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(The following is the address made on Tuesday, March 26th, before the Maine State Senate, by Senator Roy L. Fernald of Waldo, in support of his motion to accept the minority report of the Committee on Judiciary "Ought to Pass" on resolve proposing an amendment to the Constitution changing the legislature to a one-body system (L. D. 580); the said address having been deleted from the official record by Senate Order, on motion of Senator Bodge of Kennebec; the Senate having, on March 29th, under suspension of the rules, granted that senator unanimous consent to withdraw his motion to expunge.)

Mr. President, and members of the Senate, we have before us today Legislative Document 580 and although I am not in full accord with every proposal of the document I do feel that if—and it is a big "if"—this bill should ever get to such a stage that it would be in a position to be amended, that a proper amendment could be offered at that time to meet any objections that might occur in the printed bill before you as Legislative Document 580. I do feel, however, that the question is a pertinent one and one that we in Maine might well consider. It has received consideration in other states and is now receiving consideration in a great many other states, and at some time in the near future the people of the state of Maine will adopt such a proposal.

Let me take you back about thirty-five years. We recall how the whole world, and especially the whole United States, was shocked by the Galveston flood but out of that Galveston flood there started a movement that has now resulted in city manager and city commission forms of government in Texas, and some day some catastrophe will occur here in the state of Maine and then the people of Maine will arouse themselves and take hold of the situation and we will get a reform in state government comparable to the reforms in city government that came as a result of the Galveston flood.

The question also might be asked, "Are State Senates to disappear, leaving the Legislatures to operate as one-cylinder affairs? The question would seem academic were it not for the prevailing atmosphere of experimentation. As yet Nebraska is the only State which has definitely decided to try the unicameral system, but in 18 states of the remaining 47, bills proposing the change have appeared this year. No Southern State is considering the plan but no other section of the country is unrepresented on the list.

"Senator George W. Norris is the force which makes things happen in Nebraska. It was in 1920 that he began to urge a one-chambered Legislature on the ground that it would simplify the law-making process, and be less expensive and also more efficient by fixing responsibility.

"The Constitutional change adopted last November requires that a single - chambered Legislature of not less than 30 members nor more than 50, elected without party designations for a two-year term, begin its session January 2, 1937.

"The plan is not as new as it sounds. After the Revolution, Vermont, Pennsylvania and Georgia had it, but the examples of the Federal Government and of the other 10 States proved too strong to resist.

"In the early days, self-government in America was regarded as an experiment beset by hazards. Those charged with the responsibility of planning looked far and wide for methods of limiting democracy. The philosophic theory of checks and balances, as set forth by Locke and Montesquieu, was seized upon. The English tradition, with its House of Lords and House of Commons, was regarded with great respect, and the nearer example of colonial Governments with a Legislative council operating in restraint of both appointed Governor and elected representatives, was thought only safe, especially as the council gave power to the aristocratic element.

"The recent trend all over the world has changed toward the abolition of the so-called higher chamber. England practically made the Commons supreme in 1911 when the House of Lords was shorn of many powers to become little more than an ornament at Westminster. Of the nine provinces of Canada, Quebec is the only one which still operates with two houses. Several of the new European Constitutions, including those

of Finland and Yugoslavia, provide for only one house. Large American cities manage with a Board of Aldermen, or a Common Council but they do not find both to be necessary.

"Here is something to cause alarm among American State Senators.

"Old arguments for two houses have become less convincing in the States of the Union. The State Senate no longer provides representation for 'the best people,' by which was understood the richest people. The citizen who votes for his Representative also marks a ballot for State Senator, the only difference being that the Senatorial district is larger.

"When the Legislature convenes the citizen is made to realize that the process of lawmaking is intricate. Keeping track of exactly what happens is somewhat like watching the elusive pea in the shell game. There often comes a moment when the measure passed by the House and the bill approved by the Senate both disappear behind the doors of a committee room. What finally emerges is something quite different from either, yet nobody seems to know exactly how the transformation took place.

"Senator Norris holds that in a two-house Legislature bills are often intentionally made different in the two houses. The conference committee does them to death, as invisible special interests desire. He believes that 'buck passing' cannot flourish where there is only one house.

"If a nonpartisan ballot is added to the system, major political party influence will be less apparent in State administration. This will make it less easy to cloud State politics with issues which should be settled at Washington.

"The urge of economy will compel attention to the money saving features of the unicameral plan. The provisions made in Nebraska are diabolically simple. (That is from the point of view of the professional politician.) The total salary appropriation is limited to $37,500. If the membership is set at 50, each member receives $750, but if there are only 30 members each would have $1250. The more there are the less each one is paid.

"The average number of State Senators in the 48 States is 38 and the House memberships average 121. Little New Hampshire with 462 in its total membership has the largest Legislature, and Delaware has the smallest with 52. Under the new plan Nebraska will have fewer lawmakers than Delaware.

"If unicameral Legislatures should prevail throughout the States the reduction in the total memberships would bring a situation in which less than one-third of the present number of State legislators would be required. The frequent impatience with what is done at the State Capitols will operate in the direction of a change. Few tears will be shed over the proposal for economy, but the idea of saving money in this way will not appeal to office holders.

"Never were Americans more interested in Government than they are now. During periods of plenty and prosperity they have been willing to let their public affairs be run by those who liked that sort of thing and managed to get themselves elected. But recent experiences have served to rouse the citizens to an appreciation of the fact that Government may make an enormous difference. In the Nation, the States and the municipalities, millions find themselves obliged to look to Government for their daily bread.

"This new consciousness of the necessity for being governed as well as possible has produced an attitude willing to entertain proposals for change. A few years ago, when Senator Norris first urged his 'Lame Duck' amendment to the Federal Constitution, bringing in the new Congress two months after election instead of permitting it to wait 13 months for its first regular session, there seemed no immediate prospect of making the change, but the amendment moved to ratification with surprising speed.

"If the opinion spreads that a single chambered Legislature will mean less politics and better State business, the demand for the change is likely to increase rapidly. The American people are far from being satisfied with the way their State Governments have functioned. There is still enough of the pioneer spirit in the country to welcome what looks to be a reasonable experiment. It will not be strange if other States try out the Nebraska plan."

"Some men," wrote Thomas Jefferson to Samuel Kercheval, July

12, 1816, several years after his retirement from public life, "look at constitutions with sanctimonious reverence, and deem them like the ark of the covenant, too sacred to be touched. They ascribe to the men of the preceding age a wisdom more than human, and suppose what they did to be beyond amendment. I knew that age well; I belonged to it, and labored with it. It deserved well of its country. It was very like the present but without the experience of the present, and forty years of experience in government is worth a century of bookreading; and this they would say themselves were they to rise from the dead. I am certainly not an advocate for frequent and untried changes in laws and constitutions. I think moderate imperfections had better be borne with; because, when once known, we accommodate ourselves to them and find practical means of correcting their ill effects. But I know also that laws and institutions must go hand in hand with the progress of the human mind."

A study of the experiences of every state in our Country discloses that practically everywhere the legislative system, which varies but slightly, is in default. Its credit is exhausted. Authorities and students are unanimous in declaring that there is no other branch of government which so urgently demands reform, or upon the reform of which so much depends, as the legislative branch. Not that it should be assumed, in addressing this great public need, that all of our governmental ills are attributable to the legislature. As a matter of fact no phase or structure of government is perfect. In every State government faults may be found in all departments—faults of personnel, or organization, of administration, perhaps of purpose or design, and the delusion should not be harbored that there will ever be discovered a sure specific for all of the ills that governments are heir to. Perfection is not to be hoped for, but a constant striving toward that goal should never be relaxed, and the path to improvement, whether of organization, of forms, or the more serious questions of public policy, lies by way of the legislature. Before this path may be trod with confident steps, or any considerable satisfaction can be expected to attend the journey, many of the difficulties with which the legislator is obliged to contend, the obstructions over which he stumbles and the pits into which he falls must be removed, the law-making structure must be repaired and the new machinery installed.

A correct conception of the legislative function, and of the position the legislative organ occupies in the scheme of government, will make it much easier to understand how essential it is that the work of this department be performed efficiently, and to gain an adequate idea of the attributes and equipment the legislature must possess in order to accomplish this.

As all know, the powers of government are separated into three divisions, legislative, executive and judicial. Under the American theory these divisions are coordinate. They hold the same rank. They stand side by side. But practically, the legislative division is of first importance. Despite the public indifference which exists in many quarters as to the legislature's fate; despite the disrepute into which it has almost everywhere in this country fallen; despite the testimony of capable critics that the State legislative systems are bankrupt, the legislature is nevertheless, by common admission, the principal organ of government. This is the unanimous opinion of American students of political science. The constitutions invariably place it at the head of the division of powers. The reasons are not far to seek, nor hard to find.

The legislature is the law-making branch, the policy-determining powers of the money-appropriating branch of government—a great trinity of powers of paramount significance. But if its powers were confined to the making of laws, it still would stand at the head. For in this capacity it determines the business and social relationships of the citizen, regulates his civic rights and duties, secures him in the tenure of his property, and makes practically all of the rules that govern his profession or vocation.

As the policy-determining branch it prescribes the duties which the administrative and judicial branches are to perform, and lays down many of the rules for them to follow. It passes on measures increasing, broadening or restricting the scope of the State's activities, and makes all decisions respecting taxation and public finance.

As the money-appropriating branch it controls the public purse. It specifies the objects for which public moneys shall be expended, and in what amounts. It is not only the law-making branch of government, therefore, but also the board of directors of the State's greatest corporation. As such it deals with many questions of importance to the citizens and taxpayers, the stockholders in this corporation—questions which are not to be dealt with in any blind or unintelligent manner, but which must be handled painstakingly, prudently, wisely, as becomes the treatment of important business problems.

The task is a complicated one, and scientific to the last degree. It calls for broad knowledge of the public interest and the public welfare. It requires ability, patience and courage on the part of the servants to whom it is delegated. It demands complete, accurate information, facilities for the procurement of such information, and procedural mechanism adapted to its practical application.

