Spring 1981

A Discussion Of The Unicameral

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A DISCUSSION OF THE UNICAMERAL

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POLITICAL SCIENCE

March, 1981

By

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This thesis for honors recognition has been approved for the Department of Political Science.

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In 1934, Nebraska met four conditions that not only warranted a discussion of unicameralism but resulted in its implementation. In addition to dissatisfaction, unemployment was high, economy was poor, and activity in partisan politics was negligible.

Montana has yet to experience those four conditions in simultaneity. That time may conceivably never come. Partisan politics has always been a very healthy part of this state's history. To predict a change in that respect would be presumptuous and probably inaccurate.

However, it is entirely possible that partisan political activity is not necessarily an integral factor in the conversion from bicameralism to unicameralism. There may well be other, more significant factors applicable to Montana's circumstance. It is also possible that once all of these factors, or a combination of them are met, that Montana will, once again, seriously consider the adoption of the unicameral.

It is imperative that the fight for unicameralism persist through debate, legislation, initiative and campaign, for it exists as an equally healthy alternative to the bicameral. It is necessary that the people of Montana understand the ramifications of
adopting a one-house assembly. It is vital that the association of unicameralism with myths of socialism, communism, and corruption, cease. People must escape such narrow-minded notions in order to realize the merit of a unicameral system. Contrary to popular belief, the recognition or admission of a unicameral's financial and political value does not compel mandatory adoption.

It is only necessary that a reader of this thesis understand that a unicameral can work and that such a system is comprised of certain shortcomings as well as particular advantages.

The thesis is divided into four distinct areas. Initially, an idea of the history of the unicameral is suggested. A good part of the second is devoted to early American history. It is necessary to be apprised of the regard accorded the unicameral in American history if one is to understand the American attitude toward unicameralism today.

Chapter Two addresses unicameralism in the Nebraskan circumstance. It is the largest segment of the thesis. It contains a history of the unicameral struggle in this midwestern state. It suggests reasons for its ultimate adoption despite a well-organized opposition. It defines the advantages and disadvantages of a one-house assembly. It examines the non-partisan nature of Nebraska's government and it gives a flavor of the process as it exists today. Since Nebraska remains
the only state to have adopted a unicameral legislature, much time has been dedicated to this section. Sources and materials dealing with unicameralism were sketchy and difficult to locate in all areas except in the Nebraska experiment. Thus, the weight of the thesis is found here, in Chapter Two.

The Montana chapter follows. It is designed around the unicameral movement effected in 1972 and in 1980. Montana has not enjoyed the broad exposure to the unicameral idea that Nebraska had experienced. This chapter focuses on attitudes regarding a one-house system which were expressed both in the Constitutional Convention and during the 1980 initiative drive. Names and personalities involved in the great one-house debate are set forth in Chapter Three. However, no conclusions are drawn in this chapter as to why the proposal has failed in both instances. Those contentions are included in the final section of the thesis. In addition to the expression of Montana attitudes, this chapter explains the ramifications of the Reynolds vs. Sims Court decision and addresses the concept of appropriate districting.

The final portion of the paper illustrates an effort to draw some decisive conclusions as to the advantages of introducing the unicameral concept to Montana. The basis for the remarks is drawn from both the Nebraskan and the Montana experience.
The remarks included in the postscript illustrate a personal evaluation and are not intended to fulfill any other capacity. They are not conveyed in an effort to convert those who are skeptics of the one-house notion. Legislative form is too much a question of culture and tradition. In lieu of conversion, I have merely suggested a number of unicameral aspects that may prove palatable to any citizen. The purpose of this thesis is not necessarily to convince—its intent is solely to inform.

*Unicameralism, unicameral, and unicam, have through usage, come to be descriptive nouns of the one-house system
THE BIRTH OF BICAMERALISM

There is something to be gained with an appreciation of an historical perspective of the concepts of unicameralism and bicameralism. To properly understand the unique position that unicameralism presently occupies in American government, it would be necessary to review the position it has occupied in past governments, as well as the posture it currently assumes within a variety of foreign governments.

These historical references, as fascinating as they may be, are not particularly significant to this thesis, for its intent is neither to explore the historical foundation of the unicameral nor its international development. Its purpose is, instead, to discuss unicameralism as it exists, or fails to exist, in the United States. This discussion will entail references to the influence of British Parliament, the structure of early American government, and finally, the mood of the times, the people, and the politics.

The paradigm of bicameralism probably originated in England where a sense of national assembly seems to have almost always existed. The bicameral system had become an accepted aspect of English government by the time of the reign of Edward III. The house of
Lords was an hereditary body while the House of Commons was maintained as an elected body. Until the Seventeenth Century, the upper house "held legislative powers approximately coordinate with those of the lower house."\(^1\)

The reduction of the Lords' power by the House of Commons has been indigenous to parliamentary history. It reached a climax in 1911 with the Parliament Act. This act forced a reduction of power in the House of Lords. Its terms demanded that "a money bill which has passed the House of Commons becomes a law within one month, with or without the Lords' approval. Other bills which the Lords oppose become laws at the end of two years if passed by three successive sessions of the House of Commons. Since a suspensive veto is all that is left to the Second Chamber, there is reason for the claim that the English Parliament is now virtually a unicameral legislature."\(^2\)

1917 saw a conference on the reform of the second chamber. Lord Bryce headed this meeting of both Lords and Commons' members. The principal point on which the members agreed was that the House of Lords should maintain "the interposition of so much delay (and no more) in the passing of a bill into law as may be

\(^1\)Alvin W. Johnson, *The Unicameral Legislature* (Minneapolis; The University of Minnesota Press, 1938), p.6

\(^2\)Ibid., p.9-10

-2-
needed to enable the opinion of the nation to be ade-
quately expressed upon it."³

Certain points, characteristic of the House of Lords, were consistently criticized. The wealth of the members, the class consciousness of the members, the hereditary nature of the body and the great size of the body, were all factors provoking objection.

Nevertheless, England appeared the ideal of self-
government to Eighteenth Century France. Montesquieu and Voltaire greatly admired the English system while those like Rousseau disapproved of the House of Lords. Turgot opposed the bicameral as did other leaders of the Revolution. Robespierre and Sieyes were devout uni-
cameralists. It was the popular belief that bicameralism violated the unity of sovereignty.

"While there are two chambers, discord and division will be inevitable and the will of the people will be paralyzed by inaction."⁴

It may be surmised that the evolution of the two-
house legislature might have resulted not from political design but from the haphazard flow of historical events. Despite the obscure origins of bicameralism, the fact

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remains that it is a broadly accepted concept of legislative form.

The balance of this chapter will explore legislative form in American history. Both forms of legislature were objects of experiment until it was finally determined that our Federal Constitution should be of a bicameral design. After that time, all states complied with the bicameral notion, until 1934, when Nebraska opted for a one-house assembly.

In the development of government in the Seventeenth Century, it seemed that "as a rule colonial governmental organization, whether royal or proprietary, provided for the natural evolution of two houses. Colonies were customarily created with a governor, a council representing the proprietary or royal interests, and an assembly representing the settlers."5

The English Parliament was imitated to a great extent by political entities in America. Initially, the division between the two houses was sharply defined. The right to initiate legislation lay with the members of the Upper House. Qualifications to serve in Senate and House differed. Restrictions on the right to vote as well as upon the right to own land were largely established by property qualifications. Not all states

maintained the same qualifications but all established one or the other. A universality in suffrage did not exist in America. The Senate generally gave special representation to the wealthy. The Lower House was relegated to the "common man."

When the Constitutional Convention took place in Philadelphia, in 1787, to adopt a Federal Constitution, the bicameral concept was included as a part of that constitution. It was apparent that the English Parliament had influenced the formation of this Federal document. Perhaps more influential, however, was the familiarity the colonies had with the operation of bicameral legislatures. The system had been tried and found to be successful. It was therefore, not surprising, that it was adopted for purposes of the Federal Constitutional System. In addition, the colonists' experience with the Articles of Confederation had soured them on the abilities of a unicameral body.

The colonists' experience with the Articles of Confederation deserves examination as it was the failure of the Articles that ultimately led to the creation of the now traditional bicameral government.

The inadequacy of the Articles was recognized even before their ratification had been effected. Congress was given jurisdiction over foreign affairs and interstate disputes. It was responsible for Indian affairs.
Although Congress could borrow men and money from the states it could not enforce its requisitions. Congress did succeed, under the Articles, to guarantee citizenship to persons moving from state to state and to establish a permanent staff of government employees.

However, the defects of the Articles outweighed the benefits. Congress lacked the power to tax. Near the end of the Articles' existence, the total revenues failed to cover the interest on the foreign debt.

There was the absence of Congressional authority to regulate foreign or interstate commerce. Those powers were relegated to the executive and legislative authorities. The result of such division was, according to Kraus, a weak "government by Committee."

There was no federal judiciary. Congress relied on state courts to enact its laws. Kraus states that as a consequence, the individual citizen was "beyond the direct exercise of national power."

When Congress convened, ambassadors from each of the states appeared. Any one of those states could veto a proposed change within the Articles. At one time, Congress, in a financial dilemma, sought an amendment to the Articles granting the authority to enforce a 5% duty on foreign imports. Twice a unanimous decision was blocked. Approval from nine states was required. Quite frequently, however, no more than nine or ten states
gathered together, so, in practice, it was a unanimous acceptance that was required.

The needs of Commerce were impinged upon by the various restrictions imposed by several states. Conservatives were afraid the democratizing process would go too far. These factors threatened the survival of the Articles. In addition, a small group of men were contemplating the formation of an entirely new governing document. Despite their limited authority to revise the Articles, James Madison, Alexander Hamilton, Robert Morris and George Washington set out to draft a new Constitution. Within the framework of this new Constitution lay the provision for a bicameral legislative system. It would replace an unsuccessful unicameral Congress that had unsuccessfully functioned under the Articles of Confederation.6

A bicameral system appeared to be advantageous in several respects. It could be used to break the deadlock between the large and small states (i.e. The Virginia Plan vs. The New Jersey Plan). Such a compromise would remove one of the most significant obstacles to agreement at the convention. A bicameral system would also provide for the external check on the power of the executive and for an internal check on the power of the legislature.

6Michael Kraus, The United States to 1865 (Ann Arbor; The University of Michigan Press, 1969) pps.246-249.
Alexander Hamilton in Federalist No. 22 set forth a strong argument for bicameralism.

A single assembly may be a proper receptacle of those slender, or rather fettered authorities, which have been heretofore delegated to the federal head; but it would be inconsistent with all the principles of good government, to intrust it with those additional powers which even the moderate and more rational adversaries of the peoples' representatives alone, the people might be betrayed... Thus we should create in reality that very tyranny which the adversaries of the new Constitution either are, or affect to be, solicitous to avert.7

The Connecticut compromise solved the deadlock between the Virginia Plan and the New Jersey Plan. It provided for a bicameral form with equal representation in the Senate and proportionate representation in the House.

The framers of the Constitution were as fearful of the people as they were of governmental tyranny. The second chamber, not subject to direct popular control, presented itself as a likely method of restraining the influence of the people.

James Madison in both Federalist No. 62 and No. 63 wrote of the absolute necessity of a second house.

The necessity of a senate is no less indicated by the propensity of all single and numerous assemblies to yield to the impulse of sudden and violent passions, and to be seduced by facetious leaders into intemperate and pernicious resolutions.8


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The people can never wilfully betray their own interests: But they may possibly be betrayed by the representatives of the people; and the danger will be evidently greater where the whole legislative trust is lodged in the hands of one body of men, than where concurrence of separate and dissimilar bodies is required in every public act.9

One of America's most outstanding historical figures, Benjamin Franklin, opposed the adoption of a bicameral. His famous analogy between bicameralism and the legendary two-headed political snake follows:

Has not the famous political fable of the snake, with two heads and one body, some useful instructions contained in it? She was going to a brook to drink, and in her way was...a hedge...one head chose to go to the right side of the twig, the other on the left; so that time was spent in the contest and before the decision was completed, the poor snake died with thirst.10

Franklin could not persuade the Convention to adopt a unicameral form of government. However, his home state of Pennsylvania upheld the one-house assembly as her legislative form. The Centinel Letters in Pennsylvania contained eloquent arguments in favor of unicameralism.

