicameralism at the national level (e.g. the United States, West Germany, Australia), while other unitary republics have also employed two-house legislatures (e.g. France, United Kingdom, Belgium, Sweden). Such a "federal analogy", however, is not at all applicable to American states, both because their units of local government are their creation and legal subordinates, & as previously cited, both houses must be apportioned under similar terms. What, then, continues to serve as the justification for bicameralism in the American states?

The American Political Science Association's Committee on American Legislatures cited, in its 1954 Report, the following merits claimed for a bicameral legislature:

- 1.) A bicameral legislature prevents hasty and careless legislation.
- 2.) A second chamber serves as a check against popular passions and impulses.

3.) There is danger that a single legislative body will usurp the powers of other branches and invade the rights of the people.

4.) A bicameral legislature provides protection against corruption and the control of the legislature by special interest lobbies.

5.) A bicameral legislature permits the use of a different basis of representation in the two houses; for example, one house may be based strictly on population, whereas in the other house representation may be based on a formula that takes into account counties or other units of local government. (Since outdated)

6.) Bicameral legislatures are used by forty-nine states and the national government; they have been the traditional American form of legislature since the very beginning of our government. The unicameral legislature is an untried experiment of foreign origin, contrary to American political institutions, advocated by theoretical persons but not by experienced legislators.

Many of these traditional arguments in favor of bicameralism are no longer relevant. The experiences of many states with the "pre-adjournment rush" has shown that the existence of two houses is no guarantee against hasty and ill-considered legislation. The widely accepted belief that the second house provides an additional independent and thorough review of bills passed by the other house has been disproved in numerous instances (though your perceptions of what constitutes "ill-considered" action depends, obviously enough, on your attitudes towards the bill to begin with). Many bills passed by one house are received by the second house so late in the session that the latter house may extend only perfunctory consideration. Bill passed without much consideration by the first house may not receive the more careful consideration in the second house it was assumed they would obtain. Noncontroversial bills, in particular, often are not given careful consideration by either house. Bicameralism is not necessarily the safeguard that it is claimed to be while in Nebraska, with fewer bills introduced and only one house, the session have become longer and bills receive careful and deliberate consideration with more time spent for review and analysis than before.

Favoring the second chamber as a counter to the excesses of the people and their passions, a belief with a deeply anti-democratic tone to it, is an anachronism in many ways. Not that the present day electorate is any more sophisticated nor any less passionate than before. But with our system of judicial review, the veto power of the governor, the strength of entrenched bureaucracies, the use of strong legislative committees, the party systems, and an inclination of the "common man" and his representatives not to be irresponsible and threaten the well-to-do, the idea that two houses are required for stability and order in society appears with little to recommend it. Not only is the part-time legislature unlikely to usurp the powers of other branches, but if anything it is severely disadvantaged in the power struggle when faced with a huge executive establishment and judiciary with the resources to overwhelm the lawmakers.

Experience has also shown that bicameral legislatures are not necessarily immune from corruption, venality, and strong influence or control by special interests. On the contrary, it was claimed that the two-house legislature offers more points in the process at which special interests' pressures can block bills. Reynolds v. Sims declared that only population may be used as the basis for apportionment of seats. Finally, there is nothing "unAmerican" about unicameralism, as previously mentioned, although the bicameral form is firmly established by useage, familiar to citizens and legislators, and, of course, works reasonably well. In the final analysis, there would be nothing alien about unicameralism having followed a number of corruption-filled bicameral city council having been advocated by practitioners of politics as well as by students of it, being constitutionally feasible in the states, and recognizing that the British House of Commons alone wields most of the power in that state. My own view is that the quality of the legislative output or the incidence of corruption and waste and manipulation are not dependent in most part on the number of houses for a legislature, but is dependent upon the quality of the people attracted to public life, as well as upon the interest of the citizenry in political affairs.

What precisely are the merits claimed for a unicameral legislature? The American Political Science Association, inter alia, has argued that the following benefits may be derived from one-house lawmaking institutions in our states:

1.) Membership in a single chamber carries greater prestige, dignity, and opportunity for public service than membership in a bicameral legislature, and hence attracts more outstanding and representative citizens.

2.) A single chamber operates more efficiently than two, and is able to give more thorough consideration to proposed legislation than two chambers. By the adoption of suitable rules of procedure and the establishment of an effective committee system, it can assure that every measure is carefully reviewed before it is acted upon, with adequate safeguards to prevent hasty action, and thus avoid the serious evils of the closing rush in many states.

3.) The jealousy, friction, and rivalry between the two houses, which often results in deadlocks and the defeat of needed legislation, will be eliminated.

4.) Responsibility can be more definitely fixed upon a single legislative body, and upon individual members, than is possible under a bicameral system.

5.) A single house facilitates the development of essential leadership within the legislature by concentrating such leadership in one place.

6.) The single house permits closer and more effective relations between the governor and the executive departments and the legislature--a prime need of state legislatures today--because it substitutes one set of legislative leaders for two.

7.) Some observers of the Nebraska legislature claim that a single-chambered lawmaking body reduces the power of special interest groups and lobbies to defeat needed legislation and at the same time makes it easier for groups of citizens who are interested in pending legislation to present their recommendations openly and aboveboard to the legislature.

8.) The unicameral legislature does away with the need for conference committees, employed by a number of bicameral legislatures, which frequently meet in closed session and secretly decide upon the most important legislative issues, sometimes under the influence of undercover and irresponsible forces.

