

THE BICAMERAL SYSTEM IN PRACTICE

[This is the final installment of an article on the bicameral system in practice by Dorothy Schaffter. The first installment appeared in the January number of this magazine.—THE EDITOR]

LEGISLATIVE EXPERIENCE

Before proceeding with a discussion of the problem of the relation of legislative experience to the bicameral system in Iowa, a definition of the unit of measurement of legislative experience is necessary. The term of office of the Senators is four years and of the members of the House, two years. Unless there are special called sessions this means that a Senator normally serves two sessions, and a Representative one session, during his term. The unit used in this study is the single legislative session, whether served in the Senate or the House, in a regular or a special session. In view of the condition that a Senator is assured of two sessions for each election, and a Representative of only one, the advantage very obviously lies with the Senate, where the two-session term automatically secures a certain degree of experience which is not inherent in the single-session term of the House member. This undoubtedly is largely responsible for some of the difference between the legislative experience of Senate and House members, as is shown in Tables V and VI.

Table V (page 172) shows the number of sessions of legislative experience of members of the Senate and House from the Twenty-eighth to the Forty-second sessions, inclusive, stated in percentages based upon averages for the period.

The following table shows the number of sessions of legislative experience of members of the Senate and House from

TABLE V

NUMBER OF SESSIONS OF LEGISLATIVE EXPERIENCE	SENATE	HOUSE OF REPRESENTATIVES
One	24.8	51.7
Two	25.0	31.5
Three	18.4	10.3
Four	16.6	4.0
Five	10.2	1.3
Six	3.0	.4
Seven	1.7	.2
Eight	.4	.1
Nine	.2	0.
Ten	.1	0.
Eleven	.2	0.

the Twenty-eighth to the Forty-second sessions, inclusive, stated in percentages based upon medians for the period. The asterisk indicates that the number of members in these classes was too few to compute the median.

TABLE VI

NUMBER OF SESSIONS OF LEGISLATIVE EXPERIENCE	SENATE	HOUSE OF REPRESENTATIVES
One	26.0	53.7
Two	26.3	35.1
Three	22.0	6.4
Four	18.6	2.6
Five	10.0	.9
Six	4.0	*
Seven	2.0	*
Eight	*	*
Nine	*	0
Ten	*	0
Eleven	*	0

The two summary tables just referred to are almost self-explanatory, but some statements concerning them may make them more significant. Table V is stated in terms of

averages. In view of the relative inaccuracy inherent in averages, caused by the presence of a few members having relatively long terms, the material has also been used to compute medians which are less affected by the condition described. A comparison of results obtained by the two methods shows, at the most, a variation of only approximately four per cent which is not especially significant.

Using Table VI which is based on medians, three very interesting comparisons can be made. On the average, each session of the Senate contained 26 per cent of members who were serving their first sessions in the legislature; in the House, 53.7 per cent of members fall in this class. This means that more than twice as many Representatives are novices in legislative practice — a very important fact, if such experience is of value in raising the standard of ability of legislators.

A second important fact appears in considering the relative numbers of members serving first and second sessions in the average legislature. In the Senate, this group comprises 52.3 per cent of the total, and in the House, 88.8 per cent. This means that in the average Senate 47.7 per cent of the members are serving from their third to their eleventh sessions, as contrasted with only 11.2 per cent in the House who have that much experience. Indeed, no House members during the period under consideration served more than eight sessions. Irrespective of the constitutional requirements, then, the Senate contains more experienced legislators than the House. The definite statement can therefore be made, on the basis of statistics covering fifteen General Assemblies over a period of twenty-seven years, that the personnel of the average Senate during that period is characterized by the presence of very many more members having considerable legislative experience than is the case in the House of Representatives. Furthermore, the

differences in every instance are so considerable as to appear to have real significance.

In order to appreciate thoroughly the meaning of the situation just described, it would be necessary to determine in some way the real value of legislative experience. Certain general statements, true of experience of any type, are probably applicable in this case. The gain from repetition of an activity is greatest during the initial stages, the advantage gradually decreases with succeeding repetitions, and finally a stage is reached when there is little or no advantage in the repetition of experience.

Applying this to membership and work in the Assembly, it may be safely assumed that the most valuable and extensive additions are made to a member's experience during the first one, or two, or three sessions. Considerable variation would undoubtedly be found between individual members in their ability to continue to profit by serial units of experience, but it is doubtful whether there would be any cases in which an even approximately equal gain would be reported in the last of a long series of sessions of membership.

The application of this discussion to the situation in the Iowa General Assembly, in which only 26 per cent of Senators as compared with 53.7 per cent of House members are new in their particular houses in the average session, seems to prove that the Senate is actually a more experienced body although no definite measurement exists of the qualitative difference except a scale based on presence during a given number of sessions.

The conclusion must depend upon willingness to accept the assumption that, to some extent at least, numerous successive sessions of legislative service are productive of a type of experience which produces better legislators. Apparently the makers of the Iowa Constitution had this idea

in mind, as is evidenced by the arrangement which they incorporated in that document to insure automatically at least a minimum amount of experience to members of the Senate. The present study indicates rather conclusively that the Senate actually is more experienced than the House, but nothing short of an individual study of many members can demonstrate what this experience has meant and whether, in the aggregate, its benefits have been so great that we are warranted in continuing to have a bicameral legislature in order to guarantee one house having at least fifty per cent of its members experienced, while the other house is automatically deprived of that guarantee. To be sure, by depriving the House of the benefit of considerable experience there is made possible an increased flexibility and a responsiveness to changed public opinion which can not be secured to the same degree in the Senate. The figures show that 49.85 per cent of Senators are elected for one term only, but this of course means that this group of members serves two sessions. Table VI shows that 53.7 per cent of House members are elected for only one term which means for one session. That is, the House makes approximately a fifty per cent change twice as often as does the Senate. The result of this situation is that the one house has possibilities of greater responsiveness in representation while the other house has the greater experience.

EDUCATION

A short discussion of the material used in this section, and of the limitations to be considered in judging the worth of the statistics relating to the relative amounts of education in the Senate and House, may well precede a description of results. In the first place, Table VII contains data from only nine sessions (the Thirty-first to the Thirty-ninth inclusive), instead of from fifteen sessions as in other

tables in this study. The volumes in the *Iowa Official Register* do not contain any statements relating to the education of members of the Twenty-eighth, Twenty-ninth, Thirtieth, Fortieth, Forty-first, and Forty-second General Assemblies.

A more serious limitation is inherent in the very nature of the problem. There is, in the first place, no agreement as to what constitutes "education". Nothing except the type of school attended by each member can be obtained for purposes of tabulation. Certainly "education" and "schooling" are not synonymous terms. Many a member of the Assembly who is listed as having only a common school education later read law or learned medicine by the office method, and a mere statement as to formal schooling can by no means be considered as representing the educational attainments of the member in question. It is probably a safe assertion that many members have much more education than their records indicate — and quite possibly some may have more schooling than education. Furthermore, there is no way of discovering in the group listed under "College or University", what was the grade or character of the institution attended, or how many years the member was in attendance. This group contains all variations from one year in a small college to seven or eight years in a university, yet all must be regarded as belonging to the same class. Finally, a few errors were discovered in the *Official Register* data. It was observed in a very few instances that members were listed in different groups in succeeding sessions. The objections just mentioned might be serious in a descriptive study, but in a comparative study such errors in data are presumably constant in both Senate and House statistics and consequently produce negligible effects in final results.

The following table shows the percentages of members of the Senate and of the House of Representatives of the Iowa

General Assembly (Thirty-first to Thirty-ninth sessions inclusive) having a certain type of education.

TABLE VII

SENATE								
NUMBER OF GENERAL ASSEMBLY	RURAL SCHOOL	COMMON SCHOOL	GRADED SCHOOL	HIGH SCHOOL	BUSINESS COLLEGE	ACADEMY	NORMAL	COLLEGE OR UNIVERSITY
31st	14	6	8	10	4	8	0	50
32nd	6	12	6	14	6	14	0	42
33rd	4	14	4	10	6	6	0	56
34th	4	14	6	10	4	6	0	56
35th	4	18	2	14	4	12	0	46
36th	2	20	2	12	0	8	0	56
37th	4	10	10	12	2	6	0	56
38th	0	10	4	8	10	10	0	58
39th	2	4	2	10	14	14	4	50
Average	4.4	12.0	4.8	11.0	5.5	9.2	.4	52.2
HOUSE OF REPRESENTATIVES								
NUMBER OF GENERAL ASSEMBLY	RURAL SCHOOL	COMMON SCHOOL	GRADED SCHOOL	HIGH SCHOOL	BUSINESS COLLEGE	ACADEMY	NORMAL	COLLEGE OR UNIVERSITY
31st	20	5	9	8	3	16	0	39
32nd	5.5	24	6.4	10.1	4.6	15.7	0	33.3
33rd	6.4	17.5	3.7	8.3	4.6	15.7	0	43.5
34th	5.5	12.0	4.6	9.2	7.4	14.8	0	46.2
35th	5.5	18.5	4.6	10.1	3.7	9.2	0	48.1
36th	7.4	12.0	4.6	10.1	8.3	12.9	0	44.4
37th	7.4	7.4	5.5	12.9	5.5	12.9	0	48.1
38th	4.6	11.1	7.4	11.1	8.3	5.5	0	51.8
39th	3.7	12.9	4.6	15.7	5.5	7.4	18	48.1
Average	7.3	13.3	5.6	10.6	5.6	12.2	.2	44.7

A brief summary of the results contained in Table VII will make clearer the comparison between the types of schooling of the members of the Senate and House.

Rural, common, and graded schools — Senate 21.2 per cent of members; House 26.2 per cent of members.

