

MICHIGAN UPDATE

Term Limits on Michigan Legislators Bring Increased Diversity to State Capitol

The decision by Michigan voters in 1992 to limit their state legislators has led to a new breed of lawmakers. Not only have term limits ushered in new legislators full of fresh ideas, they have also created more opportunities for women and minorities.

In the House, where members are experiencing the full effect of term limits this session, the number of women legislators has increased from 19 to 27. And the number of black representatives has grown by six members, up

from 11 to 17. In addition to an increase in their numbers, the black caucus has been able to place its members in key leadership positions.

A recent biographical survey found that the average age in the House has dipped from 48 years to 46 years.

Term limited legislators also appear to be gaining on the educational front. Eighty-five of the 109 members have college degrees, while 22 others have taken college courses. Compared to



Michigan State Capitol

1991, when the House consisted of a mere 76 college graduates, these gains are significant. ■

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STANDING FIRM

Term Limits Activists Ready to Fight in Arkansas

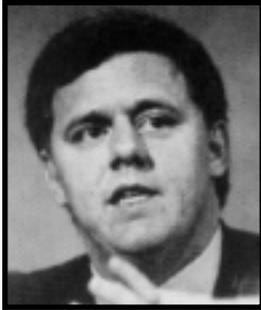
In 1992, the people of Arkansas passed a term limits initiative by an overwhelming 60 percent of the vote. That amendment to the state constitution established six-year limits on service in the state House and eight-year limits on service in the state Senate.

Even though voters continue to support these same term limits, the Arkansas legislature is

bent on extending their time in office.

In hopes of convincing legislators to pack up and go home, the Arkansas Voter Alliance, a local group, announced their intention to fight legislative attempts to weaken the state law. Tim Jacob, who led the 1992 term limits initiative and is currently chairman of the Alliance, said term limits

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MESSAGE FROM THE NATIONAL DIRECTOR

Divine Wrong

No idea was more completely overturned by the American Revolution than the so-called "divine right of kings," the notion that kings ruled over people by right granted from God, a right that was passed down from generation to generation.

Well, looks like the concept is making a comeback. John Dingell, a Democrat from Michigan, has been in the Congress since 1955. Yes, that's 46 years. He took over the seat in a special election after his father died. His father had held the seat since 1932. So the Dingell bloodline has held the seat now for 69 years . . . and counting.

There has been speculation that Dingell, almost 75, will step down soon, and help his wife or son — the queen and the prince, if you like — to snag the seat in his stead.

But in a recent speech, Dingell suggested he plans to spend pretty much the rest of eternity in Congress. Said he to President Bush: "If and when your daughters, Barbara or Jenna, are elected to Congress, I'll be there."

Of course, a congressman, or even the president, is certainly not a king. No matter what they may think. It's just the family business. But somehow that doesn't sound much better. It still implies that power is something to be gobbled up, monopolized, exploited for personal gain. That's not what America is all about. If government is to be of, by and for the people, well, it has to first be "of the people." Not of kings and princes. ■

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bring fresh ideas and open government to new people.

At the national level, Americans for Limited Terms ran radio ads in Little Rock designed to defeat the legislature's attempts to repeal term limits.

The legislature will decide whether to cast its vote to place term limits on the November 2002 ballot this month.

Having seen firsthand the benefits of term limits in the 2000 election cycle, voters continue to sup-

port limits for their elected officials. According to a December *Billings Gazette* statewide survey, 61 percent of voters would vote for term limits again.

In November 2000, Montanans experienced for the first time the effects of the eight-year term limits imposed on state officeholders by voters in 1992. That year, voters passed a constitutional amendment limiting statewide elected officials to two four-year terms and lawmakers to two eight-year terms in office. The limits

removed all top statewide officeholders and about one-third of the legislature from their current posts.

These latest poll results are similar to those published about a year ago. ■



Arkansas State Capitol

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All They Have to Do For a Clue Is Look Up at Jefferson

By Jack Newfield
The New York Post

There is a democratic credo painted into the ceiling of the City Council chamber, where repeal of term limits was debated yesterday.