9.) The unicameral legislature facilitates public reporting of the work of the legislature and the issues before it and enables the public to keep informed on the course of legislation, which should serve to increase public confidence in the legislative body.

10.) A unicameral legislature results in substantial economies. The cost of the legislature itself is reduced because the number of members and the size of the legislative staff are reduced.

11.) A great deal of time would be saved, since there are almost certain to be fewer bills to be considered in one house and in one committee.

12.) A smaller house will doubtless mean fewer committees and less work for individual members, thus making possible greater scrutiny of measures. A single chamber lends itself to simpler, yet more effective organization.

13.) The argument that a second house is necessary to correct the first is only tenable if one thinks the first is likely to do a bad job. A full-time, well-staffed, well-paid, unicameral legislature could be more responsive to the peoples' needs than a part-time, ill-equipped bicameral body.

14.) Bicameralism has a special justification under a federal system. Our states, however, are internally unitary and may adjust local boundaries more or less at will, subject to law.

15.) Unicameralism simplifies and enhances the need for an equitable apportionment of seats in the chamber. With but a single chamber fairly apportioned, the legislature would not find itself with one house for the lesser populated areas.

16.) A unicameral legislature can safeguard itself against hasty and ill-considered action by the adoption of procedures which allow for sufficient time and reflection. Bicameralism in and of itself does not curb such abuses. Nebraska has not made rash decisions and neither have foreign unicameral bodies of late.

From the preceding list, there can be no doubt that unicameralism offers many advantages over a bicameral system. A review of the conduct of the Nebraska Senate, as it calls its single chamber, certainly validates a number of the foregoing points and testifies to the effectiveness and efficiency of a unicameral body. However, one wonders about the greatness of its achievements, and also about other factors---size of body, committee organization, leadership structure, length of session and bill deliberations, bill drafting services, and provisions for open proceedings---which have contributed greatly to Nebraska's operations in addition to the unicameral structure. A structural change alone would be only a partial remedy.

The alleged greater prestige and dignity accruing to members of a one-house legislature are difficult to measure. Equal to unicameralism in Nebraska in elevating the position of legislators is the Senate's small size of only 49 members. The relatively low legislative pay (\$4800 per annum with no additional allowances, ranking 28th in the Nation) would appear to deter the most able candidates and, thus, adversely affect its prestige and status. The careful consideration of bills and the avoidance of hasty passage of bills is probably due more to the Senate's procedures, which bicameral bodies could adopt, than to the difference between bicameral and unicameral structure. For example, the adjournment rush is generally not a problem in Nebraska. The length of sessions are unlimited, and bill introductions are carefully regulated so that most are introduced during the first 20 days of the session. Committees begin to report out bills within a few weeks of the session's inception, avoiding a last-minute backlog.

The smaller membership of the Senate, and the absence of closed or secret meeting, enhances visibility and legislative responsibility. Committee meetings are always open and scheduled five days in advance at a publicly announced time and place. Yet, these reforms may be considered quite independently of the unicameral question. The smaller number of committees (definitely attributable to unicameralism), 14, and the open proceedings (a factor independent of structure), lessen the number of pressure points available to lobbyists.

The A.P.S.A.'s Report advanced the following rationale for unicameralism: "No business organization, or organization in any field, whatever its size or however complex its problems, would consider utilizing two boards of directors. A dual legislative body...serve(s) as an impediment in the way of legislative decision and leadership. It defeats the prime requisite in the management of all affairs, public and private--the establishment of definite responsibility." While the analogy here appears to be a bit strained, the point is that unicameralism, as measured via "efficiency" and "effectiveness" (what ever they are), can lead to improvements in the policy-making process. However, the A.P.S.A. also pointed out that certain bicameral bodies have performed quite well, such as the Wisconsin Legislature and the Massachusetts General Court, and they go on to admit that various other factors in addition to structure (e.g. proper leadership, high-quality personnel, effective traditions and practices, etc.), though perhaps aided by unicameralism, are of great importance to the affairs of any legislature.

Most efforts to judge the effectiveness or applicability of unicameralism to American states inevitably turn to a discussion of the institution as it operates in Nebraska. A major fallacy in undertaking such an analogy/analysis are the many discrepancies evident between Nebraska and, in our case, Minnesota, both via a vi socio-economic considerations and in political cultures and traditions. In other words, the ability of unicameralism to function well in the Cornhusker State need not indicate its optimal utility in other, more heterogeneous, states. Nebraska is a predominantly agricultural state with a 1970 population of approximately 1.5 million people. It has but two sizeable urban centers, Omaha with about 350,000 and Lincoln with about 150,000 people, with the remainder of the state either living in rural areas or in communities of less than 15,000; only 8 cities number above that. This relatively conservative state politically ("hard-core Republican" had a "Quality of Life" ranking of 32 (out of 50 states) in the same study which rated Minnesota as 2nd in the Nation out of 50.

Thus, Nebraska falls quite short of being the verisimilitude of the North Star State. Minnesota, with approximately 4.0 million inhabitants and a major urban center of about 2.0 million (plus lesser urban centers ranging from 100,000 people down to the tiny, remembering, of course, that this writer has the distorted perceptions of one raised in New York City), is one of the most politically progressive states in the Union with a proud record of liberal voting and officials and a fierce political independence. Not only is the "quality of life" higher here, but this is an increasingly industrialized state, no disrespect intended for our state's impressive agricultural achievements. We do share with Nebraska, however, the distinct honor (or bane, if you will) of electing our state legislature in an ostensibly "non-partisan" manner. The point is that there exist sharp disparities politically, economically, and socially, between Nebraska and Minnesota which can not be ignored when evaluating the operation of a political institution such as the legislature.