When we consider the scope of the legislature's powers, the immensity of its responsibilities, and the fateful results which depend upon its acts, it must be clear that if the form of government in which American faith resides and to which our hopes of safety and happiness are pinned, is to be vindicated, then this law-making, policy-determining, money-appropriating agency, this super-board of directors must be constructed, organized, conducted and equipped for well-informed, deliberative, skillful, effective work.

As constructed, the Maine legislative system is not adapted to the satisfactory performance of the high duties assigned it; it is not fitted for turning out, with any degree of assurance, the quality of work which the public need demands. A study of its defects—common, in whole or in part, to the legislatures of all of the States—results in the following bill of particulars:

First. In the outward structure the legislative body is altogether too large, and therefore unwieldy. This results in confusion, and confusion brings many evils in its train.

Second. Its inward form—that is, its procedure—is cumbersome and complicated. This procedure does not provide the safeguards for which it was ostensibly designed, and in addition to hampering and regarding the legitimate work of the legislature lends itself to parliamentary sharp practice, which is contrary to open-hand, open-minded legislation.

Third. The committee system, though necessary in principle, is fatally defective, and subject to many abuses. Committees are too numerous and many of them too large. Their selection is usually dictated by factional considerations. Committee meetings often conflict. There is no schedule of meetings, too short notice or no notice at all, and many star-chamber meetings. There is no committee record and no publicity of committee proceedings.

Fourth. There is a dearth of facilities for acquiring impartial information concerning the great variety of subjects to be considered. In the absence of authoritative data, the testimony of experts, the experiences of other states, and authentic discussions presenting all sides, consideration takes on much of the aspect of guess work and the ground is ploughed for the sowing of seeds of tares and thistles by the omnipresent lobbyist.

Five. The legislature is not a deliberative body in the proper sense of the term. This is attributable to the four causes mentioned; first, body too large, creating confusion; second, faulty procedure, encouraging sharp practice in the place of straightforward dealing; third, defective committee system, making for secrecy and aiding manipulation; fourth, inadequate facilities for procuring information, necessity thus becoming the child of ignorance and the handmaiden of guesswork.

Six. There is no effective provision for a properly conceived, well considered program of legislation. Lacking chart and compass, the the legislature steers no objective course. Orderliness and effectiveness must give way to confusion, and finally to more confusion. Under these conditions the legislative interest naturally inclines to pet measures and selfish bills with high-pressure backing.

Seventh. The lack of a practical plan of cooperation between the legislative and executive organs is a constant source of friction, misunderstandings, distrust, and deadlocks. The result is added inefficiency in legislation, uncertainly in administration, and needless waste.

Eighth. The absence of definite responsibility is a distinguish-

ing and distressing feature of the system. Complicated procedure, unrecorded and often secret committee proceedings, the involved relations of the houses, innumerable opportunities for error, all contribute to the popular political pastime of "passing the buck". There are no means by which the public may affix blame or accord credit.

Ninth. The important legislative functions relating to public finance, that is, taxation and appropriations—are imperfectly organized. The agencies charged with these duties are not coordinated; there are no facilities for checking proposed expenditures against probable revenue; no practical means by which members may gain a working knowledge of the budget, and no provision for expert advice on questions of finance.

The question is: How may these defects be remedied: How may our legislature be fitted to perform its work creditably and satisfactorily? The answer is, by amending the constitution as it relates to the legislative power. The specific remedy which is now proposed is suggested by the diagnosis above offered of the ills from which the legislative system is suffering.

1. A much smaller legislative body, preferably one house.
2. Simplified, direct procedure, and reform of the committee system.
3. Provision for the formulation of an orderly, constructive plan or program of legislation.
4. Effective publicity for pending measures, and allowance of time for public expression.
5. Adequate facilities for procuring impartial information.
6. Provision for unhurried deliberation and thorough consideration.
7. Prevention of abuse of the "emergency clause."
8. Regulation of lobbying, public testimony to be encouraged and secret influences discountenanced.
9. Elective Voting Machines on each legislators desk so that his every vote will be a matter of public record.
10. Discouragement of log-rolling, vote-swapping and all legislative influences based upon the use or exchange of official favors.
11. Definite responsibility, individual and collective.
12. Coordination of legislative agencies and functions pertaining to public finance, and removal of budget consideration from the influence of general legislation.
13. Readjustment of relations between legislative and executive organs, to avoid deadlocks and stimulate patriotic cooperation for the common good.

This remedy is offered, seriously and hopefully, as a remedy for the ills that affect the law-making, policy-determining, money-appropriating, division of our State government. The formulation of a proposal for an improved legislative system hinges upon the determination of this question. The arguments which are advanced in support and criticism of the two plans will be presented, with the views of leading authorities.

Three other phases of the legislative question deserve a word. Mention of them has been deferred for the reason that they occupy a place apart from the criticism of the form and procedure of the legislative body.

First is the item of maintenance. Our present legislative system is well known to be inherently uneconomical. A large and increasing membership claims per diem and mileage. Extraordinary sessions mean extraordinary expense. Organization is absurdedly expensive, due to lack of responsibility, prevalence of the spoils system in its most wasteful form, and the irregular nature of the employment. A smaller and more responsible body, adequately salaried, organized and equipped for efficiency, could be maintained at a considerable saving. But the actual cost must be measured, not by maintenance figures, but by the quality of service. The system which fails to deliver the best results is extravagant at any price. If its accomplishments insure the safety and effect the happiness of the people, its blessings to the State will be remembered long after the cost is forgotten.

The second item is personnel. The inefficiency of our legislature should not be charged to the quality of its membership. Capable and patriotic men and women invariably predominate in the legislative body. To be sure, personnel is a consideration of the magnitude, but the faults of the system are too deeply rooted to be pulled out by the uplifting influence of a different membership. Mileage, safety

and economy are foreign to the operation of an old, broken down automobile, whoever the driver. Nor does such a machine interest the capable operator. Establish a legislative system giving promise of constructive results; make it an honor to be known as a member of the legislature, and the worthiest citizens will be glad to achieve that honor, to serve the State, and to work for the distinction which will reward those who display the greatest aptitude.

Reform of the system must come first. The personnel will follow. Without such reform a change of personnel would mean nothing but a change of faces.

The third and last item is the initiative and referendum. Although this feature of popular government is a part of our legislative system, reference herein to the system have, to avoid confusion, applied to the legislature alone. All of the States make use of this agency, or at least of the referendum, in some form, and there appears no likelihood that the power will be surrendered. In Maine as elsewhere experience has disclosed both vices and virtues, though neither to an extent justifying the fears of opponents nor the expectations of proponents. Our experience should dictate reforms in procedure which will increase the possibilities of the agency for good, while eliminating as many as possible of its faults, though it seems altogether likely that the exercise of this power by the people will fall more and more into disuse with the operation of an efficient legislative system.

There is no more fascinating occupation than the study of legislative bodies. The beginnings of ancient lawmaking assemblies—of Sparta's "Gervazia" and Assembly of Dorians, the Assembly and Council of Four Hundred at Athens, Rome's Senate of Elders and Comitia Curiata, Germania's tribal assembly, Charlemagne's Imperial Assembly, Saxon England's Witenagemot—furnish materials for chapters of absorbing interest. The struggles of peoples through the centuries to enlarge the powers of these instrumentalities, to strengthen them constitute a vivid and thrilling background to the consideration of modern legislative systems and procedure. For the purpose of this discussion the barest allusion, and that merely by way of introduction, will suffice.

It is not to Greece, nor Rome, nor Germania, nor Gaul that we must look for the prototype of this country's lawmaking bodies. If the form early assumed by the legislative assemblies of the American colonies, given to the Federal Congress, from any source at all, it was from the mother country, England. A respectable number of very distinguished writers and students assert that such was the case. Certain it is that there were points of similarity, of which the division into two houses, each sitting separately, each possessing a veto over the acts of the other, was the most significant and important, and has a historical bearing upon the question of the respective merits of the one-house and the two-house legislature, or the unicameral vs. the bicameral plan.

England's parliament, during America's colonial days, was a two-house body, each house having equal rank, power and authority. That it was so was probably a matter of chance rather than premeditation, accident rather than design. It had not always been so. The Witenagemot of the Anglo-Saxons, Parliament's progenitor, was at first simply a great assemblage of the King's friends and leading men, a gathering which, so far as its legislative functions are concerned only confirmed what the King decreed.

Mr. BURKETT of Cumberland: Mr. President, I raise the question of a quorum.

The PRESIDENT: The Senator from Cumberland, Senator Burkett, raises the question of a quorum. The Senator from Waldo, Senator Fernald, will be seated until the Chair ascertains whether a quorum is present.

There not being a quorum present the Sergeant-at-Arms will go into the corridors and endeavor to find a sufficient number of Senators to constitute a quorum.

(A sufficient number of Senators to constitute a quorum presently returned to the Senate Chamber.)

The PRESIDENT: The Senator from Waldo, Senator Fernald, may proceed.

Mr. FERNALD (resuming):

Its character changed as its influence grew. When King Edward in 1295 called a Parliament, it was made up of representatives of six

"estates"—nobles, prelates, lower clergy, knights, citizens, and burgesses. They came together as a single body, but so repugnant were their social stations, so dissimilar their interests, so at variance their views, that gradually they gravitated into two groups—nobles and clergy in one, knights, citizens and burgesses in the other. So came the House of Lords representing the nobility, and the House of Commons, representing the people. Other European countries had a similar experience, though Spain and France in mediaeval times had three houses, Sweden four, while Scotland adhered to one.

When the American colonists bethought themselves to consider their welfare in terms of the laws by which their colonies and their individual lives were ordered, they had before them the example of England's two-house Parliament. It is not unreasonable to supose that as a model, a system that was in existence and being utilized by people of their own race, it exercised an influence. But there was a more potent influence, which might well have shaped their legislative structure into the form it came to have even though the British Parliament had been of an altogether different fashion. Although the colonies had no nobility and no estates, as had England, they had nevertheless two equally distinct ranks—the aristocracy and the common people. The Governor, appointed by the king at the instance of the proprietors, represented the former. The Governor's council, a small body of men selected by the proprietors to advise and assist the Governors, did not represent the latter.