High school, business college, and academy — Senate 25.7 per cent of members; House 28.4 per cent of members.

College and university — Senate 52.6 per cent of members; House 44.9 per cent of members.

This indicates that, with the single exception of a very slightly larger percentage of Senators having college or university educations, the differences between the two houses are negligible. By consulting the results for each session during the period, in the Senate and House, it is evident that the differences as indicated in the totals above are fairly constant, although a few wide variations occur.

While no claim is advanced that these results prove that the Senate is very little better educated than the House, an accurate summarization is contained in the statement that negligible differences exist between the amounts of education, as measured by the types of schools attended, which are listed by members of the Senate and of the House of Representatives from the Thirty-first to the Thirty-ninth sessions of the General Assembly.

AGE

Having considered the comparative legislative experience and education of members of the Senate and House, the third problem is a comparison of the ages of these members with a view to determining whether the bicameral system produces one house whose members are more mature and one house whose members are relatively young, or whether we actually have approximately the same average age and age distribution in the two houses. The State constitutional requirement that Senators must be at least twenty-five years old, while the House members need be only twenty-one years of age, is apparently for the purpose of securing older men in the upper house. But such a constitutional

provision is not proof that anyone will actually run for office who will be in the least affected by it, nor that the House will contain any members between the ages of twenty-one and twenty-five. The only way to determine definitely the effect of a system is to make a survey of the situation which results from its operation.

The following table shows the average age of members of the Senate and of the House of Representatives of the Iowa General Assembly (Twenty-eighth to Forty-second sessions, inclusive), in each General Assembly during the period.

TABLE VIII

NUMBER OF GENERAL ASSEMBLY	AVERAGE AGE OF SENATORS	AVERAGE AGE OF REPRESENTATIVES
28th	48.28	45.75
29th	49.18	48.30
30th	48.62	50.07
31st	50.66	51.80
32nd	49.90	48.38
33rd	49.06	49.15
34th	50.56	48.62
35th	49.50	47.20
36th	48.00	48.88
37th	48.88	49.64
38th	49.82	51.39
39th	48.66	50.98
40th	50.92	49.90
41st	51.97	50.74
42nd	48.72	51.34
Average for the period	49.51	49.47

Two methods of arriving at such an understanding are possible and both have been used. Table VIII gives the average age of members of the Senate and of the House in all General Assemblies from the Twenty-eighth to the Forty-second inclusive, and shows finally the average age of Senators and Representatives for the entire fifteen Gen-

eral Assemblies. Such averages have value, but do not give a detailed picture of the situation as a whole. Table IX is a comparative table based on the ages of members of the same fifteen General Assemblies. The method of tabulation adopted in this instance is that of arranging the members in age-groups of five years each, ranging from twenty-one to eighty-five years. The information contained in this table is probably more valuable and more significant than is a statement of average ages, such as is contained in the first mentioned table.

The following table shows the relative percentages of members of the Senate and of the House of Representatives of the Iowa General Assembly (Twenty-eighth to Forty-second sessions, inclusive) in five-year age-groups, ranging from twenty-one to eighty-five years.

TABLE IX

FIVE-YEAR AGE-GROUPS	HOUSE OF REPRESENTATIVES	SENATE
21 to 24 years		.19
25 to 30 years	1.06	3.61
31 to 35 years	4.43	7.61
36 to 40 years	10.34	11.67
41 to 45 years	17.05	12.57
46 to 50 years	19.61	16.50
51 to 55 years	22.70	15.80
56 to 60 years	12.62	15.74
61 to 65 years	7.78	10.47
66 to 70 years	3.48	4.38
71 to 75 years	.66	1.33
76 to 80 years	.26	.05
81 to 85 years	.00	.05

Attention should be directed to several items in Table VIII. The average age of Senators for the fifteen assemblies is 49.51 years — that of the Representatives is 49.47 years. The difference is so very slight — only about four-

teen days — as to be negligible. But a comparison of the averages for the various individual Assemblies shows more variation. The Senate average varies from 48.00 years to 51.97 years — a range of 3.97 years — and the House average from 45.75 to 51.80 years — a range of 6.05 years. In two instances the House average was lower than *any* Senate average during the whole period — 47.20 years in the Thirty-fifth General Assembly and 45.75 years in the Twenty-eighth. In seven General Assemblies, however, the Senate average was higher than the House average of the same session, and in the remaining eight, the situation was reversed. Although these differences are more significant than that shown in the final average for the entire period, there is none which is striking. In so far as this table alone is considered, similarity, rather than difference, between the ages of the Senators and Representatives seems to be demonstrated.

Turning attention to Table IX which compares ages as arranged in five-year age groups, many interesting items may be selected for discussion. In the first place, the effect of the constitutional provisions which seemed to be intended to provide that the membership of the Senate should be slightly more mature than that of the House, can very well be seen. Since only .19 of one per cent of House members, during the entire period, were between twenty-one and twenty-five years of age, the effect of the constitutional provision is practically nullified in actual operation. Looking at the first three groups, which include all members under thirty-five years, only 5.49 per cent of Senators and 11.41 per cent of Representatives are included. This simply means that, as a matter of actual practice, young men either can not or do not run for legislative office, or those young men who do become candidates can not be elected in any considerable numbers. Of those who are elected, however,

more than twice as many enter the House as the Senate.

There are more men in the General Assembly who might be considered old — those over sixty years — than there are young men — those under thirty-five; in the Senate, 12.18 per cent are older than sixty, and in the House, 16.28 per cent are in this group. This in itself is a contradiction of the popular idea that House members are younger than Senators, since 4.10 per cent more of the former than of the latter are over sixty years of age. Thus both extremes in age are more prevalent in the House than in the Senate.

Using the age of fifty years as a mid-point, the mid-point in distribution is also approximated. In the Senate 52.49 per cent of the members are fifty or younger and 52.15 per cent of House members are of the same ages. This means that the groups of members below fifty years of age, and the groups over that age, are practically evenly distributed in both of the two houses.

It has been observed that rather few members are less than thirty-five years old, and that only a slightly larger number are sixty-one or over. The very large group in either house falls in the age groups between thirty-five and sixty — 82.33 per cent of Senators and 72.31 per cent of Representatives are included in these groups. These ages — thirty-five to sixty — include a period of twenty-five years. The question in the present instance is whether the members in the upper range of this group are more valuable legislators — is a man of sixty, other things being equal, necessarily a better law-maker than a man of thirty-five? There seems to be no reason to think that men between fifty and sixty years of age are preferable to men from thirty-five to forty-five years old. As a matter of fact, many people would be disposed to prefer the younger to the older group. In short, it is quite impossible to measure such a difference, since it is purely personal and the case of

every separate individual would have to be studied. Moreover, whether the younger men or the older men of this large group are favored, an examination of the five age-groups between thirty-five and sixty years of age shows such small differences — ranging from 1.33 per cent to 6.90 per cent — that the person favoring younger or older men would have little basis for preferring the condition in either the Senate or the House because of the predominant representation in that body of the preferred age-group.

A brief summary of the situation will serve to clarify the preceding discussion. The Senate with 5.49 per cent of members under thirty-five years of age, and 12.18 per cent over sixty-one, has fewer young and fewer old members than the House, where 11.41 per cent and 16.28 per cent are found in the two groups, respectively. The large number of members — 82.33 per cent in the Senate and 72.31 per cent in the House — can be included in what might be termed a “middle-aged” group — from thirty-five to sixty years old. Since this includes the great majority of members, it is consequently the important group. In the Senate, this group contains only 10.02 per cent more than in the House. In general, the difference which exists between the Senate and House is one of the range of distribution. The House has more young men and more old men — the Senate has more middle-aged men. The net result does not seem to show any really significant differences. The average age of members for the fifteen General Assemblies is almost the same, and the great majority of members is found in the same age-groups. In short, there seems to be no way of considering the statistics given to prove that the Senate and the House are essentially different in their make-up, in so far as age of members is concerned.

The question to which the preceding sections are an attempted answer is — in comparing the Senate and the

House of the Iowa General Assembly, with respect to wisdom and experience and maturity of judgment of members as measured by types of schools attended, number of sessions of legislative service, and age — are any considerable differences ascertainable? In this connection, the purpose of this study must be kept in mind. One reason for maintaining a bicameral legislature is for the purpose of securing two *definitely different* bodies carrying on legislative functions. If this is the purpose, the natural assumption is that the differences should be clear — one house should be distinctly well-educated, members should have served many more sessions, and should be, on the average, much older men. And, unless such a condition is proven to exist, this reason for maintaining two bodies, exact or approximate duplicates, is no longer valid. The very essence of the bicameral system is that the two houses should be different, although there is a variety of opinion as to the basis of differentiation which is proper.

Reviewing briefly the conclusions reached in the preceding sections of this chapter, the following situation is seen to exist. In so far as legislative experience is concerned, there is a real difference between the two houses in favor of the Senate, as measured by the comparative number of sessions of legislative experience of members. In comparing the education of members, as measured by the types of schools attended, a slight difference was discovered in favor of the Senate. The least difference was found in comparing the ages of the members of the two houses. That is to say, during the last fifteen General Assemblies in Iowa, the Senate has, on the whole, been characterized by a slightly older membership, with rather better educational preparation, and considerably more legislative experience, than has been characteristic of the House membership during the same period.