A Professor Lancaster, writing in the December, 1942 issue of the Kansas City Law Review, stated that the Nebraska legislature has continued to be conservative, perhaps even more so, because its present membership has more political experience than was formerly true. Franklin L. Burdette, discussing the Nebraska experience in the June, 1935 issue of the National Municipal Review, in addition to other observers in the late 1930's and early 1940's, have spoken well of unicameralism. The following are some of the observations made of the Nebraska Senate:

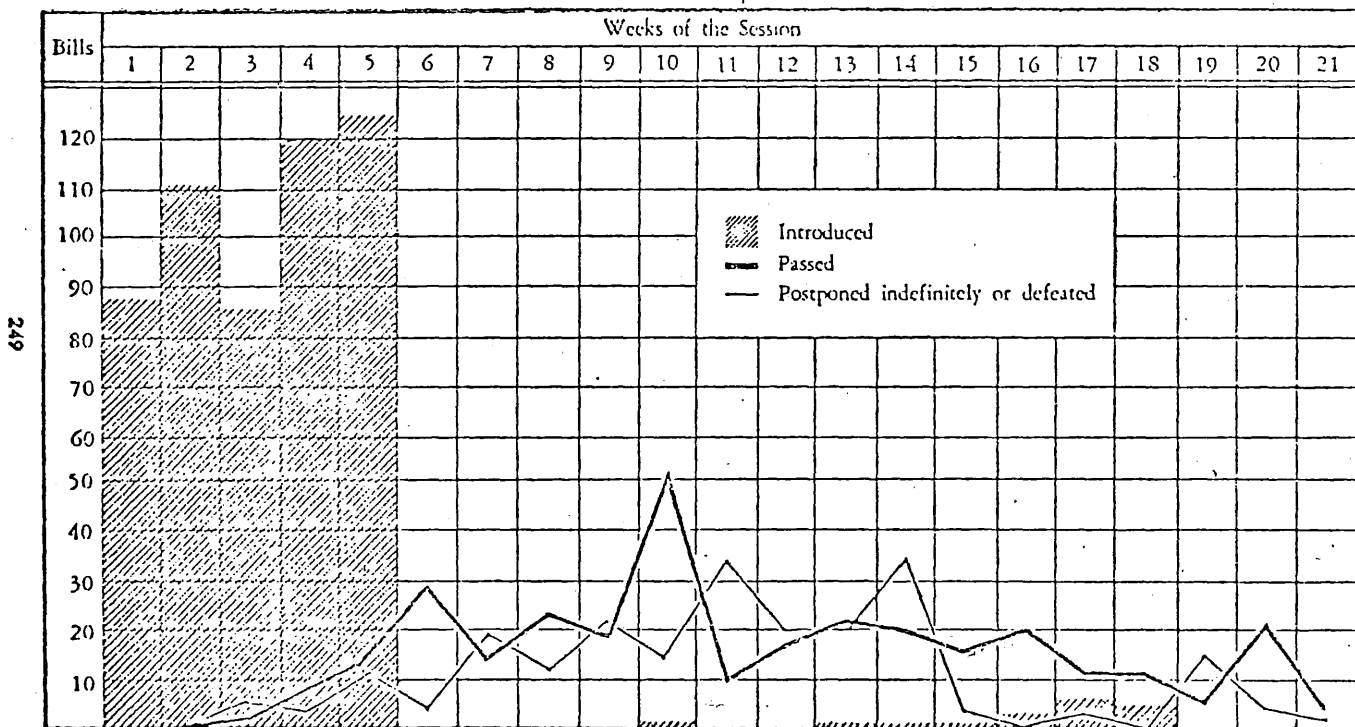
"The constitutional amendment approved by Nebraska voters in 1934 affected the legislature only. The members ...were to be elected in a non-partisan manner from single-member districts, with the number to be fixed by law at not fewer than 30 nor more than 50. The number was fixed by statute at 43...Two-year terms and biennial sessions remain ...The lieutenant governor is president of the legislature, members of which have designated themselves "senators." Since the number of governmental organs is reduced, one may be entitled to look for simplified and somewhat clearer relation between the legislative and executive branches of the state. This in fact has been the Nebraska experience..."

Unicameralism has had other salutary effects. The new legislative districts were well-apportioned. Voters displayed a

greater interest in the new Senate. While the direct primary mechanism was used to place candidates on the general election ballot; with, in this elimination contest, the two candidates without party designation receiving the highest primary vote becoming the only rivals in the general election, many districts have seen no contests at the primary level because no more than two names appeared on the primary ballot. None the less, there appears to be an increased competitiveness for Senate seats, with voter response influenced accordingly. In fact, although legislative contests are located about two-thirds of the way down the Nebraska ballot, a position (without a device for straight party voting) normally attracting fewer votes, between 80 and 85 per cent of the voters who do turn out in an election have cast votes for the "non-political" legislative candidates. 233 aspirants filed for the first unicameral election to the 43 seats; the number since averages at about 125 candidates in the primaries. As for the aspirants themselves, due to the size of the new districts, successful candidates usually are persons who have won some local recognition or distinction to attract voter attention. The reported "quality of the membership" in the new Senate, in terms of education and previous positions held before election, appeared to be reasonably high. Each legislature has had a sufficient number of former members present to lend the weight of experience and the know-how of political and technical procedure and intralegislative leadership.

