

THE UNICAMERAL LEGISLATURE

By

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Recurrence of the suggestion of a single-house legislature for Michigan centers attention upon the narrowness of choice in terms of the number of legislative chambers. Where representative assemblies exist today, they are either composed of two houses and are called bicameral, or they possess but a single unit and are known as unicameral.

The Congress of the United States has two branches – the Senate and the House of Representatives. All but one of the present state legislatures – that of Nebraska – are bicameral. On the other hand, only a handful of municipal councils or county boards retain the two-chambered pattern.

This has not always been the case. The colonial legislatures of Delaware, Georgia, and Pennsylvania were single-chambered or unicameral; Vermont came into the United States of America with a one-house lawmaking assembly, having largely formed her Constitution of 1777 upon the basis of that of Pennsylvania. Early city councils in America diversely copied the so-called “federal analogy” of two-chambers rather extensively in the formative days of municipal governmental institutions.

The American Revolution of 1776 served as a turning point in our experimentation with state legislative structure. Shortly after the Declaration of Independence, Delaware and Georgia changed from the single-chamber type of British colony days to the alternate bicameral form, leaving Pennsylvania and its imitator Vermont maintaining single-house legislatures. After the death of Benjamin Franklin, one of the truly great advocates of unicameralism, Pennsylvania almost immediately found the bicameral type more appealing and swiftly accepted it in the same year – 1790. Vermont persisted in her initial choice until internal political difficulties and factional struggles brought the change to the more common bicameral type of legislature in 1836. subsequently, an entire century was to elapse before a major political unit in the United States abandoned the double-chamber setup in favor of the numerically simpler type. Nebraska broke with tradition in 1937, instituting her unicameral Senate in that year.

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Legislative Organization

A cursory survey of legislative structure throughout the nations of the world reveals three general forms of legislative organization within the overall bicameral-unicameral range of choice. There are two-house setups where the chambers are equal in power. There are bicameral legislatures where the two branches are so situated with relation to each other as to mask the fact of realistic unicameralism; and, there are overt, frankly constructed single-house legislatures which function directly as such. The Congress of the United States would stand as an illustration of the first of these patterns where the two component houses are substantially equal in legislative power. The British Parliament in its established relationship between the House of Lords and the House of Commons would be an example of the type where unicameralism is masked within the two-chamber form, since ultimately the House of Commons can become the only law-making unit capable of action in Great Britain. The third type – an overt single-chamber legislature – is found in the Senate of Nebraska and in all but one of the provincial law-making assemblies in the Dominion of Canada.

Requirements Differ

Where there is a fusion of the legislative-executive leadership in the dominant political party (or combination of parties) in the most popular branch of the legislature, as must occur under the cabinet or parliamentary form of government, all the drives, the very internal pressures of that regime operate to bring the legislative system either forthrightly to a single-house or an approximation of that situation. It is far easier for the same party, or coalition of parties, to secure a majority in one house alone than to do this in two units of the legislature differently created and constituted.

These selfsame forces do not exist or operate in the same way within the American system of legislative-executive relationships. Few, if any, of the reasons which give primacy to unicameralism, avowed or covert, within the cabinet or parliamentary system of government, have any comparable value in the decision as to the form of legislative structure to be employed in the American political system.

The provincial legislatures in the Dominion of Canada are, with the exception of Quebec, unicameral in character; all of these provincial governments are likewise parliamentary with a cabinet or administration dependent

upon possession of a majority in the single legislative chamber – a condition which is not true in the American States, which have a chief executive who is co-equal to and independent of the legislature.

The moral is this: Canadian provincial legislatures have to be judged in their role of Canadian legislatures, and must be considered in their proper environmental setting in the political sense; American state legislatures have to be appraised and considered as American legislative bodies within their own particular frame of reference and their own field of operation.

Modern History in America

The modern period of American interest in unicameralism is said to have begun in 1913 when Governor Hodges of Kansas suggested it as the cure for the legislative ills of that state. Since that date, unicameralism has been proposed in some form or other in all our fifty states. Despite this widespread degree of discussion, the matter has been placed before the voters in only Nebraska and Missouri. The score stands at one adoption and one rejection; Nebraska accepted the one-house legislature in 1936 and effectuated it in the next year; Missouri rejected the proposition in 1945.

By vote of the people of the State of Nebraska, the state adopted the unicameral legislature and, as has been mentioned, instituted it in 1937; Nebraska has thus had 22 years of experience with this type of legislature. Provision was made for a one-house legislature to be known as the Senate of Nebraska. There were to be no less than 30 or more than 50 members, apportioned throughout the state upon the basis of population, who were to be popularly elected from single-member districts upon a non-partisan ballot. They were to hold office for a two-year term and were to have all the powers previously vested in the earlier legislature of Nebraska.

The one-house legislature has thus been operating in Nebraska for a period of 22 years. Since it has been the official legislative agency of a state during this period and thus the only source of formal legislation in Nebraska, one is compelled to admit that it has worked. In this sense, a similar judgment just be passed upon the formal legislatures of all other American States – none has collapsed and passed into disuse and oblivion. The question ultimately becomes that of how satisfactory this legislature works in judgment of its constituents.