The inherent limitations suggested must be borne in mind in evaluating the significance of the situation just described. Difficulty in defining the qualities to be measured and in setting up standards of measurement must be apparent. The principal justification for using sessions of legislative experience, educational opportunity, and age as criteria is that, in so doing, qualities are being measured which it is assumed were intended to be procured in members of the legislature by the system set up in this State, in terms of the constitutional and legal provisions which establish that system. But in spite of this advantage, if thoroughly satisfactory conclusions were to be obtained, many more than these three qualities would have to be measured in order to determine whether differences or similarities exist in wisdom, experience, and maturity — three very complex human qualities. The great probability is, however, that these tests are fairly accurate indices, and that any other tests which might be applied would indicate much the same conclusions.

III

THE CHECK ON LEGISLATION

Of the numerous arguments for a bicameral legislature the one most universally expressed is that this form of organization results in more adequate consideration of bills, more careful revision of them before they appear in final form as law, and more efficient obstruction against the passage of undesirable legislation. Whether or not such desirable results are consequences of bicameralism has been largely a matter of opinion. There is no question that bicameral legislatures do give acts double consideration, in formalities at least; but whether the bills which are revised or defeated by the second chamber are undesirable

or not depends upon the point of view of the legislative critic.

The merits of most substantive changes in the law are debatable. If a person disapproves either of the form or the content of a particular bill, and this bill is passed by one house of the legislature and later is defeated in the second house, from his point of view, the bicameral system has fulfilled its principal function. Casual observation of the working of the system influenced by personal opinion is very common. From a scientific point of view such an appraisal is of little value. In the first place, an arbitrary, personal standard of "good" and "bad" legislation is set up. The decision is invariably based upon legislative action on a few striking bills of popular interest, and no attention is paid to what is done to literally hundreds of other bills. In order to determine the relative efficiency of the two houses of a particular legislature, action upon the total number of bills introduced during a legislative session should be carefully analyzed; and before a final opinion on the subject can be stated — even for one State — the work of several sessions will have to be studied in the same intensive and objective manner.

Unfortunately the very questions which it would be most desirable to answer are the most difficult. Those who are interested want to know which house does the most to further *good* legislation and is the most active in checking *bad* legislation, and what action is taken by each house on *important* and *unimportant* bills. These four descriptive adjectives denote purely subjective concepts. No objective rating of the legislature's record in this respect can be made until satisfactory definitions of "good" and "bad" and "important" and "unimportant" legislation are devised. That is, the qualitative measurement of legislative action is not yet — and, indeed, may never be — a possi-

bility from an objective point of view. A person acquainted with conditions in a specific State can consider the laws which are passed by the legislature in relation to those conditions, and, from his own knowledge of existing conditions and his own ideas of "good" and "bad" and "important" and "unimportant" changes, he can analyze the action of the legislature and evaluate it on the basis of the subjective standards which he has set up. Needless to state, no one else would completely agree with these results and some persons might not agree in any respect. For this reason, no attempt is made in this study to determine which house initiated, passed, or defeated the best, or the worst, or the most important, or the least important bills. From the viewpoints of desirability and importance all bills are considered to be equally worthy of legislative action and consequently are entitled to equal emphasis for the purpose of this study.

Although one very important field of investigation is thus closed, there is still the possibility of making an objective study on a quantitative rather than on a qualitative basis. It is quite possible to compare the action of the two houses on their own bills and on those of the other house with respect to the number defeated, the number passed with amendment, and the number passed without amendment. Passage, defeat, and amendment indicate respectively, substantial agreement, substantial disagreement, and agreement with greater or less modification of the original proposition. Degrees of agreement and disagreement and modification are more difficult to determine. Good and bad, important and unimportant modification through amendment can not be measured objectively, as has been pointed out before. It is, however, possible to determine whether amendments result in changing the content of the bills, or whether the changes are of a technical nature such as could

be taken care of by a professional bill-drafter and consequently do not really require legislative action.

Finally, a division of legislation into "new" and "old" content can be made. In the former class are included all bills which add to the content of statute law: they do not change existing law by amendment, substitution, or repeal. "Old" content is that which has previously been the subject of legislative action and in which the bill under observation proposes changes of a greater or less degree. To a slight extent, this division is arbitrary since *adding to* existing law in some cases modifies the content itself. But likewise in some cases amendment or substitution or repeal is so thorough-going as to result in substantially new content. It may therefore be assumed that these two facts will off-set each other sufficiently to reduce the error to a negligible point, and it must be remembered also that in a comparative study an error constant in both terms of the comparison has no such effect as it has in a descriptive study.

In a study of the bicameral legislature of Iowa, certain conditions peculiar to this State should at least receive mention as having a possible effect upon the legislative processes.

In the first place, the Iowa legislature is practically unipartisan in nature. Although the Democratic party always has some voting strength it is never sufficient, in recent years, to threaten Republican leadership. There are, of course, several factions in both houses but they seldom have the strength of a real party group and never have the permanence of political parties. The situation which would be quite possible in a State where Republicans and Democrats were approximately equal in numbers — that is, having a majority of members of one party in control in one house, and of the other party in the other house — has not

obtained in Iowa during the past quarter of a century. Although there is no absolute proof for the statement, it is reasonable to assume that houses controlled by opposite parties would have an additional incentive to inspect carefully and to check each other's legislation, which incentive is lacking in the situation described as existing in Iowa. Opposing factions of the dominant party in control of each house do not have the same incentive or power in checking legislation as organized parties do. This identity of make-up from a partisan standpoint must be borne in mind as an important influence in determining the actual operation of the bicameral legislature which is the subject of this study.

Furthermore, the frequency with which the State executive uses his power of vetoing legislation has a bearing upon the functioning of a bicameral legislature. David Leigh Colvin, in speaking of the New York legislature, says: "However, there is one feature of the present bicameral system which might be remedied in a single-chambered system, and that is the irresponsibility which the bicameral system engenders. Frequently measures pass one house which are never expected to become law and probably would not pass if there was a serious likelihood that they would reach the statute book. They are passed with the expectation that they will be defeated in the other house or vetoed by the governor. A frequent expression heard among legislators is 'Put it up to the governor.' Sometimes support is also given for a measure with the knowledge that it is unconstitutional and that it will be declared invalid by the courts, which serve as another check in addition to the second house and the governor. If the legislators realized that they were fully responsible, it is likely that many measures which now go through one chamber would not pass. There is a temptation to vote for a measure and avoid giving offense to some constituents

when it is probable that the bill will be defeated somewhere else."⁸⁴ Colvin next describes the relative checks exercised by the two houses on each other's bills and by the executive veto in the session of 1910 in New York. Nineteen per cent of the bills which passed one house or the other were killed in the second house, but the executive veto was exercised on nearly twenty-five per cent of the bills after they had been passed by both houses. "The check of the second house does not seem very effective when about one fourth of the measures passed by the legislature are of such a nature as to need checking by the executive."⁸⁵

The situation described as existing in New York can be called tricameral, rather than bicameral, in its actual working. The traditional use of the executive veto in Iowa is at the opposite extreme since it is very rarely exercised. Before 1917, only fifty-seven bills had been vetoed by the Governors since Iowa became a State,⁸⁶ as contrasted with two hundred and four bills in a single session in 1910, and two hundred and fifty-two bills in 1911,⁸⁷ which the Governor of New York vetoed.⁸⁸

Although it would be extremely difficult to measure accurately the effects of an active executive veto and of one which is rarely exercised, there would seem to be no question that a fundamentally different situation is created in the two cases. A legislature which *can* shift responsibility to the executive will do so at least part of the time, and a legislature which realizes that its action is practically final

⁸⁴ Colvin's *The Bicameral Principle in the New York Legislature*, p. 80.

⁸⁵ Colvin's *The Bicameral Principle in the New York Legislature*, p. 81.

⁸⁶ Swisher's *The Executive Veto in Iowa* in *THE IOWA JOURNAL OF HISTORY AND POLITICS*, Vol. XV, p. 212.

⁸⁷ Colvin's *The Bicameral Principle in the New York Legislature*, p. 110.

⁸⁸ In New York in 1910, thirty-six bills providing special laws for cities were vetoed by mayors, in addition to the bills vetoed by the Governor.—Colvin's *The Bicameral Principle in the New York Legislature*, p. 111.

must be governed to some extent by that realization. If these two statements are true, the Iowa legislature appears to be a more suitable body than the New York legislature to study in attempting to evaluate the bicameral system, since its operation contains no element of dependence upon a "third-house" type of executive check.

THE VOLUME OF BILLS

In comparing the action of the two houses of the Iowa General Assembly, consideration will first be given to the number of bills which are introduced. Tables X and XI give this data for the five General Assemblies (the Thirty-eighth to the Forty-second inclusive) between 1919 and 1927. An analysis of action covering such a period seems to be based upon a sufficiently large number of examples to make the results derived valid, since it involves the action taken by five different legislative bodies upon more than five thousand bills. During this period there is some variation in the number of bills introduced per session. In the Thirty-ninth General Assembly, and again in the Fortieth, approximately two hundred and seventy Code revision bills were introduced in both houses. All consideration of these bills is omitted in this study since they can not be thought of as ordinary legislation. For the same reason, the work of the extra session of the Fortieth General Assembly is omitted since most of the recent codification of Iowa statute law was accomplished at that session. Bicameral Code revision is, to be sure, related to the problem under consideration, but it should properly be studied apart from ordinary law-making. The effects of Code revision may be the cause of the reduced number of bills in the sessions immediately preceding and following the special session at which the Code was actually revised. Furthermore, no account will be taken in the present study of the work of the extra

session of the Forty-second General Assembly in 1928, at which the chief business was the question of the issuing of bonds for highway improvement.