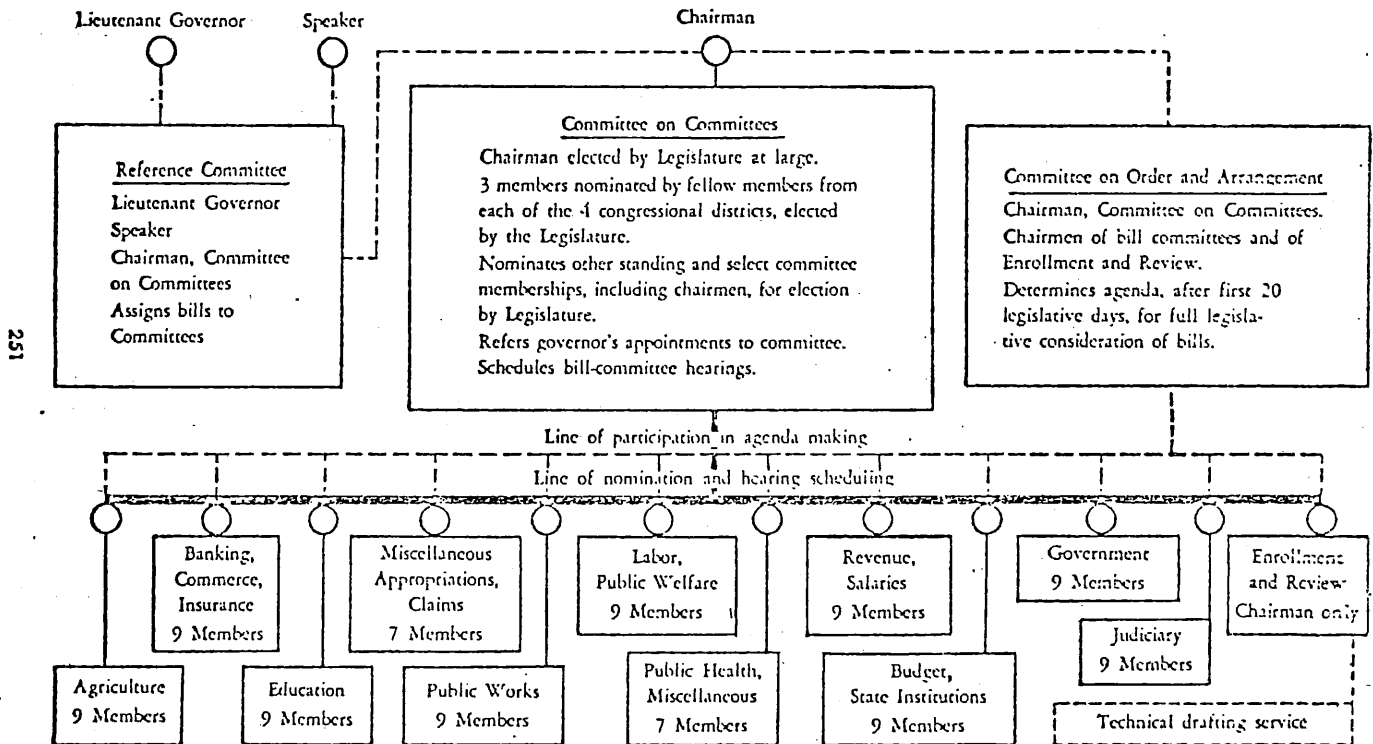
The procedure adopted in Nebraska has very well compensated for any lack of safeguards allegedly inherent in a bicameral system, where one chamber is expected to review bills passed by the other. The result of this procedure is that bills in the unicameral legislature appear to be better prepared before introduction, and are more adequately considered and more likely to be technically correct than are bills in most American legislatures. Of course, these badly needed improvements can well be incorporated into a bicameral system, and many have been, although at catatonic speeds. The Senate has a staff of official bill drafters and the Legislative Council's staff as well to scrutinize all bills, most of which are introduced during

FLOW OF LEGISLATIVE WORK
 Nebraska Unicameral Legislature, 1949
 Number of Bills per Week



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COMMITTEE ORGANIZATION
Nebraska Unicameral Legislature



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the first twenty days of the session, if not prior to the opening of the session (some bicameral states, like New York, also permit the pre-filing of bills). A bill must take a specified minimum number of steps before becoming law, and all bills receive additional scrutiny for technical accuracy after its second reading. (Technical accuracy used to be a problem for Minnesota as well.) Five days must intervene both between the announcement and undertaking of committee public hearings and between the second technical review of a bill and its final reading...moves to counter hasty action. Members of the legislature, of key concern, are provided with adequate information about the progress of bills and amendments, with bills entirely reprinted with any amendments before the final reading. Interestingly enough, while the average number of bills introduced in the new Senate fell to about 50% of the former bicameral level, the number of laws passed has actually increased somewhat---a larger proportion of bills introduced are passed---perhaps due to better procedures. The regular legislative sessions under the one-chamber system now last a little longer than the earlier bicameral sessions. The non-partisanship in the Senate permits some Democrats to hold important leadership positions although badly outnumbered by the Republicans. Relations to the governor and department heads have improved. The small number of substantive committees permit experienced members to play the key leadership and coordination roles in these committees and in the chamber (i.e. seniority is more important in Nebraska). Budget committees have few new members. The pace of work is orderly; no end-of-session mad rushes!! Local interests appear more influential than "interest group" lobbyists; district pressures are the key. The increased public exposure of the Senate makes most lobbyists "behave." While powerful interests are present, they do not "run" the Senate...so they claim. While some local interests want the Senate's size increased (particularly rural areas), most Cornhuskers say that unicameralism is there to stay, and they like it. However, other reforms, eg annual sessions and higher pay, have been advocated.

