

STATE OF NEW JERSEY.  
CONSTITUTIONAL CONVENTION, OF 1966.

First Hearing

before

COMMITTEE ON STRUCTURE OF THE LEGISLATURE

*Proceedings*

Held at

RUTGERS UNIVERSITY

The State University of New Jersey

New Brunswick, New Jersey

April 14, 1966

2:00 P. M.

MEMBERS OF COMMITTEE PRESENT

William F. Kelly, Jr.  
Chairman  
Oscar W. Rittenhouse  
Albert J. Cucci  
Richard S. Peer  
Phelps Phelps

Richard R. Stout,  
Presiding Chairman  
Hugo M. Pfaltz, Jr.  
Herbert H. Tate  
Samuel P. Bartoletta  
Mildred G. Willis  
Geoffrey Gaulkin  
Edwin B. Forsythe  
Anton J. Hollendonner, Jr.

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Phelps Phelps Democratic Delegate - Hudson County	29
Mary Louise Nuelsen President, League of Women Voters of New Jersey	46
Mrs. Lewis Gordon State Reapportionment Chairman League of Women Voters of New Jersey	50

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CHAIRMAN RICHARD R. STOUT: I will call the hearing of the Committee on Structure of the Legislature to order now.

Today we have three witnesses to appear before the Committee: Senator William V. Musto, who is the author of the proposal which has been referred to the Committee on Structure of the Legislature to provide for a unicameral legislature, then we will hear from Mr. Phelps Phelps who will speak on the unicameral legislature, and the third scheduled witness today is Miss Mary Louise Nuelsen of the League of Women Voters.

Those who testify will be heard and then I am going to ask the members of the Committee if they have any questions to ask of the witness and should anyone on the floor have a question, we would appreciate it if you would put it in writing and pass it to the presiding officer's desk up here.

I will now call as the first witness Senator William V. Musto, who is the author of the proposal now before this Committee.

SENATOR WILLIAM V. MUSTO: Mr. Chairman and members of the Committee: First of all, may I take this opportunity to thank you for affording us a public hearing on this matter. As you know, it has been before the Legislature for over 12 years. This is the first time the public has had an opportunity to be heard on this proposal and I congratulate you for that.

Last week I presented to each delegate of the Convention a statement explaining why I and my eleven co-sponsors advocated a one-house legislature. I will not read that statement now, but I would like to present it to you and have it

recorded in the record.

[Mr. Musto submitted a written statement entitled, "A Unicameral Legislature for New Jersey" which can be found starting on page 62 of this transcript.]

Further, before I take leave, I would like to point out the following briefly: First, I would like to say that my mail, telephone and personal contacts indicate overwhelming support of the one-house legislature. Secondly, the public press has been very kind and extremely fair in publicizing this proposal and the editorial comment has been most favorable. I would like to take the opportunity to present to you at this time some editorial comments as they appeared in the various newspapers throughout the State, which has been, as I said before, all favorable, and have them incorporated in the record as well.

[The editorials submitted by Mr. Musto can be found starting on page 73 of this transcript.]

CHAIRMAN: Thank you. These copies of the editorials are being included in the record.

MR. MUSTO: Lastly, so as not to burden you with all the letters and a recital of all the calls that I have had in this matter, I would like to give you just two samples of the type of letter that has appeared in the newspapers and that I have received regarding the unicameral proposal and have them incorporated in the record as well.

[The above-mentioned two samples of letters can be found starting on page 88 of this transcript.]

MR. MUSTO: I could spend hours in telling you fine people why I favor the one-house legislature, but the statement that was presented to the Committee speaks for itself.

I will be available for all of your hearings and

will be happy to submit to any questions regarding the one-house legislature. That is the sum and substance of my testimony at the present time.

CHAIRMAN: Are there any questions from any members of the Committee? Mr. Cucci.

MR. CUCCI: I should like to ask a question if I may. Senator, thanks to the gentleman who is associated with us today, I managed to get some information yesterday concerning the number of bills that went into the hopper in 1965 and I think the sum total of all those bills aggregated some 1361 bills and I think approximately 275 of those bills were passed. This represents about 2/10ths of the total number of bills that were proposed. Now my question is this: Do you feel that a unicameral legislature would cut down on the multiplicity that takes place with respect to the number of bills that are presented and probably the frivolousness that sometimes is associated with the offering of bills because of the thinking in the minds of some legislators that they have to do things which are going to make them look good at home and so forth?

MR. MUSTO: Generally the answer to that question would be yes.

CHAIRMAN: Any other questions. Mr. Tate.

MR. TATE: In the unicameral system would you favor at-large districts or local?

MR. MUSTO: You know, I have been trying to figure out during the course of this Convention why all the arguments and discussions have been aimed at the one-house system. That

question could be asked of the two-house system as well as the one-house system. I don't mind answering the question, but I don't think it is related to the proposition before us. The proposition before us is whether a one- or two-house system. Under the unicameral, I, myself, as an individual, to answer your question, would say that at-large and by-districts could both be served. I think it is possible to put any plan that this convention would want in effect under a unicameral setup as well as under a bicameral setup. Individually, I would prefer at-large, but I am not averse to recognizing the problem that maybe another county might want elections by district. I think that could be taken care of without any difficulty at all.

Again I point out that the proposition before us is whether a one-house or two-house legislature and not a particular plan. I would be happy to answer any questions on plans as well as to what I would favor, but I don't think we should allow our preference for one-house or two-houses to be decided by the plan or single member district or multi-member districts until we have resolved the question at hand. I think both go together. Does that answer your question?

MR. TATE: Isn't it true that under the one "one man-one vote" principle that the State of Nebraska, which is the only state that has a unicameral legislature, has been ordered to reapportion?

MR. MUSTO: Again that may well be, and not to quarrel with you, but I don't think that is the problem before us. I don't get the relationship unless you make it clearer.

MR. TATE: Does this solve the apportionment question

with the unicameral house?

MR. MUSTO: You are not going to solve the apportionment question with a unicameral or bicameral house until you devise along with it a plan that will give "one man, one vote" according to the edict of the Supreme Court.

MR. TATE: Just what is your plan?

MR. MUSTO: My plan?

MR. TATE: Yes.

MR. MUSTO: What I am primarily interested in is a unicameral legislature, one house. As to the plan, I have had a plan in the Legislature for years which in my opinion fitted the picture when it was introduced that would provide for five representatives based on Congressional Districts. But I am a very flexible guy. You give me one house and I might buy a plan you like. I also might buy a unicameral plan that would allow counties to have their own say whether they wanted districts or at-large. For example, I see nothing unconstitutional about Hudson County having at-large elections under a unicameral setup and Essex County having districts. I see nothing wrong with that at all. When you have decided on whether you want a one-house or two-house legislature, then you decide on the plan you want. I don't see why you and I should quarrel about one-house or two-house until we have decided which one we want. Then we can fit the plan. Of course, no matter what plan you give me, I can fit it under either house. Whatever you fit under a two-house system, you can fit under a one-house system. Remember that.

The only thing that will come out of a two-house

system will be more duplication. You will double your problems and as yet - and I have tried very hard - I have talked with informed newspaper people - I mean, newspaper people - they are all informed --

CHAIRMAN: Underline that.

MR. MUSTO [Continuing]: -- I have talked to the Delegates, I have talked with people with good legal minds and I have yet to find anyone -- I think the editorials in the press hit it right on the head when they say, "Somebody had better start telling us why two houses?" I haven't heard anything yet as to why we should have a two-house system. We did have a reason before the "one man, one vote" edict. I recognized the argument of checks and balances at that time. I still favored the one house even though that was an argument against the one-house system at that time. But with the Supreme Court ruling of "one man, one vote", I can't find any more justification - and I have tried - for the two-house system at all - none at all.

Do I answer your question? I am not trying to avoid stating a plan, but I am very flexible on a plan. I don't think anybody has a monopoly on what plan this Convention should adopt. As you know the problems that are taking place right now on plans are not only concerning a one-house legislature unfortunately. Actually it is the two-house system everybody has in mind with these plans and I don't think these problems should be confused with the one-house or two-house system.

CHAIRMAN: Any further questions?

MR. HOLLENDONNER: Senator, you come here before this Committee proposing a change from the status quo or from the system we have at present. I would feel it would be incumbent upon you to, as it were, meet a burden of proof and convince us why a change is necessary. I have tried to analyze your statement and get to the root of it and find out why you feel that New Jersey should have a unicameral legislature as opposed to the present system. If I am incorrect, please correct me, but on page 3 of your statement you say that because of the decision in Reynolds v. Sims the argument for a bicameral legislature has disappeared. I would refer you to the statement of Neil A. McDonald on page 3 where he says: "As a general proposition, adoption of a unicameral legislature does not solve any apportionment problem." In view of that, would you feel that the adoption of your plan would in the main solve most apportionment problems?

MR. MUSTO: I don't want to say that is an unfair question, but again I must repeat that the problem before us is whether we should adopt a one-house or a two-house system. It is just as simple as that. A one-house system will not solve the apportionment problem, but neither will a two-house system. Only you people will solve the apportionment problem by the plan that you develop at this Convention. It is as simple as that.

MR. HOLLENDONNER: What did you mean in your statement when you said because of Reynolds v. Sims the argument for bicameralism lost its foundation? What did you mean by that?

MR. MUSTO: It means there is no more necessity, no more valid arguments, to maintain a two-house system in place of one. That is double housekeeping and that isn't necessary in my opinion.

MR. HOLLENDONNER: Since Reynolds v. Sims dealt with "one man, one vote", your reference had to be to apportionment. The only thing I can conclude or infer from that is that the one-house legislature would not present a problem in so far as it relates to apportionment.

MR. MUSTO: Well, I just can't agree with your conclusions.

MR. HOLLENDONNER: You disagree?

MR. MUSTO: You disagree with what I have put down. I have explained that to you. I can't make it any plainer. A one-house legislature, a two-house legislature, a three-house legislature, a one-hundred-house legislature will not solve the apportionment problem. That is as simple as A, B, C, and I see nothing in here that states otherwise and if it does - if you interpret it that way - so that we clear the problem we may have on that, that is not so. It is not meant to say that. I don't think it does. But if you think that is what it says, correct that. One house will not solve the apportionment problem and if you infer that from that statement, well, I want that corrected.

MR. HOLLENDONNER: One more question. In reading your statement, in my opinion you relied very heavily on one of the weaknesses of a bicameral system, the fact that there is a lot of buck-passing, inferring that under a single house

you have legislators who have a higher degree of integrity who probably would be statesmen rather than politicians because the lime light would be placed upon them and thus they would be more receptive to the wishes and desires of people. Is that interpretation correct?