An inspection of the total numbers of bills introduced in the Senate and in the House indicates clearly that whatever the influences might be which led to the introduction of more or of less bills in the different sessions, these influ-

TABLE X

Number of General Assembly	Total number of bills introduced in the Senate	Number of Senate bills defeated by the Senate	Number of Senate bills defeated by the House	Number of Senate bills passed by the House	Number of Senate bills passed by the House <i>with</i> amendment	Number of Senate bills passed by the House <i>without</i> amendment
38th	556	257	97	202	56	146
39th	539	289	48	202	41	161
40th	503	295	46	162	39	123
41st	334	158	49	127	36	91
42nd	453	181	78	194	48	146
Total	2385	1180	318	887	220	667
Average	477.0	236.0	63.6	177.4	44.0	133.4

TABLE XI

Number of General Assembly	Total number of bills introduced in the House	Number of House bills defeated by the House	Number of House bills defeated by the Senate	Number of House bills passed by the Senate	Number of House bills passed by the Senate <i>with</i> amendment	Number of House bills passed by the Senate <i>without</i> amendment
38th	578	308	59	211	72	139
39th	608	294	107	207	56	151
40th	580	321	82	177	42	135
41st	413	199	57	157	32	125
42nd	527	292	63	172	36	136
Total	2706	1414	368	924	238	686
Average	541.2	282.8	73.6	184.8	47.6	137.2

ences were outside of the bicameral organization, since they are constant and produce similar variations in the two houses. The largest number of bills was introduced in the House of the Thirty-ninth General Assembly and in the Senate of the Thirty-eighth General Assembly (608 and 556, respectively), and the smallest number was introduced in the Forty-first (413 in the House and 334 in the Senate). The average number of bills originating in the Senate during the entire period was 477 per session, as contrasted with 541.2 per session in the House.

This constant similarity in respect to the number of bills introduced for consideration by the two houses might possibly be used as an example to substantiate the claim that bicameral organization permits a division of labor. Apparently from eight to twelve hundred bills may be expected to be introduced in Iowa during each legislative session. If the formulation and preliminary consideration of these measures can be evenly divided between the two chambers those which clearly do not contain desirable proposals may be eliminated without consuming the time and energy of the entire membership of both houses. The effort thus saved can be used for a more minute consideration of bills with more merit and for the improvement by amendment of the bills which finally become law.

In connection with the discussion of the volume of bills an incidental difference between the situations in the two houses should be mentioned. Since the House membership is slightly more than twice as large as that of the Senate and since approximately the same number of bills is introduced in each chamber, the average number of bills per member in the House is about one-half the average number per member in the Senate.

Furthermore, comparison of the activity of the two chambers of the Iowa General Assembly in checking legis-

lation is considerably facilitated by the fact that both houses do about the same amount of work. The number of bills introduced, defeated, amended, and passed by each branch of the legislature may be expected to be about the same. In generalizing from Iowa practice this condition should be kept in mind. If two-thirds of all bills originated in the House and only one-third in the Senate, the resulting statistics might appear to demonstrate that one chamber is mainly concerned with the inauguration of new legislation while the other acts chiefly as a check, but this is not true in Iowa. The number of bills handled, the division of labor between the two chambers, the length of legislative sessions, the unipartisanship of the Assembly, and the use of the executive veto are all factors which might make Iowa conclusions inapplicable to bicameralism in other States.

THE CHECK ON BILLS IN THE CHAMBER OF ORIGIN

Having discussed some conditions peculiar to the Iowa General Assembly the next consideration must be the actual disposal of bills. Table XII gives this data for the bills

TABLE XII

Number of General Assembly	Percentage of its own bills defeated by each house		Percentage of bills introduced in the other chamber and defeated by each house		Percentage of bills introduced in the other chamber and passed by each house		Percentage of bills of other chamber passed <i>with</i> amendment by each house		Percentage of bills of other chamber passed <i>without</i> amend- ment by each house	
	S.	H.	S.	H.	S.	H.	S.	H.	S.	H.
38th	46.2	53.2	10.2	17.4	36.5	36.3	12.4	10.0	24.0	26.2
39th	53.6	48.3	17.5	8.9	34.0	37.4	9.1	7.6	24.8	29.8
40th	58.6	55.3	14.1	9.1	30.5	32.2	7.2	7.7	23.2	24.4
41st	47.3	48.1	13.8	14.6	38.0	38.0	7.7	10.7	30.2	27.2
42nd	39.9	55.4	11.9	17.2	32.6	42.8	6.8	10.8	25.8	32.2
Aver.	49.4	52.2	13.5	13.3	34.1	37.1	8.7	9.2	25.3	27.9

introduced in the General Assembly of Iowa, Thirty-eighth to Forty-second sessions inclusive, expressed in terms of percentages of the total bills introduced in each house. The percentages for the entire period are based on the average number of bills per session during the period.

Before examining the data contained in this table, an explanation of the word "defeated" as it is used in the column headings is necessary. This action includes every means by which bills are prevented from passing — failure to send to a committee, no report from the committee, failure to consider a committee report, indefinite postponement, striking the enacting clause, a negative majority in voting on the bills, and so forth. All are included under the same heading because the ultimate effect is the same.

A three-fold classification yields the following averages for the period. The Senate defeated approximately forty-nine per cent of its own bills, and the House approximately fifty-two per cent. The Senate defeated about thirteen per cent of all bills which were introduced in the House, and the House took negative action on about the same per cent of all the Senate bills. The remainder — thirty-seven per cent of Senate bills and thirty-four per cent of House bills — became law through passage by both houses and signature by the Governor. Some considerable variations are shown in the different sessions, but the present discussion will be based upon the averages just stated. The situation may be summed up in general terms as follows: (1) Each house defeats approximately one-half of its own bills. (2) Each house defeats more than one-seventh of the bills introduced in the other house. (3) Each house passes more than one-third of the bills introduced in the other house.

The most striking element of the situation is the relatively greater intra-cameral than inter-cameral check exercised by each house. Apparently about one-third of all the

bills introduced are fit to become laws. For the checking of one-half of all bills introduced, no second house is needed, since the house in which they originate is able to discover their undesirability and to prevent their enactment into law. It is only fair to call attention to the fact that this does not mean that either house is more efficient in defeating its own bills than in defeating the bills of the other house. It is obviously impossible for either the Senate or the House, acting as a checking body, to defeat that fifty per cent of the bills never sent to it.

Table XIII shows the action taken by the Senate and by the House (Thirty-eighth to Forty-second sessions inclusive) on those bills which were passed by the other house and sent to the second chamber. For purposes of accurate comparison all the bills in this group are considered separately and figured as one hundred per cent. On this basis, from twenty-six to twenty-eight per cent of the bills acted upon by the second house were defeated and more than seventy per cent were passed, approximately eighteen per cent of them with amendment and from fifty-three to fifty-

TABLE XIII

Number of Senate bills on which House took action	Number of Senate bills defeated by the House	Number of Senate bills passed by the House	Number of Senate bills passed by the House <i>with</i> amendment	Number of Senate bills passed by the House <i>without</i> amendment
100	26.3	73.6	18.2	55.3
Number of House bills on which the Senate took action	Number of House bills defeated by the Senate	Number of House bills passed by the Senate	Number of House bills passed by the Senate <i>with</i> amendment	Number of House bills passed by the Senate <i>without</i> amendment
100	28.4	71.5	18.4	53.1

five per cent without amendment. It is upon statistics of this nature that the discussion of the efficiency in defeating, passing, or amending bills should be based rather than

upon the total number of bills introduced. In so far as each house defeats or passes its own bills, the action is like that of a unicameral body, and it is only in its action upon that fifty per cent of all bills sent to it by the other chamber that a house can be said to be acting "bicamerally".

Since the primary interest in the present study is in bicameral action, little attention is paid to those bills which were defeated in the house of their origin and were consequently never considered by the second chamber. However, mention of one group of such bills must be made as being of a slightly different nature than the majority of the bills so classified. On the average, 116.6 pairs of companion bills were introduced during each of the five sessions under consideration. This means that identically the same bill was introduced in both the Senate and the House, but occasionally a "pair", so-called, consists of several identical, or practically identical, bills, and introduction of all of the

TABLE XIV

Number of General Assembly	Number of pairs introduced	Number of pairs passed	Number of pairs defeated	Number of Senate bills included in pairs	Number of Senate bills passed	Number of Senate bills defeated	Number of House bills included in pairs	Number of House bills passed	Number of House bills defeated
38th	121	93	28	135	47	88	123	46	77
39th	139	95	44	147	47	100	140	49	91
40th	141	102	39	152	60	92	135	45	90
41st	58	36	22	59	14	45	58	22	36
42nd	124	79	45	128	77	51	123	25	98
Total	583	405	178	621	245	376	579	187	392
Aver.	116.6	81.0	35.6	124.2	49.0	75.2	115.8	37.4	78.4

various members of the pair sometimes occurred in one house, rather than in two. This means that at least one bill of every pair would inevitably not be passed. If all of the

constituent bills in a pair are defeated, the result is just the same as though any single bill did not pass, and if one bill of a pair is enacted, the effect is the enactment of all other members of the pair.

The peculiar situation produced by the action taken on companion bills introduces a slight variation in the actual number of bills passed and defeated by the two chambers. But since the variations produced are very nearly identical in the case of the bills from each house, no alterations have been made in the totals to allow for action on companion bills, and, whether they were passed or defeated, they are treated exactly as bills which were introduced in one chamber only, although their slightly different nature is recognized.

THE CHECK ON BILLS BY THE SECOND CHAMBER

The second chamber has three alternatives with respect to action upon bills which come from the other house. These bills can be defeated in various ways, can be passed in the original form, or can be altered and passed as amended. The record of the two houses, on the average for the period under consideration, has been stated in Table XII and a part of this record has just been discussed (that is, the bills which were defeated). The Senate passed 34 per cent of all House bills, 8.7 per cent having been amended as contrasted with 25.3 per cent passed in the same form in which they came from the House. The House record on Senate bills varies little from this proportion as the figures clearly indicate.