While many of the improvements cited herein are not necessarily attributable to unicameralism per se, Nebraska does display that a one-house legislature is feasible for some, if not all, U.S. states.

3. CRITERIA BY WHICH TO EVALUATE UNICAMERALISM

It serves us little to simply state that a unicameral system is somehow "better" than a bicameral system. Besides the disagreement over this "better or not" issue, what we must ascertain is not whether unicameralism is just superior to bicameralism, but superior for what purposes under which conditions under what standards. In other words, given certain objectives or aims for unicameralism, by what criteria do we judge its efficacy. The optimal conditions for unicameralism must be identified, and an order of "quo warranto" must be presented to the advocates of that system. Many fine statements in support of unicameralism have been advanced. Now we must determine both the standards by which to judge it and the area of impact unicameralism will supposedly have. That is the purpose of this section. Finally, even conceding that unicameralism meets its objectives and serves certain purposes, are the benefits derived greater than any "harmful" effects which might follow?

We have seen that the unicameral system has been adapted reasonably well for Nebraska, that it continues to function quite well in that state, and that there is no significant pressure within Nebraska to revert to the bicameral form. We have also seen, however, that many of the needed improvements in the legislative system which were associated with unicameralism in Nebraska were not necessarily dependent upon a single-chamber system for their effectuation, i.e., they are reforms which may be undertaken quite independently of unicameralism. Many of the numerous commissions and other study groups created in bicameral states to study and make recommendations towards improving their legislatures have advocated many of the reforms now present in Nebraska. Thus, significant reforms in the legislative process have been recommended by state commissions while adhering none the less to a bicameral system. Some commissions completely ignored the unicameralism issue; others stated that their recommendations could be implemented with equal facility under a two-house establishment. There is thus no reason to believe that unicameralism is a necessary condition for meaningful legislative reform.

The argument has been made that a unicameral system in and of itself makes the implementation of legislative and related reforms much more easy to achieve. The evidence to that point is both limited and mixed. True, Nebraska has undertaken meaningful reforms, yet substantial reforms have been made in the context of bicameralism. Such an argument, therefore, while certainly plausible is not thoroughly cogent. What, then, are the singularly redeeming virtues to the unicameral form, benefits unobtainable generally in a two-chamber system. The Citizens Conference on State Legislatures, through its 1971 critical study entitled The Sometime Governments, may assist us in determining the value or atleast the relevance of unicameralism. It should be pointed out immediately that this study, in its ranking of all the 50 state legislatures by their adjudged quality, placed Minnesota as 10th, right after 9th place Nebraska!! In fact, of the study's 5 "FAIR" judgement catagories (FAIR being the initials for the following: Functional, Accountable, Informed, Independent, and Representative---the Conference's criteria by which to evaluate the legislatures), Minnesota ranked ahead of Nebraska in 4 out of the 5, the exception being under accountability (but even there, while Nebraska placed 1st, Minnesota ranked a respectable 7th in the Nation). One may conclude, unicameralism notwithstanding, that Minnesota is doing something right. Not even unicameral Nebraska ranked that well on the other 4 catagories (35th, 16th, 30th, 18th, respectively for the Cornhuskers, with rankings of 27th, 13th, 23rd, and 12th respectively for Minnesota).

An interesting vignette, if I may. A famous national "Quality of Life" study conducted in 1967 by Dr. John O. Wilson, presently at Yale, ranked, under the catagory of "Democratic Process", Minnesota as 4th in the Nation; Nebraska's ranking in this field was 38th out of the 50 states. Minnesota's politics, and its political institutions, would appear to be quite healthy indeed. This same study placed Minnesota as 1st for the catagories of "Health and Welfare" and "Equality." Nebraska was far down the line, reflecting its lack of progressive policies.

The FAIR criteria employed by the Citizens Conference to evaluate state legislatures can assist us in operationalizing as well as conceptualizing the increased "efficiency" and "effectiveness" which are claimed for unicameralism. Thus, these somewhat nebulous plaudits of unicameralism can be more rigorously defined and judged. The conceptual framework for the Conference's Legislative Evaluation Study was constructed upon that middle ground, so they assert, between the real of what state legislatures actually are and the ideal of what they ultimately "ought" to be. At a minimum, they claim, every citizen should expect his legislature to be functional, accountable, informed, independent, and representative (to wit FAIR). Nine basic fields or areas were identified for the Legislative Evaluation Study: Staffing, Compensation, Session Time, Committee Structure, Facilities, Leadership, Rules and Procedures, Size, and Ethics. The FAIR system was developed in order to relate the nine criteria more closely and compellingly to characteristics everyone can more or less understand and accept as essential. The five characteristics of the FAIR system are themselves composed of various criteria and subcriteria, with data stemming from specific questionnaire item responses and the facts contained therein. The FAIR system makes a point of excluding from consideration the outputs of the legislative process, thus excluding certain "oughts" such as "creativity" and "responsiveness." It was felt that output-evaluation would go beyond the bounds of the structural aspects of a legislature. The five characteristics, then, are the "bare necessities" of legislative capability.