MR. MUSTO: I would go a little bit further than that. I happen to be a Senator right now. I spent twenty years in the Legislature, having graduated from the Assembly. So I stand on that statement.

CHAIRMAN: Any further questions?

MR. BARTOLETTA: I would like to get basically and fundamentally - what would be your motivating factor in having a unicameral form of government, other than elimination of duplications or problems arising of approval or disapproval? What would be the motivating, outstanding feature of a unicameral legislature?

MR. MUSTO: I think they are all motivating - duplication being eliminated, economy, efficiency. I think all of the various points that favor a one-house system can't just be discarded. If you ask me what I consider the one most motivating factor, I think that under a one-house system a legislator would have to stand up and be counted more. That would be the most motivating factor that I would mention, but they are all important.

MR. BARTOLETTA: They are all important. I realize that. I had the thought that with man's world changing rapidly and people going into space and everything else, we might get a lot of people in a unicameral government who will be

all on one side of the table. How would you cope with that? Would you elect them all at one time?

MR. MUSTO: The statements that have been presented - I could spend another two hours on them.

MR. BARTOLETTA: I realize that.

MR. MUSTO: In the county where you live, you have nothing like that. As I say in that statement in the last paragraph, this Convention is unicameral, why not bicameral? You answer that. Why not? If you could do a better job under a bicameral setup, how could we come before the people of the State of New Jersey and have a unicameral Convention, and this can go on and go on and on. We could go on and on and on with this argument, not only at this Convention, but it would go for my city government. I am Mayor of Union City, which has a unicameral system.

I try - believe me - I try so hard to find reasons to substantiate the two-house argument. Anything that existed in my opinion was completely lost with the "one man, one vote."

MR. BARTOLETTA: Excuse me. I happened to be where there was a unicameral municipal council. This was as dead as you could get it. We couldn't get off the ground because each one becomes a leader. Each is a leader of government and you get no place fast. That is a specific instance.

MR. MUSTO: I don't follow you. Are you saying it's good or bad?

MR. BARTOLETTA: It's bad.

MR. MUSTO: Then why one Governor?

MR. BARTOLETTA: Maybe we need two.

MR. MUSTO: How about three? Why not have four, five, six, seven, eight, nine or ten? The more the better.

MR. BARTOLETTA: You are in a different branch of the government when you are Governor.

MR. MUSTO: I am answering your question, but you are not answering mine.

MR. BARTOLETTA: The legislature is not in the executive branch.

MR. MUSTO: I want it known on the record that I think the most important branch of government, above the Judicial and above the Executive, is the Legislative Branch of government. I stand on that.

MR. PEER: I just have one question, Senator, and that is: Do you have in mind any figure - I know you said your plan is very flexible - do you have any figure in mind for the size of the unicameral legislature? For example, a proposal was introduced today suggesting that approximately 50,000 would be the base unit, which would mean a Legislature of 120. Would you feel this was unwieldy? Or would you prefer 90, which is what we have today in the two houses?

MR. MUSTO: Again I have to say I am flexible and at the risk of the Committee thinking I am not in order, may I respectfully say that we haven't discussed any plans under the



two-house system. We haven't allowed those plans to influence the thinking as to whether you should have a two-house system. Yet since this Convention has started, we have allowed the plan to interfere with our thinking on the one-house system. I don't understand that and I don't mean to be offensive and I hope I am not out of order. Again we are thinking about a one-house system or two-house system and I think that that is what we are resolving here. I have a lot of plans I could favor. In fact, if you turn down the one-house plan, I will be in there with all of you swinging away on what plans you are going to have under the two-house system. The plan proposed will have to be a flexible plan; the plan you have in mind for the two-house system or, I hope, the one-house system is going to be subject to change. It is going to be a matter of getting together and being able to get enough delegates here to agree on a plan. And I think we hurt the thought of the one-house plan or we confuse the issue by discussing plans. I don't mind discussing them. I am saying to you we ought to first determine whether we want one or two houses.

MR. PEER: I have one purpose - there is a certain attractiveness to the proposal that was developed this morning, particularly with the small county, and what I am trying to get, with your experience as a Legislator, is whether you think something in the neighborhood of 120 members of a one-house legislature would be perhaps an unwieldy number. If you feel you haven't thought sufficiently about this, we will pass it.

MR. MUSTO: I have no conclusion. I would be very

flexible. I would think at the moment 120 might be a little large. I favor a smaller-sized legislature. If I had a choice, for example, between the larger or the smaller, I would want the smaller. But again, that is going to be something if one vote were needed out on the floor to get this Convention to agree, and it was a matter of the size, I would vote to get the Convention to agree.

CHAIRMAN: Mr. Pfaltz.

MR. PFALTZ: I think my question has been answered.

CHAIRMAN: Any further questions? Mr. Rittenhouse.

MR. RITTENHOUSE: Senator, Mr. Hollendonner has quoted from the paper by Neil McDonald on unicameralism versus bicameralism and indicated Mr. McDonald says adoption of a unicameral legislature doesn't solve the apportionment problem, and you agree with that. But Mr. McDonald goes on to indicate that in a practical sense, the unicameral system probably facilitates the carrying out of the "one man, one vote" principle for a couple of reasons, and, of course, the purpose of this Convention is to carry out that "one man, one vote" principle. Do you agree with Mr. McDonald when he says it will simplify carrying this out?

MR. MUSTO: In my opinion, yes.

MR. RITTENHOUSE: Do you agree for the same reasons that he states? He indicates that it simplifies the task of making approximately equal districts because, of course, it is easier to create one than two districts, both of which are based upon equal population size.

MR. MUSTO: I think I would have to agree with what

he has in there.

MR. RITTENHOUSE: In the second place, he says that the principle of numerical equality of constituencies is so strongly supported that with only one house it would have to give top priority to equality, which is what patently he feels should be striven for. Do you agree with that?

MR. MUSTO: I may place a different order of priority on what I think, but that is a matter of individual opinion. I think the simple way to put it would be that with one house you cut in half the problems you would have with two houses. I think that is as objective as it could be.

MR. RITTENHOUSE: With respect to reapportionment, as such?

MR. MUSTO: It goes beyond reapportionment - in all respects. It goes much farther than that. But we have before us at the moment only that problem. There are many, many other advantages, such as the simplification of procedures.

CHAIRMAN: Any further questions? Mr. Gaulkin.

MR. GAULKIN: Senator, one of the few remaining arguments after Reynolds v. Sims in favor of the two-house legislature would be that the legislators in each of the houses could represent different-sized constituencies. I wonder, as a legislator yourself, whether you feel that your own approach to your function would be different if you represented, say, North Hudson or a portion of North Hudson as against the entire County of Hudson or some other larger unit?

MR. MUSTO: Would you repeat part of the question again? As a Hudson legislator?

MR. GAULKIN: I am trying to explore whether you feel that your own function as a legislator is directly tied to the area that you represent, the district or whether -

MR. MUSTO: Individually?

MR. GAULKIN: Yes, yourself.

MR. MUSTO: As a Hudson legislator? The answer is no.

MR. GAULKIN: Would you feel differently if you were simply representing North Hudson? Would you have a different attitude toward problems, toward legislation?

MR. MUSTO: No, not in Hudson County. I stand to be corrected by my senior Senator, but I think the problems of Jersey City are as germane to North Hudson as my problems of North Hudson are germane to Jersey City.

MR. GAULKIN: I am looking at some of your colleagues in the legislature. Do you think that some of them might take different approaches toward legislation if they represented different-sized constituencies?

MR. MUSTO: I think you would have to ask them. Individually, I would say "no" myself, but there is always the local problem. I am trying to grasp exactly what you mean. I would say that at the moment the Town of Hoboken and West New York and Jersey City have problems with the loss of railroad taxes which are severe to them. But I want you to know that Union City is just as concerned about that as can

be and it affects us as well.

MR. GAULKIN: What I am trying to find out is generally in your judgment, if you had two houses and the legislators in each house represented substantially different constituencies, whether in fact you would have two different lights shed on particular legislative problems and whether that wouldn't be an advantage.

MR. MUSTO: Well, I just don't follow your question too well. In Hudson County at the present time, as far as I am concerned, it makes no difference whether you are an Assemblyman or a Senator.

MR. GAULKIN: They both represent the same constituencies.

MR. MUSTO: We represent Hudson County and the people of the State of New Jersey.

MR. GAULKIN: Yes, but each Assemblyman and each Senator is elected by the full constituency of Hudson County.

MR. MUSTO: Your question is: "If Bill Musto represented Union County -"

MR. GAULKIN: I don't want to make it personal.

MR. MUSTO: It is easier that way. Then I can speak for myself very easily.

MR. GAULKIN: But what I am trying to find out is this: If you had an Assembly which was made up of single-member districts, each man concerned about his own district primarily, although everybody is in the service of the State, etc., whether the attitude of the individual legislator in

that body would be substantially different from the attitude in the Senate where each legislator represents perhaps a full county, two counties or more than two counties perhaps?

MR. MUSTO: The difference would be very small in Hudson County and I would say in any county in the State. While Bayonne may have a particular problem and the Assemblyman from Bayonne might at times have to take a certain point of view because it affects his community, if that was a district, he would be more apt to represent that district. At the present time that happens in Hudson County. We have it happening many times where the representative from South Hudson will take a particular stand or a certain view that the representative of North Hudson couldn't have. It is seldom, but it is there. But the difference is never so substantial that it could make much difference in a county like Hudson. Whether you had districts or at-large, the difference would be very, very small.

MR. GAULKIN: How about in a county like Essex or Camden where you have a major city surrounded by suburban and perhaps rural communities?

MR. MUSTO: I think that type situation is the reason we have the "one man, one vote" edict. I don't think the difference is that great. I am apt to think the political difference would perhaps be greater. I think you have more political involvement there than you have involvement as to what you are referring to - actual representation of people and what they stand for. I don't see much of that in New Jersey. In my opinion, New Jersey could be one big city and you would never know the difference. That is a personal opinion. I don't

see the difference there. I see a great political difference. I can say that whatever party might be in control and who would benefit would have a great concern there.