The highest responsibility is to be attained in a simple structure of government, for the great body of the people never steadily attend to the operations of government, and for the want of due information, are liable to be imposed upon. If you complicate the plan by various orders, the people will be perplexed and divided in their sentiment about the sources of abuses or misconduct; some will impute it to the senate, others to the house of representatives, and so on, that the inter-


position of the people may be rendered imperfect or perhaps wholly abortive. But if imitating the constitution of Pennsylvania, you vest all the legislative power in one body of men (separating the executive and the judicial), elected for a short period, and necessarily excluded by rotation from permanency and guarded from precipitancy and surprise by delays imposed on its proceedings you will create the most perfect responsibility; for then, whenever the people feel a grievance, they cannot mistake the authors and will apply the remedy with certainty and effect, discarding them at the next election.\textsuperscript{11}

Despite well-written arguments, bicameralism was the chosen form of government. The three states that had maintained unicameral governments added second houses. Georgia seemed only to have added the second chamber in an attempt to comply with the Federal Constitution. There is no indication of dissatisfaction with her one-house government. Pennsylvanians, however, harbored a growing dissatisfaction with the distribution of representatives. A failure to reapportion caused turmoil. There existed a good deal of political disruption between 1776 and 1788. By 1789, Pennsylvania had converted to a bicameral form of government. Vermont experienced the longest unicameral governmental system. It was not ideal in that all bills had to be submitted to the Governor and to the executive council for reading. The Council of Censors pushed for a second house to insure fair represen-\textsuperscript{11}Johnson, op. cit., p. 31. Footnote #19 of this text. Quoted in Beard, An Economic Interpretation of the Constitution, p. 315.

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tation for more largely populated districts. In 1835, no candidate in the gubernatorial race received a majority of votes. The final decision was left to the House of Representatives and the Executive Council. This joint session, however, failed to agree upon a governor. The Lieutenant Governor was forced to occupy the position. This, together with other kinds of political turmoil, found the popular sentiment growing unfavorable to the one-house assembly. By 1836, a conversion to bicameralism was made.\(^\text{12}\)

The framers of the Federal Constitution not only felt that a bicameral system would be successful because it had been successful in Great Britain, but also "because it made possible the great compromise on representation -- representation in the House of Representatives according to population and in the Senate an equal representation of the states."\(^\text{13}\) Bicameralism has since been the political backbone in the structure of American legislative assemblies.

Not until the turn of the 20th century did interest revive in unicameralism and then it was primarily directed at reforming municipal systems. Gradually states began to consider the unicameral as an alternative to present governmental structures. It became a true political

\(^\text{12}\) Moschos and Katsky, op cit., pps. 262-263.

issue in the West, perhaps because of the vast size of the western states and the sparse population. Additionally, the effect of the Depression surely played a part in the eventual adoption of a unicameral legislature in Nebraska in 1934.

It is always an interesting diversion to attempt to "second-guess" the Founding Fathers and to wonder what sorts of recommendations they might make today, for state and for federal legislative systems. The bicameral nature of the Federal Constitution is not subject to challenge by advocates of the one-house assembly. It has been discussed in this paper, only in an attempt to illustrate the influence that it wielded over state governments and to describe how it became so deeply ingrained in our system.
NEBRASKA AND THE UNICAMERAL EXPERIENCE

"Unicameral has been a little like the bearded woman in the circus sideshow. She gets a lot of attention but nobody wants to take her to lunch."

-"Only unicameral Legislature Mirrored in Convention Thought," Odell Hanson, A.P.

Unicameralism remains an anamoly in America today. It is a development that is viewed with suspicion and is accorded a wariness that seems to bode impending doom. Despite the fact that the concept is hardly a novel one, it is looked upon as a "revolutionary" alternative to the more traditional two-house system.

Nebraska is the only state in the Union to have converted to a one-house assembly. In 1934, the people of this mid-western state voted to implement a unicameral legislature. It has now withstood the passing of 47 years.

There is a chance that it may, one year, fail so terribly that the people will insist upon both a Senate and a House. That hope will always be entertained by those who prophesied a cataclysmic fate for the single-chamber assembly. However, the hope for a continuation of effective unicameral legislation will likewise remain for those who propounded this legislative form.

Those who support a unicameral do not contend that it is, in fact, a panacea to all legislative ills. A plethora of suggestions exists as to possible reforms to
both legislative systems, for each possesses its own inadequacies.

The unicameralist proposes a legislature, in which many of the failings, indigenous to the bicameral, could be eliminated. These failings exist due to the "nature of the beast." Other drawbacks are shared by both systems. These exist due to the "nature of the man."

The years 1913 through 1934 were spent in an attempt to enlighten and to persuade Nebraskans to adopt a unicameral form of legislature. It is not a surprisingly long period of time to devote to convincing a majority of a state's people to accept a legislative change of such extreme.

Like a pestiferous child, the unicameral idea kept presenting itself at the Legislature and upon petitions, until it was finally successfully presented in the form of an initiative. Despite efforts to downplay any nominal success the unicameralists were enjoying, the concept persisted in the minds of people until it had reached an acceptable maturity. In 1934, it was no longer a small child with whom one might easily deal. It was very much an adult and could no longer be ignored. Unicameralism had come of age.

The first evidence of an active interest in the unicameral form, manifested itself in 1913. The Governor of Kansas had proposed a unicameral to his people while at the same time, another mid-western state, Nebraska,
appointed a joint committee of legislators to study methods of improving upon the current legislative system. Representative John N. Norton, a unicameral advocate, chaired this joint committee, whether by accident or design, cannot be substantiated. As a result of his efforts and agreement of the other committee members, a recommendation for a one-house assembly was sent to the 1915 Legislative session.\(^\text{14}\)

Certainly the influences of the Progressive Era spawned the sudden flurry of interest in unicameralism. The Progressives, comprised chiefly of middle-class citizens, abhorred the ties they found between big business and government. Progressives urged that the people be given a more direct say in government and the structure of a unicameral conduced such a relationship. The initiative, the referendum, the recall and the direct primary as well as the direct election of senators (the 17th Amendment) are all results of Progressive legislation. Reform was in the air. Women's suffrage, prohibition, judicial and municipal government reform were all targets of the Progressive effort.

A shift in citizen status was occurring. It demanded adaptation by the state government, the churches and the press. Men who epitomized the middle-class citizenry were gaining influence and now wielding powers that had

\(^{14}\)Alvin Johnson, The Unicameral Legislature pps. 131-132.
not been previously possessed. Just as the Progressive Era took hold, business monopolies were abounding, making the circumstances ripe for reform.\textsuperscript{15}

The arguments that issued forth from lips that spoke in 1913 are repeated on the lips of unicameralists this day.

One body can more directly represent the public. One body would be more responsible to the people. A smaller body would exercise greater deliberation and reflection.

The joint committee challenged the need for "checks and balances" as an antidote for poor legislation. The 1915 Legislative session received the committee report, suggesting a one-chamber legislature of no fewer than 33 members nor more than 100 members. The suggestion, however remained a mere recommendation upon which the 1915 Legislature took no action.\textsuperscript{16}

The need to represent different classes of citizens, contingent upon wealth or property, was no longer a valid contention. Cities around the world, with populations far greater than Nebraska's found the unicameral to be a most effective form of government. The "check," so ardently defended by the traditionalist, was harshly


criticized. It was contended that in actuality the "check" was little more than a trade of responsibility between the two bodies. Deliberation and reflection were not innate to the bicameral. Advocates of the unicameral system questioned the existence of those two fairy-tale characteristics, particularly during the final days of a legislative session. These sorts of arguments served to bolster a public whose attitude was one of growing impatience with the present Legislative system.¹⁷

In 1917, the unicameral system was rejected by the Legislature. When it came up in the state's constitutional convention of 1919-1920, it received a tie vote. The President cast his vote against the unicameral and the resolution was lost.¹⁸

The '20's were hardly the years in which to be concerned about government reform. People were occupied with their enjoyment of prosperity. No serious consideration was afforded to the mention of social, economic or governmental reform. From 1923 through 1933, proposals for a unicameral were persistently introduced in the Nebraska Legislative Sessions but none were given earnest attention, except by a small Progressive movement.

The mood of the times, however, swiftly changed. The '20's came crashing down and the Depression permeated

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¹⁸Johnson, The Unicameral Legislature, p. 132.

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the lives of all Americans. Jobs were short. Money was short. Legislation was poor.

The 1933 Nebraska Legislative Session served as a great topic of complaint among the state's citizens. The large turnover in membership, as a result of the 1932 Democratic landslide, contributed heavily to the surfeit of inexperienced legislators. While substantial sums of money were being funneled into an incompetent legislature, an agricultural crisis was paralyzing the lives of many Nebraskans. People were angry. Suddenly the twenty-one years of proposals and petitions converged into one initiative. The unicameral was placed upon the ballot after having received 95,000 signatures (57,600 required). On November 6, 1934, it was adopted as Nebraska's new legislative form.

"Why should the Legislature of Nebraska have two branches instead of one? The qualifications of members of both branches of our state legislature are exactly the same. The official duties they are to perform are of exactly the same nature. Why should we then have two bodies instead of one, and burden our taxpayers with the necessarily increased expense, to attain the object that can be fully attained by one house instead of two?"19

There is a systematic appearance of three important names in any discussion of Nebraska's unicameral movement. They are Senator George W. Norris, John N. Norton and Dr. John N. Senning. Mentions of John N. Norton have already

established his role as an activist early in the unicameral campaign. Dr. John P. Senning was a professor of Political Science at the University of Nebraska-Lincoln. In addition to having had published a number of articles dealing with the topic of unicameral, he is noted for having had his plan for districting accepted by the government. His was the initial plan implemented in Nebraska, outlining the appropriate districts and designating that 43 members would participate in the newly-formed legislative body.20 It is Senator Norris who made the greatest visible strides in the campaign for a one-house assembly. The involvement of Norton and Senning was important; the involvement of Norris was paramount. As a consequence most of the following commentary is devoted to the efforts of Senator Norris.

Norris adopted an interest in legislative reform in the late 1800's. During these years, he found opportunity to seek a legislative position. However, the extraordinarily low pay and the interruption of his legal practice, at a particularly inopportune time, dissuaded him from pursuing a political post.

Eventually, Norris did spend 20 years in Congress. He emerged as an influential national figure as well as a state leader of great renown. He enjoyed much

success in Washington. He was reputed to have worked diligently for the "farm bloc" in the '20's. In 1930, he succeeded in securing a national labor anti-injunction law. In 1932, Congress accepted his "lame-duck" amendment to the United States Constitution. In 1933, he saw the enactment of his Tennessee River Valley Plan.  

Franklin D. Roosevelt dubbed this man the "gentle knight of American progressive ideals." Norris succeeded in his unicameral endeavor in the same tradition of reform that had distinguished his politics for the past 25 years.

"If today the Norris formula for the perfection of representative government and the realization of the democratic ideal appears too simple and perhaps somewhat naive, it is because simplicity and perhaps even naivete were characteristics of the progressive impulse as it sprang out of nineteenth-century America. George Norris was a product of that America and her inherent belief in the perfectability of human institutions."  

Norris abhorred the unwieldly two-house assembly and set about his campaign to alter the Nebraska Legislature in 1934. He was critical of the "undemocratic" conference committee. He described it as an asylum for lobbyists. There, they needed only to influence two or three legislators to insure the affectation of their whims. Norris referred to the conference committee when he suggested that if the two-branch legislature

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22 Ibid., p. 321.

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were to be maintained "that the people elect, directly a third branch, to take over the jurisdiction and the power of the conference committee."23

He believed that theoretically the larger the body, the more representative of the people. In practice, however, Norris maintained that each man lost individual rights to committees, to lobbyists, to ineffective leaders.

By 1909, the practice of partisanship elections had been dropped in Nebraskan school board elections as well as in judicial elections. Norris opted to include the property of non-partisanship as an integral part of his unicameral proposal.

His campaign was methodic and low-key. Magazine and newspaper articles gradually filtered into the public eye lauding the advantages of unicameralism.

Why did Norris believe so fiercely in the unicameral form of legislature. Without his leadership, many political scientists believe the proposal would have met with the same fate it had suffered in previous years. A unique man with uncommon determination worked to convince thousands of citizens to cut loose the apron strings that bound them to the traditional two-house assembly. What was this thing in which he believed?

23Feibelman, "Shall We Abolish the Bicameral Legislature?" 8 Florida Law Journal, 170 (November 1934).
Norris preferred the Progressive view that the operation of state government be conducted as a business operation. He discouraged partisan concerns. His method of preserving the legislature as a separate branch of government was to disallow the governor of the majority party the control of the legislature. He believed that a non-partisan body would waste little time on political caviling and that citizens elected to serve in such a body would substitute political responsibility for political rivalry. Norris felt too that a better-qualified citizen would seek office. He reminded his constituents that Nebraska had never been a state to be heavily reliant upon political parties as a vehicle to accomplish desired goals.24

In the text of his speeches, Norris repeatedly referred to the origins of the American democratic ideal. An historical struggle has always ensued between the rulers and those being ruled. Norris maintained that the Constitution was designed around "common people... were not sufficiently civilized and sufficiently educated to govern themselves."25

George Norris authored an article that appeared in the National Municipal Review. In it, he addressed

the question of the retention of two branches in the Legislature, the conference committee and the advantages of a single house.