Such at first was the governmental organization, executive and legislative, of the colonies. Of course this state of affairs could not long satisfy the colonies. They demanded a voice in their government, and in a manner not unlike the rise of the House of Commons in England, there grew up a lower house, an Assembly, House of Representatives, House of Delegates, or House of Burgesses, as it was variously called, composed of members elected by the freemen, with a veto upon the acts of the Council. This, barring variations and details, to say nothing of a number of lapses, is roughly the history of the rise of the bicameral legislative system in the American colonies. There is not much evidence to support the theory that the system was premeditated, or consciously patterned after any other; none to indicate that considerations of its efficiency as a legislative organ entered in. The system was simply a development directed by the times and conditions. The question that mattered was one of expedience only the control of colonial policy on the hand, protection of the rights of the colonists on the other. That no political principle was involved is seen in the readiness of either side to favor that plan which for the moment aided its cause. If the colonists were assured, through superior numbers of elected members, of predominance in an assembly sitting as a single house, they were not slow to urge that course. If the Governor, by calling in a sufficient number of additional Councilmen, could hold the balance of power, he was ready to favor if not to insist upon a single body, in which event the colonists would as strongly insist upon the two houses sitting separately, with the lower house having a veto upon the acts of the upper.

After the colonists threw off the British bonds the same two classes of citizens still divided the populations, the same clash of interests persisted. Naturally the example set by the colonies prevailed in the formation of State legislative bodies, with this difference, that widespread distrust of rulers influenced the investing of legislatures with practically unlimited power, while Governors were reduced to mere figureheads. Everywhere the legislatures were double-chambered, with three short lived exceptions — Georgia, Pennsylvania and Vermont. The power of example and the old question of expediency determined the matter. Efficiency was as yet no doubt an exceedingly minor consideration, though principles of the science of government, under the stimulus of foreign agitation, were enjoying a measure of discussion. Advocates of a single-house legislature, while in the minority, were not entirely wanting. Benjamin Franklin was one of these. He is said to have compared a two-chamber legislative assembly to a cart with a horse hitched to each end, both pulling in opposite directions. William Penn shared his view. Several French statesmen whose names

figure large in the events of the early nineteenth century advocated a one-house legislature, but French trials of the plan, on a national scale, were brief.

In the discussions accompanying organization of the new American States two-house legislatures were advocated by numerous leading statesmen, among them John Adams and John Jay. The affirmative arguments resolved themselves into two: first, that the plan would give representation to the whole people, one house to the minority or aristocracy, the other to the majority; second, that it would insure a more deliberate procedure in the enactment of laws. Hasty and ill-considered legislation, unnecessary and corrupt legislation, it was claimed, would have less chance of passing two houses than one alone. However, many of the ablest spokesmen for the bicameral plan tempered their advocacy, or coupled it, with a frank expression of their belief that unless the houses were differently constituted and their members chosen by different means, on a different basis, with different qualifications and tenure, so that they would be truly representative of the two classes of the country's citizenry, the advantages of the system would be nullified.

Following the adoption of the constitution of 1789, and its authorization of a two-house Congress, State after State followed the example thus set and entered the Union with a bicameral legislature, until the bicameral system—product of a historical accident—came to be regarded, like the theory of the separation of powers, as an axiom of American political science. During the period from the close of the revolution to the beginning of the present century a long line of distinguished statesmen and writers on the science of government upheld the principle. Among the names appear those of Chancellor Kent, Justice Story, John Stuart Mill, Bluntchli, Francis Lieber, W. E. Lecky, Geo. W. Burgess, and others. The views of those authorities were of course expressed in different language, and by no means coincide in every particular, but the arguments they advanced in advocacy of the bicameral system may be reduced to these propositions:

1. That it permits representation of areas as well as population.

2. That one house serves as a check upon the other, tends to more careful deliberation, and to prevent hasty and ill-considered legislation.

3. That each house will remedy the defects in legislation passed by the other.

4. That it is more difficult to corrupt two houses than a one-house body.

5. That there is less inclination to accumulate governmental power into its own hands.

6. That it affords a means of granting representation to different classes and interests.

In weighing the merits of these arguments it should be remembered that the last one is the basis of the historical origin of the two-house plan. The "estates" felt that they were not only entitled the representation, but also to a vote on the proposals of the others. In recognition of this claim Sweden and other nations, as we have seen, have had legislatures of three and four houses. It should also be noted that the arguments advanced by many, if not most of the advocates of the bicameral system are predicated upon the theory that the two houses must be differently constituted. Francis Lieber says: "If the two houses were elected for the same period and by the same electors they should amount in practice to little more than two committees of the same house." Bluntschli, the famous Swiss statesman, declared that if the two chambers are the same in constitution, "it is like employing duplicate organs to do the same thing," and Justice Storey used similar language. John Stuart Mill had the same fundamental idea in mind when he urged that the second house should be "constructed on the principle of political experience and training."—that is, to effect the object of two houses the upper chamber must be composed of different material and chosen by a different process than the popular house, which is supposed to register the gusts of popular notion. Thomas Jefferson criticised the original Virginia constitution because "the Senate is too homogenous with the House of delegates. Being chosen by the same electors, at the same time, and out of the same subjects, the choice falls of course on men of the same description." This he believed to be thoroughly unsound. "The purpose of establishing different houses of legislation," he declared "is to in-

troduce the influence of different interests or different principles." "Arguments in favor of the bicameral system," says Doctor John Mabry Mathews, "are usually predicted upon a dissimilarity in the structure and composition of the two bodies." ***"The Federalist refers to the need of 'dissimilarity in the genius of the two bodies,' meaning distinction of rank and wealth. These have been effaced. One house is now said to be little more than the 'imitation-half' of the other."

A superior example of the reasoning by which the bicameral system was supported in the nineteenth century, and which will still suffice for the purpose, is found in Justice Story's "Commentaries on the Constitution," published in 1833; "The value, then, of a distribution of the legislative power between two branches, each possessing a negative upon the other, may be summed up under the following heads: First, it operates directly as a security against hasty, rash, and dangerous legislation; and allows errors and mistakes to be corrected before they have produced any public mischiefs. It interposes delay between the introduction and final adoption of a measure, and thus furnishes time for reflection, and for the successive deliberations of different bodies, actuated by different motives, and organized upon different principles.

"In the next place, it operates indirectly as a preventive to attempts to carry private, personal, or party objects, not connected with the common good. The very circumstance that there exists another body clothed with equal power, and jealous of its own rights, and independent of the influence of the leaders who favor a particular measure, by whom it must be scanned, and to whom it must be recommended upon its own merits, will have a silent tendency to discourage the efforts to carry it by surprise, or by intrigue, or by corrupt party combinations. It is far less easy to deceive, or corrupt, or persuade two bodies into a course subversive of the general good, than it is one; especially if the elements of which they are composed are essentially different.

"In the next place, as legislation necessarily acts, or may act, upon the whole community, and involves interests of vast difficulty and complexity and requires nice adjustments and comprehensive enactments, it is of the greatest consequence to secure an independent review of it by different minds, acting under different and sometimes opposite opinions and feelings; so that it may be as perfect as human wisdom can devise. An appellate jurisdiction, therefore, that acts and is acted upon alternately, in the exercise of an independent revisory authority, must have the means, and can scarcely fail to possess the will, to give it a full and satisfactory review. Everyone knows, notwithstanding all the guards interposed to secure due deliberation, how imperfect all human legislation is, how much it embraces of doubtful principle, and of still more doubtful utility; how various and yet defective, are its provisions to protect rights and to redress wrongs. Whatever, therefore, naturally and necessarily, awakens doubts, solicits caution, attracts inquiry, or stimulates vigilance and industry, is of value to aid us against precipitancy in framing or altering laws, as well as against yielding to the suggestions of indolence, the selfish projects of ambition, or the cunning devices of corrupt and hollow demagogues. For this purpose, no better expedient has, as yet, been found, than the creation of an independent branch of censors to revise the legislative enactments of others, and to alter, amend or reject them at its pleasure, while, in return, its own are to pass through a like ordeal.

"In the next place, there can scarcely be any other adequate security against encroachments upon the constitutional rights and liberties of the people. Algernon Sidney has said with great force, that the legislative power is always arbitrary and not to be trusted in the hands of any who are not bound to obey the laws they make. But it is not less true that it has a constant tendency to overleap its proper boundaries from passion, from ambition, from inadvertence, from the prevalence of faction, or from the overwhelming influence of private interests. Under such circumstances, the only effectual barrier against oppression, accidental or intentional, is to separate its operations, to balance interest against interest, ambition against ambition, the combinations and spirit of dominion of one body against the

like combinations and spirit of another. And it is obvious that the more various the elements which enter into actual composition of each body, the greater the security will be.

"Such is an outline of the general reasoning by which the system of a separation of the legislative power into two branches has been maintained. Experience has shown that if in all cases it has not been found a complete check to inconsiderate or unconstitutional legislation, yet that it has, upon many occasions, been found sufficient for the purpose. There is probably at this moment but a single State in the union which could consent to unite the two branches into one assembly, though there have not been wanting at all times minds of a high order, which have been led by enthusiasm, or a love of simplicity, or a devotion to theory, to vindicate such a union with arguments striking and plausible, if not convincing."

Of course you will instantly identify that portion of Judge Story's reasoning which today is obsolete by reason of passing of the conditions to which it is applied. You will also observe the emphasis laid upon the essential differences or elements of which it is assumed the two houses must be composed—"different bodies, actuated by different motives, and organized upon different principles." Consideration of the argument which includes this assumption must not be forgetful of the certainty that no political architect would not seriously suggest an upper legislative chamber not chosen by the people or which was put beyond democratic control. The power of such a house would soon decline, its coordinate authority would cease to exist, as in the fate of the British House of Lords, and abolition or reform would be demanded. "To suppose," says Goldwin Smith, "that power will allow itself in important matters to be controlled is vain."