Getting to your point directly, I think there is more political involvement than there will be involvement by having a farming community, a big city, a railroad community, a waterfront community or a community like mine without railroads, without waterfronts, without any big industry. Yet we go along with Hudson County's point of view as a team. We never take a selfish motive. Speaking of motives, even in the Legislature today, look how your northern counties vote for beach erosion. I think Hudson County led the way in the shore area when they had a storm. We were fielding for them to get money and services. I don't think that is involvement. I think your representatives are trying to do a job and they understand the problems of other communities. I am not so sold on the district representation from the point of view that we want to protect the interest of those people there. I think more you have a political involvement than you have that involvement. It is more political. I am not speaking of dirty politics, but just average American politics, which is healthy. I have no quarrel with it. But I don't think we have the concern - well, we have to protect that area because they represent a certain group, such as the farm interest or the shore interest. I am sure that Senator Stout never had any trouble all the while he has been in the Legislature getting legislation to help the shore. We all want to help the shore. It is an integral part of the State. I can't

recall any Appropriations Committee not voting for aid to the shore when they needed it. I don't think that is a big problem at all.

CHAIRMAN: Any further questions?

I have one, Senator. When we think of unicameralism, we think in terms of Nebraska and Nebraska has a non-partisan legislature. Would you recommend that for this State or what are your views?

MR. MUSTO: At the risk of being lengthy, I might say that when I think of a one-house legislature, I don't even think of Nebraska. I have never thought of Nebraska.

CHAIRMAN: This Committee did.

MR. MUSTO: I have no desire to visit Nebraska or wonder how Nebraska handles one house. I have no desire or need to go there to find out how to operate a state legislature. I am proud of New Jersey. I am proud of the job the two-house system has done. If we should adopt another two-house system, I will be proud of it. I will be critical because I will always feel one house would suffice and that we don't need two. I am not for a non-partisan setup. There is nothing that Nebraska has that interests me at all. I think we are capable people. I think we have talent and I don't think we need to learn from any other state how to do a job. I think we can do that ourselves. My belief in the one-house system does not have anything to do with the Nebraska system. I do not mean to be critical. I think they have a good system. I think it works well. We could delve into their procedure and rules and how certain things might function

or how they do them - fine. I don't mind saying if they were successful, why quarrel with success. But the type of one house we should set up is a job for the State of New Jersey, period.

CHAIRMAN: There is another question I have. As I read your statement and heard your oral statement, you indicate that county government is a unicameral body. But don't county governments and city governments have in addition to legislative functions, executive functions?

MR. MUSTO: Yes. Take a city. I am Mayor of Union City --

CHAIRMAN: Then the parallel isn't quite true.

MR. MUSTO: It is exactly true. I see no difference.

CHAIRMAN: The legislature has no executive functions.

MR. MUSTO: The legislature has a counteracting value.

CHAIRMAN: I mean the State Legislature.

MR. MUSTO: You have one head instead of two.

CHAIRMAN: We don't have any executive functions. We don't carry out the laws or enforce them.

MR. MUSTO: Neither does the council.

CHAIRMAN: The town council does and the Board of Freeholders does.

MR. MUSTO: I don't get your point, Senator.

CHAIRMAN: My point is that unicameralism, which is present in this State today in county government and municipal government, has functions that a State legislature doesn't have, namely, administrative and executive functions.

MR. MUSTO: I have to disagree with you. I don't follow that.

CHAIRMAN: They pass laws and they enforce them. Don't the freeholders pass laws and carry them out? The legislature passes laws and leaves it to the Governor to carry them out.

MR. MUSTO: I don't follow that at all. I am trying to grasp what you mean. If you can give me an example of a bill passing --

CHAIRMAN: We pass a bill in the legislature. It goes to the Governor and he is charged with the enforcement of it. If there are any people to be appointed to carry out the bill in the executive branch, the Governor appoints them. In the case of a board of freeholders, the freeholders make the appointment.

MR. MUSTO: Are you particularly talking about county government?

CHAIRMAN: County and municipal.

MR. MUSTO: I see no relationship to municipal government at all because the mayor is the executive and he has a council, or in another community, it might be a commission. I see no relationship there. In county government the only executive I would know there might be the supervisor who is the county mayor and he is an executive in his own right. I don't follow that. I don't agree with your reasoning. Let me put it that way. There may be a point to what you say, but at the moment I don't agree with it.

CHAIRMAN: I just thought it ought to get the members of the Committee thinking on this score.

MR. MUSTO: You know that the supervisor in each county

is known as the county mayor. He has the veto power of the county. He is like a governor, you might say, or like a mayor in a community, that is, the executive, and he has the only veto power I know of.

CHAIRMAN: Senator, counties bordering the Atlantic Ocean don't have a supervisor.

MR. MUSTO: You fellows get away with a lot. You fellows even have a sales tax down in Atlantic City.

MR. CUCCI: One last query: Do I understand correctly that in the Convention of 1947 the delegates were not permitted to deal with the structure of the Legislature?

MR. MUSTO: Well, that is what the record indicates. I have no desire to go into it.

MR. CUCCI: Conceivably at this particular time we might be not in error in saying we are dealing with a constitution which is unconstitutional.

MR. MUSTO: I guess I am a little bit slow today.

MR. KELLY: I wouldn't worry about it. I feel the same way right now.

MR. CUCCI: I base this on the fact that if in the Convention of 1947 which was supposed to revise the Constitution as it then existed and present to the people of this State a new Constitution - if in that Convention which dealt with this particular problem the delegates were not permitted to deal with the problem of structure of the Legislature, then the Constitution as it presently exists, at least as to that portion of it, was or is unconstitutional.

MR. MUSTO: If I had my lawyer here, Isadore Glauberman, I'd get involved here. I still don't grasp it. I'm sorry.

MR. BARTOLETTA: I think what the Senator had reference to is if your council passes an ordinance --

MR. MUSTO: Are you referring to Mr. Cucci's statement?

MR. BARTOLETTA: No, to Chairman Stout's question on freeholders and municipal government. In a municipality an ordinance is approved by your council and you compare this with the legislature. You have a law. Now after you have this law, someone has to enforce it. So your council becomes an executive branch by dictating as to who is to enforce this law. Actually you do not have a unicameral government in municipal government. You have an executive, administrative job, and you have a legislative job as a member of a council.

MR. MUSTO: It is a unicameral setup. I don't come to the conclusion you come to at all. I don't follow that. I see it so simple as a unicameral, even after you say it. I am trying to grasp what you say.

MR. BARTOLETTA: In physical being you may have a unicameral system, but after the legislative action of passing an ordinance which becomes a law in the municipality and you have the law, someone then has to enforce this law, which takes it out of the legislative branch and brings it to the executive branch, and after signing it as an ordinance, approved by the council, then you have to enforce it. It is beyond the scope of a unicameral government, isn't it?

MR. MUSTO: No. I don't tie it in at all with the subject. Maybe I am being dense. You are telling me a

council passes a law. It becomes a law and then you end it.

MR. BARTOLETTA: You don't end it. You have to enforce it.

MR. MUSTO: Yes.

MR. BARTOLETTA: So you become an executive branch of the government to enforce it.

MR. MUSTO: The council doesn't enforce it.

MR. BARTOLETTA: In a mayor and council system, the mayor has to enforce the ordinance if it becomes law.

MR. MUSTO: The governor is the executive individual. He doesn't go and lock anybody up individually. You have special departments to take care of that in the executive branch of the government. You have the Attorney General's Office, etc. I am trying to follow your reasoning and I am sorry I can't.

MR. HOLLENDONNER: May I pursue this matter just a step further? In most cases a municipal body performs not only two of the functions, but three of the functions of government, that is, legislative, executive and judicial. The state legislature performs only one function. Where the one body performs all three functions, then there possibly is no need for checks and balances. Therefore, this is why the local municipalities have a unicameral system and, if that is true, then that would negate your argument or your comparison of a unicameral municipal body as compared with a unicameral state body because the state body performs only one function, that is, the legislative, while municipal government performs all three. You don't need the checks and balances in a

municipality.

MR. MUSTO: I think you are way off the argument. I mean, the comparison isn't fair.

MR. HOLLENDONNER: When the state legislature passes a bill, they are finished with it. They have nothing further to do with it. When a municipality passes an ordinance, they have further action to then take upon it. They appoint the Director of Public Safety. So they have something to do with the enforcement of it. They also sit as a judicial body in liquor violations. So I don't think it is fair to make that comparison and say since they are unicameral and it works there, it can also work at the state level because the analogy is not correct.

MR. MUSTO: I would disagree. Let's take it step by step. You pass a law in the legislature. You pass the same law in the legislature and the same law in a municipality.

MR. HOLLENDONNER: You can't do that.

MR. MUSTO: You can if you try hard enough. Let's you and I try hard enough.

MR. HOLLENDONNER: For your information --

MR. MUSTO: You have one house too many. It is as simple as that, just as simple as that. In a municipality you have the Police Department and in the State, the Attorney General's Office.

MR. HOLLENDONNER: Except the legislature doesn't appoint the Attorney General.

MR. MUSTO: I think you are getting away from the one house - two house argument. I say to you again, and I



repeat for the record, that in spite of the fact that we have all these different types of government, the commission form and the Faulkner Act type and the mayor-council form, there is absolutely no difference in the passing of a law in local government, when you analyze it, than there is when you pass a law in the State Legislature, except that you are passing it twice in the State Legislature and you do it nowhere else in the State of New Jersey - nowhere else. It is as simple as that.

MR. HOLLENDONNER: It is not quite that simple. I don't think your analogy is correct. You have the two houses at the present time for one reason, to act as a check and balance or a brake one upon the other. Your analogy is not correct because you don't have the same situation in the local municipality.

MR. MUSTO: Well, you are referring to checks and balances. That argument went out the window with "one man, one vote." Again I say to you for the record, I am a local mayor in Union City, Democratic leader there. I have spent 20 years in the Legislature. I am of average intelligence and I still can't see any difference between the operation of the Union City government and the State. I have spent 20 years in both, day in and day out. And I think you don't have a check and balance any more due to the fact that the "one man, one vote" edict took that away from you. That was a good argument. I respected that argument before the "one man, one vote", but at the present time I don't. I do think there is a very close analogy to the unicameral setup in

our government and I am sorry that I don't see the point you are making.

CHAIRMAN: Any further questions?

MR. BARTOLETTA: Senator, do you feel then that the government of the State of New Jersey could operate under the same principles and in the same manner as a local municipal government, namely, if you were to have 120 legislators, that out of these legislators should come a governor to exercise the executive function of the legislation passed by the group, whether it be called a Senate or Assembly? Would this make it the type of unicameral system that exists in local government?

MR. MUSTO: Depending on the local government. There may be exceptions in some townships. But generally speaking the same principle would be involved.

MR. BARTOLETTA: Would you elect your executive branch out of your legislature to exercise the authority to put into effect those laws that were passed by the legislature? Would this be the ultimate answer rather than having an exclusive election for a governor, to take a governor out of the legislature and say that he is to administer the laws that have been passed?

