

# III

## *Legislative Branch*

### THE STRUCTURE OF THE MARYLAND LEGISLATURE<sup>1</sup>

#### UNICAMERALISM VS. BICAMERALISM

##### **THE PURPOSE OF THE LEGISLATURE**

"Which will function better?" is the primary question men must answer in choosing between designs for a legislative body. Alternative structures must be evaluated in terms of their relative contribution to achieving the basic purpose for which a legislature is created—to represent the electorate and to enact legislation carrying out majority wishes. Clear recognition of such legislative purpose helps resolve many problems involved in choosing between a bicameral and unicameral legislative structure.

Protecting minority interests—or, in broader terms, distributing power among the components of society—is a primary function not of the legislature, but rather of the constitution and the whole constitutional system. Internal restraints or impediments to legislative action

may serve to protect minority interests, but they are not necessary if other safeguards in the constitutional system are adequate.

Failure of legislatures to fulfill their basic purpose adequately has been a fundamental cause of the most prevalent tendency in modern constitutional government—erosion of the effectiveness of state legislative assemblies.<sup>2</sup> A brief review of arguments for and against bicameralism may help delegates arrive at a defensible decision to retain or reject a two-house legislature.

##### **ORIGIN OF BICAMERALISM**

Bicameralism is not the outcome of deliberate choice, but is rather an accident of English history and the influence of the English example on other nations.<sup>3</sup> The system is rooted in the stratified social order of the later Middle Ages.<sup>4</sup> Various social classes then exist-

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<sup>2</sup> Shepard, *Legislative Assemblies*, 9 ENCYCLOPEDIA OF SOCIAL SCIENCES 361 (1933).

<sup>3</sup> C. SHULL, *AMERICAN EXPERIENCE WITH UNICAMERAL LEGISLATURES* 1 (1937).

<sup>4</sup> Shepard, *Bicameral System*, 2 ENCYCLOPEDIA OF SOCIAL SCIENCES 533 (1933).