Among present day students of government there may be said to be unanimous agreement that a simpler, more straightforward, more efficient legislative system must be evolved or the entire governmental structure will be seriously threatened. It is everywhere apparent that under the prevailing plan the fundamental process in government —that of determining the policies of the State—does not and cannot effectually function. Since the state exists to perform certain services for its citizens, if the organ which decides what services are to be undertaken, and how they are to be accomplished, fails to fulfill its purpose, then the government falls short of success.

The belief is widespread, among authorities of recognized ability, learning and integrity, that the chief weakness of the legislative system in use throughout the States of the Union, lies in its bicameral feature —a feature which, if history is to be believed, owes its existence to historical conditions and chance rather than to "considerations of utility, efficiency, or protection against the despotism and tyranny of single chambers," and has survived, in the words of Dr. Mathews, simply because" a habit of thought, once definitely acquired, is not easily thrown off, even after the occasion for its existence has disappeared." James W. Garner, in "Political Science and Government", has expressed the view that but for the necessity to accord special representation in a special chamber to privileged aristocratic classes, both in England and on the continent — and he might have added, for reasons exactly the reverse in the colonies—"it is by no means certain that second chambers would ever have been provided for." That conservative publication, Encyclopedia Brittanica, says: "the double chamber was originally more a fortuituous product of English political revolution than the application of any reasoned principle of parliamentary machinery."

While the requirements of State government were comparatively simple and legislative problems not highly complicated, criticism of the two-house system scarcely made itself heard. But the past few decades have been marked by a rapidly growing distrust of State legislatures, with which has arisen articulate criticism of the bicameral plan. This development was both inevitable and logical, for with the legislative systems everywhere groaning and bending, and all but breaking under the burden of increasingly complex social, economic and political problems, and their inefficiency bared to the nation's gaze, there was nowhere to point the finger of blame but at the legislative system in vogue in every State. The situation is expressively stated by Prof. J. A. C. Grant, of the University of Cal. in Los Angeles, in his valuable

thesis on "The Bicameral Principle in the California Legislature," in these words: "Few organs of government have suffered a more complete loss of caste than has fallen to the lot of the California legislature. That loss of caste has taken place under the bicameral plan." Under existing circumstances an indictment of legislatures generally throughout the country can only be an indictment of the system under which they labor.

A review of the criticisms directed at the two-house system reveals a wholesale and practically categorical rejection of the reasoning which has been employed in its support. Summed up, charges against the system fall into four parts:

First, The bicameral plan owes its existence to nothing more substantial than historical accident. Inasmuch as the historical reasons have long since passed away, it can no longer be defended upon such grounds. Granting that the bicameral system in the colonies, as is frequently stated, was a conscious adoption of the system of the mother country, then, as the breakdown of the English class system, out of which the bicameral system developed, has eventuated in the practical break-down of the two house plan in England, so also the passing of the aristocratic class, which in our won colonies and young States afforded a justification for two differently constructed houses, removes the principal excuse for retention of the bicameral plan in this country. To paraphrase a well known theory of law, the reason for the rule having ceased, the rule should cease.

Second. The claims of virtues that are made for the two-house system are not well founded, or are based upon conditions which do not now exist. (a) The claim that it affords a check on hasty, ill-considered, carelessly drawn legislation is sufficiently answered by reference to the legislation which the system has turned out. It is the prevalence of this very class of legislation which has brought discredit upon State legislatures, and caused adverse criticism to attach to the system under which it is produced. (b) The suggestion that it is more difficult to corrupt a two-house body will not withstand the most casual analysis. Corrupt forces desiring to negative proposed legislation find their way made twice as easy when it is necessary to influence only one of two houses, and either one at that. They have two chances to succeed against one to fail. On the other hand, sinister interests seeking affirmative legislation find it simple to accomplish their purpose when responsibility may be shifted from one house to the other and divided among a large number of members. Confusion, complicated procedure, and division of responsibility are instruments made to order for "putting something over." The spotlight of publicity on the acts of a few men is not the atmosphere in which corruption thrives. (c) The claim that two houses allow a division of the special functions of the legislatures lacks force because it lacks importance. Historically, these special functions are the right to introduce appropriation bills, to act on nominations by the chief executive, and to bring and try impeachment proceedings. As to the first function, the contention of the colonists that the lower house, the members of which were chosen by the people, upon whom the taxes fell, should have the exclusive right to introduce tax bills, no longer has weight, since both houses are now chosen by the same electors. As to the second function, that of acting on the Governor's nomination, it is virtually a dead letter, usually a farcical proceeding which, if it had any validity, could as well be performed by one house as another. As to the third function, impeachments are exceedingly rare, and might be provided for in any number of ways as efficient as the present political arrangement, and more just.

Third. The claim that two houses are essential to the theory of checks and balances will not stand. The theory itself is no longer sacrosanct. Loyalty to an ancient fetish, whatever efficacy it may have seemed to possess in another day and under other conditions, is no longer looked upon as one of the higher virtues. When almost unlimited authority was vested in the legislature, the fear that it might seek to accumulate all of the governmental powers in its own hands, and that this danger might be lessened by its division into two differently constituted parts, was perhaps not illogical, but with the legislature surrounded as it is today by whatever constitu-

tional restrictions the people choose to impose, by the power of the Governor to veto, of the courts to interpret, and of the people to pass upon its acts, legislative usurpation is a peril as extinct as St. George's dragon. What is needed now is a legislature of greater capacity, force and virility, not an organ toneless, feeble and impotent.

Fourth. Whatever safeguards are sought through the medium of the bicameral system may be provided by other means, while avoiding the evils of the two-chamber plan. (a) If the curbing of undue haste, the prevention of precipitate and ill-considered legislation, time for reflection, and opportunity for deliberate consideration, are sought, as they should be, this may be more certainly assured by judicious constitutional rules of procedure. John Stuart Mill, a supporter in his day of the then popular theory of two houses, said: "I attach a little weight to the argument often urged for having a second-chamber—to prevent precipitancy and compel a second deliberation; for it must be a very ill-constituted house in which the established forms of business do not require more than two deliberations. (b) If careful scrutiny of the form of proposed legislation, to prevent errors and mistakes, is sought, as it should be, a double, triple, or quadruple scrutiny may be secured through the medium of experienced assistants, far more effectively than through any number of houses. (c) If, as James Bryce says, "the necessity of two chambers is based on the belief that the innate tendency of an assembly to become hateful, tyrannical, and corrupt, needs to be checked by the coexistence of another house of equal authority" (and probably, we might interject, no less hateful, tyrannical, and corrupt than the other) that check is provided, as has been stated, in triple form, in the powers of veto which have been conferred upon the executive, assumed by the courts, and reserved by the people to themselves.

Mr. ASHBY of Aroostook: Mr. President, I move that we adjourn.

The PRESIDENT: The Senator from Aroostook, Senator Ashby, is not in order. The Senator from Waldo, Senator Fernald, may proceed.

Mr. FERNALD (resuming):

The testimony of a number of widely read authorities on political science, an authentic class of testimony which might be considerably multiplied, will shed additional light upon the subject we are discussing.

Professors Frank G. Bates and Oliver P. Field, in their text-book on "State Government" point out that "under the present arrangement it is difficult and sometimes impossible for the public to follow the progress of measures through the mazes of procedure and to fix responsibility for results. * * * * Evasion of responsibility for action, or inaction is made easy in a sort of legislative shell game in which a measure is passed rapidly back and forth between the two houses under the pretense of minor amendments, until the interested citizen is quite unable to locate it, when, perhaps, it has come quietly to rest in the pigeonholes of a committee. The result is that a meritorious bill is delayed, whether by deliberate intention or otherwise, and fails to reach a final vote. It is not uncommon for one house to pass a popular but unwise measure leaving to the second house the dilemma of passing an undesirable act or of incurring popular disapproval. By disagreeing upon some minor point in a bill it is possible to have it sent to conference committee. There behind closed doors the bill may be altered in a material way, and reported back and passed without due consideration in the confusion of the closing hours of the session."

Prof. Wm. Bennett Munro, in his well known work, "The Government of the United States," says: "The bicameral system in the State legislature is retained from force of habit and out of respect for tradition. The arguments in its favor, when soberly reflected upon, are not of great weight. A study of the facts and figures does not show that the system possesses the merits which are commonly attributed to it. On the other hand the division of legislative authority has some serious defects. It increases the cost and the complexity of the lawmaking machinery; it facilitates and even actively encourages the making of laws by a process of compromise, bargaining and log-rolling; it compels all legislative proposals to follow a circuitous route on their way to final enactment; it provides

countless opportunities for obstruction and delay; and it makes easy the shifting of responsibility for unpopular legislation. Bills are often passed by one chamber with intent that they shall be 'put on the spot' in the other, as per an understanding reached beforehand. Finally the double-chamber system has proved a barrier to the planning of the laws. There may be some degree of leadership and planning in each house, but rarely is there any coordination of the work in both chambers."

"The bicameral system," according to Dr. John Mabry Mathews, professor of political science in the University of Illinois, "has sometimes been defended on the ground that it prevents hasty and ill-considered legislation and that each house will remedy the defects in legislation passed by the other. Consideration of the same bill by two houses, however, does not necessarily insure more careful consideration than would be given by one house. Each house may expect the other to correct its errors of haste and judgment, whereas if there were but one house, greater care would probably be taken because the action on every measure would be of more consequence. The bicameral system, by complicating the process of legislation, tends to distract public attention and interest and enables legislators to evade responsibility."

Arthur N. Holcombe, professor of government in Harvard University, who reports in his volume, "State Government in the United States," the results of an intensive study of the bicameral system in New York and Michigan, declares that "The bicameral system enables unrepresentative or corrupt legislatures to defeat by chicanery legislation which they would not have the courage to defeat openly. It enables the 'organization' to divide the responsibility for unpopular work between two sets of committees."

Dr. John Mabry Mathews adds to his testimony before quoted by saying that "in spite of the good work which the legislatures sometimes perform, and entirely aside from its natural and unavoidable weaknesses, there is little doubt that its organization and methods are defective * * *. It is enveloped in a cloud which the searchlight of public opinion can often scarcely penetrate; its organization and procedure are so complicated as to afford little definite lodgment for the salutary rays of publicity. It cannot be expected that the legislature will be efficient unless it is so reorganized that able men are drawn to its membership and given larger powers both individually and collectively, nor can it be expected to act under a sense of public responsibility unless its organization and methods of procedure are so simplified as to attract the interest and intelligent attention of the mass of people."