MR. MUSTO: I don't follow you at all. Just be a little bit more specific.

MR. BARTOLETTA: A local municipal council passes an ordinance. After the ordinance is passed and approved, the Mayor gives out word to the Department of Public Works, the Health Department or Police or Fire Department that this



is an ordinance that must be adhered to in a municipality and enforced with penalties. First it functions as a law-making body to create the ordinance. Then it goes into the executive branch and tells the person who is to enforce the legislation what the rule is to enforce and the penalties. Isn't this the normal procedure in your municipal government?

MR. MUSTO: Do you mean do I want to substitute the Union City government for the State Legislature?

MR. BARTOLETTA: This is what you do in municipal government basically. Is that correct?

MR. MUSTO: No, it isn't. Every municipality has a slightly different procedure. All municipalities have an executive function, a legislative function and a judicial function.

MR. BARTOLETTA: They are the same individuals.

MR. MUSTO: They all have that.

MR. BARTOLETTA: The same individuals.

MR. MUSTO: The procedure may be different.

MR. BARTOLETTA: The same individuals do everything.

MR. MUSTO: I don't know what government you are talking about. You'll have to take me to these towns. You have gotten me into towns I have never heard about. I thought I knew them pretty well. We are taking this poor, little proposal that I have to make one house and you are taking me into township form of government, into commission form of government, into mayor-council, Faulkner Act, etc. I had a bill that just passed in the Legislature which would resolve a lot of these problems where we have differences

on this unicameral setup. It only provided for a study commission, but maybe we can consolidate a little bit and get rid of all these mixed-up jurisdictions that we have. I didn't know it was this bad or I would have pushed it a little bit more.

CHAIRMAN: Any further questions? [No response.] Thank you very much for your time. We appreciate your being here.

MR. KELLY: How is the campaign going in Union City?

MR. MUSTO: I forgot to bring my button.

In closing, I want to express my deepest thanks to the Committee again. It is a credit to all of you that for the first time in many, many years you have allowed the public to participate in this. I think all of the public should be grateful to you for it. Thank you very much.

CHAIRMAN: Thank you.

I will now call Mr. Phelps Phelps who is a member of this Committee as the next witness.

P H E L P S P H E L P S: Mr. Chairman and fellow members: As a member of this historic Constitutional Convention and of this Committee on the Structure of the Legislature, I am deeply grateful for the opportunity of appearing before you as co-sponsor of Senator William Musto's resolution to establish a unicameral legislature in our great state.

My ensuing remarks are not based simply on theory. I was a member of the New York State Assembly and Senate for more than eleven years and speak from personal experience,

with first-hand knowledge of the workings of the legislative processes in the largest state of the Union.

Bicameralism in our country was a British import. In England, it was based on nobility or aristocracy for one house, the House of Lords. The other house, the House of Commons, was developed as the representatives of the people. In other words, the development of the House of Commons as the conscience and voice and power of the people to its pre-eminent position in the English Government today is the history of the struggle for democracy in England. In our colonial period, the Governor's Council served as the upper house and had much greater power. The lower house, with far less prestige and power, represented the people. In the struggle against tyrannical colonial governors and the abuse of kingly power, the representatives of the people came to the fore as leaders in our Revolution. After our successful revolution, it was unfortunate that several colonies had bad experiences with civil unrest and debtor revolts. Men of education, wealth and responsibility were genuinely concerned about the ability of democratic government to cope with the problems of setting up a stable democracy. Hence, these people used their influence and power to establish bicameral legislatures in the newly-freed and established states. In these legislatures, the upper houses represented larger districts in area, population and usually historical districts established long before the Revolution. It was considered vitally necessary to create a differently constituted upper house to place a check upon

the more popularly elected lower chamber because few of the states gave their governors the right to veto legislation. The memory of tyrannical governors was still too strong to give them the power to veto legislation. Therefore, responsible people of the colonial period believed it necessary to form bicameral legislatures to check popular will.

May I respectfully point out that bicameralism was fostered as an instrument to check the will of the majority. Whatever justification that could be given for this undemocratic view no longer exists today. Our free press, our radio and TV programs, our mandated educational system and our numerous civic organizations can provide all voters with information on the vital issues of the day and the arguments on both sides of the issues so that our people can make up their minds. Furthermore, a bicameral legislature is only one small part of our check and balance system. Our governor and our courts can and do play an ever increasing part in the working of our present day check and balance system.

I reminded you earlier that I speak from experience - having been a legislator for more than eleven years. Based on my experiences, may I respectfully point out the disadvantages of the bicameral system.

- 1) It is a more costly system. It requires more members of the legislature, a far greater number of personnel, more stenographers, more typists, more accountants, more investigators, more lawyers, a much higher payroll. Likewise there is a needless and wasteful duplication of committees, wasting precious time in going over the same material, listening to the

same administrators covering the same ground and accomplishing little other than delay. In giving the following example, I am not advocating a unicameral house for the Federal Government but it was so appropriate that I included it in this report. Very recently, I counted several weeks in which our Secretary of State and our Secretary of Defense spent several precious weeks testifying before numerous committees, each asking the same questions and going over the same ground. One appearance before one committee would have been equally informative and would have saved a lot of precious time and money.

- 2) It is an inefficient system. More bills are introduced, more printing has to be done; more hearings have to be held. Also, too many bills are passed in one house, knowing full well that the bills will not be passed in the second house. The people are fooled by these tactics and they do not know whom to hold responsible for the failure to solve their problems.
- 3) It encourages the system of trading for votes and frequently delays important decisions. All too frequently, one house may be controlled by one party while a different party has won control of the other house. As a result, either some bills aren't passed or are seriously compromised to enable them to be passed in a watered down version by both houses of the legislature.
- 4) Bicameralism reduces party responsibility. People

are unable to pinpoint responsibility for the failure to solve the people's problem. Legislators find it easy to pass the buck under this system. Many legislators think it to be good politics to create issues for the coming elections by not passing the needed legislation.

- 5) Since the U.S. Supreme Court has come up with its decisions in Baker v Carr and in Reynolds v Sims, both houses must be apportioned on the same basis - namely population. Hence, there is no longer any need for bicameral legislature if both houses are to represent one thing - population. Nor is it possible to continue the system of protection of our rural areas at the expense of our urban areas.

Having summarized the arguments against a bicameral legislature, may I take a few moments to summarize the arguments for a unicameral legislature.

We are living in the Jet Age. We no longer have one or two decades to postpone solutions to today's problems. For instance, such present-day problems as commuter transportation, air pollution, sources of a new water supply and higher education for today's youth cannot wait for solutions arrived at in the mid 70's or 80's. We must do something and something now. If we wait for a miracle to come up with a perfect solution, the problem will probably be very different and complex that it may be impossible of solution. Recently, Governor Hughes met Mr. Keith Funston to convince him of the desirability and the availability of

many areas of our state for a new home for the New York Stock Exchange. New Jersey is in competition with many areas and Mayors and Governors have made many promises to Mr. Funston. Can our Governor convince Mr. Funston without a firm commitment from our legislature? Can we afford to wait until both houses of the legislature make up their minds? Can we afford to lose the thousands of jobs that such a move might bring to our people? Can we ignore the valuable dollars that this great industry can bring to our communities? A unicameral legislature takes less time to act.

It is not my job to take sides and I'm not doing so now. Governor Hughes was overwhelmingly re-elected. He came up with a financial program. One house passed the Governor's program - the other did not. Can our state afford to delay much longer a program which must help to solve many of the problems of our citizens?

With the reduction in the size of a unicameral legislature there will necessarily be a great reduction in the number of persons needed to carry on the functions of legislation. This will reduce the cost of legislation and will improve the efficiency of the legislature. Any savings in the cost of government is to be encouraged.

The argument that is most frequently heard in behalf of a bicameral legislature is its necessity to retain the check and balance system. May I respectfully point out that this argument is pure fiction. In our elaborate check and balance system, the Executive checks both the legislature as well as the Judiciary; the legislature checks the Executive

and the Judiciary and the Judiciary is impowered to check both the Executive and the legislature. There is no necessity to add a bicameral check to this complicated system. If our legislature exceeds its powers, the Governor and the courts are fully empowered to step in and restore the balance to prevent any person or persons from seizing control of the government.

Since World War I, there has been a decided movement to down-grade legislatures. Their prestige and power have been curtailed and due, in part, to the tremendous population shifts that have occurred since then, the legislatures have fallen out of step with their own times and their own constituencies. The people have turned to the executives for leadership and for help in the solution of their problems. In many instances, citizens have been unable to identify the legislator who represents him or his district. While a unicameral house may not be able to restore legislative prestige and power, it can help to identify the legislator to his citizens. Single house legislatures are closer to the voters and voters can more easily identify themselves with their legislator.

Today many citizens complain of Big Government. While there are many reasons for the creation of Big Government, it is undoubtedly true that government has become too complex and the average voter cannot identify himself in this huge, complex machinery. A unicameral legislature makes it easier for the citizen to know who represents him, thus bringing him closer to his government.

Finally (and in my view, the most important), a single house legislature is more democratic and more desirable. It places legislative responsibility on a single body elected directly by our citizens. It places collective confidence in the people's representatives and the people, by their power to elect, can enforce direct responsibility over our law-makers. While there might have been reasons for fearing the power of the "mob," these reasons no longer exist and the unnecessary, wasteful time-consuming barrier of a bicameral legislature should be relegated to the stately horse and buggy days of yesterday and be replaced by a unicameral house geared to the Jet Age and outfitted with necessary machinery to solve today's problems today and not twenty years hence.

In my legislative experience, I have been called a visionary, a dreamer for advocating legislation which was considered impractical or difficult of achievement. Yet, I am proudest of my achievements in just such fields which were unmercifully attacked. I was the first to advocate and sponsored the resolution for a referendum to repeal prohibition. My dream came true and my faith in the people was completely justified, for they voted overwhelmingly to repeal prohibition. When I began my campaign for low-cost public housing for the West Side of Manhattan, the district that I then represented, I was told that it couldn't be done. Land prices were too high. That great teacher and administrator, Robert Moses, assured me that there was no way to satisfy the just demands of my people for decent housing at a price they could afford to pay. Today there

are two low-cost housing projects in my former West Side District - one in the lower end of the district and the other in the northern end. When I first came out for a public lottery as a means of aiding the taxpayer to replace antiquated schools built more than a century ago and to build new schools, I was assailed as a dreamer, as impractical. Today New York State is on the way to setting up such a lottery and the number of advocates arguing for its utilization are legion.