If all 51 council members had shown up, and looked up, they would have seen the guiding principle: "government of the people, by the people and for the people."

This founding ethic of America should normally lead the council to respect the will of the people, as expressed in two referendums, and accept limits on their own terms in office.

But the Gang of 23 on the council is trying to cancel the will of the majority, and paint this credo over in black, by passing a law that will profit only themselves.

This near-majority seems resolved to save their \$90,000-a-year part-time jobs, thereby telling the voters who put them into office to go to hell.

Since the start of this term-limits drama, the strongest case against repeal has been the membership and conduct of the Gang of 23.

They keep making high-minded arguments to masquerade their low-minded motive of self-perpetuation. Predictably, five sponsors of the repeal bill didn't bother to attend the hearing to answer questions about it.

Truant were Lucy Cruz, Walter McCaffrey, Tom White, Howard Lasher and Kathryn Freed.

The lead witness for repeal was former council member, and current lobbyist of the council, Edward Wallace.

Wallace chose to directly attack those defending democracy and the Jefferson credo above his head.

He colorfully denounced the results of two referendums as "mob rule" and a "majoritarian mob."

He also mocked "the process crowd, sneering columnists

and editorial writers."

Afterward, Wallace told me he had appeared "pro bono." The repeal drive has to get over three hurdles: a committee vote next week, a full council vote, probably on March 28, and the possibility of a veto by an unusually indecisive Mayor Giuliani.

The swing vote in the committee is believed to be Phil Reed of Manhattan, who is not subject to term limits until 2003.

On Monday, Reed told a reporter he was planning to vote "no" on the final floor vote, but intended to vote "yes" in committee to allow the bill to reach the floor. This seemed like an untenable contradiction.

Yesterday, a clearly uncomfortable and conflicted Reed told me he was "now undecided how to vote in the committee."

Later he told me, "I'm troubled by the fact the council could have done this in 1996, but chose instead to go back to the voters with a second referendum.

"They went that route then, and this weighs on my mind now."

Speaker Peter Vallone told me that if the bill does lose 5-4 in committee, "it stays in committee . . . A bill defeated in committee has not reached the floor during my 15 years as speaker."

If it reaches the floor, the still unknown votes will be cast by Angel Rodriguez and Mary

Pinkett of Brooklyn and Wendell Foster of The Bronx. Rodriguez, 48, is considered a strong candidate for speaker in the new council.

Giuliani has not said if he would sign a repeal bill, but aides to both Vallone and the mayor say Giuliani has privately signaled Vallone he most likely will veto the bill.

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WILL OF THE PEOPLE

New York City's Cry For Justice

After weeks of increasing citizen furor over attempts by New York City Council members to repeal term limits, last month the Government Operations Committee voted 5-4 against repealing their term limits, handing voters a major victory and dealing yet another setback to the city's career politicians.

In 1993, the voters of New York City passed an initiative that placed 8-year term limits on its mayor, borough presidents and members of its city council.

In 1996, when the city council put a measure on the ballot to gut these term limits, New Yorker again overwhelmingly endorsed term limits.

Eight years since the passage of the first initiative and the city council attempted to throw out the term limits law, just before it would take effect this November.

Despite the council's efforts to repeal term limits, the public and press united in their fight to save New York City's term limits law. More than 150 candidates have already filed for the 35 city council seats that will remain open now that the law will stay in place.

At a public hearing on the issue that took place on March 8, sparks flew

between defensive members of the City Council and angry citizens.

"I freely acknowledge that opinions vary about term limits," said Jeanine Kemm, director of New Yorkers for term Limits, as quoted by *The New York Times*. "So what? That was what two campaigns were about: debating the merits so the voters could decide. And the voters overwhelmingly decided they want term limits."

U.S. Term Limits Deputy Director Stacie Rumenap testified at this hearing, emphasizing the broad and diverse support that term limits legislation has.