Finally, according to Frederic A. Ogg, professor of political science in the University of Wisconsin, and his collaborator, P. Orman Ray, professor of political science in the University of California, in the standard text-book, "Introduction to American Government," "it is not easy to avoid the conclusion that the value of the bicameral system, as a means of setting up an addition hurdle over which the legislative measures must pass before becoming laws, is hardly sufficient to warrant its retention, in view of the positive evils which accompany, and in some instances are inseparable from that system."

Throughout all of the criticisms quoted and many others which might be cited, runs a strong emphasis upon the lack of responsibility which characterizes the two-house system. Referring to Woodrow Wilson's statement that the processes of government should be a "straightforward thing of simple method, single, unstinted power, and clear responsibility, Prof. Holcombe declares that "the division of the legislature into two separate houses makes the process of legislation less straightforward. It stints every power of the legislator except that to evade responsibility."

On the importance in governmental affairs, of being able to fasten responsibility where it belongs, James Bryce, in his classic work, "The American Commonwealth," makes the following interesting observations: "That the supervision and criticism may be effective, it must be easy to fix on particular persons, the praise for work well done, the blame for work neglected or ill-performed. Experience shows that good men are the better for a sense of their responsibility and ordinary men useless without it. * * * * The American plan of dividing powers, eminent

as are its other advantages, makes it hard to fix responsibility. * * * In the legislature there is no one person or group of persons on whom the blame due * * * * can be laid. Suppose some gross dereliction of duty to have occurred. The people are indignant. A victim is wanted, who, for the sake of example to others, ought to be found and punished, either by law or by general censure. But perhaps he cannot be found, because out of several persons or bodies who have been concerned, it is hard to apportion the guilt and award the penalty. * * * * Where a State legislature * * * * has misconducted itself, the difficulty is still greater because party ties are less strict in such a body, proceedings are less fully reported and both parties are apt to be equally implicated. * * * * Not uncommonly there is presented the sight of an exasperated public going about like a roaring lion, seeking whom it may devour, and finding no one."

Stated in tabloid form, the testimony of these distinguished commentators is to the effect that the two-house legislative system is overly complicated; that by confusing processes it distracts public attention and interest, and makes impossible the fixing of responsibility; that by compelling bills to follow a circuitous course it causes, intentionally or otherwise, the obstruction, delay, and failure of meritorious measures, and, through the device of conference committees, permits the passage, during the turmoil and tumult of closing sessions, without due consideration of materially altered bills; that by making easy the evasion of responsibility and the shifting of responsibility from one house to another and one committee to another it lends itself to corruption, encourages bargaining and log-rolling, makes possible unholy arrangements and understandings to deceive the public, and enables corrupt legislatures to defeat by chicanery legislation they would not have courage to defeat openly; that it is a barrier to the intelligent and coordinated planning of legislation; that it increases the cost of the law-making machinery, and finally, that it is retained only from force of habit.

The task remains of appraising the qualities of the one-house or unicameral system, from the point of view of its champions. Inferentially, many of its assorted virtues are disclosed by the criticism of the two-house system which have heretofore been set forth. Specifically, a brief statement of its advantages would contain these points:

1. Its processes are simple, straightforward, direct and open.

2. This results: (a) in clearer, more comprehensible and increased publicity and renders the entire legislative proceeding cleaner and freer from suspicion; (b) excites the interest and attention of the public; (c) makes possible the definite fixing of responsibility for action or inaction; (d) prevents the clouding of issues and eliminates occasion for jealousy, friction, deadlocks and reprisals between the houses, and permits the disposal of questions on merit instead of on pique, passion and prejudice; and (e) puts an end to shifty practices by which duplicate houses, committees and sets of political leaders can accomplish improper objects and evade accountability for their acts.

3. It increases legislative efficiency, makes for more prompt and more decisive action, does away with conference committees, and lessens the occasion for vetoes caused by improperly drawn bills.

4. It increases legislative integrity by making each member more conspicuous and more important, and by focusing the spotlight of public supervision upon his acts.

5. It makes for legislative economy by reducing the top-heavy membership, systematizing the organization, and eliminating waste.

6. The reduction of membership, by reducing operating costs, converting the legislature into a deliberative body, encourages freedom of discussion—natural, unstrained discussion—and unhurried, calm consideration; removes the most potent cause of log rolling and vote-swapping, reduces the number of bills by removing the necessity for hurried and thoughtless introductions and by enlarging the opportunity for study, and perhaps most important of all, sweeps away the evil of vicious last-hour rushes.

7. It attracts the best talent, through its promise of constructive results in return for earnest, capable effort, and by making the office of legislator as important as that of congressman, judge, or executive.

Not adding to, but embraced within the above points, in the language of one writer, "it brings the legislature closer to the people." "The legislature of today,"

he asserts, "is as remote from the people as is possible to be. The people may rage and storm over some bill that has been passed or turned down, but the individual members are shielded from blame by the simple fact that each member is lost in the shuffle."

* * * * *

A brief elaboration of certain of the points suggested above, in the words of well known students of government, may be helpful:

A study conducted by the political science department of the University of Oklahoma resulted, among others, in the following conclusion: "A single, small, continuous, and capable legislature would be an immense improvement on the present system. It could give us the benefit of all other legislative experiments, which is now impossible. We cannot afford to keep a large bicameral legislature in session long enough to do efficient work; the cost is too great. We need fewer bills and more study. We can't afford more study because we have too many salaries to pay; the legislature is too large; fewer men could remain in continuous session with less cost than a large legislature for a short session. We must have fewer men and have them serve longer. The purpose of a legislator is not to get a grab at the public treasury for his constituents but to legislate for the whole people. And no better way offers to get rid of the conception of the function of a legislator that he is to steal as much as possible from the State for the benefit of his county than to reduce the size of the legislature."

Vermont adopted a constitution in 1777 which provided for a unicameral legislature. The legislative body was organized the following year and, from that time until 1836, a period of fifty-eight years, the state retained its unicameral scheme of legislative organization.

The scheme of government provided by the constitution of 1777 was not, in all probability, one which would be adopted by any state today. It contained important imperfections which, unfortunately, were not eliminated prior to the abolition of the unicameral scheme. Representation in the legislative body was based on the principle of town equality. The legislative body was large and cumbersome. Due to the then prevailing distrust of governors, executive power was placed in a council (Governor and Council) elected at large. This council was given (after 1785) a suspensory veto over legislation, which permitted it to prevent the passage of any bill into law until the next session of the Legislative body. Censorial power over the agencies of government, including the power to propose amendments to the constitution and to call constitutional conventions for their adoption was vested in another council (Council of Censors) likewise elected at large.

Competition for extension of authority early developed between the House of Representatives and the Governor and Council. Each was grasping for power—jockeying for position.

This was particularly noticeable in the field of legislation. The Governor and Council was persistent in its attempts to extend the sphere marked out for it in this field. The Council of Censors, representing, presumably, approximately the same constituency as the Governor and Council, was also persistent in its demand for the creation of a second legislative chamber with powers approximately equal to those of the first.

This competition between the House and the Council in the field of legislation was especially keen after 1812 and reached a climax in 1826, when the House repassed a bill, which had been suspended by the Council at the preceding session, and declared it to be law without submission to the Council. The Council then instructed its secretary to keep suspended bills in his possession, subject to the order of the Council at its next session.

In declaring this bill to be law without submitting it to the Council, the House deviated from what had been accepted practice during the previous twenty-eight years, but it was merely neglecting to perform what had always been regarded as a courtesy; it was acting in accordance with the laws of the state and in accordance with what had been accepted practice during the first twelve years that the Council had the power to suspend the enactment of laws, under the existing provisions of the constitution.

In asserting that it had the right to keep suspended bills in its possession, subject only to its arbitrary authority, the Council was apparently asserting its right to an absolute and unqualified veto over

legislation. If it had actually possessed such power, it would practically have been to all intents and purposes a second legislative chamber with legislative powers equal to those of the first. However, the Council was not permitted to carry its will into effect and thereafter, when the House repassed a suspended bill, it was declared to be law without reference to the Council.

The Censors of 1827 and 1834 took up the cudgels of the Council more strenuously than ever before. Then, for the first time, in their effort to secure the adoption of the bicameral system, they used an argument dealing with alleged wrongdoing by the House. They contended that the House had usurped authority belonging to the Council. The argument was entirely fallacious and was apparently not given any serious consideration by the people of the state at the time of the constitutional convention of 1828. It, however, was given much emphasis by the Censors of 1834 and by the proponents of the new scheme in the constitutional convention of 1836.

But the censors of 1834, were aided in their fight by an additional local grievance. They urged, but obviously without a great deal of emphasis, that certain county officers be henceforth elected by popular vote instead of election by joint meeting of House and Council on the ground that "improper" methods "almost necessarily" developed under the existing scheme of election. They did not in any way connect their argument for these amendments with that for the amendment to substitute a senate for the Council. Moreover, they did not propose to alter the method of election of the Governor or the Lieutenant Governor.

(At this point the Hon. Hodgdon B. Buzzell, former President of the Senate, was escorted to the seat at the right of the President, amidst the applause of the Senate, the members rising.)

Nevertheless the state did experience considerable difficulty in the early thirties in electing the Governor and Lieutenant Governor. There were three major political parties in the state and no candidate for either of these offices was ordinarily able to secure a majority of the popular vote in the regular election and, as a result, the election of these officers usually occurred in the joint meetings of the House and Council. The following table, showing the candidates elected and the number of ballots taken in Joint Committee in this period in the various attempts to elect a governor, indicates how serious the problem was.

Candidate elected, S. C. Crafts; party affiliation, National Republican; number of ballots taken, 32; year, 1830.

Candidate elected, W. A. Palmer; party affiliation, Anti-Masonic; number of ballots taken, 9; year, 1831.