The meaning is rather obvious. About one-fourth of all bills are passed by one house and adopted by the other without change. This second passage may, or may not, have been preceded by new consideration, for there is no certainty that double passage means double consideration.

About nine per cent of all bills received at least some reconsideration, as is evidenced by amendments made. Each house thus receives about one-half of all bills introduced in the other, more than one-fourth of those received are defeated, almost one-fifth are amended and passed, and more than one-half are re-passed without change. That is, each house can be said *with certainty* to have actually exercised its revising and checking power on less than one-half of the bills which passed the other house, and these bills passed by the other house are less than half the total number there introduced.

With regard to the other half of the bills which a house receives after passage by the house in which they originated, the revising and checking power may have needed to be used, or the bills may have been so satisfactory that there was no reason for amending or defeating them. In either case, the bicameral consideration was useless. If the first house produced bills which needed no changing or defeat, the time of the second house was wasted in reconsidering them. If amendment or negative action should have been exercised and was not, the second house consideration was useless. Apparently the bicameral system is operative in the case of less than one-fourth of all the bills introduced in the Iowa General Assembly (approximately thirteen per cent were defeated and nine per cent passed with amendment). The bicameral system is not actually functioning with respect to those bills which are defeated in the chamber of origin without consideration by both houses, or those bills which are re-passed by the second house in the same form in which they were received from the house in which they were introduced.

A partial comparison with the practice in five other States — New York, Illinois, Wisconsin, New Mexico, and California — can be made by reference to recent studies

by David Leigh Colvin,⁸⁹ May Wood-Simons,⁹⁰ John E. Hall,⁹¹ and James Allan Clifford Grant.⁹²

THE EFFECT OF BICAMERAL ACTION IN THE IOWA GENERAL
ASSEMBLY FROM THE VIEWPOINT OF NEW
AND OLD LEGISLATION

In an explanation of the possibilities for quantitative measurement of legislation and legislative processes which was given rather briefly in the introduction to this chapter, the statement was made that the bills introduced and passed could be classified according to *new* and *old* subject-matter. A precise distinction between the two may be made. New content may be considered as being so different from existing law that it can not be incorporated through amendment or substitution for existing law. Bills classified as being old in content merely propose changes of a greater or less degree in law which already exists. That the application of this distinction must result, in practice, in a somewhat arbitrary division is granted. But since the application is made according to the same standard throughout, and since whatever errors are present are constant in the classification of the bills of both houses which are to be compared, it may be assumed that the results are fairly accurate, and have some value as indicating the actual condition. Since a uniform technique of classification was necessary in order to prevent the entrance of subjective judgment, all bills which proposed to amend, to repeal, or to repeal and substitute for, definite sections of the Code were classified as containing *old* content. All other bills were considered *new*. In ap-

⁸⁹ Colvin's *The Bicameral Principle in the New York Legislature*.

⁹⁰ Wood-Simons's *The Operation of the Bicameral System in Illinois and Wisconsin* in the *Illinois Law Review*, Vol. XX, pp. 674-686.

⁹¹ Hall's *The Bicameral Principle in the New Mexico Legislature* in the *National Municipal Review*, Vol. XVI, pp. 185-190, 255-260.

⁹² Grant's *The Bicameral Principle in the California Legislature*.

plying this classification to more than five thousand bills, examples of improper classification are probably as numerous in one group as in the other, and so off-set each other.

Having explained the basis and the method of classification, the results may be discussed. Table XV shows all the bills introduced in the five sessions under consideration, in the Senate and the House, classified according to their content as bills which contain new statute law or which amend or repeal existing statutes, and converted into percentages.

TABLE XV

NUMBER OF GENERAL / ASSEMBLY	SENATE		HOUSE OF REPRESENTATIVES	
	NEW CONTENT	AMEND OR REPEAL	NEW CONTENT	AMEND OR REPEAL
38th	33.27	66.73	32.18	67.82
39th	36.55	63.45	33.71	66.29
40th	38.17	61.83	35.34	64.66
41st	32.63	67.37	32.20	67.80
42nd	28.03	71.97	26.37	73.63
Average	33.73	66.27	31.96	68.04

In determining the relative numbers of bills containing new and old subject matter, legalizing acts and appropriation acts are different from other bills. As a rule, their effects are special and temporary in nature and their enactment does not increase the bulk of statutory law. Both groups are practically always "new" since neither an appropriation nor a legalizing bill typically proposes to amend or to repeal existing law. If it could be stated, without exceptions, that legalizing and appropriation acts always contained new content, their numbers would have been deducted from the total bills of each session before the work of classification was begun, in order not to give the "new content" group an unwarranted advantage in numbers.

But there are enough exceptions to the general condition to make such a deduction inadvisable, although its desirability should be noted.

On an average throughout the period under consideration, approximately twenty-five legalizing acts were introduced in the Senate and thirty-one in the House in each session. A very large proportion of such bills were enacted by each house. Sixteen of every twenty-five Senate legalizing bills and twenty-four of every thirty-one House bills were passed, and, in reality, through the passage of companion bills the number actually enacted was slightly larger than that stated.

Approximately fifty-four appropriation bills per session were introduced in the Senate on an average, and fifty-one were introduced in the House. Counting the companion bills enacted, approximately forty Senate appropriation bills and forty-two House appropriation bills were enacted in each session.

If these legalizing and appropriation bills were to be deducted from the so-called new-content bills, it would result in a very material decrease in the number of bills in this group. But the decrease in both the Senate and House bills would be approximately equal, leaving the final comparative results not greatly altered.

Consulting Table XV, similarities rather than differences are to be noted in a comparison of the data for the two houses. Approximately one-third of the bills introduced in each house contained new subject-matter, and two-thirds of the bills related to changes in existing law. The Senate of the Fortieth General Assembly introduced the most new, and the fewest old, content bills (38.17 per cent and 61.83 per cent, respectively), and the House of Representatives of the Forty-second General Assembly introduced the fewest new, and the most old, content bills (26.37 per cent and

73.63 per cent, respectively). But in neither of these extreme cases is there a marked divergence from the averages for the period.

A detailed comparison of the various items in the table confirms this statement. If the introduction of new legislative material be considered an evidence of radical tendencies which are to be curbed or of a desirable tendency to adopt governmental reforms in Iowa, neither house can be singled out for blame or for praise. Bicameralism consequently can not be said to have produced any measurable differences with respect to the introduction of new and old legislation, in so far as this can be measured by the method adopted.

AMENDMENT OF BILLS BY THE IOWA GENERAL ASSEMBLY,
USED AS EVIDENCE OF THE BICAMERAL CHECK ON
HASTY AND ILL-CONSIDERED LEGISLATION

If a second legislative chamber is functioning properly, it is generally believed that such a body will not only defeat bad legislation, but that it will carefully revise many proposed laws in order that undesirable features may be removed, new content of a desirable nature added, technical defects remedied, or language altered to make the legislative intent more clearly apparent. Table XVI presents the record of the action taken by the Senate and by the House of Representatives, respectively, upon the bills sent to each house after passage by the house in which the bill originated, presenting the data in total gross numbers for the five sessions under consideration, and also in percentages.

A careful examination of Table XVI reveals the fact that in the particular type of action under discussion the records of the two houses are very similar. In both cases almost one-half of the bills passed and sent to the second chamber for consideration had been amended by the house in which they originated. The Senate defeated a slightly

TABLE XVI

ACTION ON SENATE BILLS	GROSS NUMBERS PER CENT	GROSS NUMBERS PER CENT	ACTION ON HOUSE BILLS
Total number of Senate bills sent to the House	1205 100	1292 100	Total number of House bills sent to the Senate
Total number of Senate bills which Senate had amended	585 48.5	615 47.6	Total number of House bills which House had amended
Total number of Senate bills not amended by Senate	620 51.5	677 52.4	Total number of House bill not amended by House
Total number of Senate bills on which House took negative action	318 26.4	368 28.5	Total number of House bills on which Senate took negative action
Total number of Senate bills which passed the House with amendment	275 22.8	331 25.7	Total number of House bills which passed the Senate with amendment
Total number of Senate bills which passed the House without amendment	612 50.8	593 45.8	Total number of House bills which passed the Senate without amendment

larger number of bills from the other chamber than did the House of Representatives, and the Senate amended three per cent more of the House bills which it passed than the House amended of Senate bills which it passed. This slightly higher rate of defeat and amendment on the part of the Senate does not, of course, prove anything as to the value of the action taken nor as to the amount of consideration which preceded the action. But that the Senate amended and defeated a total of five per cent more bills than the House did is the only precise criterion which can be established as a basis for comparison of the activity of the houses. This is an indication at least of somewhat

greater activity — whether desirable or not is another question — on the part of the Senate during the last five sessions.

In a study of bicameralism it is particularly significant to observe that the second house does almost one-half as much constructive revision as the first house with respect to those bills which were considered by both houses. Of the Senate bills considered by both chambers, 48.5 per cent were amended by the Senate and 22.8 per cent by the House. The House amended 47.6 per cent, and the Senate 25.7 per cent, of House bills considered by both houses. Admitting that it is impossible to evaluate this revision, nevertheless the activity of each chamber in the amendment of the bills originating in the other house indicates true bicameral action. Furthermore, both the Senate and the House defeated more than 25 per cent of the bills originating in the other chamber — an additional evidence of bicameralism in practice.