America is composed of one class of people. Both houses now represent that class. This, in itself, negates the necessity for a double-branched legislature.

"If such checks and balances were posted at the close of the session, it will be found that the politicians have the check, and the special interests have the balance."26

Norris contended that beyond two branches, a third, more powerful than the others, is present in every bicameral system. The conference committee is composed of three Representatives and three Senators. When House and Senate cannot agree upon the form or wording of a certain bill, it is forwarded to this conference committee. The committee meets in secret and no record is maintained. There is no roll call vote. If the committee cannot reach agreement, the bill dies. The great travesty is that nearly all important bills reach the conference committee.

Norris went on to say in his articles, that the people were helplessly ignorant of what really occurred inside the committee. "It does not take up a bill and

26 Wesser, op. cit., p. 318.
vote upon disagreements as the ordinary committee would do, and let the majority decide." The three members of the House control the House vote, as the three from the Senate, control the Senate vote. The Senate vote and the House vote must be exactly the same in this committee. For example, if two of the three Senate members do not agree, they automatically control the Senate vote and prevent an agreement of the committee. If an agreement is reached in committee, the agreement must be accepted by both the House and Senate without a change or it is defeated and sent back to the "third house" where it will either be killed for good or more conditions will be indiscriminately attached, just to get a law. They must accept the bad in order to get the good, or they are compelled to reject the good in order to reject the evil.27

The unicameral has no allowance for a conference committee. There can exist no shifting of responsibility from one house to another. There is a provision in the unicameral allowing any one member to demand a roll call vote upon any pending motion. A complete record can be made of each and every "Senator."

What made 1934 a year ripe for revolution? What was the mood of the people? What things helped or hindered Norris in his ultimately successful campaign.

for unicameralism?

The Depression had bred a discontent among Nebraska's citizens. The 1933 Legislative session was one of the longest recorded. It passed nearly 200 bills. Few real accomplishments were made. The governor's ill health contributed to a lack of leadership. The inexperience of the legislators serving terms, as a result of the '32 Democratic landslide, annoyed Nebraskans.

And yet, there was a "New Deal Experimentation" in the air. For some, the backing of Senator Norris was enough to persuade them to adopt a unicameral.

Another factor that well may have helped the passing of the unicameral amendment was the presence of two accompanying amendments on the ballot -- both of which were extremely popular. These amendments repealed prohibition of alcoholic liquors and permitted parimutual betting. Perhaps the company that the unicameral amendment kept was not the most elegant, but the two coincident amendments were definitely favorites among all walks of people.

Economy was a most influential determinant in the adoption of a unicameral. The Depression had forced people to turn to government for assistance. The government to which they turned, failed. There was no reason then not to turn to something new, to a system that promised them hope. They may have regarded it, in 1934,
as a panacea to ills they could not control. However, they did not have the time nor the finances to embark upon a series of studies to determine the fitness of the bicameral. They were suffering and much of that suffering was attributed to bicameral red tape. Instead of extracting that portion of the tape that seemed most injurious and replacing it with a new section, they chose to remove the tape entirely. Thus, they ridded themselves of both tape and injury. The idea of a new growth emerging in place of the old, of an equally cancerous nature was not given much credence. People do not consider all possibilities when they are jobless and hungry and desperate for change.

Not all people, however, were so vehemently supportive of Norris' proposal. The movement encountered obstacles from the outset. The Model Legislative Committee, a committee organized to circulate petitions proposing a unicameral, housed some disparity over the issue of partisanship. (Norris' first literary endeavor in support of the unicameral was an article called "A Model State Legislature" -- it was after this that the Model Legislative Committee was named. It was headed by Colonel John G. Maher, a staunch advocate of the one-house assembly.) Many felt that the non-partisan aspect of the proposal would spell its demise. An attempt to exchange the
omission of the non-partisan aspect for Democratic support was refused by Norris.

The people themselves faced difficulties in circulating the petitions. A constitutional provision required that each petition could offer only 20 names and had to contain an affidavit verifying that the circulator personally witnessed every signature. The names had to be distributed among at least 62 of the 93 counties, causing the unicameral organization the hardship of locating petitioners in each location. Few substantial citizens exhibited any enthusiasm for the proposal. Funds were sadly limited. At one point, the campaign chairman wrote to Norris suggesting they postpone the campaign for a couple of years. At that point, Norris contributed $1,000 himself to boost the effort. Gradually the movement caught on and the funds continued to increase.

Norris recognized the disadvantages attached to his proposal. It had not been discussed in the state press. It had not been recommended by the Governor. It had not been proposed in any recent Legislative session.

In addition, the unicameral found opposition among the newspapers as well as among certain national publications. Colliers magazine claimed the purpose of the proposal was solely to centralize authority and the Representative Government Association cited the proposal was purporting un-American change. The Christian Science
Monitor presented the unicameral in a more favorable light and the Saturday Evening Post supported it, suggesting that there was no justifiable reason for two houses at the state level of government.

The committee drew up the final unicameral proposal resolving to enact a unicameral body "with members elected in single districts on a non-partisan basis; the right of a lawmaker to introduce bills at any time during a legislative session, the only reservation being that no bill could become a law in less than 5 days; and finally salaries of $1774 per member for two years' work together with transportation expenses to Lincoln once each session."2

Articles written in the mid-'30's as well as those published subsequently, have set forth the political advantages and disadvantages of the unicameral system. These arguments deserve a good deal of attention.

The advantages of a one-house assembly centered around the virtue of simplicity. These advantages are as listed.

1. Statute-making would be simplified. There would not be the shifting of responsibility from house to house. Every bill would be accorded a public hearing and each hearing would be timely noticed. Although the legislative process would be slowed down in a unicameral, it would always remain in the public eye.

2. The public could focus, more easily, on one single, smaller body.

3. The difficulty confronted when opposing political parties each control either House or Senate would be eliminated.

4. The conference committee would be avoided.
   This "third" branch composes a house not responsible or responsive to anyone. It exists as an uncontrolled powerful committee. A unicameral would disallow its very existence.

5. Fewer regular committees would be required.
   This aspect would allow legislators to devote more time and enthusiasm to a limited number of committees. Too often, in a bicameral, committee hearings overlap. A legislator serving on more than one or two committees cannot do justice to them all.

6. In studying a bill, one would not have to review two journals.

7. More capable legislators would be attracted to a unicameral.
   A greater status exists among fewer members. With fewer members greater pay may be awarded. More qualified "professionals" could afford to leave their positions to serve in their state Legislature.

8. There are fewer points at which lobbyists might kill desired laws.
   Without access to a second house or to a conference committee lobbyists would find themselves confined to a reduced number of areas of concentration.

9. Economy -- one house would be less expensive to maintain than two.

10. The rivalry between the two houses would be obviated.
    This would destroy habits such as holding certain bills hostage in one of the two houses.
11. Efficiency would be increased. Again, with smaller staffs, less paperwork and better-qualified employees, the efficiency of a unicameral would be realized. There is, of course, no guarantee that a unicameral will necessarily attract and employ better-qualified personnel but there is also no evidence that a bicameral succeeds in hiring a more-qualified staff.

12. Unicameralism has enjoyed success in other areas -- there is evidence that it can work.

13. Bicameralism is outmoded. The intent of the Founding Fathers was to provide a horizontal check and balance among three branches of government, as well as a vertical check within areas of the same branch. The concept that the Senate would represent the wealthy and the House represent the commoners died with the caste system. Such a distinction is not a part of the "American way."

14. Unicameralism includes a proposal for the enlistment of expert aid in drafting new legislation. Such aid can facilitate legislation during actual legislative sessions and provides for a broader scope of authority.

15. The compromises made between bickering legislators would be eliminated, replaced by a responsibility for individual actions or inactions. With one house, there would be no overlapping of committees. Hearings are scheduled and noticed. Both the public and the legislators are aware of the time limitations within which they must testify, deliberate and finally decide. Again, all of these preliminary activities are done within the eye of the public.

16. The compromises made between bickering legislators would be eliminated, replaced by a responsibility for individual actions or inactions.

Each of these sixteen arguments has been examined in practice. Many of them have proven successful simply by the design of the one-house assembly, i.e., fewer regular
committees, the absence of a conference committee and the elimination of a rivalry between two houses. These issues have become matters of fact and therefore do not lend themselves to speculation nor conjecture.

The 1936 and subsequent elections have illustrated the veracity of the 7th argument and Nebraska's high rating (Nebraska rated 9th and Montana 41st--1971) by a national organization entitled the Citizens' Conference on State Legislatures. This rating does indicate the unicameral's success in economy, efficiency and accountability.

Only two arguments emerge as issues worthy of debate—the amount of influence the lobby wields and the non-partisan nature of Nebraska's body. All others have been reasonably substantiated merely through implementation.

Sol Horowitz, in his article, "The Unicameral Legislative System" (published July 1936) spoke to the weaknesses of a two-house system.

Bicameral legislatures have been pronounced failures in American history. They have utterly failed to check hasty, foolish, and pernicious, ill-considered legislation. At the close of the revolutionary war the legislatures were practically unbridled. They had full sway, only two states providing for government veto. A check on the two houses was necessary so that in a few years all of the states except North Carolina provided the governor's veto.

...the bicameral legislatures are not the check on hasty and ill-considered legislation that they are claimed to be. The power of veto has been increased in most instances to include the veto of special items in appropriation bills. This is a very strong power. If the people still have their faith in the
ability of their legislatures why then do they put so much power in the hands of the governor?" 29

Horowitz suggests that the answer is a desire for a better concentration of power wherein they may place responsibility and, that the faith in the bicameral's ability to check legislation is gone.

Ironically, despite the constant cry that the bicameral does indeed constitute a necessary check upon legislation, almost every state provides, constitutionally, for a popular referendum. Each year masses of legislation are passed that are subsequently challenged on a constitutional basis. Many bills are passed more than once. Many may never be enforced due to faulty or ambiguous wording and many more are sadly ridiculous, i.e., "No firearms shall be discharged upon a public highway except at noxious animals or an officer in pursuit of his duty" --a bill passed by an early Nebraskan Legislature.

It may be that the greatest check upon legislation occurs within the powers of the Courts, not within the two houses.

Opponents of the unicameral were equally vocal in their allegations. They clung to the arguments of tradition and party loyalty in their effort to preserve the bicameral. They unleashed arguments that no respon-

sible group action could occur without the existence of parties and that a lack of coordination with the governor would stifle the effectiveness of legislative action.

A succinct listing of their arguments follows:

1. The farmers would be poorly represented in so small a body.
   Opponents felt the greater number of representatives would be elected from the urban areas, excluding adequate rural representation.

2. A single chamber would give pressure groups more opportunity.
   The opposition contended that lobbyists would be able to zero in on representatives and to concentrate their efforts in one location more successfully than they had in two locations.

3. Measures would be given less thorough discussion.
   Because a bill would not be discussed twice, opponents felt it would not have received appropriate attentions.

4. Small groups tend toward extravagance.

5. Only the rich could campaign in the large electoral districts which would result from having so few representatives.

6. Limiting representation was argued to be undemocratic.

7. Checks and balances would be lost.
   Clinging to the tradition of "checks and balances," originally formed to satisfy a federal need, opponents have embraced the need as their own, at a state level.

8. The unicameral would be unable to perform certain special functions.

9. Property and minority rights would be endangered.
   There are conceivably only two among these arguments that can be described as accurate assertions. The argu-
ments that "measures would be given less thorough discussion"; that "small groups tend toward extravagance"; and that "limiting representation is undemocratic" are ethereal contentions whose foundations lie not in fact but in individual opinion.

Following paragraphs will address the allegations of endangering property and minority rights; the demise of fair representation and the inability of the unicameral to perform certain functions.

The two arguments remaining are those regarding the non-partisan feature of the unicameral and the effectiveness of the lobby.

The question of inadequate deliberation appears in a bicameral, for two houses do not necessarily insure careful deliberation. There is little deliberate action taken in the last ten days of the session when legislators are tired and hurried and anxious to return home. A unicameral cannot assure careful deliberation but it can eliminate the last minute conference reports. There are fewer members to introduce bills and the governor may veto bills. The Supreme Court may discard those bills that are found to be unconstitutional and a popular referendum may be employed as a final check.

In Nebraska, the unicameral provides that no vote upon final passage of any bill shall be taken until 5 legislative days after its introduction nor until it has been on file for final reading and passage for at least one legislative day. Legislators may face defeat
in an upcoming election and state constitutions may lay out rules of legislative procedure which will check hasty action.

Proponents of the unicameral agreed that fair representation could be affected if the unicameral's members were as numerous as the lower house and if representation were based on population.