Candidate elected, W. A. Palmer; party affiliation, Anti-Masonic; number of ballots taken, 43; year, 1832.

Candidate elected, W. A. Palmer; party affiliation, Anti - Masonic; number of ballots taken, 0; year, 1833.

Candidate elected, W. A. Palmer; party affiliation, Anti-Masonic; number of ballots taken, 1; year, 1834.

Candidate elected, none; number of ballots taken, 63; year, 1835.

William A. Palmer was the candidate of the Anti-Masonic party every year during this period (1830-1835). He secured a majority of the popular vote in 1833 and a plurality of the vote in the popular election and in Joint Committee in 1835, though he failed to obtain the election in the latter year, Silas H. Jennison who had been elect-lieutenant - governor, being permitted to serve out the term. He (Palmer) was elected on the first ballot in Joint Committee in 1835, though he failed to obtain the election in the latter year. Silas H. Jennison, who had been elected lieutenant-Governor, being permitted to serve out the term. He (Palmer) was elected on the first ballot in Joint Committee in 1834, because the opposition parties, anticipating the disintegration of the Anti-Masonic party and the possibility of reaping political advantage, threw a considerable portion of their strength to him. The attitude of these opposition parties was apparently changed in 1835, for they seemed determined that Palmer should not be elected. They may have been attempting to force the break-up of the Anti-Masonic party. At any rate, there was an apparent result, as the Anti-Masonic party

did not again place candidates in the field in a general election in Vermont.

The Anti-Masonic movement was probably an important factor in the elimination of Vermont's unicameral legislature. With the existing multiple-party system, operating under a scheme of government such as Vermont then had, efficient and responsible government was not possible, though, of course, the substitution of a bicameral for the existing unicameral legislature would certainly not improve the situation. It was apparently understood that for at least two years prior to the session of the legislature, in 1835, that the Anti-Masonic party would soon be eliminated from participation in the political affairs of the state. A majority of the people were apparently not in sympathy with the Anti-Masonic movement, but the existence of the Anti-Masonic party had prevented the election of a governor in 1835. There were other lines of division, of course, but the people of the state were pretty definitely lined up either for or against the Anti-Masonic movement and the lines were tightly drawn. There was intense feeling in the state throughout the development of this movement. Moreover the people were very bitter over the failure of the Joint Committee to elect a governor in 1835 and were, therefore, in excellent mood to accept the contention of the Council-of Censors that there was something wrong with their frame of government and to act accordingly.

Some idea of the intensity of feeling which developed in the state as a result of the Anti-Masonic movement is shown in the following quotation: "The Anti-Masonic movement spread with great rapidity in Vermont, and Caledonia county was the center of activity in New England. It is difficult to realize the extent of the disturbance caused throughout the state by this political development. The 'History of Woodstock' declares that 'the animosities engendered by the strife reached every family; they penetrated even the sanctuary and were attended with an exhibition of personalities such as the lover of sobriety and good order in society may hope never to see repeated.' In some instances clergymen who were Masons were compelled to leave their parishes, not being allowed to enter churches. Families and churches divided. Elsewhere Masons were excluded from jury service and from important town offices. At a funeral held in Danville, relatives who were Masons occupied one room and their opponents another. One faction stood on one side of the grave, and the other on the opposite. . . . ."

The Censors of 1834 submitted their proposed amendments to the people of the State on January 15, 1835, and, on the following day, issued the call for the convention to meet on January 6, 1836. The newspapers of the State were practically unanimous in their opposition to the adoption of the bicameral system prior to the time when the Joint Committee of 1835 decided to discontinue its efforts to elect a governor and equally unanimous in support of the adoption of that system after that time. The only argument which these newspapers advanced in support of the new scheme was that it would eliminate bargaining for office. The legislature adjourned on November 11, 1835, and the delegates to the convention were elected six days later. The people of the state were aroused and it was natural that their intense feeling should find expression in the election of delegates favorable to the proposed change in their legislative organization.

In acquiescing in the change to the bicameral system in 1836, the people of the state were accepting the advice of respected leaders. There is no reason for believing that the change proposed would correct the evil of which they complained and one cannot help wondering, therefore, why those leaders, including the Councils of Censors insisted upon the change.

In Vermont, as in other states, there had been a great development in the number and activities of state banking institutions during the administrations of Andrew Jackson. These banks were not seriously regulated prior to 1836 and the leaders in their development must have realized that the time was not far distant when restrictive legislation would be enacted. There is some evidence that bankers were active in support of the change to the bicameral scheme in the convention of 1836 and they may have been active among the newspapers and elsewhere during the campaign leading to the convention. It is

true that it would have been much easier for them to control a house of thirty than one containing more than two hundred members. In a bicameral legislature, it would have been necessary for them to block legislation in only one of the chambers and responsibility for failure to enact desired legislation could very easily have been shifted and nullified. Moreover, the scheme of election by counties of the members of the proposed second chamber was one which would probably result in the election of candidates from the more populous centers, i. e. the places where the more influential banks were located.

It seems reasonable to assume that there must have been some such influence working behind the scenes. Otherwise, it is exceedingly difficult, to say the least, to understand the almost complete change in the attitude of the newspapers of the state on the questions of adopting the bicameral system or the repeated refusal of the convention of 1836 to consider the report of its credentials committee until after it had voted to adopt the bicameral system on January 9 and had refused to reconsider that vote on January 11. It must be assumed that the writers of articles in the newspapers of the state during November, December and January (1835-1836) knew that logrolling and bargaining for public offices could not be eliminated by substituting a senate with legislative powers co-ordinate with those of the House for the existing executive council.

Mr. BURNS of Aroostook: I will ask the distinguished Senator from Waldo, Senator Fernald, if he will yield to me for the purpose of asking him a question.

The PRESIDENT: The Senator from Aroostook, Senator Burns, asks that Senator Fernald yield for the purpose of answering a question. Does the Senator care to yield?

Mr. FERNALD: Mr. President, I do not choose to yield to answer a question.

It seems apparent that there must have been an effective organization functioning among the proponents of the bicameral scheme, for it is otherwise difficult to understand why the convention in the face of insistent demand from the floor, knowing that a considerable number of the delegates were without proper credentials should have refused to consider the report of its credentials committee.

It was under these circumstances and probably primarily for these reasons — though undoubtedly the remaining arguments advanced by the Council of Censors were, in some small measure at least, contributing factors—Vermont did decide by a vote of 116 to 113 to abandon the unicameral scheme of organization for its legislative body.

A careful study of the nature of Vermont's unicameral legislature when in actual operation and of the results obtained by that institution for the people of the state in the light of the arguments that have been advanced in favor of unicameral legislatures generally and of Vermont's unicameral legislature in particular and in the light of arguments that were advanced in favor of the bicameral system by leaders of Vermont has revealed much to support the advocates of the unicameral system and practically nothing to encourage the proponents of the bicameral scheme.

An analysis of the nature of Vermont's unicameral legislature gives very little reliable information on which to weigh the relative merits of the unicameral and bicameral systems. Neither system had any real advantage over the other in the distribution of the ages of the legislators. The figures show that the unicameral legislature had a higher percentage (8.62 per cent higher) of legislative experience among its members than did the bicameral legislature which succeeded it, but this may be due to causes which it is impracticable to measure.

Mr. BISSETT of Cumberland: Mr. President, may I have the privilege of asking a question through the Chair of the Senator from Waldo, Senator Fernald.

The PRESIDENT: The Senator from Waldo, Senator Fernald, has the floor. He may yield if he wishes.

Mr. BISSETT: I wish to ask a question that is all, Mr. President.

Mr. FERNALD: I still do not choose to yield.

The advantage seems to lie definitely on the side of the unicameral legislature on the question of the length of the legislative sessions, if the time consumed in conflict between the House and Council and in electing state and county officials be eliminated. The two houses of the bicameral legislature really

checked each other, but this is not necessarily an advantage, since the value of the check should be determined by the type of bills rejected and the quality of the laws enacted rather than by the number of amendments and rejections.

The people of Vermont apparently received decidedly more benefit from the unicameral legislature than they did from the bicameral legislature. The laws were more stable and the cost of government was less under the old system than under the one which replaced it. The public laws of the state were 98.07 per cent more stable and the private laws of the state were 85.45 per cent more stable in the ten years (1826-1835) before the change to the bicameral legislature than they were in the succeeding ten years. Even if the figures for the one particularly bad year (1839) under the bicameral system in the period studied be eliminated from this calculation, the unicameral legislature still had a very definite advantage, the corresponding figures being 22.12 per cent and 97.83 per cent for the public and private laws, respectively.

Similarly, the public laws of Vermont were 53.03 per cent and the private laws of Vermont were 686.12 per cent more stable in the ten years (1826-1836) preceding the change to the bicameral system than were the corresponding classes for New Hampshire in the same ten-year period. Such a comparison is not fair, however, because the exceptionally high trend of the New Hampshire curves for private legislation in the last three years is due to the enactment in the early forties of general laws regulating corporations. This was undoubtedly wise legislation and New Hampshire should not be penalized for it. But, if the figures for New Hampshire for these three years be ignored, the unicameral legislature of Vermont still had a very real advantage, the public and private laws of Vermont being 64.64 per cent and 159.03 respectively, more stable than were the corresponding classes of laws enacted by the bicameral legislature of New Hampshire in the period studied.

But the proponents of the bicameral system repeatedly and consistently insisted that stability of laws be accepted as a criterion for determining their quality. They apparently felt that, if adequately wise judgment were exercised in the enactment of laws, frequent changes in those laws would not be necessary. While this standard may not be considered sufficient, it is, nevertheless, a tangible unit of measurement and, judged on this basis, the quality of the laws enacted by the unicameral legislature of Vermont was clearly superior to that of the laws enacted by the bicameral legislatures of Vermont and New Hampshire in the period studied. Moreover, the bills passed by one house and rejected by the other under the bicameral scheme in Vermont do not seem to be radically or even seriously different in their general nature and purpose from those which were being enacted into law from year to year under that scheme.