It is evident that the only major impact of unicameralism and related Nebraska legislative reforms was in the area of accountability; Nebraska ranked 1st in the Nation in this area, while not doing that well in the other 4 fields. The Conference stated that the single-chamber system, combined with its small size and single-member districts, makes the Nebraska Legislature one of the least complex and one of the more comprehensible legislative systems. Many of the difficulties confronting all other legislatures are absent: inter-house coordination, conference committees, joint committees, joint rules. Yet, the "accountable" area is but one field.

It might be of interest to identify the criteria of the Conference in their ascertainment of what makes for an "Accountable" legislature. Insight might be gained through which the use and benefits of unicameralism can be indicated. Accountability as a major criterion was subdivided as follows:

- A. Comprehensibility in Principle
 - 1. Districting
 - 2. Selection of Leaders
 - 3. General Complexity
 - 4. Explicit Rules and Procedures
 - 5. Antilimbo Provisions
 - 6. Planning, Scheduling, Coordination, and Budgeting
- B. Adequacy of Information and Public Access To It
(Comprehensibility in Practice)
 - 1. Public Access to Legislative Activities
 - 2. Records of Voting and Deliberations
 - 3. Character and Quality of Bill Documents
 - 4. Conditions of Access by Press and Media
 - 5. Information on Legislators' Interests
 - 6. Information on Lobbyists
- C. Internal Accountability
 - 1. Diffusion and Constraints on Leadership
 - 2. Treatment of Minority

Unicameralism per se would appear to have only limited impact in this area. Yet, the claim may be made that unicameralism expedites the implementation of improvements. Nebraskans, it is claimed, are more aware of their legislature than most citizens of equal education and income. The single-chamber assists in making the legislative process more understandable and open to view for the general public and the media. Most of these accountability features are self-explanatory and deserve no further comment except to say that bicameralism does not necessarily prevent their achievement. Multimember districts are to be avoided. A plethora of committees and members adds to the chaos. Rules should expedite the business of the chambers. The "antilimbo provisions" are those designed to prevent bills from getting secretly "lost" along the legislative process. The Loyal Opposition should be accorded equal representation on committees and the like (as Minnesota Liberals have often demanded). Unicameralism, then, provides a climate for openness, simplicity, and comprehensibility in the legislative process, making more obtainable other reforms in lawmaking. Nebraska, in this regard, has taken advantage of what a single house offers.

The irony of this analysis was that the Citizens Conference credited bicameral Minnesota for the same high-quality aspects of its legislative process as it did unicameral Nebraska. In addition, the same general deficiencies were present in both states, although Minnesota usually was rated ahead of Nebraska. One might wonder, then, what has Minnesota to gain from unicameralism if it already has quite an "accountable" legislature, that is, assuming that the compelling argument in behalf of a single chamber is not that it makes reforming of the legislature easier or simply saves money, if in truth it does. One might also ask what Minnesota is doing correctly in order to be rated so highly by the Citizens Conference (10th place in the overall ranking of states). If reforms can be implemented via two houses, then why eliminate one of them? Will unicameralism, in light of its relatively minor contributions to legislative reform in and of itself, accomplish very much beyond eliminating some jobs and displaying that "we did not need the other house after all"? However, the burden of proof, it seems, even if in fact we could get along very well with but one chamber in St. Paul, is on the advocates of unicameralism. They have yet to demonstrate that unicameralism, while not a harmful system, is none the less a necessary and sufficient condition for reform, that reforms can not be achieved under a two-chamber system as well. They must display the benefits that Minnesota could not otherwise obtain under an enlightened bicameralism. These benefits might be minor. I do not wish to imply that there would be no benefits from unicameralism, but only to suggest that the benefits would appear to be limited, and, for the most part, are not beyond the powers of a bicameral system to undertake. Thus, if bicameralism can be "upgraded", the benefits derived from unicameralism, some of which are questionable, can be dispensed with as not being worth the costs of change in our political system. In the final analysis, the resolution to these questions might well be beyond the scope of "objective" research.

The Citizens Conference evaluation of the Minnesota Legislature stated: "Its outstanding feature is the general openness and

accessibility of its processes and activities..." In other words, the problems of "secret deals", "bossism", and "smoke-filled rooms", characteristics associated with other state legislatures (such as my boyhood legislature in 2nd place New York---obviously the Citizens Conference was too preoccupied with legislative formalities to identify "real" weaknesses in a political system!), do not in general plague the North Star State. Of course, there is room for much improvement in the Minnesota Legislature, and the Citizens Conference presented the following recommendations, inter alia: Reduce the overall size of the Legislature, and the number of committees and committee assignments per member; Increase legislative pay, travel expenses, and staff support; Increase the role and presence of the Minority Party in committees, etc.; Provide more office space; and Remove Constitutional restrictions on session and interim time. At present, our state is moving to meet some of its shortcomings in the Capitol...and unicameralism is not the sine qua non for this reform activity!!

Some final points before moving on. We should exercise care to remember that the issue of a legislature's size in either one or two houses (i.e. the smallness and simplicity of it) is an issue fundamentally quite distinct from that of unicameralism. Minnesota could easily adopt, as has been advocated, a single-chamber legislature of 150 members, a sizeable body. Finally, to put the issue of inter-state comparisons into perspective, why even compare Minnesota's legislature to that of neighboring Wisconsin, another progressive state? It matters not, I feel. It is important to compare Minnesota's legislature only to the expectations of our state's citizenry. Our political system rests upon broad democratic principles (i.e. the people get what they damn well deserve, corruption and ignorance notwithstanding)...if Minnesotans are reasonably satisfied with their legislative system, or their lawmakers, or refuse to do anything about certain "shortcomings", then who are we to demand radical changes---unless noone else cares. In the face of apathy or acceptance by the electorate, why force such a restructuring upon the people?