In addressing the accusation that the unicameral would be unable to perform special functions, unicameralists responded, saying that there was no reason to maintain a second house to introduce appropriation bills; that the function of acting on the governor's nomination is often a perfunctory duty that could well be performed by a unicameral; and that impeachment could be dealt with in other fashions upon the infrequent occasions demanding such action.

The basic fear of property and minority interest was that the property of the few would not be adequately protected against the onsets of the unpropertied many. The presumption that a sharp distinction still exists between houses is no longer valid. One house duplicates the other, now making such a fear unfounded.  

"The Nebraska legislative form of government is twice unique. It is a unicameral form of government and it is truly non-partisan."  


My final attentions in this chapter, will be devoted to the Nebraska unicameral as it actually functions. The problems, previously mentioned--lobbyist influence and non-partisanship--will be properly examined. The working relationship between the unicameral body and the governor will be described and the results of the first unicameral will be evaluated.

To explore the value of a non-partisan body and the effect of lobbyist influence, it should be noted that until Senator Norris proposed the non-partisan element as a part of his unicameral package, it had consistently been rejected. Those maintaining legislative posts opposed the notion out of fear basic to their very survival. The party "war-horses" could not reconcile themselves to such a drastic alteration. They could not deny party loyalty nor defy political party tradition.

However, in 1934, when Senator Norris advocated unicameralism, the people of the state saw it as a solution to problems of cost. It seemed a likely method to curtail the impact of special interests as well as a way in which to increase the sense of responsibility among the legislative membership.

Non-partisanship and unicameralism do not necessarily march hand-in-hand. Although they are concepts born out of the same Progressive school of thought, they are not synonomous. Each individual state's political complexion
will inevitably be the determinant that will weight the need for a partisan legislature.

William Riley, in a recently published article, "Non-Partisan Unicameral - Benefits; Defects Re-Examined," enlarges upon the various arguments regarding partisanship. Party preservation maintains itself as the backbone of the case presented in favor of re-establishing a partisan detail to the present unicameral body. Riley, after presenting arguments both in favor of and in opposition to the non-partisan aspect of the unicameral concludes that such a unicameral could only be successful in an area like Nebraska, where population is sparse and urbanization negligible.

Those favoring that a partisan flavor be restored to the Nebraska legislature set forth these arguments.

1. Leadership and Organization.

2. Narrowing of Issues - partisans prefer to see a couple of well-defined issues to be argued before the assembly rather than 50 issues upon which no partisan stance is taken.

3. Fixing responsibility - Partisans believe that no "collective responsibility exists in a non-partisan body. Issues of policy are avoided by non-partisans.

4. Preserving organized opposition - the lack of organized opposition results in a lack of assurance that an issue will be presented in completeness.

5. Strengthen the Parties - Partisans desire to see a bolstering of two-party spirit - the retention of tradition.

6. Legislature - A dead-end politically - partisans indicate that through the present legislative system, future political leaders are denied
training. They feel a partisan atmosphere would benefit those looking ahead to national politics.

7. Separate vote for non-partisanship - partisans feel that the people should be allowed to choose to support or to oppose the non-partisan element of Nebraskan government.

Those contending that a non-partisan aspect to the unicameral is desirable make a few of the following arguments.

1. There is little distinction between the parties as they now are. Both approach and prefer to select a middle ground in an effort to attract prospective voters.

2. Avoid National Controversies -- It is this point that Senator Norris so avidly expressed. The state should be grounded on state issues and that national issues should be a limited concern to state government.

3. Small Population -- Nonpartisans feel that a highly urban population is more correctly associated with a competitive party-voting.

4. 49 Senators in One House..."Because of the unicameral feature and because of the small number of Legislators the Nebraska Legislature is the least complex and one of the most crucial ingredients for the success of a non-partisan unicameral may well be the achievement of a small, manageable number of legislators."32

5. Freedom to Express Views of Constituents -- Non-partisans feel their system would not inhibit senators from speaking freely, their constituents' views. The obligation to express party views is eliminated.

6. Responsibility -- Non-partisans contend that responsibility is not effectively assumed by the bicameral assembly, that few precise distinctions are drawn between party platforms; and that party platform is not necessarily followed.

7. In Response to Organized Opposition -- Non-

32Riley, op. cit., p. 397.
partisans encourage the expression of all views. Special interests are represented; individuals are represented. Non-partisans do not feel an issue cannot be fairly presented without an "organized opposition."

The basic intent of the non-partisan is to separate politics from lawmaking. It is emphasized that most legislatures lack a "party" cohesion thus minimizing the need for party organization. Partisans see "party government" as a factor which would ultimately increase governmental efficiency. Non-partisans assert that the unicameral is confronted with a sufficient number of checks: public opinion; governor's veto; judicial review; the initiative and the referendum.

The question of partisanship did not re-emerge until 1952, at which time it was included as a part of the Nebraskan Republican Party Platform. It appeared as part of the GOP platform again in 1954, 1956, 1960 and 1962. In '64 the Republicans endorsed a petition drive to place the question of partisanship on the ballot. The platforms in 1968 and 1970 included similar provisions. Throughout the '70's, the question has been reiterated among both Republicans and Democrats, citing arguments not unlike those mentioned in the preceding paragraphs. Despite the barrage of arguments directed at the partisan aspect of the unicameral, the non-partisan element yet remains. It will undoubtedly be challenged throughout the '80's. Perhaps a transformation to a partisan basis will occur when the national mood of party politics
reverts back to hot dogs, state fairs and definitions that distinguish a young Democrat from a young Republican.

A final area of concern in the unicameral involves the factor of the lobby. Although the non-partisans felt the influence of the lobby would be lessened in one house "this hope has not been realized. Nebraska is acknowledged to possess a strong pressure system made up of a few dominant interest groups."

"...The Nebraska experience substantiates the inverse strength relationship of political parties and interest groups. In other words, Nebraska resembles one-party state legislatures which have little party competition and considerable interest group activity." 33

Basically, the role of the interest group has not been lessened. However, Riley suggests a good portion of the non-partisans would prefer the inadequacies of the strong interest groups, which can be controlled or ignored, than to suffer the inadequacies of a strong party system. 34

The lobby is an issue that remains unresolved. It is a feature to the legislature, whether it be a bicameral or a unicameral, that is difficult to control. I think current legislation in our own state as well as in others, has been introduced as an attempt to monitor the influence of lobbyists as well as to curtail lobbyist pressure.

33 Riley, op. cit., p.401.

34 Ibid.
Nevertheless, the direct nature of the unicameral assists in preventing legislators from becoming blatant tools of interest groups. In addition, a unicameral system disposes of the conference committee—the very place in which lobbying was most effective.

There is an area of criticism that has not been touched upon in this thesis but does deserve brief mention. The working relationship between the governor and the legislature has been an object of some consideration. In a unicameral, the relationship between the executive and legislative branches of state government is altered. The governor would no longer possess distinct powers as the titular head of his party. It would also take from the governor the "exclusive power to call special sessions for the sole consideration of subjects designated in his message." A unicameral frees itself from external influences and becomes an independent department of government.35

At the outset there was some discrepancy between the Legislature and the governor. In 1937, the Governor purportedly harbored some resentment for the increase in the budget. It exceeded his recommendations. He vetoed 17 bills, one of which was passed over his veto. However, by 1939, the operation between the Governor and the legislature had succeeded in coordinating well together. There were six gubernatorial vetoes in that year—

all due to policy rather than due to faulty drafting.  

The relationship has been good and has worked smoothly since that time. A partisan unicameral could not fail to alter the established working relationship. At present, there is little to indicate there exists any substantial degree of dissatisfaction with the status quo. The "governor acts as a liaison officer between the federal government and the legislature in transmitting the interpretation of federal laws, rules and regulations relating to federal-state legislation, to committees and to the house..."  

The first unicameral session opened January 5, 1937. Nearly a month was spent in the organization of committees and in the formulation of rules. Figures vary but either 16 or 17 standing committees were formed. This number compares to the 68 committees found in the preceding bicameral. One quarter of the committee members would be limited to two committees each, while the remaining members would each work on three committees. These committees were elected by the legislative body on the recommendation of the Committee on Committees, composed of 11 members. Each committee ranged in size from 5-11 members and members of each standing committee elected their own presiding officer. This latter decision eliminated  

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one of the choice morsels for the party in power—the right to name the committee chairman. A schedule was arranged so there existed no overlapping of committee hearings characteristic of the bicameral, and there was a provision for a public hearing on every bill while it was in committee. Citizen enthusiasm ballooned!

"Nominations for speaker and other officers were made by informal ballot followed by election by ballot. This aspect was incorporated into the permanent rules."

A provision was included that required that no bill could be "placed on third reading and final passage until 5 legislative days after its initial reference to the committee on enrollment and review, nor until two legislative days after its reference to the third reading file. Printed copies of the bill in final form for passage must be on the members' desks for one legislative day before the final vote is taken."38 This provision served as a check on "hasty" legislation.

The new rules established a number of things. Naturally, the technicalities confronted in a conversion from bicameralism to unicameralism, are as numerous as they are mundane. The items mentioned are the severely radical changes that served to distinguish the 1937 Legislature from any other in Nebraska's history.

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A general overview of the 1937 Legislative assembly reveals that a sincere effort was made among members to be non-partisan. It is difficult to substantiate that the first unicameral attracted more capable men but as Professor Aylsworth said, the assembly is "rather better equipped in native ability, educational training, and legislative experience for the task facing them than those of any legislature in many years."^39

Surely there were more aspiring candidates in the '36 election than in previous races. Out of 283 candidates, 122 had served in legislative sessions prior to the 1937 session. Those who had served in a legislative capacity were favored in the '36 election. No women were elected to serve in the '37 session making it the first time since 1923 that the legislature did not have between one and three women.

One black legislator was elected, 21 "Republicans" and 22 "Democrats" were elected to the 43 seats. The occupations represented were primarily farming, law and business. The educational backgrounds of the elected members was, upon an average, unusually high in comparison with other legislatures.40

The general reception to the first unicameral experience was a fairly good one. Sufficient time had not

^39Johnson, The Unicameral Legislature, p.137.

elapsed to adequately measure the effectiveness of the new one-house assembly. Kenneth Keller, in his "Nebraska's Unicameral Adjourns" (p.133) wrote a wonderful evaluation of the new legislature.

"The before and after effects of taking unicameral are difficult to determine. Some have rushed in to sign testimonials saying one bottle made them jump up and dance jigs after they had been bedfast for years and the best doctors had given up hope. Others say it is the alcohol or power of suggestion and that there is little medicinal value apparent and may not be for years to come, and maybe they were going to get well anyway and that their time had not really come, or that they are just kidding themselves, or that the germ theory still holds true, or that the law of Mendel will get them and legislators will revert to type if you give them time.41

Thus the unicameral, after its first session, did not face an antagonistic public. Those who "believed" were now "convinced." Those who "doubted" chose to "wait."

The responsibility of determining the number of members lay with the bicameral legislature of 1935. 43 members were chosen in order to give the most equitable representation between sparsely populated western areas and the more densely populated east. (This number was increased to 49 in 1965.)

The 1965 Legislature was afforded the opportunity to fashion a constitutionally valid reapportionment district legislative plan. It provided for 49 legislative districts in its final reapportionment, planning for the crossing

41Johnson, The Unicameral Legislature, pp.142-143.
of county boundary lines in compliance with the "one man, one vote" principle established by the U. S. Supreme Court (Reynolds v. Sims). The legislature must redistrict itself after each federal census.42

As the population shifts, disparities will persist. Omaha and Lincoln may retain the majority of the legislative membership. The east-west, urban-rural schisms may intensify. However, population disparities should not result from the reapportionment completed in 1965.

Relying on the reader's recollection of the basic construct of the bicameral legislature, it is evident that there are, in fact, distinct characteristics commensurate with each system. It is also evident that the unicameral is not an outrageous, outlandish proposition but functional form of government. It can effectively replace the bicameral.

There exist, always, opportunities to improve upon anything or anyone. The unicameral is no exception. If coupled with adequate salaries, longer or continuous terms of office, and expert advice, much in the way of sound legislation could be accomplished.

Unicameralism is simplistic. It is economic. It is accountable. It can be adequately "checked" and it has been proven to be successful.

"A visitor to the Montana statehouse in the spring of 1970 would have been hard pressed to uncover any evidence that it ever housed a state legislature. Almost a year had passed since the legislature had been in session; almost a year would pass (barring a special session) before it would be in session again. During the long interim, all office and committee rooms are occupied by legislative and executive staff agencies. The chambers are used for civil service examinations, among other things. The names on the door are changed and the legislature disappears leaving scarcely a trace. It seems little more than a brief biennial inconvenience."

The Sometimes Governments
John Burns

Although the history of unicameralism in Montana is relatively brief, it is distinguished by two separate efforts, designed to boost the unicameral cause.

