

impeached. No officer shall be convicted on impeachment by a vote of less than two-thirds of the members of the tribunal hearing the charges."

Under the bicameral alternative, this section reads: "by a two-thirds vote of all the members of each house."

In seven states, a two-thirds vote of all members of the legislature is necessary to impeach.³ A two-thirds vote of the members of the tribunal is necessary to convict in twenty-nine states. Similarly, the two-thirds requirement is adopted by several nations. India is representative. Its constitution provides:

"(1) When a President is to be impeached for violation of the Constitution, the charge shall be preferred by either House of Parliament.

(2) No such charge shall be preferred unless—

(a) the proposal to prefer such charge is contained in a resolution which has been moved after at least fourteen days' notice in writing signed by not less than one-fourth of the total number of members of the House has been given of their intention to move the resolution, and

(b) such resolution has been passed by a majority of not less than two-thirds of the total membership of the House.

(3) When a charge has been so preferred by either House of Parliament, the other House shall investigate the charge or cause the charge to be investigated and the President shall have the right to appear and to be represented at such investigation.

³ ALAS. CONST. art. II, § 20; DEL. CONST. art. VI, § 1; IND. CONST. art. VI, § 7; R. I. CONST. art. XI, § 1; S. C. CONST. art. XV, § 1; UTAH CONST. art. VI, § 17; VT. CONST. art. II, §§ 14, 53.

(4) If as a result of the investigation a resolution is passed by a majority of not less than two-thirds of the total membership of the House by which the charge was investigated or caused to be investigated, declaring that the charge preferred against the President has been sustained, such resolution shall have the effect of removing the President from his office as from the date on which the resolution is so passed."⁴

France, on the other hand, requires an absolute majority of the trying body for conviction after impeachment charges:

"The indictment shall be by the National Assembly and thereafter the person impeached will be arraigned before the High Court of Justice. The Assembly shall vote upon this question by secret ballot and by an absolute majority of its members, with the exception of those who may be called upon to participate in the prosecution, investigation or judgment of the case."⁵

Unicameralism has roots extending well into the American past. The colonial legislatures of Delaware, Georgia and Pennsylvania were unicameral. Delaware changed to a bicameral system during the Revolution, Georgia in 1789, and Pennsylvania in 1790. Vermont entered the Union with a one-house legislature which it kept until 1836. Nebraska became unicameral in 1937.⁶

⁴ When a charge of impeachment arises in either House of Parliament, the other House conducts the investigation, either by itself or by delegating the investigation to a special court or tribunal. Removal is effected by resolution of a "majority of not less than 2/3" of this (investigating) House—not the House of origin. See D. BASU, A COMMENTARY ON THE CONSTITUTION OF INDIA, 232-234 (1950).

⁵ CONST. OF FRANCE art. 57 (1940).

⁶ STATE CONSTITUTIONAL REVISION 200 (W. Graves ed. 1960). See especially pp. 200-01 for treatment of unicameralism.