"According to exit polls after New York City's local vote, term limits were backed by both men and women. A clear majority of African American voters and other minority groups also supported term limits," Rumenap said. "We see this same support in major cities across America. More people are running for office. A record number of women and minorities are being elected. Term limits have created more competitive elections."

Rumenap also spoke about the positive changes that term limits have wrought elsewhere, and about the value

of transforming the political culture from entrenched careers to citizen representation, concluding with a frank reprimand to the city council.

"Regardless of your beliefs on term limits, the decision of repealing them isn't really up to you or me," she said. "It's up to the voters. There are serious legal questions about this power play by the council. But there can be no questions about the morality of this legislation. It is wrong to trash the twice-stated will of the people. Flat wrong. And everyone knows it."

Responding to New York's victory, Paul Jacob, National Director for U.S. Term Limits, said, "Politicians wanted to ignore two votes of the people and simply repeal the term limits law. The public furor created by the Council's arrogance stopped the Council and sends a powerful message to elected officials nationwide that voters remain committed to term limits. No doubt politicians will try to get out from term limits, but all across the country their efforts are failing as voters stand firm."

This November, 35 of 51 council members will leave office because of term limits. ■

JUDICIAL MATTERS

U.S. Supreme Court Ruling on Ballot Language

In 1996, Missouri voters passed an initiative requiring the state's congressional delegation to support and work for term limits. The amendment stated that next to the names of incumbents who had opposed term limits would be the phrase: "Disregarded voter instructions." Next to the names of challengers who opposed them would have been the words: "Declined to pledge support for term limits."

In February, the U.S. Supreme Court

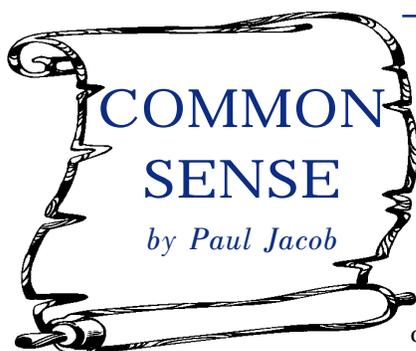
ruled that states couldn't use ballots to distinguish between candidates on the issue of term limits. Writing for the court, Justice John Paul Stevens said, "It seems clear that the adverse labels handicap candidates at the most crucial stage in the election process — the instant before the vote is cast."

Missouri Attorney General Jay Nixon called the ruling a "narrow decision" that still leaves the state with the ability to control the ballot. He also said

the court did not rule on the legality of term limits, only how the issue was "marketed to the public."

"We defend Missouri's laws, especially those passed by votes of the people," Nixon said.

While U.S. Term Limits would have preferred a different outcome, national term limits organizations have not pursued these types of initiatives in four years. This ruling will have no impact on the movement. ■



THE WEEKLY RADIO COMMENTARY OF THE U.S. TERM LIMITS FOUNDATION

You Can Say That

Some people say that campaign finance reform won't abridge freedom of speech. Just regulate how money may be spent or raised.

Of course, in campaigns all you do is talk, whether on the air or in person or on billboards or balloons. That's where the money goes. Speech. Yakking. Communication. To get folks to vote for you. It's just a coincidence, I guess, that campaign finance regulations make it harder for challengers to talk than for incumbents.

Former presidential candidate John McCain is pushing a dangerous proposal that allows politicians to regulate those who speak against them. And it's happening at the state level too. In many of the proposals, the link between violating free speech and protecting the incumbent is hard to miss.

In Montana, one legislator wants to give office-holders

the right to review critical ads in advance. Groups would have to show their ad to the targeted politician before the ad can air. If the politician "rejects" the content — and gee, what are the odds of that happening? — the ad has to say so. Free speech?

In Virginia, one bill would have forced newspapers to collect ID from anyone submitting a political ad. The bill was defeated. But similar legislation is making the rounds in other states. Speech is just too scary to just let people talk, apparently.

Paul McMasters, with Freedom Forum, says, "The answer to campaign speech we don't like is more speech, not less speech. . . ."