The subject of amended bills may also be considered from a slightly different point of view. If the bills passed by the Senate or by the House and defeated by the other house are considered as a group (100%), it is clear that a few more of the bills which are thus defeated had been previously amended by the house of origin (53.4 per cent of the Senate bills and 50.5 per cent of the House bills) than had been passed without amendment. This might be an indication that at least half of the bills of this group, all of which were eventually defeated, had not been satisfactory as a rule to the first house which considered them. The second group of bills are those which having passed the first house were then amended and passed by the second house. Of these bills, the Senate amended 63.1 per cent before sending them to the House, and the House amended 60.0 per cent before sending them to the Senate. These

were then further amended by the second chamber. The need for amending these particular bills seems to have been apparent to both houses. In the same way, the second chamber tended to enact without amendment a preponderance of the same bills which had passed the first chamber without amendment, though this tendency was not sufficiently pronounced to be especially significant.

Summarizing the preceding discussion of amendatory action, the evidence indicates a very slightly greater tendency on the part of the Senate to improve, through amendment, the bills introduced in that house than was shown by the House of Representatives. This tendency is less remarkable, however, than the very high standard set by each house in revising proposed laws, whether these laws originated in the house by which they were amended, or in the other chamber. Both houses apparently made a conscientious effort to improve the legislative output.

The expression "to improve" in the preceding paragraph is used deliberately. Amendment is a frequent device, not to improve a bill from the standpoint of its author and its supporters, but to get it into such an unsatisfactory form in their opinion that they will cease to support it. But this result is an "improvement" in the opinion of those who do not favor the bill. All amendment is for the purpose of improving legislation, according to this way of looking at it. Any member who had so amended a bill which he opposed, that the bill was lost, would think that he had improved legislation. The negative act of prevention of undesirable legislation through hostile amendment is an effective legislative device. For that reason, all amendatory action may be considered equally good or equally harmful. At least, it presupposes *some* consideration and consideration can scarcely be thought of as undesirable in itself, whatever the final result may be.

THE TYPES OF AMENDMENT MADE BY THE IOWA GENERAL
ASSEMBLY IN RELATION TO THE IDEA OF
BICAMERAL CHECKS

An adequate analysis of the various ways in which a bill can be modified by amendment is not possible from a statistical point of view. Relative degrees of change in law are not directly proportionate to the total number of words changed in its statement. The change of a single word or a figure (as items in an appropriation bill) may make a more substantial change than the re-writing of an entire Code section, if the re-writing is for the purpose of securing a clearer or more accurate statement of the same content.

But two big classes of amendment are fairly apparent. One type may be said to effect changes in the content while the other type makes only technical changes, leaving the content unchanged. The clearest explanation of the classification can probably be accomplished by listing those amendments which were included in the so-called "technical" group. (All amendments of other types than those here mentioned were considered to be "content" amendments).

1. Bill re-written with no apparent changes in content.
2. Bill re-written in order to arrange it in sections.
3. Changes in the wording of the title.
4. Corrections in number of section, number of line, misprints, grammatical construction, spelling, etc.
5. Minor changes in the order of words to make meaning clearer.
6. Writing out numerals in words, or adding them in figures in parentheses, to produce this form "section four hundred twenty-three (423)".
7. Striking or adding connectives in a series when numbers are added to it, or removed from it.
8. Changes like the following examples:
"Waters of the state" to "waters within the state"; "Adding" to "inserting"; "Inhabitants" to "public".
9. Strike words like "latter" and "former", and insert noun when antecedent is obscure.

10. All changes in publication clauses. Entirely adding or entirely striking a publication clause was considered to be a content change, but if the bill originally had such a clause, changes in it were held to be technical.

Besides explaining the difference between the technical and the content amendments, an explanation of the unit used in making the tabulation is necessary. A particular bill was chosen for study and a list of all amendments to it was made. If one or several of these separate amendments were technical in nature, this was listed as "technical amendment". If one or several of them changed the content, the bill was said to have "content amendment". Consequently, it is possible for a bill to have no amendment, a content amendment, a technical amendment, or both a content and a technical amendment.

The use of this method of tabulation makes the data more valuable from a qualitative than from a quantitative standard. As a matter of fact, a bill listed as having received a technical, or a content, amendment may have had several different amendments of the particular kind mentioned, or it may have had one only. No account can be taken objectively of the *amount* of amendment. As has been pointed out, a single word changed may vitally change the content of several sections of the Code, while the re-writing of a complete section may result in substantially identical content. In the consideration of so large a number of bills it may be assumed that no serious derangement of final conclusions has resulted from the disregard of the quantitative element.

In comparing the records of the Senate and of the House of Representatives in the amendment of their own bills it is apparent that the House amends a slightly larger percentage of its own bills than the Senate does. In comparing the records of the two chambers with respect to their tendencies to enact technical and content amendments to their

own bills, the House enacts approximately five per cent more content amendments, and the Senate approximately seven per cent more technical amendments, than the other chamber. The average number of amendments per bill is approximately the same in the case of both houses, but in the Senate the average number of amendments per bill

TABLE XVII

	SENATE		HOUSE	
	TECHNICAL	CONTENT	TECHNICAL	CONTENT
Classified amendments to bills which passed one house and were defeated by the other house	100	142	85	163
Classified amendments to bills which passed one house and were passed by other house (with amendment)	76	119	82	123
Classified amendments to bills which passed one house and were passed by other house (without amendment)	166	212	152	229
Total classified amendments by each house to its own bills	342	473	319	515
Total amendments by each house to its own bills		815		834
Classified amendments made by each house to bills of the other house	132	187	95	202
Total classified amendments made by each house on all bills	474	660	414	717
Total amendments made by each house on all bills		1134		1131

which was amended is very slightly higher than in the House.

An examination of the comparative records of the two houses shows the differences and the similarities in their tendencies to make technical and content amendments to their own bills and to those of the other house. The Senate passed technical amendments to 51.96 per cent of all bills which it amended and content amendments to 73.63 per cent of all amended bills, a ratio of about 5 to 7, while the House made technical amendments to 40.42 per cent of all amended bills and content amendments to 85.95 per cent, a ratio of about 5 to 10. The Senate's tendency to make technical changes and the House's tendency to amend content is even more definitely shown in their records based on amendments made to the bills of the other house as shown in Table XVII. The Senate passed technical amendments to 132 House bills and content amendments to 187. The House passed technical amendments to 95 Senate bills and content amendments to 202. The total amendment records are as follows: the Senate, 474 bills with technical amendment and 660 with content amendment; the House, 414 with technical and 717 with content amendments.

The preceding discussion suggests that, in Iowa, the House of Representatives in revising proposed legislation is rather more interested in amending content than is the Senate, and that the latter body revises technical aspects of bills to a greater extent than the lower house. In so far as the two bodies exercise a different type of revising action, one of the prime advantages of bicameralism is apparently produced — namely, that the two chambers shall in some way or other bring to bear upon proposed legislation a different type of influence. Whether it is worth while to maintain two chambers to produce the situation described as existing in Iowa, is doubtful. Neither house would need

to make technical amendments if a proper bill-drafting agency were in operation, and the usual recommendation is offered that such an agency be established rather than that one or the other house be depended upon to exercise this type of revision.

SUMMARY

To summarize the discussion in this chapter relating to the consideration, revision, and check on the legislation of the Iowa General Assembly, a number of definite statements can be made.

1. Each house defeated more than one-seventh of all the bills introduced in the other house.
2. Each house defeated less than one-third of the bills which were passed by the chamber in which they originated and sent to the other house for consideration.
3. Each chamber defeated about one-half of all the bills which its own members initiated — a fifty per cent unicameral check.
4. Each house passed more than one-third of all the bills introduced in the other house.
5. Each house passed seven-tenths of all bills which were passed by the chamber in which they originated and sent to the other chamber for consideration.
6. About one-fourth of all bills introduced in the two houses and passed by the house in which they were originated were passed by the second chamber in the same form in which they were received from the chamber of origin, indicating no positive check by the second chamber.
7. About nine per cent of all bills introduced in the two houses and passed by the house in which they originated were passed by the second house following amendment by the second chamber, indicating a definite constructive check on the legislation of the first chamber.

8. Of all the bills passed by one house and received in the second house, more than one-fourth were defeated, less than one-sixth were amended and passed, and more than one-half were passed without change. This indicates that almost one-half of all bills received from the first house were subjected to action definitely bicameralistic in nature, and it is quite possible that many of the bills passed without alteration were actually considered with care by the second chamber.

9. The bicameral principle of revision and check was actually operative in the case of slightly less than one-fourth of all the bills introduced in the Iowa General Assembly (sessions Thirty-eighth to Forty-second inclusive), in so far as it is possible to measure revision and check by the number of amended and defeated bills.

10. Of all the bills introduced in the Senate and in the House, about one-third contain new subject matter and two-thirds propose changes in existing law.

11. Throughout the period under consideration, the Senate defeated and amended on the average about five per cent more bills sent to it from the other chamber than did the House of Representatives. The Senate was to that extent more critical as a second chamber.

12. In the case of both the Senate and the House, almost one-half of the bills passed and sent to the second chamber for consideration had been previously amended by the house in which they originated. This would seem to indicate that neither house takes advantage of the bicameral opportunity to shift responsibility.

13. Both the Senate and the House showed a marked tendency to amend the same bills, and to defeat amended, rather than unamended, bills received from the other house, indicating considerable unanimity of opinion as to the desirability of proposed statutes.

14. Both in the amendment of its own bills and of those sent to it by the other house, the Senate enacted more amendments of a technical nature, and the House enacted more amendments changing the content of the bill. This practice in Iowa illustrates the possibility of different types of consideration being applied to proposed measures in a bicameral system.

If the preceding summary statements are evaluated on the basis of differences and similarities which exist, as disclosed by the type of analysis which was undertaken, in the legislative action of the two houses of the Iowa General Assembly, similarities rather than differences will be seen to predominate.