Caught up in the wave of legislative reform, created by Nebraska's recent conversion to a one-house assembly, many states, including Montana, considered similar proposals. In 1937, Ambrose Measure, introduced HB 73 calling for a unicameral legislature with 80 members. Although the bill received a favorable committee report, it received only 29 votes on second reading. Supporters of the bill included Herbert Haight of Fergus County and freshman legislator, Lee Metcalf.43 Thirty years later, the Montana legislature considered and rejected a unicameral proposition. It was, again, rejected in 1969.

More recently, and of more consequence, Montana's Constitutional Convention in 1972 considered the unicameral form of legislature. It was presented to the public as a separate issue, apart from the proposed constitution. The constitution was adopted. Unicameralism was not.

Last year, a second significant effort occurred through the circulation of Montana's Constitutional Initiative No. 10.

This initiative would amend the Montana Constitution to provide that the Legislature consist of one chamber (unicameral) rather than two (bicameral). Presently the Legislature has two chambers, the House of Representatives and the Senate. The proposed amendment would allow only one chamber called the Senate. The Senate would not have more than 100 or fewer than 80 members. Each member would be elected for a four-year term. One-half of the members would be elected every two years. If this initiative is approved by the voters, the first unicameral legislature would convene in January, 1983.44

The initiative failed to garner a sufficient number of votes to place the unicameral issue on the November ballot.

As in Nebraska, the impetus for change in Montana, was drawn from citizen discontent with the current legislative system. The Nebraskan effort was characterized by the Progressive influences it manifested. In 1972, Progressivism was not a dominant political movement, even in Montana. However, Montana legislatures had been more

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44 Montana, Constitutional Initiative No. 10 (1980).
amenable to progressive sorts of legislation in the past, just as they would be until this 1981 Legislative session. That sort of flexibility in the Montana law-making body indicated a reasonable opportunity for the unicameral to receive some serious consideration.

The Constitutional Convention, convening in 1972, confronted similar issues to those confronted by Nebraskans in 1934. Women's suffrage had just emerged as an issue in Nebraska, while in 1972, the Montana ERA Amendment had just been ratified. In 1934, moves to reform municipal government and the judiciary were afoot. By 1972, Montana's citizens had insisted that action be taken to reform all areas of government, by means of holding a Constitutional Convention.

In addition, the same sort of prosperity enjoyed by Nebraskans in the '20's was enjoyed by Montanas in the '50's and in the '60's. However, by the end of the 1960's, the effects of inflation were being felt. In retrospect, those effects were comparatively mild. Nevertheless, a growing sense of doubt and skepticism toward big government became evident. A sense of challenge existed between citizens and government. Avenues of change were being explored and a reactionary public was beginning to emerge. It was a public, not composed of the young and the radical, so much as it was comprised of citizens who had worked and earned and now saw their
achievements threatened by Congress and an ineffective legislature. It was a public, optimistic enough to believe in improvement and energetic enough to strive for excellence.

The circumstances described in these introductory paragraphs establish a number of similarities shared between Montana and Nebraska. Although these similarities are shared within different time spans, they remain factors to be considered in each state's quest for a unicameral.

The purpose of this chapter is to explore the efforts of a few Montanans in their attempt to acquire a one-house legislature. The bulk of this exploration is confined to the 1972 Constitutional Convention for two reasons. It is the one time in Montana's history that the unicameral question was sincerely examined. The effect of the Supreme Court ruling (Reynolds vs. Sims) was incorporated into the thought and ultimate determination of the Convention. Secondly, I was a part of the 1972 convention and am familiar with those opponents and those advocates of the one-house assembly. This familiarity allows me to form some personal speculations as to the outcome of the unicameral issue.

A discussion of the effect of the Reynolds vs. Sims ruling will be included in this chapter as well as commentary from those proponents of the 1980 initiative.
Much of the resource material dealing strictly with Montana's discussion of the unicameral reiterates the "pros" and "cons" set forth in both Chapter One and Chapter Two. It is not my intention to re-address the purported advantages and disadvantages in this section. As mentioned early in the thesis, the precise arguments advocated 60 years ago are advocated today.

Initially, a broader discussion of the 1964 Supreme Court ruling may be beneficial in the understanding of reasons for "one man, one vote."

The unicameral question was revived, nationally, shortly after this decision. The thrust of the Court's decision was to disallow the states from conforming to the analogy of the federal government in the apportionment of the houses. Instead of apportioning one house on the basis of geography, the Court insisted the apportionment of both houses be made on the basis of population.

The effect of this ruling is to obviate the claim that any differences exist between the houses.

"...The federal analogy is unapplicable as a sustaining precedent for state legislative apportionments. At the time of the inception of the system of representation in the federal Congress, a compromise between the larger and smaller states on this matter averted a deadlock in the Constitutional Convention which had threatened to abort the birth of our nation."45

Another Court case leveled criticisms at state efforts to follow the federal analogy. Hunter vs. City

45 Reynolds vs. Sims, Volume 377, United States Reports, p.574, 1964
of Pittsburgh, 207 U.S. 161, 178—"political subdivisions of the states have never been considered sovereign entities, they were created to assist in the carrying out of governmental functions. The relationship of the states to the federal government could hardly be less analagous."46

The court, in Reynolds vs. Sims, suggests the citizen's right to equal representation and to have his vote given equal consideration. The election of members of one house of a bicameral would amount to little if states could effectively submerge the equal population principle in the apportionment of seats in the other house. In this instance, a citizen's ability to exercise an effective vote, the only instrument of state government directly representative of the people, might be almost as effectively thwarted as if neither house were apportioned on a population basis.

By removing the geographical basis of apportionment, the complexion of the two houses will not necessarily be the same. One body could be composed of single-member districts; the other, of multi-member districts. The length of the terms of the legislators could vary, the numerical size of the body could differ and the geographical size of the districts could be made to differ. Those are factors which the avid bicameralists banner about as evidence that a distinction between

houses can still exist.

"A small chamber-bicameral or unicameral, even with single-member districts--necessitates large districts. In Montana that means districts composed of four or five rural counties, or districts formed by joining rural areas with urban areas which could completely dominate them. It also means that in the large districts a legislator may represent an area more than 150 miles long; stated more directly, a constituent may live that far from his representative."\(^\text{47}\)

Montana unicameralists believe that if single-member districts are utilized and the assembly is composed of 75-100 members, representation would be satisfactory to the broad constituency.

What kinds of attitudes were reflected among the citizens of Montana in 1972? What issues were paramount in the minds of the people? What factors influenced the decision of the Convention delegates to place the issue of unicameralism upon the ballot, although separate from the proposed Constitution?

The Convention, itself, resulted from general dissatisfaction among the people. Legislators, city councilmen and various citizens' groups spoke openly and often, voicing their discontent with a Constitution that had been adopted in 1880. This 19th century Montana Constitution was faulty both in syntax and in content. Despite the fact that some of its provisions protected the people by preventing governmental action that might be

harmful, it likewise, prohibited, in many instances, the government from taking any action at all.

The 1960's were years in which opposition to the old Constitution seemed to reach a peak. During 1967-1968, the Legislative council studied the document and it was its recommendation that 52% of the sections needed either to be revised or repealed. It determined that the Legislature should establish a constitutional revisions commission. The 1969 Legislative session acted upon that determination. It also decided that the question of whether or not to hold a Constitutional Convention be put before the people through a general referendum.

The revision committee, composed of 16 members, examined the Constitution and began the drafting of proposed alterations, but by late 1969, the committee found the task a gigantic one. It felt the matter would best be handled within the perimeters of a constitutional convention. Efforts to revise the Constitution were redirected toward the passing of the referendum.48

In June, 1970, a bi-partisan group called the Montana Constitutional Convention Committee organized to lend support to the referendum effort. The referendum passed, easily by a vote of 133,482-71,643.

It was the first convention called by the people although it was the fourth convention called in the territorial and state history of Montana. In 1866, the acting governor called the Convention; in 1884, the territorial legislature called a Convention and in 1899, a congressional enabling legislation allowed for the calling of a convention.49

Delegates to this 1972 Convention could not be legislators although 18 of them had had previous legislative experience. Twelve had served on school boards, 8 had been elected to county offices and 8 had been elected to city offices. Thus, the majority of those serving in the Convention had a working knowledge of governmental processes.

The leadership of the Convention was composed of both Democrats and Republicans. Leo Graybill-President and Dorothy Eck-Western Vice-President were the Democrats. John Toole-First Vice-President and Jean Bowman-Secretary were the Republican leaders. Bruce Brown-Eastern Vice-President was an Independent. Chairmanships were held by seven Democrats and six Republicans and one Independent. The delegates voted to seat themselves according to alphabet, rather than according to party or district. The result of this sort of cooperation was a body well-


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balanced in both a political and in a geographic sense.\textsuperscript{50}

The body itself was a unicameral body. It was not at all surprising that the issue of a one-house assembly having been discussed in two previous legislative sessions, would be addressed by these Convention members. The mood of the public favored reform and the adoption of a unicameral legislature promised a step in that direction.

In addition to the ruling of 1964, the Montana Convention members may have been persuaded to study the unicameral proposal due to the deadlock experienced in the 1971 Legislature. A taxation deadlock between the Republican-controlled House and the Democratic Majority in the Senate, was sharply remembered. Two special sessions and 46 extra days were frustrating memories, fresh in the minds of Montanans. The 1971 session was the sixth among the past ten in which control of the two houses was split.

The arguments made in Norris' campaign were echoed in Montana. In only two respects did the arguments cover issues peculiar to the state.

1. As a counter to the bicameralist contention that two houses act as a check thus safeguarding civil liberties, unicameralists cited the 1917-1919 period in which a bicameral legislature enacted stringent anti-sedition legislation which denied citizen rights.

\textsuperscript{50}"Constitutional Convention," op. cit., p.8.
2. It was also argued that if the unicameral proposal substantially reduced the 150-member legislature, rural delegates, who represented sparsely-populated areas already suffering from loss of legislators under "one-man, one-vote" principle would voice opposition.\(^{51}\)

A fifteen-member committee on legislature studied the two governmental systems during the convention. Delegates suggested that if a change in systems were to be effected, it be done on a temporary basis. The unicameral would be tried for a six-year period and then placed on the ballot for rejection or approval by the voters. If the trial test were unsuccessful, a reversion to bicameralism would be in order.\(^{52}\)

Inititally, those members of the committee leaning toward a unicameral system were: Daphne Bugbee D-Missoula, George Harper I-Helena, Robert Kelleher D-Billings, John Leuthold R-Malta, Jerome Loendorf R-Helena, Arlyne Reichert D-Great Falls, Mae Nan Robinson R-Missoula, and Carmen Skaei D-Chester.

Those members favoring the retention of the two-house assembly were: Grace Bates D-Manhattan, Torrey Johnson R-Busby and Richard Nutting R-Silesia.

Those members remaining uncommitted but with suspected inclinations were: Chairman Magnus Aasheim and Miles Romney (bicameral) and Jerome Cate (unicameral).

\(^{51}\)"Constitutional Convention," op.cit., p.11.

\(^{52}\)Magnus Aasheim, "One House or Two," The Independent Record, 4 January 1972, p.4.
The result would be a 9-5 split in the committee, favoring one house.

Articles for both unicameral and bicameral were drafted in an effort to offer improvement in either system. Even as early as January, many delegates felt the unicameral/bicameral question should be placed on the ballot as an issue separate from the Constitution.\textsuperscript{53}

The name, Arlyne Reichert, emerged as a name synonymous with unicameralism. As a member of the '72 Convention, as a freshman legislator in the '79 Legislature, and as an interested citizen in 1980, Arlyne Reichert has acted on the proposal of the unicameral. She has, perhaps, been its most constant supporter and strongest advocate. In the area of politics, where much is often said and little is often done, Ms. Reichert has distinguished herself as a Montanan who is willing to act and to support a concept in which she believes. I would tender the opinion that despite personal feelings toward the unicameral proposal, it cannot be disputed that Ms. Reichert embodies a rare courage, sadly uncommon to the political arena.

In an effort to boost state support for the unicameral, Jess Unruh, former speaker of the California Assembly, addressed members of the Convention. He offered


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some of the standard arguments for a one-house assembly but also emphasized his position on "checks and balances." He contended that the system of "checks and balances" was intended to be used among branches of government, not between Legislative houses. This contention cannot be challenged in any historic sense.\textsuperscript{54}

Unruh went on to recommend the creation of a state "ombudsman," to allow people an opportunity at redress when they have been wronged by the state. Unruh prompted a similar suggestion in California which met with defeat.\textsuperscript{55}

In late January, 1972, a unicameral-bicameral debate was held before the convention's legislative committee. Students, delegates of the YMCA's Youth Con-Con, officers from the League of Women Voters and Common Cause representatives encouraged support for a unicameral legislature.