Long ago I heard or read something which has influenced me greatly. The cure for the ills of democracy is more democracy. This principle has been my guiding light and influenced me to advocate the impractical, those things which couldn't be done. I believe that given the will, the facts, clearly and honestly stated, the people will find a way to accomplish what they need and want. In this pursuit, people will elect leaders who will carry out the wishes of their constituents. To me, this is simple democracy - true AMERICANISM. In this philosophical light, I am proud to join with Senator Musto in the sponsorship of a Unicameral House for our great state.

Thank you for permitting me to present my views.

CHAIRMAN: Thank you, sir. Do any members of the Committee have any questions? Mr. Tate?

MR. TATE: Yes. Mr. Phelps, I would like to ask you a question: As to at-large or districting on a unicameral, which one do you favor?

MR. PHELPS: Well, either one. I am undecided on that point, but I do feel that the unicameral is the first thing, and I think we are putting the cart before the horse a little in trying to decide that. I think the first thing is, do we want unicameral or do we want bicameral? I am really non-committal. I am undecided. My own personal views are that the at-large, in a way, is much better. I think the local districts have become so expensive, and I speak from knowledge of New York, that I think it is getting beyond the ability of the average man to run in the local district. At-large, I think the expense isn't so much, but where he is in a local district, he is held down and he has to spend an awful lot. On the other hand, he has a personal contact and he represents the people directly. If it wasn't for the expense, I like the local. I represented in New York the local district and in those days it wasn't so expensive. Today it is about ten times what it cost me, I can tell you that. I would hesitate to run in a local district in New York today. That part I don't like. On the other part there are some good things.

Now another thing, with at-large it is more on the principle and less on the popularity and what the fellow does for the people in that district. So I think we are going back to principles of a party more and less personal popularity, which I think is a very important thing in our country.

We don't have enough party responsibility. It is becoming a matter of images that are built up, from President right on down. In that way, I think at-large is better. It would be run more on the principles rather than on the personal popularity in a small district. But I am open to all sides of this. I am not committed on that. What I am interested in is the unicameral. Does that answer your question?

CHAIRMAN: Mr. Hollendonner?

MR. HOLLENDONNER: Mr. Phelps, one of the arguments being advanced by you in support of the proposition is the question of responsibility. You say that because a legislator in the lower house has an idea that the bill is going to be defeated in the second house, he will go ahead and vote for it and satisfy both pro and con, but by having a single house the legislators will have to face up and they will have to be much more careful what they report out of committee.

Do you feel that by placing the spotlight directly on them and they know that the buck can't be passed, they will face up to their responsibilities?

MR. PHELPS: I think they will. They don't want to commit a boner.

MR. HOLLENDONNER: May I submit to you, if we had a one-house legislature today, do you think the Senators would be willing to face up to the problem of a broad-based tax?

MR. PHELPS: I think they would vote whichever way their conscience dictated.

MR. HOLLENDONNER: You think they would be willing to face up in front of the public to their responsibilities when they know they can't pass the buck?

MR. PHELPS: Well, I think the will of the majority would be represented.

MR. HOLLENDONNER: Do you feel they would be willing to face up to their responsibilities?

MR. PHELPS: Yes, by using their conscience and that is what every legislator should use.

MR. HOLLENDONNER: Shouldn't they use their conscience when they have two houses also?

MR. PHELPS: Unfortunately, it doesn't turn out that way many times. And I must say that it's a shame when I saw back in the '20's bills that should have been passed. I happened to introduce, myself, in 1924 when I was a kid a bill for unemployment insurance. It passed the Senate only to die in the Assembly, and vice versa with other bills. Heaven only knows how many hundreds of millions of dollars were lost by not passing a pari-mutuel bill. It took 25 years to pass a pari-mutuel in New York. It would be passed in one house and killed in another. There are just two examples. I could go on all day with examples.

MR. HOLLENDONNER: Are you then saying that if you had a one-house legislature 25 years ago, they would have had the bill passed-

MR. PHELPS: I think they would have come around much quicker.

CHAIRMAN: Are there any other questions?

Senator Kelly,

MR. KELLY: Mr. Ambassador, I have an open mind on this question of unicameral or bicameral. I notice there is a little lobbying being done here today, and since we're lobbying you mentioned that the New York State Legislature has passed and there will be on the ballot in November a referendum dealing with the lottery question. The Legislature of New York is bicameral.

MR. PHELPS: That's why it took all these years. I think it would have come to it much quicker. Sometimes they pass-

MR. KELLY: Well, I wanted to point that out. We have a bicameral legislature now in New Jersey, and we still don't have moving anything like this lottery bill. You mentioned also that those who would be members of a unicameral legislature would be serving the will of the people.

MR. PHELPS: I think they would be much more spotted out than they are in two. I think a lot of people are confused and they don't know who to blame for a lot of things not happening.

MR. KELLY: Assuming there were a unicameral legislature and these legislators represent the people, could the Governor veto anything they did?

MR. PHELPS: Well, certainly, the legislative - he has a right to veto it.

MR. KELLY: By what right? The people have elected these legislators and you say they represent the people and only the people and you indicate in your statement that the second house is merely the House of Lords.



MR. PHELPS: But under the present term they would both be the same, so he would have just as much right to veto it with a bicameral under this present system of one man, one vote. That may be the will of the people.

MR. KELLY: The point I make is this, that in your statement- I don't have a copy before me - you indicate that a unicameral house will represent truly the will of the people. Now, if they pass legislation, this must be the will of the people. Having done this, can the Governor then veto the will of the people?

MR. PHELPS: Well, I guess they have done it in Nebraska, and certainly they have a unicameral legislature.

MR. KELLY: May I point out to you, I am not as familiar perhaps as others with Nebraska, but I have read in the newspapers and perhaps some of the reporters here are more familiar with it - no bill is introduced in Nebraska, as I understand it, unless it is assured of passage.

MR. CUCCI: They meet once a year.

MR. PHELPS: Does that mean they are sure the Governor is going to sign it before it is passed?

MR. KELLY: I understand you can't introduce it unless you have a majority in favor of it and it is assured of passage, which would indicate to me that there is no debate as to the worthiness of a bill. Now, if there is no debate as to the worthiness of the bill, is it the will of the people that the Governor has a right to veto?

MR. PHELPS: What's to prevent them from having hearings on the bill and everything before they decide to pass it?

MR. KELLY: They do, I understand.

MR. PHELPS: Well, isn't that enough safeguard?

MR. KELLY: Somebody asked a question before that confused me. Would the Governor come from the Legislature?

MR. PHELPS: No, he's elected.

MR. KELLY: Now I am wondering if we need a Governor.

MR. MUSTO: May I answer that? I certainly think we need a Governor. That's the Executive Branch -

MR. KELLY: To veto the will of the people?

MR. MUSTO: Certainly. Just because a man is elected to the halls of the Legislature does not mean that any bill that is passed represents the will of the people nor that it doesn't.

MR. KELLY: I am referring now to the statement that was read by the Ambassador, and in his statement he said that a unicameral legislature will represent the will of the people. I still insist that if the people, through their representatives, pass a bill, I don't know how the Governor, who is elected by the same people, can veto it and I am wondering what the difference between unicameral and bicameral is because, as a member of the Legislature now, I like to think that I represent the will of the people.

MR. PHELPS: Well, in both houses now it is "one man, one vote." It is just as much the will of the people with the two houses as with the one, for that matter. As far as that goes, he has just as much right to veto the unicameral as he has the bicameral now.

MR. KELLY: That's what I'm getting at. That's the



very point I'm making.

MR. PHELPS: Well, that is the whole system of our government. The Executive is the check.

MR. KELLY: Well, what is the distinction between unicameral and bicameral?

MR. PHELPS: Well, there is less fenagling. I've seen so darn much legislation-

MR. KELLY: I've heard this word here today maybe too often, but I have been in the Legislature - this is my ninth year, and if there is fenagling, nobody has told me about it.

Now I say I have an open mind on this subject, but I think we should restrict this hearing to unicameral and bicameral and not whether or not if it were unicameral we would have a tax or a lottery or night racing. I can mention things aplenty.

MR. PHELPS: Senator, believe me, you have transportation and other things that need speeding - air pollution.

MR. KELLY: Many problems.

CHAIRMAN: Any further questions?

MR. CUCCI: Could I just respectfully submit that on next Thursday we will have the Nebraska Lieutenant-Governor, Phillip Sorensen. He has been invited and I understand he has consented to come here, and the Clerk of the Legislature, a gentleman by the name of Hugo S. Srb - S-r-b - that's how he spells his name incidentally - and they have already agreed to be here on next Thursday so I thought this might answer some of the questions that have arisen in the mind of

Senator Kelly with respect to how the Nebraska -

MR. KELLY: There is only one question in my mind and that is, who's paying their expenses?

MR. CUCCI: We're paying them.

CHAIRMAN: Also, the Speaker of the House is coming, Mr. Bowen - Kenneth L. Bowen.

If there are no further questions, thank you, sir. You are a member of the Committee and now it's your turn to ask questions.

MR. MUSTO: May I just clear up one point with my fellow Senator from Hudson. We get along too well to have the impression left with any member of the Committee that there has been any lobbying at all on this legislation.

MR. KELLY: I did not refer to any statement that you made, Bill, but I notice that there were statements made here as to whether or not if there were unicameral, would we have a tax today - if it were unicameral, would we have this today - if it were unicameral, would we have that today. I don't know. But I think this is not the forum to discuss these matters. I think this Committee is here to hear whether or not this State should adopt under a new Constitution a unicameral form or bicameral and not specific legislation.

MR. MUSTO: I couldn't agree more and I have tried during the time I testified, Senator --

MR. KELLY: You did very well.

MR. MUSTO: [Continuing] -- to limit the Committee as to the questions they would ask in that regard.

MR. PHELPS: Well, I apologize if I said anything

that you resent.

MR. KELLY: No. You said something I like on the lottery.

MR. PHELPS: I wanted to bring out the necessity for fast action on some of these things.

CHAIRMAN: I have a question from the audience I would like to ask you, Mr. Phelps: "How large a unicameral legislature does the witness's plan envision?"

MR. PHELPS: Well, I haven't got down to that point. As I said before, I think we are putting the cart before the horse to come into details like that. I think if we decide what kind of a legislature, then we can work out the details of it. I am inclined to think that it shouldn't be too big; it becomes too cumbersome. How many exactly would have to be debated out and you would have to hear all sides on it. I wouldn't want to make a snap judgment on as important a thing as that.

CHAIRMAN: Thank you very much.