4.. THE EXIGENCIES OF MINNESOTA POLITICS AND OPINION

There is by no means any unanimity or even a mild consensus as regards unicameralism in Minnesota...not that this should at all be surprizing. At times, public opinion in Minnesota, even when limited, exhibits a characteristic often associated with Jewish people: you will have two people standing on a street corner discussing politics and you will have three political parties represented!! Quite seriously, though, opinion here is divided on this issue, although a recent Minnesota Poll reported that no less than 36% of the respondents thought well of unicameralism... and that amount without benefit of extensive public debate or, to use Stephen Alnes's remark in testimony, "No political leader like Nebraska's Senator George Norris went out stumping for it." That same Minnesota Poll reported, however, that 47% of the respondents were opposed to unicameralism though the possibility surely exists that with adequate public discussion and "voter education" the opposition could be substantially reduced.

What G. Theodore Mitau has termed our "nonpartisan partisan legislature" has been the subject of extensive debate over the issues of electoral party designation, caucus leadership and minority caucus treatment, reapportionment, and lobbies---not to mention the host of other issues facing the lawmakers each session. Some may feel, with some justification, that unicameralism provides a mechanism towards resolving other legislative problems. This paper is not the proper place for a general critique of our state's legislative deficiencies. I shall confine my comments to the discussions raised vis a vis a single-chamber legislature in Minnesota. Governor Wendell Anderson told this writer that after having served in both houses of the legislature, he had some reservations about adopting unicameralism. Lieutenant Governor Perpich, however, is more favorably disposed to the concept. Elmer L. Andersen observed that, with the new reapportionment plan making state senators more remote from their constituencies, the people might ask why keep the upper house, being more unrepresentative, at all if the House is of sufficient size. This later point has a good deal of cogency.

The following serves to sample the informed public opinion and commentary which has developed around the unicameral issue. Stephen Alnes, the associate editor of the Minneapolis Star editorial page, fused the unicameral argument with the adequacy of representation issue. Thus, he favors a single house because it would be more efficient, visible, and inexpensive. Yet, he admonishes us that the unicameral should be of sufficient size so as to ensure the adequate representation of the sparsely-settled rural areas and the urban ethnic minorities, the latter of which are now living in such concentrations so as to warrant "their own" legislative district. Mr. Alnes maintains that a unicameral would be easier for the press and public to follow. The Citizens League and the party leaderships of both the DFL and the GOP in Minnesota are favorably disposed towards unicameralism. Richard Moe, the DFL Chairman, believes that the Supreme Court's "one man-one vote" doctrine has made bicameralism an anachronism as both houses must now be apportioned according to population. One chamber would pinpoint responsibility, he maintains, but, in the interest of having the people feeling close to their representatives, especially in the out-state areas, one chamber of 150 or even 200, efficiency and costs not withstanding, with their smaller districts would be acceptable. Again, Mr. Moe was forced to juxtapose two distinct and somewhat mutually-exclusive criteria for judging a state legislature's effectiveness: efficiency/costs versus the needs of representation.

State Senator George S. Pillsbury advocates the abolition of the Minnesota upper house (perhaps he is retiring!), stating that unicameralism would be more responsive to the people and cut costs. The House should be retained, he states, to ensure adequate representation. The Lieutenant Governor maintains that the rationale for bicameralism are outdated, there would be less duplication with no sacrifice of the separation of powers, and that the present conference committees are undemocratic and too clandestine. In sum, the Minnesota advocates and proponents of unicameralism point to its streamlining of the lawmaking process, its ability to cure other ills of the system, yet desire that its size be not too small.

It should also be pointed out that another benefit of having a reasonably large legislature is that it permits an equitable and effective sharing of the work-load and committee assignments.

Most Minnesotans who follow the affairs at the Capitol agree that legislative reform is both necessary and proper. Not all, however, believe that unicameralism would spell salvation for the legislative process. The National Farmers Organization, the Minnesota Farm Bureau, and, in the tradition of the Farmer-Labor Party, the State AF of L-CIO are either opposed to or have mixed feelings about a single-chamber system, expressing fears of a diminution in their representation (and influence as well). House Speaker Aubrey Dirlam and State Representative Edward Brandt make the point that, with fewer lawmakers under unicameralism, even if it were a sizeable body, lobbyists would have a much easier time in influencing legislation. The Speaker related the following in a public hearing: "A national lobbyist from the Household Finance Corporation--interested in the adoption of a uniform commercial credit code--told me that he couldn't say for sure where the lobbying was hardest, but he knew for certain that in Nebraska the lobbying was easiest." In other words, the Speaker maintains, the more lawmakers there are to confront, the harder the job for the interest groups. Two houses are also "closer to the people", he believes. Both the Speaker and Mr. Brandt believe that the blocking and killing of (presumably poor) legislation is as important a function as is the passage of bills. They stated that a good deal of "substandard legislation was prevented from passage by the "double-check" of two chambers.