Dr. Lawrence Pettit testified before the committee. He urged that a commission be provided for purposes of reapportioning the legislature each ten years. In 1972, the legislature attempted only to redistrict the state. Pettit testified that he knew of "no persuasive argument against unicameralism."

Rosemary Boschert urged the retention of the bicameral, voicing traditional bicameral arguments.


Byron Brown, a former newsman in Nebraska in the '40's said, "In Nebraska, the power blocks, lobbies and special interest groups have one of the easiest touches I have ever seen." He believed the opportunities for corruption were far greater with Nebraska's unicameral.

The Montana Citizens Conference was represented by John Layne. Their recommendation was a reduction in the size of the legislature, single-member districts and annual sessions.

Frances Mitchell, testifying on behalf of Common Cause summed up a strong unicameralist argument, "You can stop the shell game by taking away one of the shells. Bicameralism has reduced the most important check of all, the people's check. Only if we give the people access to their government can we trust it."56

Bicameralists were offered support through ex-governor Tim Babcock who warned against a conversion to a one-house Legislature. He opposed the notion that the legislature ought to have the power to call itself into special session. He also felt that in the elimination of one house, the chances of error in legislative bills would be complicated.57

The debate continued. Then an article appeared in


the Independent Record on January 31, 1972, which inflamed the staunch bicameralists. Daniel Foley reported in his article that the Montana Legislative Assembly was rated 41st among the states in 1971. Senator Bill Groff reported that the reason for Montana's low legislative rating was the lack of sufficient committee rooms and limited staff. He warned that with a unicameral body, coupled with continuous sessions, an all powerful legislative leader would result. The people would see, he declared, "a power in this hall no one ever dreamed of. The governor will have to bow down to him to get any appropriations." 58

Despite Montana's poor rating in 1971, Representative George Darrow (R-Billings) stated, "If you'll examine the record, the past session, for all its problems, was the most responsive and productive in the history of the state."

Nevertheless, the delegates continued with their effort to improve upon the legislature. They advocated annual session, sessions without time limits, open meetings and advance notice of hearings. Other provisions favored by the committee were annual salaries for the legislators with pay set by a commission rather than by lawmakers, the recording of all votes—in committee or on the floor—which change the status of any legislation,

fact is that despite the lack of understanding of unicameralism, the issue received 44% of the vote—quite a respectable showing. This indicates that there was blatant dissatisfaction with the current legislature among the people and nearly one-half of them considered the unicameral as a viable alternative to effect legislative improvements.

The topic of unicameralism was brought to light again, following the 1979 Legislative session. Arlyne Reichert, a frustrated freshman legislator, spearheaded a drive to place the unicameral proposal on the 1980 ballot. The route of the initiative was an intentional choice. Ms. Reichert believed that the Legislature would never pass legislation reducing their number. The prospect of a unicameral threatened the existence of a third of the legislators. Support for her initiative did not come easily. In addition to trying to persuade a people, previously ignorant of a one-house assembly, Ms. Reichert had to contend with legislators who utilized their access to media to oppose a unicameral.

The summer of 1979 saw a deluge of articles addressing the issue of a one-house assembly. As momentum grew in the unicameral movement, newspapers published more about the subject in a matter of months than it had probably printed in years.

Senators Steve Brown and Stan Stephens formed a
non-partisan group to oppose the unicameral. Both were serving current senatorial terms. Both risked elimination if reduction of the traditional House and Senate came to pass.

A popular contention was that unicameralism was "like treating the symptoms rather than coming up with a cure." Although this "nonpartisan" coalition opposed the unicameral, they conceded that the present system needed improvements. Senator Brown proposed that the legislature break more often; that it operate on a five-day work week; that the bulk of the bill drafting be done prior to the session; and that the legislators be limited to 3-5 bills per session. (A similar bill limiting a legislator to 5 bills is under current consideration by the '81 session.) A suggestion to eliminate third readings was also tendered.

Certain improvements were made as of 1979. The system of block-scheduling was revamped. Previous scheduling found major committees meeting simultaneously, disallowing a legislator from serving on more than one such committee. The use of a consent calendar allowed votes to be taken on noncontroversial bills without debate.\(^{64}\)

Riechert, along with fellow unicameralists, failed to be so easily appeased. The nominal changes in the current system were relatively insignificant in comparison

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\(^{64}\)Thomas Kotynski, "Non-Partisan Opposition Suggested," *Great Falls Tribune*, 10 August 1979, p.32.
to the change which they advocated.

Unicameralists wanted to see an end to buck-passing, the elimination of conference committees, annual sessions, higher salaries and better benefits so as to attract the best legislators, the utilization of select committees to determine if agencies are adhering to legislative intent and the establishment of a doctrine so courts could hold legislators to more precise standards.65

They believed in the simplicity of a unicameral body with one set of hearings, no transmittal deadlines and no conference committees. It was a logical solution to the public's problem of following legislative action.

Arlyne Riechert set forth four succinct arguments in an article printed in the Great Falls Tribune:

1. One chamber will save taxpayers at least $1,151,-000 per session. More space is now required--money would be saved without that necessity of future building.

2. Legislative districts will not increase in size with one chamber. The huge senate districts in which one senator now represents 14,000 people will be eliminated with a unicameral. In a one-house assembly, one legislator would represent 7000 people.

3. In 33 states, voters are not allowed to initiate constitutional change. In 1976, Alaska voted in support of a unicameral but the legislature refused to implement it. Montana's is one of 17 states who possesses the power of the initiative.

4. Unicameral received 44% of the vote in the 1972 election. Considering the greatest effort

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65"Unicameral Legislature Could Cure Political Ills, Says UM Prof," Great Falls Tribune, 8 July, 1979, p.15.
was devoted to the passage of the Constitution, the issue of unicameralism fared very well.66

The campaign to place the unicameral on the ballot continued. 31,672 signatures were required to place Initiative 10 on the November ballot. A minimum of 10% of the voters was needed to sign, in each of 40 districts.

Over and over again the traditional arguments were echoed among petitioners to a skeptical public. Volunteers in counties across the entire state worked long, hard hours in an effort to persuade Montanans to experiment with a "new" form a legislature. However, the unicameral campaign failed to garner a sufficient number of signatures to place Initiative 10 on the ballot. The proposal did not find the opportunity to be voted upon. It was not properly accepted or rejected by the citizens as a question on Election Day, 1980. It's day, however, will come.

An editorial written in July of 1889, in the Great Falls Tribune possesses the foresight that is as significant today, nearly 100 years hence, as it was before the turn of the century.

It is not rational to elect one body to watch another as is the theory of two houses of state legislatures.

The time has not yet come, perhaps for full recognition of the absurdity of this matter, but it will surely come, and when it does, 'the senate must go,' so far as state legislatures are concerned.

In the case of the United States Congress, the

fact that senators are chosen by state legislatures while members of the house are elected by direct vote of the people, makes a material difference.

But where both senators and representatives are the choice of the people very little can be said to prove the necessity of both legislative bodies. It is a subject that will, however, commend itself to the thoughtful men of all parties, and in time the change will be made.

The argument will always hold that the existence of two houses of a legislature, both emanating directly from the people, is an extravagance and totally unnecessary.67

Opponents of the unicameral have been vocal and have received substantial press, as well. Sonny Omholt, in an article dated June 10, 1980, stated that the unicameral idea was the third in a line of Democratic "social experiments." The first was the 1971 reorganization of the executive branch, and the second was the 1972 Constitutional Convention. Both were disasters.

Stan Stephens noted that Russia has a one-house system and that supporters really just want a full-time legislature. His implications, of course, are not flattering to the proponents of Initiative 10.

Upon reflecting on these three chapters, it is clear that there exist no new arguments either for or against the one-house assembly. They are standard and at this point, repetative. But they persist in the minds of the voting public.

This chapter serves only to provide an overview.

of unicameral action taken in Montana. Resources are not numerous to account for Montana's brief exposure to the concept. However, these pages may have suggested names, integral to the movement, with which you have previously been unfamiliar. A sense of the mood of the people might have been conveyed. I am reserving my contentions as to why the unicameral has thus far failed in Montana. My contention, together with the opinions of people most active in the movement will be made a part of the conclusions to this thesis.
CONCLUSIONS

These conclusions are comprised of two components. The first, discusses the unicameral in relation to Montana and to Montanans. The second, reflects feelings, both "pro and con," of Montanans who have been closely associated with the unicameral concept.

If the inclusion of opponents, as well as proponents, seems improper in a chapter that might better contain my strongest argument, I submit that their exclusion would constitute a greater impropriety. It must be remembered that the purpose of this thesis is not to convince others that "most" Montanans desire the adoption of a unicameral. You have only to understand why it is the desire of this author.

Montanans for a unicameral can assert arguments peculiar to our state. The sparse population can be used as a basis for two specific arguments. The first, concerns representation in a unicameral. A relatively small population is conducive to a unicameral legislature. The provision of "one-man, one-vote" afforded by the Reynolds vs. Sims decision allows equal representation in both rural and urban districts. The large senate districts that presently exist would be eliminated with a unicameral. As a result, a Senator now representing
14,000 people and up to five different counties would be replaced by a legislator who would represent 7000 persons. A profile of past Montana Legislatures, prior to, and following the 1964 Supreme Court ruling, would indicate that rural representation has maintained itself as a strong force in both House and Senate. Adoption of a unicameral would not alter that posture.

Montana's sparse population affords its citizens another advantage with respect to government. It allows citizens a greater accessibility to Senators, Representatives and other government officials, regardless of whether or not we function under a bicameral or a unicameral. However, the effectiveness of this unique relationship between legislator and voter could be greatly increased under a unicameral government.

The rules established by any legislative body, bicameral or unicameral, necessarily define the success of the system and the facility with which it operates.

Nebraska adopted a set of rules at the outset of its new unicameral legislature. Those specific guidelines maintained a direction in which the unicameral body would move. An unequivocal application of Nebraska's rules to Montana is unacceptable. However, it is possible to anticipate certain probable results if similar rules were adopted by a Montana unicameral.

The following descriptions of tracking a bill or
attending committee hearings exemplify situations that may well change under a unicameral, under rules similar to those in Nebraska.

As it exists today, it is extremely difficult for citizens to follow the passage of a bill, or bills, in which they have an interest. Hearing dates are frequently changed with little notice. Committee hearings lapse into one another, resulting in long waits for hearing on a specific bill. The rooms for committee hearings are changed intermittently in an effort to accomodate prospective audiences. Floor hearings are scheduled at inconsistent hours, ranging from 9:00 a.m. to 10:00 a.m. to 2:30 p.m. to 3:00 p.m. to 4:00 p.m. As a citizen, living in the capital city, it is difficult to keep apprised of these small, yet costly changes. As a citizen elsewhere in the state, it is nearly impossible.

With a unicameral legislature, there would be no overlapping in committee hearings. Bills could not "get lost" in the House or Senate or in a conference committee. A citizen, anxious to hear particular bills would not have to juggle his time between both House and Senate in an effort to hear those pieces of proposed legislation that are important to him. With only one house, a spectator will be able to witness the votes on all or any bills he feels to be significant.

Montana, with its vast distances, hinders citizen participation but most particularly when hundreds of
miles are logged to reach the Capitol to attend a 10:00 o'clock hearing which has been moved to 8:00 o'clock, that same day. Such examples can and frequently do occur. The result is citizen frustration rather than enthusiasm for this democratic process.

A unicameral in Montana would provide a specific focus for the media. Given the limited sources of news coverage available to cover a legislative session such coverage would be far more extensive if confined to one house, and to the committee hearings of one house. Cities the size of Helena, Missoula, Butte, Bozeman, Billings, and Great Falls are recipients of a greater number of news releases, photographs and stories pertaining to the on-going session. Smaller towns, however, must often rely strictly upon their Senator or Representative's weekly column to glean news of legislative happenings. The expense of maintaining reporters from different areas of the state could be curtailed by employing a team of reporters whose specific duty is to cover the legislature. Syndicated columns and photographic exchanges could improve both the quality and quantity of news received in smaller, more distant locales.

Montana is a state that is dependent on a limited number of industries. In addition to tourism, these include farming, ranching, mining and timber. These interests could be adequately represented in a unicameral. They are evident in the bicameral. It is as though you
have double vision when viewing the complexion of the houses, for the backgrounds and interests represented are not necessarily distinguishable, but rather they are compounded. The institution of one house would not destroy interests prevalent in the other house but would preserve those same interests in one, smaller body. The duplication between houses would be the only element threatened with extinction.