The average annual total cost and the average annual per capita cost of the state government in Vermont were 34.6 per cent and 20.6 per cent, respectively, higher in the ten years after the change to the bicameral system than they were in the preceding ten years. However, the highest single item of cost in this period was the expenditure, for the new state capitol and since this was an extraordinary expenditure, it seems only fair that it be ignored in these calculations. If this item of expenditure be eliminated from consideration, the average annual total cost and the average annual per capita costs of the state government were 52.1 per cent and 35.9 per cent, respectively, higher during the first ten years under the bicameral system than they were during the last ten years under the unicameral system.

It may possibly be contended that, with increasing population and increasing complexity of governmental problems, the cost of government ought to increase and, therefore, that these figures are not significant. It is true that the cost of the state government was gradually increasing during the last ten years under the unicameral legislature, but that increase was not enough to justify the expenditures of the next ten years. Ignoring the expenditures for the state capitol, the average annual cost of the state government during the last ten years (1826-1836) of the unicameral legislature was only 29.8 per cent higher than it was during the preceding ten years (1816-1826). Comparing this figure with the corresponding one (52.1) per cent for the next decade (1836-1846) the rate

of increase in the cost of the state government was 74.8 per cent high under the bicameral legislature than it was under the unicameral legislature.

Moreover, the rate of population increase existing during the last ten years of the unicameral legislature did not continue through the next ten years. In fact, that rate of increase decreased 40.6 per cent. Also, there was a financial depression after 1839 which should have increased the value of the dollar and at the same time decreased the cost of state government somewhat. Besides, the state received a considerable sum of money from the federal government in 1837. This money, ($669,086.79) was practically all turned over to the towns of the state and probably eliminated many items of expenditure which the state might otherwise have been expected to meet.

There is very little evidence to support the remaining arguments of those who advocated the adoption of the bicameral system by Vermont. There is no evidence that the action of the bicameral legislature was less hasty or less unwise than that of the unicameral legislature. On the contrary, the records show that its action was probably less wise, if not more hasty, than that of the unicameral body.

As to the argument that Vermont should adopt a system which all of the other states and the United States were using, it is sufficient to point out that, in so far as the state based its action on that argument, it was not standing on its own feet. Moreover, the sufficiency of the bicameral system may reasonably be questioned in view of the recent evident dissatisfaction with that system in several of the states.

It is true that the obvious inequality of representation in the legislative body was corrected somewhat by the addition of a house in which membership was apportioned on the basis of population. The obvious way to accomplish that result, however, was not by the creation of a second chamber, but by a redistribution of seats in the chamber which already existed. Equality of popular representation in one chamber alone would not help greatly to correct inequality of representation when the will of the people as represented in that chamber could not be enacted into law without the concurrence of another chamber in which that equality of representation did not exist. It is significant that, in the campaign to secure a more fair distribution of representation (1785-1836) no Council of Censors, except the one of 1785, gave the people of the state an opportunity to adopt a different scheme of representation without at the same time attaching a second chamber to the proposal.

One of the principal arguments for the adoption of the unicameral system, recently used in a number of the states, is that a second chamber does not provide any serious check upon legislative action, because the two houses are usually controlled by the same political party. It seems, therefore, that the contention that the establishment of the bicameral system would eliminate "the baneful effects of heat and party spirit" is without serious foundation. Moreover, this was a period when political parties were being developed in the state. It was a period of alignment and realignment of political affiliation. The situation did not become stablizied until after the election of 1835, and there is no evidence that the establishment of the bicameral system, was in any way instrumental in securing that end. Doubtless, there was much political strife in the process of adjustment, but there is no evidence that that strife, is inherent in the unicameral system.

It is theoretically true that a shorter ballot was secured by the substitution of a senate apportioned among the c o u n t i e s on the basis of population for an executive council elected at large. In practice, however, the political parties usually nominated, and the people elected one member of the Council from each county. Hence, as a matter of fact, a longer ballot was secured by the change, since the Senate adopted was more than twice the size of the Council.

It is difficult to see that the argument, that the way to correct the evil produced by the conflict between the Executive Council and the House of Representatives was to substitute a second legislative chamber for Executive Council, was more than a pretext to secure the establishment of the bicameral system. Obviously, the easiest and surest way to accomplish that result would have been to abolish the Executive Council without adding the second chamber.

The contention that the unicameral system is inherently vicious or

that it tends to produce anarchy finds no support whatever in the experience of Vermont with that system.

The argument that a simple scheme of legislative organization is not suited to a complex civilization is hardly in harmony with present-day theories of governmental organization. The demand today is for greater simplification, as shown by the movements for the short ballot, the reorganization of state administrative agencies, the city-manager plan of city government, etc., and yet our civilization is undoubtedly more complex than it was in 1836. It hardly seems reasonable, therefore, to assume that a more complex form of governmental organization is needed for a more complex civilization.

Mr. PINANSKY of Cumberland: Mr. President, I wish to rise to a question of personal privilege.

The PRESIDENT: The Senator may briefly state his question of personal privilege.

Mr. PINANSKY: My point is this, with great respect to my colleague, the Senator from Waldo, Senator Fernald, I am sitting here desirous of receiving the information which he undoubtedly is desirous of giving, but I am unable to hear what the Senator from Waldo (Senator Fernald) is saying. If he will pardon the suggestion, if he will speak more loudly I will deeply appreciate it as I am extremely interested in the question which he is discussing and I know that we all would like to get the knowledge that he undoubtedly would like to have us have so that we can vote intelligently upon the question at issue.

The PRESIDENT: The Senator from Waldo, Senator Fernald, has the floor.

Mr. FERNALD (resuming):

The claim that the House of Representatives had usurped legislative power given to the Governor and Council by the constitution and that the House of Representatives had not dared to take over that power while the persons who framed and adopted the provisions of the constitution which defined the relation between the House and the Council, in the enactment of law still lived had no factual foundation.

Judged in the light of the present-day use of the unicameral system and in the light of experience with that system in Vermont and elsewhere, the contention that the superiority of the bicameral system had been proved by the experience of all ages is interesting, but it has very little, if any validity. Certainly, there is nothing in the experience of Vermont, which justifies any such assumption of superiority.

While the arguments of those who advocated the adoption of the bicameral system in Vermont do not stand up well under searching investigation, the contentions of the Vermont leaders who opposed the change—(a) that the people were happy and prosperous, satisfied with the existing scheme and indignant because of the proposed change, (b) that the proposed change would eliminate the unicameral system which was the best feature of the existing constitution, (c) that it would increase the cost of government and the tax burden of the people, (d) that it would lengthen the legislative sessions without giving any compensating benefit (e) that it would remove the government farther from the people, (f) that it was not necessary to have a scheme of governmental organization like that of other states—appear to be amply justified.

In conclusion, this analysis of the unicameral legislature of Vermont gives support to the position taken by Sheldon Amos in 1883 when he said " . . . . It has already been laid down that there are conflicting interest to be represented in the legislature, two objects to be attained—one, that of their real and effectual representation; that of each being only represented in proportion to its importance relative to all other interests; so that every opportunity is provided for concessions and compromises, for personal sacrifices, and for a fine correlation of ends and means. Now, on behalf of all these objects—that is, of effective representation, harmonious co-operation, timely concession, apt adjustment, and habitual preference of the more pressing to the less pressing claims—a common discussion in one broadly representative chamber must surpass in value any series of discussions conducted first by persons having exclusively another order. When the two alternative courses are contrasted in this way, it seems almost absurd that there should be any doubt as to the side on which the advantage lies.

And what is here said of the superior value of having all classes of interests represented simultaneously instead of successively applies with no less force to the value of having various modes of thought, prepossessions and habitual standards of opinions, all brought to bear in all of the discussion of a measure, instead of having some exclusively recognized and enforced at one period of the discussion and the opposite or different ones exclusively recognized on a quite different occasion when the measure has reached a different stage. Nothing but the actual—and, so to speak, accidental—historical evolution of the British Houses of Parliament could have made that appear so natural and familiar which is, in fact, wholly alien to all principles of discussion as recognized in other fields of enquiry, and can never be part of a permanent political system. ***

In January 1935, Nebraska's State Senators and Representatives convened, held their noses with one hand, and, with the other, tackled the complicated task of legislating most of their jobs out of existence. In the November 6 election, the people of Nebraska voted to scrap their bicameral Legislature of 133 members and substitute for it a one-house Legislature which will have not less than thirty members nor more than fifty. It was to be made up of the lawmakers who met in January to arrange the details.

Naturally, the prospect displeases them. When the American Legislators' Association polled Nebraska's Legislators on the unicameral plan before Election Day, the State Senators voted "No" by about two to one, the State Representatives by four to one. Legistors of other states, and of the Federal Government, who also were polled by the Association, were similarly hostile to the one-house plan. Somehow or other, more legislators seem to think most legislators should keep their jobs and their salaries.

Professors of political science doubt it. Five hundred members of the American Political Science Assoc. asked their opinion of the one-house plan, approved it by nearly six to one. For the life of them, the legislators can not understand how the professors can be so stupid, not to say cruel and subversive. ***

The question arises at once: Why should we have two branches in a legislature?

We elect the members of both branches from the same classes of people; their qualifications are exactly the same; their official duties and jurisdiction are exactly the same. Why do we not apply the same principle in other lines of government or of business? Why do we not have two boards of directors for our banks? Why not have two sets of county commissioners to govern our counties? Why do we not have two boards of aldermen in our municipalities? In other words, why do we adhere to the two-branch legislature, and yet reject the principle in every other line of government and of business.

When we study the history of civilization we find that originally there was no such thing as a legislature. The king was supreme. When his reign became obnoxious and the people had improved themselves in education and had advanced in civilization, they gradually began to demand that representatives of the people should have something to say about government, and after many years of agitation the legislature emerged.