The lines of battle, then, appear to be drawn not on the issue of having the representatives "close" to their constituents, nor on the need for reforms, (pure "efficiency" not desired by either side) but on the arguments over tradition, the maintenance of established patterns of interaction in politics, checks and balances, and the use of unicameralism as a "foot in the door" towards the adoption of further undesired reforms. Politics, history, and ideology amalgamate into a beautiful collage.

5. CONCLUDING REMARKS AND SUMMARY

The arguments both in behalf of and in opposition to unicameralism are quite persuasive indeed, with those in favor of the single-chamber gaining wider and a rejuvenated (or resurrected) appeal among the public. These arguments merge both "objective" political analysis and history with the "gut reactions" of advocates, thus making only a limited use out of inductive or deductive logical reasoning. I personally would look with some favor upon a well-paid, well-staffed single chamber of about 150-175 meeting annually (to be called perhaps The State Assembly) elected for 4-year terms with $\frac{1}{2}$ the membership being elected every other year. Yet, I also see great merit in having a bicameral system, particularly in these volatile and "revolutionary" times when reason often yields to emotionalism and violence. While it was true that the Citizens Conference rated Nebraska's Legislature 9th in the Nation (and Minnesota as 10th), the fact remains that 8 bicameral legislatures were adjudged to be superior to the unicameral, atleast as it functions in Nebraska. Perhaps the Citizens Conference, while certainly endorsing the single-chamber concept in their study, felt that they should confine their recommendations to the more easily obtainable reforms. Thus, they might have failed to weigh the unicameral variable very importantly. The evidence points to this conclusion. Other variables many of which may be achieved within the context of bicameralism, were considered to be of greater concern.

The following are some of the recommendations (and variables for legislative reform which have been advanced of late: 1. Reduce the overall size of the legislature. 2. Reduce constitutional limitations on legislative activity (e.g. vis a vis special sessions, pay, organization, etc.). 3. Reduce the number of committees and committee assignments and promulgate uniform committee rules; have open meetings and printed bill reports; all bills referred to them should be acted upon. 4. Legislative salaries and expenses should be increased by statute; retirement benefits should be adopted; district offices provided. 5. Consent

calendars for noncontroversial bills should be established. 6. The number of bill introductions should be controlled. 7. Minority interests should be protected. 8. Bills should be reprinted with amendments before the final roll-call vote by electronic voting devices; bills should contain a statement of intent in laymen's language. 9. Non-patronage staff support for members, the leadership, and the committees should be increased and professionalized. 10. Members, committees, and the press should be provided with more office and meeting space. 11. Strict rules of ethics should be adopted. 12. The auditing functions of the state should be lodged in the legislative branch for executive oversight. 13. Members newly-elected should have a pre-session orientation. 14. The use of blue-ribbon panels should be increased for fact-finding. 15. Executive agency programs should be reevaluated periodically. 16. The legislature should have a year-round research staff. 17. House-keeping services should be modernized. 18. Unlimited annual sessions are preferred. 19. Joint committees, rules, and use of facilities should be utilized. This list could go on ad nauseam. The point here is that unicameralism by itself is only a small part of the overall legislative reform movement. Unicameralism alone will not resolve other shortcomings. Unicameralism is thus considered to be but a small piece in the reformist pie of change, although a tasty piece.

Unfortunately, it is quite difficult to obtain rigorous descriptions of unicameralism-in-action which could be used for inter-state research. True, Denmark abolished its upper-house, yet can the two different political systems be readily juxtaposed? Data is usually impressionistic and subject to value judgements. Even "objective" analysis eventually rests upon subjective aprioris. The generalization which can be derived, none the less, is that unicameralism can work very well under many circumstances and does offer distinct improvements in the legislative process. Yet, with Minnesota ranked so close to Nebraska in that study, one must wonder about the extent of unicameralism's influence and potential for change. I trust that this paper has laid the useful groundwork upon which evaluations of unicameralism can be made and future, more sophisticated, research undertaken. And may all lawmakers, in one chamber or two, conduct themselves with wisdom.

6. A NOTE CONCERNING METHODOLOGY

It was previously stated that most data surrounding the operation of American unicameral legislatures was, unfortunately, based on impressionism and "gut reactions." The question might be asked, however, how the Citizens Conference on State Legislatures, in their infinite wisdom, weighed the variables and, more to the point, weighed unicameralism. My educated guesstimation is that, after reviewing their research, all of the reforms they stipulated were more or less valued equally, although some might have a greater immediate or long-range impact than another. Unicameralism, when it was mentioned at all, appeared to serve more as a means to an end in the legislative process than as an end in itself. Of course, other studies have in fact made unicameralism an end in itself. This study, however, explicitly refrained from doing so either vis a vis unicameralism or other variables. The variables were not, with respect to their relative import, adequately differentiated, and perhaps there lies a shortcoming to their analysis.

While rigorous scholarship so far has not permeated into the arena of unicameralism, a defense, I feel, should be made for impressionistic, subjective data. I do not mean to say that the state of the research on unicameralism in America is in any way satisfactory, for it clearly is not. However, only one's personal value judgements and attitudes towards issues (i.e. subjective and biased analysis) can make a citizen properly evaluate the LEGISLATIVE OUTPUTS AND LAWS of the legislative process---which I feel is the most important variable to the average citizen. If a legislature, one feels, has enacted miserable legislation, not all of the procedural sophistication and structural modernity of that legislature is going to make a voter have confidence and esteem towards that body. And in this regard, the ultimate quality of the legislative outputs, I feel that Minnesota can well serve as a paragon and leader for the other 49 states.

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