In some respects, to be sure, real differences are disclosed, although in certain particular sessions the action of the Senate and House differed from the normal similarity of action for the whole period. Besides these differences in manner of operation, certain of the similarities denote real bicameralism. Quoting the seventh of the preceding summary statements, "The bicameral principle of revision and check was actually operative in the case of slightly less than one-fourth of all the bills introduced in the Iowa General Assembly (sessions Thirty-eighth to Forty-second inclusive)". Acting unicamerally, each house disposes of one-half of all the bills introduced by its own members, about one-half of the remainder are put in final form in the house of origin and passed by the second house without change, and the other one-fourth, beyond question, received at least a minimum amount of revision or actual defeat at the hands of the second house.

If it is desirable to have each separate bill considered by both houses, then the Iowa system is only fifty per cent effective. But if half of the bills introduced are obviously unnecessary or undesirable, there would seem to be no rea-

son for double consideration of them. If the twenty-five per cent of bills passed by the second house without change, can be proven to have needed change or even defeat, then the system is defective in that phase of its operation. But if these bills were desirable in content and correct in form, the second house could obviously do nothing wiser than to merely ratify the action of the first house. At least, an opportunity was afforded to make changes, and the fact that they might have been carefully reconsidered before passage by the second house is possibly a guarantee of the worth of these bills.

These suggestions are sufficient to show the difficulty involved in attempting to interpret the facts established. The only definite statement which can be made here is of fact, not of value. The Iowa General Assembly is strictly unicameral in its action on at least fifty per cent of all bills, and is bicameral in its action on twenty-five per cent. In the case of the remaining one-fourth of the total number of bills (those which passed the first house with or without amendment, and the second house without amendment), the action is rather a combination of the two types. Perhaps it would be better to say that in this group some bills received bicameral, and others unicameral, consideration, but that the second house in every case had the opportunity to revise or to check if it had so desired, which may be a valuable though dormant safeguard.

IV

A COMPARISON OF THE OPERATION OF THE BICAMERAL PRINCIPLE IN VARIOUS STATE LEGISLATURES

In an earlier chapter of the present study it was suggested that, before any final evaluation of the practical application of the bicameral principle in the American

Commonwealths would be possible, separate studies of the workings in each State, or at least in a considerable number of them (such studies being made on a comparable basis), must be available. In addition to the Iowa study herewith presented, four other studies have been made dealing with five different State legislatures, those of Illinois, Wisconsin, New Mexico, New York, and California. Any conclusions based upon a comparison between only six legislatures obviously can not be held valid in the case of the remaining forty-two legislatures. But such conclusions may be considered as at least indicating certain general conditions and tendencies common to all State legislatures. Furthermore, the sampling is somewhat representative. A large State legislature (New York) and a small State legislature (New Mexico) are included; one old State (New York) and two new States (California and New Mexico) have been studied; and a comparison can be made between Iowa and two of her neighboring States (Illinois and Wisconsin). The remainder of this chapter will contain a comparison of the results of the five studies dealing with the six legislative bodies mentioned.

With respect to the ages of legislators, no material is available in the case of Illinois, Wisconsin, and New York, while John E. Hall, in describing the New Mexico legislature of 1925 merely says, "The senate was also composed of older and more mature men".⁹³ In California, the average age of Senators for the four sessions of 1895, 1907, 1911, and 1915 was 43.5 years, and the average age of members of the lower chamber in the same sessions was 40.7 years, giving the Senate a very slight age advantage of three years.⁹⁴ In Chapter II of this study, it was stated

⁹³ Hall's *The Bicameral Principle in the New Mexico Legislature* in the *National Municipal Review*, Vol. XVI, p. 186.

⁹⁴ Grant's *The Bicameral Principle in the California Legislature*, p. 54.

that the average age of Iowa Senators during the last fifteen sessions was 49.51 years, as contrasted with 49.47 years, the average age of House members. Iowa legislators appear to be considerably older than members of the California legislature, and practically no difference is shown between the members of the two houses as is the case in California.

In comparing the legislative experience of members of the various bodies, Illinois and Wisconsin must again be omitted because of lack of data. In New Mexico in 1925, seven Senators out of twenty-four (twenty-five per cent) had previous experience and twelve out of forty-nine members of the lower chamber (twenty-four per cent) were experienced.⁹⁵ In New York in the session of 1913, sixty-two per cent of Senators and sixty-three per cent of members of the lower house were experienced legislators.⁹⁶ In the nine California sessions between 1911 and 1927, inclusive, approximately ninety per cent of Senators and slightly less than fifty per cent of members of the lower house were experienced.⁹⁷ Finally, in Iowa seventy-four per cent of the Senators and approximately forty-six per cent of the Representatives have served in the legislature in preceding sessions. New Mexico and New York, in spite of the great difference in the number of experienced men in their legislatures, are similar in that the situation in the upper and lower houses in each State is identical. Both California and Iowa have more experienced men than do New Mexico and New York, and in both States Senators have had considerably more previous experience than members of the lower house. The greater experience of members of the

⁹⁵ Hall's *The Bicameral Principle in the New Mexico Legislature* in the *National Municipal Review*, Vol. XVI, p. 186.

⁹⁶ Colvin's *The Bicameral Principle in the New York Legislature*, pp. 71-73.

⁹⁷ Grant's *The Bicameral Principle in the California Legislature*, p. 57.

Senate is probably due to constitutional provisions giving them a longer term of office than members of the lower house.

No comparison can be made between the occupations of Iowa legislators and those of Illinois, Wisconsin, New York, and California. In a single session in New Mexico (1925) a study of occupations was made, showing the following distribution of occupations among members.⁹⁸ In the Senate there were five merchants, four stockmen, three lawyers, two editors, two doctors, two real estate men, two ministers, one mine owner, one automobile salesman, and one railroad conductor. In the lower house there were thirteen farmers, six stockmen, four lawyers, four merchants, three clerks, three real estate and insurance men, two editors, two housewives, and twelve persons each representing a different occupation. In a few respects this situation differs from that described in Chapter II as existing in Iowa. There are relatively fewer farmers and lawyers in the New Mexico legislature, especially in the Senate. Furthermore, until 1929, no "housewives" sat in the Iowa General Assembly and there are relatively fewer merchants in that body than are listed in the New Mexico legislature.

The personnel of the two chambers of the Iowa General Assembly was compared with respect to education and residence. No comparison can be made with other legislatures in these two qualifications since the available studies contain no data on either subject.

The suggestion has been previously made that the party situation in a legislature has a possible influence upon the check exercised by one house upon another. In Iowa throughout the entire period under consideration, the Re-

⁹⁸ Hall's *The Bicameral Principle in the New Mexico Legislature* in the *National Municipal Review*, Vol. XVI, p. 186.

publican party has been in complete control in both houses. This situation seems to resemble that in California where the Republican majority in both houses is so large that "it has ceased to be a majority and become a monopoly".⁹⁹ In New York during the legislative sessions of 1910, the Republicans controlled both houses¹⁰⁰ but a real two-party situation existed.¹⁰¹ At the opposite extreme, in New Mexico in 1925, the Republicans controlled the Senate by one vote and the Democrats controlled the lower house by the same minimum margin.¹⁰² No comparable data with respect to party alignments in the Illinois and Wisconsin legislatures are available. This extremely variable factor of party control and leadership may have much to do with the effectiveness of the bicameral system.

In each of the studies here compared, reference is made to the influence of the Governor's veto on legislative action. In Iowa the chief executive very seldom uses this power, and in many sessions it is not exercised even once, although a vetoed bill has never been enacted over his objections. In New Mexico (session of 1925) the Governor vetoed four per cent of all bills introduced, or ten per cent of all bills passed by both houses.¹⁰³ In Illinois, in both 1919 and 1921, five per cent of all bills introduced were vetoed, and in Wisconsin in the same years six per cent and seven per cent, respectively, were vetoed.¹⁰⁴ The New York Governor vetoed 204 bills in 1910, which constituted seven per cent of all

⁹⁹ Grant's *The Bicameral Principle in the California Legislature*, p. 68.

¹⁰⁰ Colvin's *The Bicameral Principle in the New York Legislature*, p. 8.

¹⁰¹ Colvin's *The Bicameral Principle in the New York Legislature*, p. 189.

¹⁰² Hall's *The Bicameral Principle in the New Mexico Legislature* in the *National Municipal Review*, Vol. XVI, p. 186.

¹⁰³ Hall's *The Bicameral Principle in the New Mexico Legislature* in the *National Municipal Review*, Vol. XVI, p. 260.

¹⁰⁴ Wood-Simons's *The Operation of the Bicameral System in Illinois and Wisconsin* in the *Illinois Law Review*, Vol. XX, p. 685.

bills introduced.¹⁰⁵ Finally, in California in the years 1907 to 1925, inclusive, the Governor vetoed from fifteen to fifty per cent of all bills that passed both houses, and it is said that, both in number and in importance, the bills which were killed in the office of the Governor far outweighed those defeated in the second house.¹⁰⁶ The Iowa veto practice seems to be unique.

A summarization of the data relating to the action taken on bills by the legislatures of the six States is presented in Table XVIII. The material drawn from the five different studies is not exactly comparable because the number of sessions included varies from one to ten. The figures for Iowa are based upon bills introduced in five sessions, from 1919 to 1927, inclusive. Two sets of figures are given for Illinois and for Wisconsin, based upon the sessions of 1919 and of 1921. Data for a single session in 1925 in New Mexico, and for a single session in 1910 in New York, are given. In the case of California, two sets of data are presented, the first based upon the five sessions between 1907 and 1915, inclusive, and the second based upon the five sessions between 1917 and 1925, inclusive. In spite of the fact that the figures are based upon action taken by different numbers of legislatures at different times, a comparison of them is undertaken because the results — recognizing their somewhat unsatisfactory character — are nevertheless extremely valuable as being based upon all data available on the subject at the present time.¹⁰⁷

¹⁰⁵ Colvin's *The Bicameral Principle in the New York Legislature*, p. 110.