While our forefathers fought to overthrow the rule of Great Britain, yet in the establishment of a new government, they followed the mother country. The legislatures of our colonies and of our states, as well as our federal government were to a great extent copied after Great Britain. In those days England had a two-branch legislature, the House of Commons, elected by the people and representing the people, and the House of Lords, appointed for life by the King and representing the sovereign. The members of these two houses came from different classes; they represented different interests; their tenure of office was entirely different. Neither house could pass any law without the approval of the other; they constituted a check on each other. Under conditions then existing in England, where the different branches of the legislature represented different classes and were selected in different ways, there was some reason for two houses, but in this country we have but one class and both branches of our legislature represent the same class. There is no excuse

whatever for a double-branch legislature.

Opponents of the one-house legislature in our states always claim that two houses are necessary so that one may check upon the other, but when both branches have the same qualifications, are selected by the same people, and have the same jurisdiction, there is no reason or excuse for this checking process. At the close of every legislative session, in every state in the Union, after these checks and balances are posted, it will be found that the politicians have the checks, and the special interests have the balance.

We think we have two branches to our legislature, but as a matter of fact, we have three. There is no such thing as a two-branch legislature, without the third branch coming into the picture. This third branch is the conference committee, and it is the most powerful of the three. A bill must pass through both branches, usually called the senate and the house or representatives, in exactly the same form, word for word, before it can become a law. In cases where the senate and the house disagree upon the wording of any bill, the bill is sent to the third house—the conference committee. This conference committee, composed as a rule of three members of the house and three members from the senate, usually meets in secret. No record is kept of its proceedings. There is no roll call vote. Practically all important bills get into the conference committee, and unless the conference committee reaches an agreement, the bill is dead.

Mr. BURKETT of Knox: Mr. President, may I inquire if it is in order to have the pages bring us a lunch?

The PRESIDENT: The Chair will state it would be perfectly in order.

Mr. BURKETT: Then I move, Mr. President, that the pages be instructed to bring us up a lunch.

The PRESIDENT: The Senator from Waldo, Senator Fernald, may proceed.

Mr. FERNALD (resuming):

There is another thing about this conference committee which people do not understand. It is not an ordinary committee; it does not take up the bill and vote upon disagreements as the ordinary committee would do, and let the majority decide. Instead, the three members from the house control the house vote, and the three members from the senate control the senate vote, and the senate vote and the house vote in this conference committee must be exactly the same. If two of the three members of the conference committee from the senate do not agree, then, by the controlling of the senate vote, they have prevented an agreement of the conference committee. The same rule applies to the members of the conference committee from the house. This is the practice in many states.

Thus, we see that in vital legislation, in which the people are deeply interested, laws are defeated in secret without a record vote, and without a roll call vote, by two members of this powerful third house. It often occurs that these two members lay down certain conditions. In order to get any report, these conditions must be agreed to by the other members of the committee, and unless these conditions are agreed to, the bill is dead. In this way all kinds of jokers get into our laws, and the people are not able to place the responsibility upon the shoulders of those who are responsible for these jokers.

In an agreement is reached in this third house, and the bill is reported to the senate and the house. Then the members of the senate and the members of the house must accept the conference bill without a single change or amendment, or it is defeated and must go back to the conference committee, where it will either be killed for good, or other undesirable conditions attached, in order to get any law whatever.

These conditions exist in every legislature in the world composed of two branches. Members of the Senate and the House, therefore, when they are compelled to vote upon the adoption of a conference report, must take it as it is or let it alone. They must vote it up or vote it down. They must accept the bad, in order to get the good, or they must reject the good, in order to reject the evil. In a one-house legislature, none of these things can happen, for the very good reason that there is no such thing as shifting the responsibility from one house to the other, or to this third house, known as the conference committee.

One of the necessary things in an efficient state legislature is that it should be impossible under any circumstances or conditions to shift

responsibility. The one-house legislature makes it impossible to do this. The two-house legislature offers all sorts of avenues by which the votes of its members can be covered up and by which the parliamentary situation can be so managed that it is practically impossible for an ordinary person to follow a bill in its passage through the maze of parliamentary situations through which such a bill must travel, as it goes through the House, through the Senate, through the conference committee, and back again to the House and the Senate.

A one-house legislature simplifies this. It is not necessary for the ordinary person to become an expert parliamentarian in order to know just what the record of his member and every other member of the legislature is. The constitutional amendment providing for a one-house legislature should provide that any one member could demand a roll call vote upon any motion that might be pending. This would make it impossible for responsibility to be shifted. The record of every member would be in the pitiless light of publicity where even the headlines of the newspapers would plainly convey to the reader the record of the state's public officials.

If it is made impossible for any member of the legislature to shift responsibility or to cover up his vote in any way, and if he is compelled on all occasions to cast his vote upon every proposed amendment and upon every bill without any possibility of concealing it, you have at one step brought about a reform in legislation which makes it impossible for the unworthy legislator to cover up his tracks, and will likewise make it possible for the loyal public servant to have his record known by all his constituents. It is just as important, if we are to have good government, to reward the public servants who are true, as it is to punish those who are untrue.

Another evil which a one-house legislature will bring to an end is the abolishment to a very great extent of the corrupt lobby which always swarms about the session of every state legislature. The professional lobbyist is able to ply his trade because, through the many opportunities offered by the two-house legislature and the conference committee, he is able to get the parliamentary situation in such shape that it cannot be understood by the people, and, in this way, responsibility is shifted from one house to the other, and from both houses to the conference committee, and there, particularly, the professional lobbyist gets in his work.

He can control this conference committee, if he is able to control two members of the conference committee from the house. Or, if he is not able to do that, then he can accomplish the same end by the control of two members of the conference committee from the senate. If he succeeds in killing legislation there, or if he is able to get jokers put into the bill, the people are unable to fix responsibility, and cannot act intelligently in future elections, in voting either for or against any member of the legislature for re-election.

The members of every one-house legislature should be elected on a non-partisan ballot. One of the evils of the state legislature is that we elect its members on a false issue. The isues dividing the great parties are national issues. The issues involved in the election of a state legislature are never national issues. When a man is elected to the state legislature because he bears the label of a party founded on a national issue, he thus rides into office when his constituents know little or nothing about where he stands on matters that will come before the state legislature. Members of the state legislature should be elected on state issues, and national issues should have nothing whatsoever to do with the question. Therefore, they should not be elected upon any party ticket or because they give adherence to some particular political party founded upon questions of national import.

James Wilford Garner, professor of political science in the University of Illinois, and author of "Political Science and Government," a leading text-book, says: "Where the legislature is a small single-chambered assembly, each member's responsibility can be more definitely fixed, the light of publicity beats more clearly upon his acts by reason of his greater conspicuousness and the less easy it is for him to be reached by improper influences and to escape responsibility."

"Adoption of the unicameral sys-

tem," says Dr. John M. Mathews, "would simplify the problem of bringing the legislature and the executive departments of our State government more closely together."

"Hundreds of times," says Henry W. Elson, in the Review of Reviews, "has an unwieldy two-chambered legislature passed acts that it could never have passed had it been composed of a few trained nature men conscious that they were acting in the limelight of the public gaze."

In the view of Doctors F. A. Ogg and P. O. Ray, in their "Introduction to American Government," the advantages of the unicameral system are unmistakable. In the first place, it enables public attention to focus promptly upon a narrow and well-defined area, and therefore, permits of a real scrutiny of legislative proceedings while laws are being made, a thing which is practically impossible in the case of our present large two-chambered legislatures with their multitude of committees. In the second place, where there is but one chamber, responsibility cannot be handed back and forth between two houses, members of one house working with members of the other to defeat legislation, and putting it beyond the power of the public to fix the responsibility.

Bryce offers the suggestion that "a small body educates its members better than a large one, because each member has more to do, sooner masters the business not only of his committee but of the whole body, feels a livelier sense of the significance of his own action in bringing about collective action."

A group of English publicists, including several members of Parliament, in 1911 declared in a volume entitled "Second Chambers in Practice," that "where there is a federation, utility of the upper chamber is obvious, but in a unitary state it is the reverse of useful, and many coloniel States are finding this out." ***

The last quoted paragraph suggests two noteworthy facts. The first is that many of the strongest arguments which are employed in support of the bicameral plan were originally designed by their authors to refer to federal or national governments, in which connection they have much more force. The second is that the unicameral system is today employed in every Canadian province with the exception of Quebec, in the cantons of Switzerland, and in several other European countries, and has replaced the bicameral system in every large American city. Some of the latter, with single-chamber councils of from fifteen to fifty members, are more populous than many of the States, and their problems more complex. Nor is it out of place to recall that constitutional conventions are invariably single-chamber bodies, and their work has been done far more carefully than the work of bicameral legislatures. In the light of the uses to which it is being put, the unicameral system can hardly be considered an untried experiment.

Speaking of the Canadian provinces, Prof. Stephen Leacock, head of the political science department of McGill University at Montreal, is the author of numerous textbooks, and for forty years has been recognized as an authority on the science of government. In 1906, in "Elements of Political Science," he wrote a strong commendation of the bicameral principle. That was a good while ago, the Canadian one-house legislatures since then have been thoroughly tried out. Prof. Leacock today says: "Canadian experience favors a bicameral national legislature, but unicameral one for the provinces. Quebec keeps its legislative council only for conservatism of temperament. We never bother to abolish a thing if it is doing no harm; but it is no use except as a pleasant form of pension." Members of the Quebec Council are appointed for life and receive a handsome allowance.

Certainly it must be borne in mind that a legislative system, to be successful, must possess something more than the unicameral feature. That of itself, though the cornerstone of the carch of a simple, plain, classic lawmaking structure, is not sufficient. There must be a legislative body small enough to be thoroughly wieldy, large enough to be representative; means of formulating an intelligent legislative program; cooperation between the legislative and executive organs; procedure conducive to thorough deliberation; guarantees of complete publicity; adequate technical facilities; sources of impartial information; continuous study of legislative problems. In short, there must be a modern, scientific, efficient legislative plant, for which the simple one-house plan would supply the motive power. Thus organiz-

ed, thus equipped, the legislature would undoubtedly attract the State's best material. Citizens capable of performing the fundamental governmental function of determining the politics of the State, for the benefit of the State, would seek the service. In recognition of the importance of that function the legislature should be endowed with adequate authority, unhampered by needless constitutional restrictions.

Mr. President, when the vote is taken I ask for a division.