Economy is a purpose for adoption of the unicameral which is espoused by advocates in any state. For Montanans, however, the financial effect of opting for a one-house assembly has been studied and estimates have been provided to the public. In a variety of publications it has been noted that the Montana Legislative Fiscal Analyst has estimated that at least $1.5 million would be saved by taxpayers each session. In a state whose economic resources are limited, the savings suggested is a substantial benefit and the possibility of effecting such a savings, in this manner, deserves serious consideration. Although this cost comprises a small percentage of the cost of state government, it warrants some thought in these tenuous times.

A situation peculiar to Montana is the renovation of the State Capitol to allow for additional office space for 150 legislators. The cost of this project has been estimated at between $3 million and $4 million.

It cannot be denied that the space is needed. However, in a time when we, as people, are so gravely concerned about energy and the failing economy, this sort of expenditure is not meritorious, particularly when there exists a less expensive, more effective solution. If a unicameral were adopted, the expense would be vastly reduced if not entirely eliminated. The space and offices would be available for 100 "Senators," once the Capitol employees are relocated into the new Justice Building.

In summation, the first of the conclusionary discussions, relative to the specific effect a unicameral would have on Montana, suggests certain probabilities.

_Reynolds v. Sims_ removed the geographical basis of apportionment. In a state of such vast expanse and of so relatively few people, the recognition of rural interests is vital. As long as a system of two houses is maintained, there will very likely always be a smaller house wherein rural areas would lack the "feeling" of representation. This results from being grouped with more-heavily populated urban areas or from too large a district size.

In Montana, if single member districts were included as a part of a unicameral, the inclusion of 100 members would avoid the presence of a smaller chamber where rural members might feel under-represented. Urban areas, too, might yield a greater feeling of representation,
particularly among minority groups. Rural members have nothing more to gain with a bicameral. As it currently exists, the more heavily populated counties are represented by a greater number of senators. More sparsely populated areas may find one senator representing parts of six counties. A single-member district unicameral would provide for more equality in the distribution of representatives.

Population maintains itself as an integral factor in the consideration of a unicameral. Given the geographical boundaries of the state, the effect of the Reynolds v. Sims decision, and the sparse population, Montana has, coincidentally, qualified as a candidate for implementation of a unicameral legislative system.

Finally, the expense of a one-house assembly as compared to a two-house assembly must be given consideration. As indicated in the text of this thesis, the cost saved may not be overwhelming but it is, in fact, a savings. With an economic outlook that is comparatively dim, a savings such as this not only deserves serious contemplation but demands it.

In compiling research for this project, I had occasion to correspond with or speak to, a number of people who have had significant exposure to the unicameral philosophy. No one person was asked all of the same questions but all persons were asked two basic questions.
1. "Why do you feel the unicameral was not adopted in 1972?"

2. "What led to the failure of the initiative drive in 1980?"

Jerry Loendorf, a practicing attorney, a Legislative Lobbyist and a member of the 1972 Constitutional Convention stated that such a change in governmental structure is contingent upon "timeliness."

"Now is not the time, just as now is not the time for annual sessions." He attributes the public's attitude toward government as the factor that deters the realization of either annual sessions or the unicameral.

In Nebraska "the mood of the times" made a unicameral an issue ripe for adoption. In Montana, both in 1972 and in 1980, "the circumstances were not favorable."69

Jack Schiltz, also a member of the 1972 Constitutional Convention and a private attorney in Whitefish, Montana, attributes other causes to the defeats in 1972 and in 1980.

"In 1972, if unicameralism had been included as a part of the new constitution, I doubt the constitution would have passed. If non-partisanship had been included, I doubt it would have passed." In order not to jeopardize the new Constitution, Convention members opted to include the unicameral as a separate issue. The emphasis, when the time to vote neared, was placed upon the Constitution

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itself, not on the side issues.

"In 1980, people simply didn't care enough about it."

With more extensive education, Schiltz feels people will become more acceptant of the unicameral idea. At present most Montanans still cling to the notion that "nobody else is doing it."

Schiltz was one of those interviewed who has maintained an enthusiasm for the one-house assembly. He expressed several opinions with regard to lobbyist influence, effectiveness and checks and balances.

With a unicameral, lobbyists would exercise the same amount of influence. However, Schiltz, thinks they would be more conspicuous. He feels that the efficiency of the legislature would be improved and that the cost of government could be reduced.

"With a unicameral, the citizenry has the benefit of no dual (committee) meetings."

Having served as a Constitutional Convention member, Schiltz commented that he thought the Convention functioned very well. The number of committees was limited and no member could serve on more than one. Having served both in a bicameral legislature and in a unicameral convention, Schiltz has had adequate experience from which to draw.70

Carl Rostad, hailing from a conservative ranching family, supported the unicameral in the 1972 Convention. Needless to say, his support confounded me. At the time

70 Interview with Jack Schultz, Attorney-at-Law, Whitefish, Montana, 6 December 1980.
he was a sixteen year old youth, testifying before the Convention on behalf of the Youth Constitutional Convention. His background implied a concern for representation of agricultural interests. The "one-man, one-vote" assured an equality in rural/urban representation. Consequently, Rostad could support a one-house assembly and claim that two houses would merely serve to duplicate.

Now, he describes himself as a bit bewildered as to his feelings regarding the unicameral. He suggests that the effects of the one-issue voter are becoming more and more apparent. The legislature, as a bicameral body, wasn't always "such a fish bowl." Now there is a great deal more pressure from special interest groups. Emotionalism is prolonged as a controversial bill shifts from house to house. However, Rostad now explains, a "bicameral might provide more guarantees." Attention can be shifted from one house to another to purposely provide "outs" for legislators. Such a process allows legislators to make all the 'right' easy decisions while also allowing them to 'pass the buck' on more difficult issues. Maybe that's good. Maybe that's necessary." 71

Chet Blaylock, a Democratic member of four legislative sessions as well as of the '72 Convention "has always opposed a unicameral." The specific fear he articulated was that one house "would facilitate the

71Interview with Carl Rostad, Attorney-at-Law, Helena, Montana, 17 February 1981.
cause for the conservatives and the wealthy to concentrate themselves into one house, thus finding the state with a far too conservative legislative body."

The actions of the 1981 Legislature might well serve to challenge the idea that a direct association between the unicameral and conservative domination exists. However, his fear is understandable despite the lack of any ability to substantiate the theory in Montana.

As to the possibility of electing a unicameral on a non-partisan basis, Blaylock said, "it wouldn't work—you never get away from politics." He admitted that the "Con-Con" divided itself into factions, not necessarily political but "factions that might be pro-environmental or anti-labor." Chet Blaylock is the man who determined that an alphabetical seating arrangement might curtail blatant party splits on the floor. Although the arrangement was certainly beneficial, the assembly was not ever really non-partisan.72

Steve Brown, a Democratic State Senator, suggests that the choice between a bicameral and a unicameral "boils down to a value judgment." He believes that two houses are designed to protect, and to provide stability. Brown thinks that staffing would not be reduced with a smaller body although he is supportive of a bicameral composed of fewer members in each house. He feels that

72 Interview with Chet Blaylock, State Senator, Laurel, Montana, 29 January 1981.
"there is support out there for a reduced legislature."

As to the 1980 initiative drive, Brown stated that there were "simply not enough signatures to place it on the ballot, though it was my understanding that enough had been gathered—just not handed in, in time." He said, "It would have been a close vote had it been on the ballot."

Brown also suggested that "the controversial bills would still wait until last" despite the form of the legislature. He does not believe that a unicameral would alleviate the problems found in the present legislative system.73

Gene Donaldson insists that the institution of a unicameral will not eliminate deadlines. "There will be fewer bills but not fewer issues." Donaldson supports the traditional theory that there will be no checks and balances. He also embraces the contention that "laws should not be passed easily" and he specifically fears that legislation would be passed too easily in one house.74

The Reverend George Harper served as an active unicameralist in the Constitutional Convention. He argues that from a historical perspective that even "the English House of Commons and House of Lords have been combined into one House of Parliament." A unicameral can main-
tain a system of "checks and balances" between majority and minority. Harper, active in the 1980 initiative campaign reflects the attitude of many supporters--that citizens will be able to participate more easily. "All 'Senators' will be exposed to all ideas, issues will be kept public, and the legislature will be moving forward."

Harper reminds us that bills are not necessarily scrutinized in the two-house system and that, in fact, many bills are held hostage in one house or the other.

In answer to the cry that "no-one else is doing it," Harper is quick to point out that only 17 states enjoy the power of initiative and therefore only 17 states may entertain the possibility of the one-house assembly.75

Judy Carlson, a state employee, debated the issue of the unicameral in the spring of 1980. She noted that a bicameral resulted in "two bodies carrying out the same work." That a significant amount of "money is saved is debatable" but the possibility "should be considered."76

Jo Owens, a legal assistant and a co-ordinator of the Helena 1980 unicameral initiative drive still maintains a unicameral would be more accountable to the


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and the legislature's right to call itself into special session by a majority vote.

Representative Bradley Perish spoke on behalf of the unicameral form of government on several occasions. He emphasized, for the benefit of rural representatives, that "representation is measured by the effectiveness of the representatives, not the number of bodies."

Chase Patrick (R-Helena) spoke to the delegates encouraging change and improvement. "The horse and buggy still works but not very well by present standards."

Others speaking for unicameralism were Jack Gunderson, Tom Harrison and Jack McDonald.

Bicameralists also had the opportunity to voice their ideas on the proposed change. Tom Windsor, Senator Stan Stephens (R-Havre), Rep. Oscar Kvaalen (R-Lambert), Senator Bill Groff and Senator Gordon McOmber (D-Fairfield) offered opposition to the unicameral idea.

Windsor suggested, "I'm not too sure efficiency is what we want from a Legislature. If we want true efficiency, we can abolish the Legislature and let the governor rule by fiat."59

Stan Stephens stated that a unicameral would make it easier for vested interests to push through legislation. "There is no substitute for the objective critique

by a second body of totally fresh minds. 60

However, more than just a few delegates, adopted a surprisingly liberal view of the unicameral. It was not seen as a threat to democracy but as a possible threat to the passage of the new Constitution they had worked hard to effect. It was a viable threat that warranted careful consideration by the delegates to this historic convention.

The delegates were convinced that the legislature needed revamping regardless of the legislative form adopted. They voted for (1) annual legislative sessions; (2) giving the legislature the power to call itself into special session; (3) that all legislative sessions and committee hearings be open to the public; (4) that recorded votes be required on all substantive questions before the legislature and its committees; and (5) for the adoption of the single-member district concept as a part of the unicameral portion of the plan. (Single-member district in a bicameral would allow voters to cast their ballots for one candidate for the House and one candidate for the Senate.) 61

The issue was ready to be presented to the public.

60 Daniel J. Foley, "Convention Hears Bicameral Favoring Legislators," The Independent Record, 3 February 1972, p.11.

61 "Revamping the Legislature," The Independent Record, 24 February 1972, p.4.

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The Constitution had been completed. Proposals for a bicameral as well as a unicameral had been drawn. Delegates had intended that the choice between the two alternatives be an equal choice. However, in the waning days of the convention, it was discovered that the result of offering the two alternatives could possibly be a Constitution which didn't provide for legislation at all.

"The 1839 Constitution and enabling act passed in 1971 specify that the proposals must be approved by a majority of those voting. Thus, if 200,000 persons voted either for or against the body of the Constitution, 100,001 would be needed as a majority for the side issues to pass."62

The headline in the March 24th, 1972 edition of The Independent Record read "Unicameralism Doomed." It went on to delineate the cause..."Because of a ballot quirk, the proposal for a bicameral legislature will have a decided advantage when the proposed new constitution goes to the voters."63

The March 24th headline correctly predicted the fate of the unicameral issue. The cause of its defeat may or may not be attributed to the cause set forth in The Independent Record's article. Interestingly enough,


gambling was an accompanying issue on the ballot. It failed, as well.

The reverse results were found in Nebraska years before—what accounts for the difference in public reaction?

There could be any number of reasons that Montana citizens turned down the unicameral proposal, although no documented studies setting forth explanations of the '72 failure were encountered.

My interpretation of the proposal's downfall draws on the public's ignorance of a unicameral. It must be remembered that the consistent introduction of the unicameral, in Nebraska, from 1913 to 1934, served to inform the state's people of what unicameralism "was all about." It also must be remembered that the economic conditions and an "apolitical" environment indigenous to Nebraska weighted the votes of the citizens.

In 1972, Montana was not experiencing a depression. It continued to exist as an active arena of party politics. And, the concept of unicameralism had only recently been introduced to the people through the 1967 Legislature. Unicameralism had not yet surfaced as a "cause." It lacked a support that could be easily defined. Little or no money had been invested in the promotion of the one-house cause. Those factors played a part in defeating this difficult piece of legislation. The surprising
citizen. Mrs. Owens, who is currently employed in the office of the Minority Whip, is familiar with both legislative procedure and with the initiative process.