Now if you join us on this side of the table, we will hear our next witness who is Miss Nuelsen of the League of Women Voters.

MISS. NUELSEN: I have an aide friend. May she sit here also?

CHAIRMAN: We are very happy to have her with us.

[Mrs. Lewis Gordon, State Reapportionment Chairman, League of Women Voters of New Jersey, takes a seat alongside of Mrs. Nuelsen]

MARY LOUISE NUELSEN: Senator Stout, I am Mary Louise Nuelsen, President of the League of Women

Voters of New Jersey, representing 92 local Leagues and 9,500 members. We appreciate the opportunity to appear before this committee.

In April of last year, the League's State Convention adopted for study the following item: "Study and work for an equitable system of representation in New Jersey that will be in accord with Federal and State court decisions." By the end of January this year, the Leagues throughout the state had reached agreement on several criteria for judging any proposed apportionment plan.

The consensus includes a recommendation for "a bicameral legislature of approximately the present size."

There was quite a bit of interest in unicameralism among the League members, but the idea was not endorsed because it was felt that more study would be required of the possible effects of such a change and there was insufficient time for this. Also, the Leagues thought it highly unlikely the Convention would adopt a unicameral system, and, in fact, did not expect it to be given serious consideration. But the strongest reason was that the members all over the state wanted the advantages inherent in the combination of both multi-member and single-member districts. This would only be possible with a bicameral legislature.

Our feeling is that every voter should be represented more directly and personally by having single-member districts in the larger house, the Assembly. There would be, in this way, representation of local interests and minority groups. At the same time, the smaller body, the Senate, would be

representative of broader regional concerns. To this end, it was felt that Senators could be elected at large from senatorial districts, which would probably coincide with county lines.

Our presentation to this committee is brief, but we would be delighted to reply to questions.

Again, we thank you for this early opportunity to be heard.

CHAIRMAN: Thank you, Miss Nuelsen. Are there any questions? Mr. Pfaltz.

MR. PFALTZ: Miss Nuelsen, a woman came around from the League and presented me with this kit with which I think you are probably familiar and at the time because I was aware of the fact that I would be dealing with this Committee, I talked to her about your recommendations on unicameralism and bicameralism. And this particular lady I think was quite candid and said that your ultimate recommendation which was that there was no need to change, at least in this kit, was based largely on expediency because you considered it would be unlikely that we would seriously give consideration to the problem of unicameralism and you have been candid enough to say that again here. I talked with her about the pros and cons and I think you have heard today from Senator Musto and others a lot of concern more with the problem of expedition of legislation, which they say and contend with a lot of argument. would be better handled through one body rather than two. I feel that the only thing which you have put here as a counter provision deals with the problem of

representation, regional versus single-member districts, which I think, as Senator Musto has said, you can accommodate or you could accommodate each of these aims, broad representation as opposed to regional representation, in either house and that the attempt for representation does not foreclose consideration of either unicameralism or bicameralism. Is that true? Maybe you could develop on this a little further.

MISS NUELSEN: Well, I would have to say that unfortunately we were testifying at the other hearing and did not hear Senator Musto's full presentation so I don't know how he proposes to accommodate multi-member and single-member districts.

CHAIRMAN: I think he said that he would leave it up to the district, whether it be a county, whether it could be possible to have a county having members at large and another county might want to have districts - take Hudson, at large, and Essex with districts. That is the example he used.

MISS NUELSEN: Oh, heavens.

CHAIRMAN: Is that right, Senator?

MR. MUSTO: Yes, it is. It would be permissive within the framework of the county, but you could even go further than that and that is based on valid legal opinion that has been obtained and it would be constitutional to do that within the framework of a unicameral. We have established that, not beyond any legal doubt, but by the finest brains and talent that we could find legally to give us an opinion on it.

CHAIRMAN: You are thinking of the Georgia case.

I think that is somewhat similar.

MR. MUSTO: I don't know the name of the case.

MRS. LEWIS GORDON: I am Mrs. Lewis Gordon, State Chairman of Reapportionment Study. I think the other thing that the League members were frustrated by in giving what consideration they did to the unicameral system was the fact that Nebraska is the only state that has a unicameral system. And they felt it was very difficult to try with what has been written, etc., to figure out how this might work in a much more complicated urban state than Nebraska. This was part of their rationale. But certainly a good number of our Leagues mentioned - you know, at this point they couldn't see it, but we really ought to look into it more. So I think certainly with the Lieutenant Governor coming and really getting some first-hand information, this would be very valuable.

CHAIRMAN: Incidentally I have a question from the floor here, which is a real fast ball, it says: "What was the stand of the League of Women Voters of Nebraska on the one-house - two-house legislature?"

MR. MUSTO: I must admit that the Senator from Hudson asked that question. The League of Women Voters of Nebraska - and I don't mean this in any way as a reflection on you wonderful women - did endorse the unicameral system.

MRS. GORDON: They did in Rhode Island also just recently. Rhode Island has been having a constitutional convention and the League of Women Voters in Rhode Island were

strongly in support of the unicameral system for Rhode Island.

CHAIRMAN: Senator Forsythe.

MR. FORSYTHE: Isn't the point of your dual representation as you use it in your statement, where you will have parallel dual representation with both single-member districts and the larger senatorial districts representing the same people? Whereas the point being made by the Senator from Hudson is that you can have both, but you won't have both at the same place.

MRS. GORDON: Right.

MR. FORSYTHE: So the significance of having the direct representation from a district and the responsibility that this entails in a single-member district is that it provides a very significant representation feature, where alongside of this at the same time you have the broader view of the larger at-large representation.

MRS. GORDON: Yes.

MR. PEER: I would just like to get one thing clear, Miss Nuelsen. Would it be fair to say that the League of Women Voters has reached the conclusion that it has now because really in effect it hasn't had enough time to do the kind of a job on this sort of thing that the League would usually do before it takes a stand?

MRS. GORDON: I suppose the fact of our saying we didn't feel we had enough information in the time - I suppose you could take that. On the other hand, we felt that we did have sufficient time to really come up with a plan, but we

couldn't concentrate and really look into unicameralism and also then think through in terms of a bicameral system what we would want. There wasn't time to do both and the League felt it was more important to try to reach some criteria within the framework of a bicameral system as to what they would rather see.

MR. PEER: What I am getting at is that this judgment that the League has made at the present time is one that they have had to make quickly and without the kind of study they would like to give to make an absolutely permanent decision.

MRS. GORDON: In some ways it was quickly because normally we would probably study something for probably close to two years before reaching a decision. We started this last April and finished in January. This is a shorter period of time.

MR. PEER: This is in no way being critical.

MISS NUELSEN: This is true. I wouldn't want you to question the soundness of the consensus we did reach on what we studied. But actually it was not put before us - "Shall we have unicameral or bicameral?" We were really not thinking in these terms and if we were, we would have needed more time to try to develop what would happen with the unicameral.

MR. PEER: Thank you.

MR. PFALTZ: Miss Nuelsen, one thing that has been striking me more and more as these hearings have gone on is the basic proposition under Reynolds v. Sims of "one man, one vote," and the case specifically says that the old concept

of one house which represents something other than people, counties in Georgia, or what have you, or farmers, etc. is no longer going to be applicable. Now your statement says that at the same time, the smaller body, the Senate - and this is after you deal with the larger house, which represents the people -- at the same time, the smaller body, the Senate, would be representative of broader regional concerns. Now while Reynolds v. Sims says there can be some recognition of traditional regional concerns in a State, it cannot be a significant factor; there cannot be great deviation from the "one man, one vote" principle. I wonder if this isn't really an expression in your presentation here of the concept which has been essentially struck down by the Supreme Court. Maybe you can elaborate on that.

MRS. GORDON: It certainly isn't. The thinking was again that the Senator would represent two or three times as many people as the other does and this would give him a broader more regional outlook. In terms of regional thinking of several counties or something grouped together, obviously this could go against the "one man, one vote." We are thinking in terms of obviously "one man, one vote," but providing a larger population base for one than the other.

MR. PFALTZ: What you are saying and what bothers me is, merely by doubling or tripling the representative unit doesn't mean you are going to get in a valid region. Let me draw it in terms of specifics.

MRS. GORDON: That's not necessarily so.

MR. PFALTZ: Let's say you have a district in the

center of New Jersey, the south center, and that represents a given number of people. Now by enlarging that district so you go over to the coast and take in the seashore population, maybe by taking four times the number of people, doesn't necessary mean that you are going to get a cohesive, regional representation. In the type of district which I have made there, you have a seashore group and a central farming group perhaps.

MISS NUELSEN: But this would give the Senator a broader point of view.

MR. PFALTZ: Well, it gives him two problems.

MISS NUELSEN: Yes. Well, that's good. We think Senators can cope with two problems.

MR. KELLY: I like that.

MR. GAULKIN: I would like to ask a hypothetical question, to which you may demur if it is unfair. In the context of the study which you made, which I gather is directed to fairness of representation primarily, in the event that you did end up with a unicameral legislature, in your judgment would that require single-member districts or would multi-member districts in a unicameral legislature in your mind provide fair representation?

MRS. GORDON: I think it might come down at the very end to a question of how big the multi-member districts were, in other words, how many people were running at large, because certainly there was a very strong feeling that nine Assemblymen in Essex at large was too much and four Senators was, you know, a reasonable kind of multi-member district.

Now if it was a unicameral system, we would have to look at the total plan in terms of our consensus and see.

MISS NUELSEN: I have the feeling that we are quite devoted to the direct representation of single district somewhere along, don't you?

MRS. GORDON: Right. Here it would be a question - one couldn't say at this point whether we would oppose a unicameral plan that had multi-member districts. It is anybody's guess.

MR. GAULKIN: Would you say that the single-member district is the more important of the two if you could have one or the other?

MRS. GORDON: We reached a consensus in terms of a combination.

MISS NUELSEN: The League of Women Voters writes an awful lot of letters to its legislators and it is easier to have just one to write than a whole lot.

MR. GAULKIN: I would also like to ask one question - I don't know whether you heard Senator Musto at all and his comments on the alleged distinction between the attitude of the legislator toward a small district and the larger regional district.

MISS NUELSEN: We didn't here this.

MR. GAULKIN: I believe his testimony was that he really didn't feel there would be a significant difference in attitude between a legislator representing a small district and one representing a larger district, assuming it is not the whole State. I wonder if you could respond to that and perhaps amplify your statement here that there is an advantage



in the two different attitudes coming to bear on particular legislation.