¹⁰⁶ Grant's *The Bicameral Principle in the California Legislature*, pp. 134, 135.

¹⁰⁷ Table XVIII, showing the action taken on bills by the upper and lower houses of six different State legislatures, is made up of data taken from five different studies relating to the operation of the bicameral principle in particular State legislatures. Since it was necessary to choose the data for each separate legislature, as it appears in the table, from many different parts of the studies, no attempt is made to give specific page references for each figure

TABLE XVIII

Name of State in which study was made	Number of bills introduced per session		Percentage of total bills introduced which were defeated in house of origin		Percentage of total bills introduced which were defeated in second house		Percentage of total bills introduced which were amended by second house		Percentage of total bills introduced which were passed by second house	
	S.	H.	S.	H.	S.	H.	S.	H.	S.	H.
Iowa (1919- 1927)	477	541	49	52	13	13	9	9	37	34
Illinois (1919)	580	763	45	67	13	3	16	7	41	30
(1921)	535	868	59	69	18	3	6	4	23	28
Wisconsin (1919)	640	710	27	45	9	7	10	10	63	47
(1921)	598	601	31	46	12	9	11	9	57	44
New Mexico (1925)	138	249	34	29	19	31	9	13	47	40
New York (1910)	1180	1755	No data	No data	6	8	1	7	No data	No data
California (1907- 1915)	1308.8	1565.0	54.7	60.2	9.1	9.7	No data	No data	36.2	29.9
(1917- 1925)	906.6	1330.0	47.3	51.0	7.0	5.5	28.8	27.4	45.6	43.5

There is a very wide variation in the number of bills introduced in each session in the various legislatures. In New Mexico in both the upper and the lower house the number was extremely small. At the other extreme, more than eight times as many bills were introduced in the New York

in the table. In addition to the present study of the Iowa legislature, the data are drawn from the following studies: Colvin's *The Bicameral Principle in the New York Legislature*; Grant's *The Bicameral Principle in the California Legislature*; Hall's *The Bicameral Principle in the New Mexico Legislature* in the *National Municipal Review*, Vol. XVI, pp. 185-190, 255-260; and Wood-Simons's *The Operation of the Bicameral System in Illinois and Wisconsin* in the *Illinois Law Review*, Vol. XX, pp. 674-686.

lower house as in the same body in New Mexico, and almost ten times more in the California Senate than in the New Mexico Senate. In both the upper and lower houses of the Illinois, Wisconsin, New York, and California legislatures more bills are introduced per session than in Iowa, but in Iowa many more bills are introduced than in New Mexico.

The negative check of the first house upon its own bills varies from twenty-seven per cent defeated in the Wisconsin Senate in 1919, to sixty-nine per cent in the Illinois lower house in 1921. The percentage of bills defeated by the house in which they originated in Iowa, from 1919 to 1927, is practically the same as the percentages defeated in the California legislature, from 1917 to 1925 (approximately fifty per cent). In comparison with Wisconsin and New Mexico, the unicameral check in Iowa is rather high, but both houses of the Illinois legislature of 1921 were more active in defeating their own bills than is the Iowa legislature, on the average.

A wide variation, though not so extreme as the one presented in the preceding paragraph, exists in the percentage of bills defeated by the second house in the different States. In New York only six per cent of the Senate bills were defeated by the lower house, but in New Mexico nineteen per cent were defeated. The per cent of lower house bills defeated by the Senate ranges from 5.5 per cent in California (1917-1925) to thirty-one per cent in New Mexico. The New Mexico record in this particular respect is distinctly higher than the other States. The Iowa record is higher than California and New York, resembling more closely the records of Illinois and Wisconsin. In Illinois and Wisconsin the lower house appears to be more critical than the upper house, the opposite is true of New York and New Mexico, while in California and Iowa little distinction can be made.

With respect to the amendment of bills by the second house, the records vary widely. The New York lower house, amending only one per cent of the Senate bills, and the Illinois Senate of 1921, amending four per cent of lower house bills, were the least active in this respect. At the other extreme, the California upper and lower houses of 1917 to 1925 amended, respectively, 27.4 per cent and 28.8 per cent of the bills of the other house. All the legislatures studied had higher records of second chamber amendment than Iowa except the Illinois legislature of 1921, and the New York legislature of 1910.

The Wisconsin legislature passes more bills sent from one house to the other than do any of the other legislatures, New Mexico occupies second place in this respect, California (1917-1925) third place, Iowa fourth, California (1907-1915) fifth, and Illinois sixth. The number of bills introduced in one house which are passed by the other house ranges from twenty-three to sixty-three per cent.

With respect to the type of content of bills and the kind of amendments made, no comparison can be made between the situation in Iowa, as it is described in the latter part of Chapter IV of this study, and the situation in other States, because the studies of bicameralism in Illinois, Wisconsin, New Mexico, New York, and California contain no comparable data.

The chief conclusion to be derived from the comparisons which have been the subject of this chapter is, apparently, that much more material must be assembled before any valid conclusions as to the value of bicameralism in State legislatures can be formulated. The comparisons throughout have illustrated very wide variations among the six States in which studies have been made. It is quite impossible to tell whether any one of the six represents an average, or typical, legislature until the remaining forty-

two have been described in comparable terms. Only two of the five studies which have been made (California and Iowa) cover a sufficient period of time to make their conclusions valuable even in the single State in which they were carried on. New York and New Mexico were studied for one session only, and Illinois and Wisconsin for two. In short, the merest beginning has been made in the collection of the data necessary for the solution of the problem.

If the operation of bicameralism in State legislatures is to be described accurately, the following procedure is suggested. After a preliminary survey of the materials available in each of the States, a definite technique of objective description must be established. The five studies existing at present are so different in this respect that comparison of them is difficult or even impossible, and the necessity for uniform method is clearly apparent. The second step is the application of the method developed to the forty-eight legislatures, which is a sufficiently comprehensive piece of work to occupy several persons. Finally, a single comprehensive study based upon the results of the forty-eight descriptive studies will give an answer in more definite and complete terms than anything now in existence to the unanswered question stated in the introduction to the present study—"Does the bicameral system of State legislative organization *in practice* fulfill the claims made for it *in theory*?"

The comparisons made in this chapter between the Iowa legislature and those of the five other States, in spite of the disadvantages mentioned, at least serve to indicate certain well-defined tendencies, which illustrate the type of generalizations with regard to bicameralism which could be finally established if sufficient data were at hand. Undoubtedly similarities and differences between the personnel and the actions of the two houses in the American State legis-

latures would be clearly apparent many of which are now quite unsuspected on the basis of our present incomplete and unscientific information.

Admitting the limitations in the basic material, certain generalized statements can be derived from the five existing studies.

1. There is not sufficient difference in the ages of the members of the upper and lower houses to warrant the maintenance of two chambers.

2. In some States members of one house are considerably more experienced as legislators than members of the other house, but this statement is not true in other States, particularly in those in which the term of members of both houses is the same.

3. Many different occupations are represented in each house, but there is no evidence of any recognition of the occupational basis of representation and certainly no proportional representation of occupations in either house.

4. Members of the upper house have had a slightly better educational opportunity than members of the lower house.

5. There are more members from larger urban areas in the Senate, and more from towns and rural areas in the lower house.

6. The party complexion of the two chambers is usually similar, though the two-party system is not always operative.

7. The veto practice of Governors varies from complete abstinence from use of executive negative to the exercise of the veto power on almost one-half of all bills received, which undoubtedly has a significant effect upon bicameral action.

8. Lower houses introduce more bills than upper houses.

9. Lower houses defeat a larger percentage of their own

bills than upper houses, which indicates a tendency to be more critical and a fuller acceptance of responsibility.

10. More Senate bills are defeated by the lower house than lower house bills are defeated by the Senate.

11. The lower house passes more Senate bills than the Senate passes lower house bills.

12. The records of the two houses with respect to the amendment of bills from the other house are nearly the same; neither is more constructively critical than the other.

13. The lower house tends to amend the content of proposed legislation, while the upper house tends to make technical changes.

14. The records of the two houses in the initiation of new legislation and of legislation which revises existing statutes are practically the same.

Emphasis must be placed upon the warning that the preceding generalizations are not to be considered as final or of general application. In some instances they are based upon a study made in a single State, and in no instance are they based upon the practice in more than six States. They are intended as examples of the sort of results which could be obtained if material similar to that at hand for six States were available for the entire forty-eight. These statements, however, may be used as working hypotheses for future study in the same, or in other States. Quite possibly several of these tentative statements would be discovered to be valid laws, and just as surely others would have to be modified or abandoned in the light of the new materials.

It has been rather clearly demonstrated in this chapter that if the application of the bicameral principle in forty-eight States is to be accurately described some such method as that used in the five studies heretofore made must be used. An absolute prerequisite of a comparative or a synthetic study is comparable data. Comparable data is not

the result of subjective description but can be obtained only through the consistent use of a uniform and objective method. Whatever the limitations of the quantitative method, it has the necessary characteristics of accuracy, uniformity, and objectivity, and it is almost impossible to believe that any adequate and scientific study of bicameralism in State legislatures can ever be made which does not depend in large part upon the quantitative measurement of the characteristics of these bodies.

DOROTHY SCHAFFTER

STATE UNIVERSITY OF IOWA
IOWA CITY IOWA