You can say that again. At least for now. ■

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THEY SAID IT

Stating the Obvious

“Not surprisingly, the idea of shorter service, which automatically replaces office-holders with newcomers, seems better from the outside than it does to the incumbents themselves.”

—*Prince William's Journal* (VA)
February 28, 2001

No Limit to Arrogance

“It may be possible to restrict the number of consecutive terms a state legislator can serve, but there is no limit to the average politician's arrogance.”

—*The Arizona Republic*
January 30, 2001

Aww, What a Shame...

“[Michigan] lobbyists in the business of being friends with everyone are conflicted. Helping one legislator extend a career in the Senate comes at the expense of a soon-to-be angry House lawmaker with from two to four years left in office [who would like to seek an empty Senate seat].”

‘I've never been through this before,’ said Dennis Muchmore, who runs a leading Lansing lobbying firm. ‘it's a very difficult situation for everyone and it wouldn't have come about if it wasn't for term limits.’

—*Ann Arbor News*
February 27, 2001

Term limits were and are supposed to be a device by which we kick over the political anthill and send the politician scurrying, thereby limiting the power of the ants who had been comfortably located in the hill.

**—Detroit Free Press
February 7, 2001**

No Time to Waste

“Term limits of eight years went into effect during last fall's [Florida] elections . . .”

Both parties previously took their time in bringing their new members into the system. Members sometimes waited two or three terms, or even more, before they could get a committee chairmanship or plum assignments. Now, both parties have to line up their future leaders and move them through the ranks almost as soon as they are elected.”

—*The Ledger* (Lakeland, FL)
March 12, 2001

The Magic of Term Limits

“Political scientist David Birdsell at Baruch College in New York said the large number of open City Council seats this year — term limits are forcing 36 of the current 51 members out — was also noteworthy.”

‘It is extremely unusual to have so many people running (for the first time),’ Birdsell said. ‘These are extraordinarily stable seats and the incumbent enjoys an enormous advantage.’”

—*Reuters*
March 5, 2001

PRESIDENTIAL TERM LIMITS

22nd Amendment Marks Birthday

By Steve Gravelle
The Gazette (Cedar Rapids, IA)

The only federal term limit, the 22nd Amendment, turned 50 years old Tuesday.

“People seem to think it was there forever, and it’s necessary to remind them it’s only 50 years old,” said University of Iowa political science professor Peverill Squire.

The amendment took effect Feb. 27, 1951, after approval by state legislatures in Utah and Nevada gave it the 36-state majority needed for ratification. Iowa ratified the amendment in 1947.

Ratification made the front page of *The Gazette* that day. “I have no comment,” President Harry Truman told United Press when asked about the amendment. “It does not affect me.”

That’s because the amendment doesn’t apply “to any person holding the office of president when this article was proposed by Congress.”

Ratification came four years after Congress passed the matter to the states, culminating a debate that began during the first week of the Constitutional Convention, in 1787. Delegates considered limiting presidents to single terms of six or seven years, but critics worried that a president who couldn’t run again might be unresponsive to public opinion.

Thomas Jefferson argued for a two-term limit at the close of his second term — an unwritten tradition that held for more than a century.

Concerned over war in Europe, President Franklin Roosevelt agreed to run for a third term in 1940, bringing criticism from Republicans. Wartime pressures brought Roosevelt’s fourth term, finished by Truman after Roosevelt’s death in 1945.

When Republicans finally gained control of Congress in 1947, the amendment was one of the first matters of business.

But it wasn’t until last year that the amendment claimed its first Democratic “victim,” Bill Clinton, after limiting Republicans Dwight Eisenhower and Ronald Reagan to two terms each. (A third Republican, Richard Nixon, also would have run afoul of the amendment if he hadn’t first run afoul of other parts of the Constitution).

“We talk about it in the context of one of these instances in which the people who put it in place have come to regret it,” Squire said.

It’s also part of the ongoing, if now muted, debate over congressional term limits. ■

Reprinted from *The Gazette* (Cedar Rapids, IA)

Term Limits and American Government

The 50th anniversary of the 22nd Amendment was celebrated in part by a policy forum hosted on February 27 by the Cato Institute.