MRS. GORDON: Well, I think our League members felt that one could expect there to be a difference in the approach to things from somebody representing a single-member district and somebody part of a multi-member district. And their feeling was that one would take into account broader kinds of interest and that the other would tend to be confined more definitely to the direct representation of the people within the district.

MR. GAULKIN: To argue Senator Musto's point - take Hudson County, for instance, with 600,000 people. Whether a man represents the City of Bayonne or whether he represents the County of Hudson, will that really make a difference in his approach to a particular piece of legislation?

MRS. GORDON: I am not in any position to say. I don't know.

MR. GAULKIN: I am just trying to think conceptually here whether the argument really holds water.

MISS NUELSEN: We don't know. We are not answering you; we don't know.

MR. KELLY: I have just what I think is a simple question. In your statement you indicate that you have had insufficient time to really study the difference between unicameral and bicameral and which would be better for this State. Another fact was established here by Mr. Cucci that next week there will be here some gentlemen from Nebraska

who will in some way explain the workings of the unicameral in Nebraska. Now, as Senator Musto said, he doesn't care whether it is Nebraska or where, but this will be how the unicameral works in Nebraska. Do you think that after listening to these gentlemen perhaps you may have a change of heart with respect to the statement made here today?

MISS NUELSEN: Well, the League cannot --

MR. KELLY: Won't this add to your study?

MISS NUELSEN: Well, it might, it might. Although I think we will be very interested to see how this Convention proceeds and how it develops; the League cannot have a sudden change of heart. We are pretty slow on this.

MR. KELLY: I understand and I am not asking that you change your mind. But perhaps based on what these men say - and I have no idea, nor I think has anyone in this room, what these men will say when they come here next week -- But the reason they are coming, I trust, from Nebraska is to try to explain something that we will make an effort to understand.

MISS NUELSEN: Oh, yes, and we will.

MR. PEER: I have one question that may clarify something that came up in a question Mr. Pfaltz asked a few minutes ago. The Dirksen amendment would in effect overrule substantially Reynolds v. Sims. What was the position of the League of Women Voters?

MISS NUELSEN: We are against it.

MRS. GORDON: Absolutely.

CHAIRMAN: Mr. Tate.

MR. TATE: Mr. Chairman, I have a final observation. In view of the fact that we as delegates came here under a mandate to study this question of apportionment based on the "one man, one vote" principle, would you now include in your paper the same statement that you thought it was unlikely the Convention would adopt a unicameral system and that you did not expect it to be given serious consideration?

MISS NUELSEN: Well, had we still this statement to write after today, I don't know that we would.

MR. CUCCI: But we can reasonably conclude on the basis of what you have presented here today that there is still much elasticity in the thinking of the members of the League of Women Voters with respect to unicameralism versus bicameralism?

MISS NUELSEN: Well, at this point, there isn't, but I can just say candidly again we just didn't think that unicameralism would be a probability or a possibility.

CHAIRMAN: Mr. Phelps, do you have a question?

MR. PHELPS: Well, I was going to ask them if they are familiar with the fact that all the provinces in Canada except Quebec are unicameral and also New Zealand and Austria. I was wondering whether their system was single district or at large. Do you happen to know?

MRS. GORDON: I don't.

MR. PHELPS: I wasn't looking into the single or the at large because I was only interested in unicameral. I was just wondering if you happen to know.

MR. HOLLENDONNER: I am not trying to put you on the spot. I assume from your statement that this position was not taken on the merits of the question itself, unicameral versus bicameral. Assuming that this Convention came out with a recommendation or an adoption of a unicameral legislature with representatives elected at large, what would be the position of the League, if you know?

MISS NUELSEN: Well, I don't know, but we would certainly look at it again. We would ask all our 92 Leagues to look at the thing carefully and see whether they could come up with a position because presumably this would go to referendum. We would have to vote on it and we would want to have a position. I can't tell you what it would be.

MR. HOLLENDONNER: I am just trying to determine how strong a position you would take on this question of multi-member versus single-member districts. I wonder whether that would be considered --

MRS. GORDON: As we said before, we would have to wait until we had a specific proposal and refer it back to our membership and see.

MR. HOLLENDONNER: Could you envision the League supporting a unicameral house with members elected at large?

MRS. GORDON: That I just don't know. I really have no idea. If you put it, the League supporting a unicameral system, if that was the proposal that came out of this Convention, I doubt that we would oppose such a thing, but to discuss whether it is multi-member or single-member, I think this would be where the members would



really --

MR. HOLLENDONNER: This would require important consideration as far as the League is concerned.

MRS. GORDON: They would want to think about it.

CHAIRMAN: Any further questions?

MR. PEER: I just want to take a hitchhike on his question. Suppose it was turned the other way around and the proposal was for a bicameral legislature with both houses elected at large?

MRS. GORDON: I think we would probably oppose it because they were very, very strong that one house should be single.

MR. HOLLENDONNER: Suppose it were a recommendation of a unicameral legislature with representatives elected from single-member districts?

MRS. GORDON: Here again, we would have to think about it.

MR. HOLLENDONNER: Would you have to go back?

MISS NUELSEN: Yes, we would have to go back.

CHAIRMAN: Miss Nuelsen and Mrs. Gordon, thank you very much.

MISS NUELSEN: Thank you.

CHAIRMAN: We appreciate your coming in.

I have a letter from Winfield S. Chasmar, Business Manager of the Pulp, Sulphite and Paper Mill Workers, A.F. of L.-C.I.O., supporting a unicameral legislature and I would ask this be included in the record.

[Letter from Mr. Chasmar can be found on page 90 of this transcript.]

CHAIRMAN: For the benefit of the press here today, I think it looks now as if the hearing at which the gentlemen from Nebraska will be heard will be at 11:30 next Thursday morning. It is tentative, depending on their plane schedule. We are trying to get them on in the middle of the day. If they carry on in the afternoon, we will continue the hearing at 2:00 o'clock.

Any further business of the Committee? If not, we will adjourn.

## A UNICAMERAL LEGISLATURE FOR NEW JERSEY

William V. Musto, Delegate, Hudson County

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I have urged legislative consideration of a unicameral legislature for New Jersey every year since 1954. I have proposed a specific type of a one-house legislature for the past three years in the form of a concurrent resolution proposing to amend our Constitution.

This committee, and all Convention delegates, I submit, owe it to themselves and the people of this State to give this subject their most serious consideration. Another convenient opportunity to consider the adoption of a unicameral legislature may not be available to the people of this State for a long time.

My study and investigation during the past 10 years has persuaded me that the advantages of a unicameral legislature far outweigh its alleged disadvantages.

Bicameralism was transported to America from Great Britain. There it served a legitimate and useful purpose in its day. It marked a significant step forward in the evolution of representative government as we know it today. Its initiation was a milestone in the march from feudalism to absolute monarchy to the present enlightened representative monarchy of Great Britain. In the class societies of past centuries, it provided a second and lower house comprised of representatives of the people who were not members of the privileged classes. But, as class distinctions became blurred, the British upper house withered, its strength sapped by the march of democracy. Today, for all practical purposes, Britain has a unicameral legislature; its House of Lords is limited to an advisory and ceremonial role.

Most of the royal and proprietary colonies in America modelled their legislatures after the Parliament of their Mother Country. In early New Jersey, as both a royal colony and a proprietary colony, two houses emerged: an upper house, the members of which represented the crown or the proprietors, and a lower house, with limited powers, representing the people. Our first State Constitution of 1776--which antedated our Federal Constitution--followed this pattern. The lower house, the General Assembly, was given additional powers, but the upper house, the Council, had considerably more power than the Senate today. This was a big step forward in a Constitution which limited membership in both houses to propertied citizens and which guaranteed to all members of any Protestant sect the right to hold public office. By 1844, these distinctions had disappeared and we adopted a new constitution which defined the legislature we had until this year. And, as you know, the Constitutional Convention of 1947, which drafted our present Constitution, was prohibited, by law ratified by the people, from disturbing the organization and composition of the Legislature defined more than 100 years earlier.

I have outlined this brief history of bicameralism in New Jersey for one purpose: to show that it is the product of tradition, that its initial purpose, legitimate, worth-while and desirable in its day, no longer exists, and that, today, it must be, and should be, judged on its merits in its present-day environment. I suspect, too, that bicameralism exists today largely because of inertia--human inertia to change--and the basic conservatism of American institutions.

In 1787, the several states joined together in a union with a bicameral Congress, but that bicameralism was largely the result of the Great Compromise between the large states and the small states. Both got half of what they wanted: the large states got representation based on population in one house, and the small states got equal representation regardless of population in the other house. (The earlier Articles of Confederation had provided for a unicameral legislature.) A large number of states were to follow this Federal pattern: one house based on population, another on area. And while this principle of representation withstood constitutional attack, bicameralism had a strong basis.

But Reynolds v. Sims, and Jackman v. Bodine in New Jersey, destroyed this argument. And without it, I submit, bicameralism lost its foundation. In Reynolds, Chief Justice Warren expressed the view that bicameralism is not "rendered anachronistic and meaningless when the predominant basis of representation in the two state legislative bodies is required to be the same--population." He then suggested that other differences may be provided: single-member districts in one house and multi-member districts in the other, different lengths of terms for the members of the two houses, different sizes of the two houses, larger districts in one house and smaller ones in the other house. He suggested, too, that bicameralism might provide an opportunity in one house to counter-balance population inequalities in the other house. These arguments, it appears to me, are those of one straining to defend his position knowing full well that his principal argument has been destroyed.

The Chief Justice listed one other reason in support of bicameralism--and this remains as the single, most frequently repeated argument of its present-day proponents. Mr. Warren said, "A prime reason for bicameralism, modernly considered, is to insure mature and deliberate consideration of, and to prevent precipitate action on, proposed legislative measures." But let's look at this argument. Unfortunately, there are no objective, fixed standards that we can employ to measure accurately the degree of "maturity and deliberateness" in the legislative process and judgments in this area must necessarily be subjective.

But it seems to me that the belief that bicameralism insures deliberation and prevents hasty, ill-considered or irresponsible legislation is not borne out by the evidence. If anything, the evidence might well prove the opposite. There is nothing in comparative studies of the number of bills introduced, the percentage of those passed by one house, the percentage of those passed by both houses, or the percentage enacted into law and vetoed by the governor that lend support to the hypothesis that bicameralism insures more deliberation than unicameralism. Only one unicameral legislature exists in the 50 states today, in Nebraska, and, unfortunately, meaningful comparisons between that state and ours in terms of legislative deliberation are difficult to make. But the record does show that fewer bills are introduced in Nebraska and that a considerably larger percentage of them are passed by the legislature in Nebraska. And while these statistics, and others, are commonly employed by both proponents and opponents of unicameralism, they are

subject to varying interpretations. Is a small number of bills introduced indicative of careful consideration or lack of action in meeting the needs of the state? Is a large percentage of introduced bills passed a measure of deliberate consideration or precipitate action?