When questioned as to the unsuccessful initiative drive, Mrs. Owens stated that "the initiative, itself, did not fail. The failure was in the gathering of signatures." She attributed a good part of the initiative's troubles to the predominance of big radio campaigns, warning citizens that if they signed these various petitions, they were, in effect, signing initiatives into laws. Rumors that those signatures shown on the petitions would be publicized became popular deterrents. At the time of the 1980 drive, "we were beginners in the initiative process."

Having been broadly exposed to the happenings in a bicameral, Mrs. Owens re-emphasized her support for a unicameral, suggesting that I might agree with her at the end of my legislative experience.77

Her suggestion has proven itself to be accurate.

When I began to pursue the topic of the unicameral, I heard the name Matt Himsl associated with the topic. I had heard that he, too, had devoted study and time to the preparation of a thesis addressing unicameralism. His thesis, however, concluded that a bicameral would best suit the needs of the people. That was 40 years

77Interview with JoAnn Owens, Legal Assistant, Helena, Montana, 21 January 1981.

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ago. That was before the 1964 Supreme Court Ruling offered the protection of representation to the farmers and ranchers.

Now, Senator Matt Himsl, a Republican from Kalispell, believes a unicameral should be adopted. "Before," he wrote, "legislatures really did represent economic interests and not just 'numbers of people.' Now that we represent 'people' only in different numbers, there is hardly any justification for two houses."78

Himsl indicated that it is not only difficult for the public to follow a bill but it is difficult for an individual legislator. In an article, published April 27, 1980 in the Great Falls Tribune, Himsl told Frank Adams that "we who are in the process don't know what's going on. We work diligently on bills and we think we know what we're doing in general, but unless you have a special interest in a personal bill of yours, you may not even know what happened at the end of it. It goes over to the other house and the first thing you know, it comes off entirely different than what you thought it would."79

Himsl also expressed a valid concern with the shifting of responsibility between houses. He wrote, in a

78Interview with Matt Himsl (by letter), State Senator, Kalispell, Montana, 14 February 1980.

letter dated, February 14, 1980—"I am not sure Montana is ready for a change--We've had almost too many now with the new constitution and reorganization but certainly there is merit in reducing the cost of government--and the economics of it all may bring this about--and in fixing responsibility for representation which is now shifted between the houses for political or even personal reasons. One house votes for issues it knows the other will kill--for one reason or another, then, there are too many bills."\(^{80}\)

Himsl's concerns are a little like Nebraska's legislature--twice unique. They are propounded by a man who is serving his ninth term in Montana's bicameral legislature and from a man who was once thoroughly convinced that a bicameral "better fit the type of representation it appeared Montana should have."

In response to the two specific questions as to the '72 and '80 bouts with the one-house assembly, Mrs. Reichert tendered these explanations. In 1972, as convention members, they realized passage of the new Constitution would be difficult, at best. Although a majority of the Convention delegates favored a unicameral, it was determined that inclusion of the unicameral would not enhance the opportunity for passage of the Constitution. Despite the lack of emphasis on the unicameral side

\(^{80}\)Interview with Matt Himsl (by letter), State Senator, Kalispell, Montana, 14 February 1980.
issue, the support for a single body was amazingly strong. 1980 was a year in which time and effort could be devoted to the unicameral. Mrs. Reichert said that the distressing outcome of the initiative drive was not that it failed but that it succeeded in 39/40 districts. The drive failed to garner 30 signatures in Bozeman and some 50 signatures in Missoula. These nominal figures were "so close, yet so far away."

Mrs. Reichert said that one of the problems confronted by those involved in the unicameral drive was the lack of workers. "We had plenty of members from Academia, writing articles and devoting their time." However, what was also needed were more of those people willing to circulate and to carry a petition.

Despite disappointments in both 1972 and 1980, Arlyne Reichert still feels a unicameral would provide a much more open and effective system "much superior to this system."81

The arguments set forth throughout this thesis may apply to Montana in some respects but perhaps, not in all. It is always difficult to predict an outcome. It is more feasible and perhaps more accurate to predict possibilities. It is more reasonable to conclude that expense could be reduced, that efficiency could increase, that better representatives might result, that lobbyist

81 Interview with Arlyne Reichert, Great Falls, Montana, 28 February 1981.
influence could be better monitored and that the misuse
of political maneuvers would be curtailed. These claims
cannot be substantiated in Montana. The realization of
these assertions in the Nebraska circumstance does not
necessitate their realization here. We can, however,
conclude that a unicameral would put a stop to the "buck-
passing between houses;" that a reduction in standing
committees would be effected; that the powerful conference
committee would be eliminated; and that delegates to a
unicameral would gain a better working knowledge of their
cohorts. These properties merely "come with the territory."

Through the writing of this paper, I have come to
understand that the unicameral is not a partisan issue.
It is not a liberal nor a conservative effort. It is,
instead, an effort promoted by people who perceive that
a change in the current legislative system is imperative
if good government is to exist within our state.
POSTSCRIPT

"Politics is the most hazardous of all professions. There is not another in which a man can hope to do so much good to his fellow creatures; neither is there any in which by a mere loss of nerve he may do such widespread harm; nor is there another in which he may so easily lose his own soul; nor is there another in which a positive and strict veracity is so difficult. But danger is the inseparable companion of honor. With all the temptations and degradations that beset it, politics is still the noblest career any man can choose.

- Andrew Oliver

Why would anyone choose, of all possible topics on which to write, the topic of the unicameral? Why choose to advocate a practice, which by its very design, has been confined to one state? The opportunity to substantiate the benefits of a legislative unicameral has never existed and does not now exist, in Montana. What, then, is the significance of promoting a unicameral today?

It is because I perceive politics as a profession that must regain a respect among the people. It is because unless certain changes are effected, I contend the absence of respect can only continue. It is because I see this absence as a cancer, metastasizing and ultimately destroying a realm necessary to our very lives. It is because I believe the unicameral to be an optimistic alternative to a system of growing ills.

This postscript serves as a small soapbox, on which
I am free to stand to pontificate at will on the attributes of a unicameral legislative system. To me, it is an optimistic alternative to the present system. It offers hope. It demands responsibility. As an issue, its primary drawback is that it appears to be a live issue in a dead time.

Having worked with unicameralists, I have gained an appreciation for their cause and effort. The energy required to promote any initiative is overwhelming. However, the patience that must accompany work on the unicameral initiative is unique. The accusations of "communist," "socialist," or "un-American" may sound distant on paper. It may sound melodramtic to mention that these are accusations that are indiscriminately hurled at advocates of the unicameral cause. But it is also sadly ironic that these advocates have educated themselves in the study of legislative systems. They see a need for improvement and they suggest the unicameral. Their opponents advocate the traditional bicameral system. Their accusors often do not know the difference. It is not blanket opposition the unicameralists face--it is profound ignorance.

Although I had, for some time, harbored a preference for the unicameral system, it was not until witnessing this 1981 Montana Legislature, that the merits of my conviction were overwhelmingly substantiated.
I selected this thesis topic with the idea that I would spend my final semester at the Legislature. I was fortunate enough to secure an internship in an active organization and as a consequence, have been duly exposed to the bicameral legislative system.

As an intern, monitoring various committee hearings and floor debates, I found it impossible, of course, to be in all places at one time. To effectively follow more than one bill, a citizen is in sore need of a twin. Example after example could be given along with the accompanying political ploys that lead to the inconsistency in scheduling. One occasion that comes to mind was the time and place set for the committee hearing on the Sagebrush Rebellion. It was heard in the Scott Hart Auditorium before over one hundred citizens. A politically convenient hearing was being held simultaneously, although in a completely different building—a hearing regarding Montana's new air standards. Naturally, it was suspected that opponents to measures to adopt the Sagebrush Rebellion and to lower state standards would be many of the same organizations, many of the same people. As witnesses, these people must stay at the hearing until the committee has heard all testimony and then questions those who testified. This sort of scheduling precludes one citizen to monitor or to testify in both hearings. He is forced to make a choice. That sort of selective participation is an error in our democratic system. A government of
the people, by the people and for the people should extend itself to the people. Their ability to participate should be encouraged and facilitated.

Floor debates offer an opportunity to the citizen, the voter, the lobbyist, the intern to view the actions and articulations of the legislators.

Both House and Senate convene simultaneously. This dual scheduling proposes problems for that person who chooses to follow both a House Bill and a Senate Bill. He must spend his time skating between houses to hear debate upon both bills. The result if often the sacrifice of hearing debate in one house in order to listen to debate in the other. Again, the citizen is compelled to choose.

A unicameral provides for no overlapping of committee hearings and it provides one, just one arena, for floor debate. There, the layman may take a seat with the assurance that he will necessarily witness debate on the one bill, or the five bills, which he has chosen to follow.

This committee conflict is not indigenous to citizens alone, but to the legislator, himself. Legislators must now serve on a number of committees. It is a natural result that a Senator or Representative is inclined to favor one area or another and it is in that area that he will direct his energies. Unfortunately, these men elected
to serve as legislators are far from "supermen." It is unfair to expect them to expend an equal amount of energy in one, two or three committees. There is simply not the time nor the ability to do so.

Another obstacle that presents itself in the formation of similar committees for two houses, is the inability to find enough legislators with a certain expertise in one area or another to allow them to chair a committee. An excellent example of this flaw was illustrated by the Senate judiciary. The majority party simply lacked members enough, with both expertise and seniority to allow them to choose a chairman who could exhibit knowledge of and experience with, the judicial system. This circumstance is not a reflection upon the party but upon the system itself.

A unicameral would be more apt to lend itself to a selection of experienced chairmen. The opportunity to locate one member who indicates an expertise is far greater than the attempt to locate two such members—both with seniority and both members of the majority. As it is today, the House has 15 committees and the Senate 16 committees. A unicameral would merely combine the two and eliminate the duplication.

As I draw these conclusions, the week preceding transmittal is fresh in my mind. The activity of both houses during this week can be defined as nothing other than ridiculous. It is, indeed, ridiculous to assume that
our senators and representatives can adequately debate and consider the quantity of material presented them prior to transmittal. The result of this harried atmosphere is the constant cry on the floor when debate is at all prolonged, "close, close."

Perhaps the pinnacle of ineptitude in this regard was reached this session as the House debated the nuclear initiative as a result of Representative Conroy's HB 652. Long past dinnertime, the debate on this bill was just beginning. The body faced a good many more bills and, in fact, did not adjourn until after 1 a.m. the following morning.

Representative Kemmis articulated his frustration to an unresponsive assembly. "I cannot believe you people. I cannot believe what I am seeing here this evening." With a plea to consider a piece of legislation that would affect Montana's citizens for "not just a decade, nor a century" but for thousands and thousands of years, Kemmis addressed the House. He criticized their attitudes as they sat back, knowing they were going to support HB 652—a bill with an undetermined, irrevocable impact, without affording the bill the courtesy of debate. His reprimand spurred reaction from a handful of opponents. The debate closed and a mute majority passed one of the most dangerous pieces of legislation this state has seen.

Debate was inadequate and due consideration could
not have possibly been given.

The bicameral transmittal date marks, in reality and in practice, the end of the session. Montana functions with a 45-day session, as after transmittal nothing except revenue and appropriation bills may be introduced. The long hours required at the end of this "session" do not promote good legislation.

A unicameral would result in fewer bills and as a consequence, more serious deliberation. The efficiency of a one-house assembly is not denied but sometimes feared. Two or three of the persons interviewed, expressed the fear of a "too-efficient" body. It is my opinion that there are miles to go before even an "efficient" body will properly label Montana's Legislature.

I have, I suppose, been fortunate to observe a legislature during a time when the concept of good government is blatantly threatened nearly every day.

The 1981 Legislature's incessant attempt to prohibit the people of Montana from exercising the initiative process exemplifies the sort of threat to which I refer. Bill after bill has been introduced in an effort to further hinder the expression of the people. The irony of it all, is that once the expression of the people is heard at the legislative level, it is ignored, altered, challenged, or destroyed. Once again, the ability of the
citizen to participate actively in his government is being denied.

This effort to muffle the voice of the people is not initiated by one party or the other, but by members of both parties. These are members who feel their role with respect to the citizen is that of parent to child. They, in their infinite wisdom, determine, for the rest of us, what is good and proper and just.

If ever there were a need for a change in government, it is now. We desire not necessarily for a more "Republican" nor a more "Democratic" Legislative body. A new election will not solve what ails the bicameral legislature. It is accountability. It is efficiency. It is effectiveness. These are the elements that a unicameral would provide. As the Legislative system exists today, it maintains itself as little more than a mockery of our political system.

Why do I advocate a change, a unicameral, an improved system of government? It is because 180 years ago Andrew Oliver said "...politics is still the noblest career any man can choose." Something inside of me still wants to believe that.
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