

supports the claim that the second chamber acts as a constructive check on the first.¹¹ Conversely, United States experience has shown that in normal times the legislature is not inclined to ride roughshod over the rights of the well-to-do. Instead, the inclination is to avoid action on important issues and not to be influenced by popular passions.¹²

Unicameralists similarly dispute the view that the second chamber acts as an independent body of review to correct faultily drafted legislation. Objections to the claim fall into three major categories.

First, there is an assertion that, in fact, an independent review is often not given by the second chamber.¹³ For example, bills are often received by the second chamber so late in the session that it is physically impossible to give them a thorough consideration. Bills often are passed hastily by the first house on the assumption that they will be carefully examined by the second chamber, an assumption that is sometimes poorly founded. With respect to noncontroversial bills, in particular, it is claimed that the second chamber seldom gives careful consideration, and that such consideration is often not given by the first chamber either.¹⁴

The second category of objections is that such checking or review that has been done has not been demonstrated to be of merit. The value of a check is not measured by its extent, but by its wisdom. In the case of Vermont, where a careful study was made of this point, not one of the "checked" bills could be

classed as dangerous or seriously unwise.¹⁵ Similarly, the National Municipal League states that there is no data to support the claim that a bicameral system results in better policies or more carefully drawn laws.¹⁶

The third category of objections claims that there is little need for a technical review. The argument for a second-chamber review antedated the rise of the legislative council, of executive-sponsored legislation, and of professional bill-drafting services. Important present-day legislation has been carefully considered and drafted before introduction into the legislature, so that passage by one house in itself constitutes an independent review. A second chamber, with no special knowledge of the problems or technical competence in drafting legislation, has nothing further to contribute.

Proponents of unicameralism give short shrift to the claim that bicameralism permits the killing of undesirable but popular legislation. In the view of unicameralists, this is but a tacit concession that bicameralism confuses responsibility and permits legislators to hide from the consequences of their actions, or, in blunt language, that bicameralism permits deception of the electorate. In the unicameralist view, if the legislation is popular but undesirable, legislators have a duty to educate the electorate to an understanding of the reasons why the legislation is undesirable.

The claim that bicameralism prevents undue aggrandizement of legislative power is similarly rejected by unicameralists. They point out that the claim traces back to the days of the founding of the United States constitutional system when democracy was suspect and it was anticipated that the legislature would be

¹¹ NATIONAL MUNICIPAL LEAGUE, MODEL STATE CONSTITUTION 43 (6th ed. 1963).

¹² AMERICAN POLITICAL SCIENCE ASSOCIATION, AMERICAN STATE LEGISLATURES 54 (1954).

¹³ *Id.* at 52.

¹⁴ *Ibid.*

¹⁵ SHULL, *supra* note 3, at 11.

¹⁶ NATIONAL MUNICIPAL LEAGUE, *supra* note 11.