Nebraska Experience

This appraisal must begin with a brief review of the forces which largely determined the issue of the establishment of the unicameral legislature in Nebraska. Most pertinent here was the influence of Senator George W. Norris who had for a long time advocated the adoption of a single-house legislature, albeit upon a different basis from that which ultimately did prevail. Of equal importance, but much more intangible in character and impact, was the existence of what must be called a reversed imbalance in populational equity in the then extant – 1930 decade – apportionment in Nebraska. The western, agricultural counties were under-represented in relation to the more populous eastern and urban Nebraska counties. Difficult as this may seem to comprehend, it was true and played a potent role as an argument for some type of forced reapportionment. Accumulated resentments expressed in the political aspects of Nebraska life centered upon the hoped for containment if not the elimination of lobbies, chiefly the railroad and big cattle interests. Add to these factors the volatile desires of people locked in the jaws of the great depression of the 1930s and change could come quite readily.

The one-house legislature of Nebraska has operated well in the mechanical sense throughout its entire life, with the assistance of one of the more successful state legislative councils. As a going concern, it has withstood attack where the alternatives were a return to the rejected bicameralism or a wholesale reconstitution of the existing framework. To what extent and degree the non-partisan feature of legislative elections in Nebraska has contributed to its success and retention has not been determined. It may be considerable.

On the debit side there must be placed these items. One is the excessive, almost pathological concern over lobbyists which colored the original reaction to the newer institution. There is an apparent failure on the part of many observers to note these facts. There has been a great growth in the use of pressure group or lobby tactics within American governments at all levels including the legislative, and thus the Nebraska plight is but a segment of a larger problem. Secondly, if the same number of lobbyists or legislative agents who formerly operated upon a two-chambered legislature, must now only concentrate upon a single-house, then the increase is more apparent than real. This seems to have been the case in Nebraska.

More serious, perhaps, has been the failure of the Senate of Nebraska to apportion itself again although this is the 23rd year since it was first devised and set up. In addition to the more usual phases of this problem – apportionment – there exists in Nebraska the allegation that the 43-member body is too small to represent adequately its constituency, and to perform the legislative task. When conjoined with the fixed salary maximum of \$75,000 for a biennium set in the Constitution of Nebraska, these factors will serve to repress an opening of the apportionment issue.

Unicameralism – Pro and Con

Protagonists of unicameralism present as the chief arguments in favor of this form of legislative composition the following points.

1. It is a simpler form of organization eliminating the complexities of double consideration of measures by two houses.
2. It eliminates the necessity for such peculiar devices as conference committees to harmonize textual differences in legislative drafts which arise inevitably under the bicameral system.
3. By reducing the total number of members in the legislative body, it permits the selection of higher caliber individuals and the payment of higher, more attractive salaries with little or no increase in legislative costs.
4. By the reduction in the number of chambers to one, responsibility for the laws enacted is firmly fixed upon the sole agency with power to legislate.
5. Party responsibility for state governmental policy and its execution will be more firmly established, since control of the one-house legislature and the governor will more frequently coincide under a single-house assembly properly apportioned.
6. The remedy of unicameralism is sufficiently drastic as to force general legislative reform in apportionment and representative basis, in procedure, and in work patterns and loads on the part of the law-making assembly.

To the extent that defenders of bicameralism are critics of its alternative choice, the principal counter-arguments advanced by the opponents of the single-house system would include these.

1. Unicameralism is violative of American traditions and of the concept of checks and balances of the American constitutional system.
2. Unicameralism is not susceptible of universal application and may well be highly selective in its ability to be utilized. For example, it may complicate rather than facilitate solution of legislative apportionment problems.
3. A second correcting, revising or delaying chamber is necessary to prevent bad, hasty or ill-conceived legislation.
4. Adjustment in terms of number of members or increased compensation for them need not wait upon the adoption of a single-house legislature, nor be linked to it.
5. Only the adoption of the parliamentary-cabinet form of government and a two-party system will assure coincident control of the legislature and the executive by the same party. Unicameralism alone will not. So why make only a basically minor change?
6. The real problem in legislative reform is not that of bicameralism versus unicameralism, but that of eliminating restrictions and limitations on the legislature which prevent any state legislative body from per-

forming its basic duty of legislating. Rid of these hobbles and constitutional straight jackets, there may be opportunity for a legislative branch to perform, and in the face of this factor, the problem of the number of chambers is of less importance.

Unicameralism in Michigan

What would be the probable effect of the adoption of a unicameral legislature in Michigan in terms of the balance of power in the state? Obviously, this would depend upon the type of representative base upon which the newer setup would be established. Presumably, there would be an intense effort to have any unicameral system presently to be proposed based upon straight population, or to approximate the situation in the state House of Representatives under the current constitutional provisions. This is not to imply that there is only one way in which a single-house legislature might be apportioned. Study and reflection will reveal other possibilities, even more just in the last analysis than those using arithmetic procedures. The result of any populational apportionment probably would be to enhance the position of the group of southeastern Michigan counties very materially, ranging them against the remainder of the state in a manner to deepen the general problem of government in Michigan. By 1970, almost the entire state will be urban and industrial so the conflicts will no longer be rural versus urban in character, but rather conflicts upon and over deeper currents of urban versus urban – currents as yet dimly perceived and understood. Decision as to a single-house legislature versus the retention of bicameralism will inevitably be made against that backdrop and the flux of newer forces.