The forum featured Ed Crane, president of the Cato Institute and member of the U.S. Term Limits board of directors, Rep. Ric Keller (R-FL), Herman Belz, a professor at the University of Maryland, and Greg Kaza, executive director of the Arkansas Policy Foundation and former term-limited member of the Michigan state legislature.

Crane’s comments opened the forum, with a strong reminder to professional politicians that there is a deep divide between them and the people they purport to represent.

“You are an anomaly,” Crane said. “You are not like most Americans. They don’t want to be legislators. They want to live in the private sector and do their good work there, and it seems to me that if you want to have representative government, the word ‘representative’ has to be an

adjective and not a noun. It’s hard for someone who is a professional politician, and who has lusted to be a professional politician, to be representative of what America is all about.”

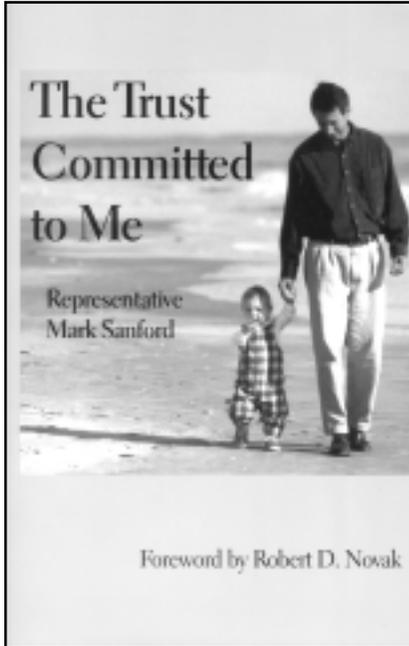
Keller spoke about how term limits affect the behavior and opportunities available for those who choose to limit their time in office.

“When it comes to wasteful spending, as someone who supports term limits, I have the freedom to vote to get rid of some things that other folks don’t,” he said.

Belz placed the 22nd Amendment in a detailed historical context, and Kaza talked about the observable benefits that term limits has already had on state legislatures.

“Term limits increases political competition,” Kaza said. “If you look at the nineteen states that have term limits, what you’ll find, in the clear majority, is that there are more contested primary elections, and more candidates filing for state legislative offices.”

The event can be viewed in RealVideo format at Cato’s web site: <http://www.cato.org/events/010227pf.html> ■



A Testament to Principle

An excerpt from Rep. Mark Sanford's new book:
The Trust Committed to Me

“ My lack of Washington experience was matched by my equally robust lack of political connections and fundraising abilities. My only asset was a desire to shake up a Congress that had abandoned its constitutional moorings. We all need to hop into the fight. To do otherwise leaves the political class in place, and undermines a system of government that Thomas Jefferson described as resting on the active participation of its citizens. ”

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A friend of the mayor told me: “I don’t think Rudy wants to walk into Republican dinners for the rest of his life and hear whispers behind his back that he was the guy who gave Democrats Tom White and Lucy Cruz lifetime, no-show jobs.”

If Giuliani declared today that he would veto the bill, that would end the matter. His cagey public silence is giving courage to the Gang of 23.

Wavering council members definitely don't want to vote for repeal and incur the wrath of 70 percent of the electorate, and then find out they sold their souls for no return.

The council could never override a mayoral veto on this issue.

In a long day of debate, the high point was Vallone’s

opening testimony. It was only the second time in 15 years he has chosen to be a witness.

“This is a defining moment in the council's history,” he began. “The heart of the matter is not term limits. It is democracy.

“I believe a legislative response to term limits is wrong. I believe it is potentially devastating to the legislative process and to this body. But, more important than that, I believe it is undemocratic.”

The noble credo painted on the council’s ceiling is now in the hands of Reed, Pinkett, Rodriguez and Giuliani.

We will either have government by the people, or government by politicians. ■

Reprinted from the *New York Post*