It appears to me that the primary concern with the legislative process in New Jersey in the recent past and today is not with precipitate action, but, rather, with lack of action in meeting the demonstrated needs of the State. And in this regard, unicameralism, in a sense, provides one hurdle in the place of two.

Certainly, we need a "check and balance" system. And we have it among the three branches of government. Every action of the legislature--be it unicameral or bicameral--is subject to a continuous check by the executive and judiciary in the form of absolute, conditional, line-item and pocket vetoes and by judicial review. Additionally, its every action is subject to public analysis and criticism.

Careful consideration of proposed legislation can be best insured by the adoption of proper procedural rules specified in the Constitution, in the laws of this State or in the rules of the house or houses of a unicameral or bicameral legislature. For example, the present procedures regarding emergency resolutions suspending the requirement that one full day shall intervene between the second and third reading of a bill might be reconsidered in light of our experience since 1947.

The notion that bicameralism insures us against irresponsible and precipitate action is without demonstrable proof. Is it based on the assumption that all legislators are irresponsible and that, therefore, two irresponsible groups are better than one? Or on the assumption that one of the two houses might be responsible? Then why not two governors? Or, better still, an executive troika? The more reasonable course to guard against irresponsible legislative action lies in improving the quality of the legislative process and the legislators--in either a unicameral or bicameral legislature.

Can the frantic and near-chaotic sessions of our Senate and General Assembly at the close of each legislative year be considered deliberative? The record will show, I am sure, that a considerable percentage of the large number of bills passed in this recurring end-of-the-year rush is vetoed. If nothing else, a unicameral legislature would result in one, instead of two, such sessions. Incidentally, a more reasonable attack on this end-of-the-year problem would be the adoption of a two-year legislature, which I have proposed for 10 years or so.

Students of the legislative process generally agree that special interest groups--lobbyists--fare best when the process is complex and intricate and that they are more often interested in blocking legislation than they are passing it, and bicameralism gives them twice as many opportunities. The best antidote to special interest groups is a simple, direct, and uncomplicated legislative process.

As I have said, only 1 state today has a unicameral legislature. But at the county and municipal level in this State and throughout the country, almost without exception, the policy-making branch of government is unicameral. And there is no serious consideration of changing to bicameralism. Many national governments outside the United States are unicameral, including Austria, Finland, New Zealand, Israel, Norway, Portugal, Turkey and Switzerland. All the Canadian provinces except one, Quebec, have unicameral legislatures.

Unicameralism, I submit, is a worthy alternative to bicameralism.

In the context of the situation here today, it has the considerable advantage that it will simplify the task of this Convention. It will make legislative apportionment or redistricting a job at least one half as difficult as with a bicameral legislature, not only for this Convention this year but for the Legislature (or whatever other body may be designated) following every future Federal decennial census.

Unicameralism concentrates legislative authority in a single body. It fixes responsibility and accountability in one body, and the responsibility and accountability of both the majority and minority parties will be much more easily identified. It will promote party responsibility. It will effectively eliminate "passing the buck" to the other house. It will obviate the present expedient practice of one house passing a bill, knowing full well that the other house will bury it.

Legislative leadership, the lack of which has in the past hampered the development and enactment of desirable legislative programs, will be strengthened. Where we now have dual leadership, we would have single leadership.

Unicameralism will effectively surmount the frequent obstacles to the passage of legislation because of the lack of communication, coordination and cooperation between the two houses and between the leaders of the two houses.

Unicameralism will simplify the legislative process, resulting, I believe, in improved public scrutiny, understanding, appreciation and participation. The citizen of this State will identify himself with one legislator or one set of legislators and with one legislative district, rather than two sets of legislators and two legislative districts. It will bring the legislator and his constituent closer together.

The unicameral legislature is not only simpler, but less costly. There will be one set of legislative committees, instead of two. It will eliminate duplicate staff and duplicate public hearings. Fewer bills will, I believe, be introduced with a saving in printing costs. It will, at least, eliminate the present practice of introducing identical bills in both houses. And while I do not consider the savings in the dollars spent for legislative purposes to be a major factor, it would not be inconsiderable.

The concentration of legislative authority and responsibility in one house will, I am convinced, strengthen the legislative

branch in relation to the executive and judiciary branches. It is generally conceded that one of the major reasons for the general decline of State governments in meeting the needs of the people is the weakness of their legislatures. The 1947 Constitution strengthened the office of the Governor immensely; today, the New Jersey Governor is regarded as one of the strongest, if not the strongest, of all 50 governors. The 1947 Constitution devised a judiciary that is generally regarded as one of the finest in the Nation. But the powers of the legislature were not strengthened. If anything, they were weakened. I do not mean to imply that the weaknesses the Legislature has displayed since 1947 can be blamed on the Constitution; there is no question in my mind that the Legislature has not always effectively used its constitutional powers. But, a change from bicameralism to unicameralism will strengthen its hand and the legislative branch needs strengthening if it is to function as a truly "equal and coordinate branch".

Now is the time to propose a unicameral legislature. Leaving the proposal of such a constitutional amendment to the Legislature, involving as it does the seats of incumbent legislators, I am afraid, comes close to dooming it to a certain death in one of the Legislature's standing committees.

Unicameralism will, I am convinced, improve executive-legislative relations, simply because the Legislature will be represented by one set of leaders instead of two.

Unicameralism has the support of many eminent political scientists (including Belle Zeller, Alfred Willoughby and Jefferson B. Fordham). Since 1921, the Model State Constitution, formulated by the National Municipal League, has recommended a unicameral legislature.

More American states have not adopted the unicameral legislature, not because it has been considered less meritorious, but simply because of tradition, conservatism and political inertia. And once bicameralism has been established, change has been difficult to accomplish. In many states, as in New Jersey, the constitutional amendment necessary has been difficult to get before the people. And constitutional conventions have been surprisingly few in number. Only twice in this century has a proposal to adopt a unicameral legislature gone to the people: successfully in Nebraska in 1936, unsuccessfully in Missouri in 1945.

For these reasons that I have recited briefly, I respectfully request that this Convention, through this Committee, give the question of adopting a unicameral legislature its most deliberate consideration. And I trust that you will become convinced, as I have, that it should be incorporated in the proposal to be submitted to the people this November.

I am not today recommending a specific plan. In the past, I have recommended a unicameral legislature based on legislative districts coterminous with our congressional districts. There

have been other plans discussed. A proposal that has received some serious attention lately is one employing the 21 counties as legislative districts and assigning to them varying numbers of legislators based on population, much like the composition of this Convention. And I am sure that many other reasonable plans can be devised. And they will involve the same questions as any bicameral proposal, such as whether or not we should retain county lines and whether we should have single-member or multi-member districts. These questions should be tackled later. At this point, I urge this Committee to recommend to this Convention--to this unicameral Convention--the adoption of a unicameral legislature.

Come to think of it, I don't recall anyone proposing that this Convention be bicameral. Why? Because of tradition? Or was it because we subconsciously recognized unicameralism as being the right structure?

I thank you for giving me your attention.



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MEMBER OF NEW YORK BAR  
Retired 1959

PEOPLES TRUST COMPANY BUILDING

*Harkensack, N.J.*  
March 30th, 1966.

Hon. Ned J. Parsekian:  
10 Sunrise Drive,  
Montvale, New Jersey 07645.

Dear Senator:

Now that you are a delegate to the Constitutional Convention, I suppose you are receiving all kinds of suggestions. I'd like to add mine.

In a recent Bergen Evening Record, it appears that the matter of whether the legislature should be uni-cameral will be discussed. Adrian Foley, Esq. says he leans toward a bi-cameral body. This surprises me because when the Governor of Nebraska in a speech told a recent New Jersey Bar Association Convention at Atlantic City of the great advantages of such a body, \* almost everyone agreed.

Being a delegate, you are doubtless familiar with this speech, or, certainly with its substance so I'll not burden this letter with a recital thereof. If you do not have the speech, I am sure Charlie Bertini can make it available to you. I am aware that the opposition to such a legislature is very great, stemming from the interest which the legislator-delegates have in the matter.

Incidentally, while on the subject of legislator-delegates, I perceive a decided conflict of interest in that each such delegate will, in voting, have to choose between that which favors himself as a legislator and that which favors the State of New Jersey. A modicum of salve will, of course, be found in the fact that "everybody's doing it" but let us hope that few delegates will rely upon such superficial comfort.

The purpose of this letter is, of course, to elicit your support for a provision favoring a uni-cameral legislature. I hope you will find the proposal worthy of your energetic effort and of your vote,

Sincerely yours,

*George F. Losche*  
George F. Losche

\* uni-cameral



PRESIDENT: JOSEPH RISPOLI

BUSINESS MANAGER: WINFIELD CHASMAR

Local No. 300

Pulp, Sulphite & Paper Mill Workers

547 SUMMIT AVENUE, JERSEY CITY, NEW JERSEY 07306 Telephone 653-5624

International

Brotherhood

A. F. of L. - C. I. O.

April 6, 1966

Hon. William F. Kelly, Jr.  
198 Fairmount Avenue  
Jersey City, N. J.

Dear Bill:

In reading the stories emanating from the constitutional convention I have noticed that you are the Chairman of the committee on the structure of the Legislature.

As the person originally responsible for having our State Constitution declared unconstitutional on structure, I am of the firm opinion that we should have in New Jersey a unicameral legislature.

Our number one reason for such a proposal, living as we are in a progressive age of 1966, is that it would bring about, not only a more economical structure, but also bring about more efficiency in processing the legislature matters affecting the people of our state.

We are also firmly convinced that it would eliminate the "horse trading" that goes on between both houses which is time consuming.

Last, but not least, we would save thousands upon thousands of dollars just in printing material alone aside from all other cost which in a final analysis is what we in labor are vitally concerned about. We who have the responsibility of negotiating wage adjustments for our members are presently finding ourselves in a vicious cycle of having our members reach a plateau of some economic stability. And for the above reasons we feel very strongly, as it was our original intent when we first filed this suit, that not only would the people of our state be given their constitutional rights of one person one vote, but also looking forward to the day that we would have a more economical efficient government.

Very truly yours,

Winfield Chasmar

WINFIELD S. CHASMAR  
Business Manager

WSC-lms

P.S. : I would appreciate your filing this with your committee.

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American Federation of Labor  
N. J. State Federation of Labor  
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