

## CALIFORNIA UPDATE

# Legislators Back Move to Extend Tenure

California's voter-approved term limits are in jeopardy of being weakened under Proposition 918, an initiative that is currently circulating for the March 2002 ballot.

If passed, Proposition 918 will allow incumbent legislators to ignore voter-enacted term limits of six years in the Assembly and eight years in the Senate, by petitioning constituents in their districts to extend their terms. All it will take is 20 percent approval! If incumbents can persuade 20 percent of their constituents who

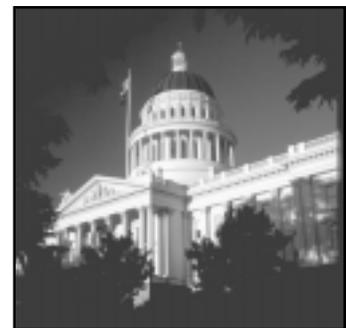
voted in the last general election to sign their petitions, voilà — each incumbent gets an additional four years in office.

Since taking effect, legislative term limits have been a great success, bringing increased competition to California elections and more diversity to the legislature in Sacramento. Term-limited legislators are more responsive to their communities, while lobbyists and powerful special interest groups wield considerably less influence.

This latest attempt at undoing

California's 1990 term limits law solely benefits the self-preservation of career politicians, rather than the public's best interest.

According to U.S. Term Limits National Director Paul Jacob, "At the end of the day, it will be clear this effort is being financed by politicians and special interests who hate term limits with a



**California  
State Capitol**

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## POLITICIANS SUE VOTERS

### Oregon Activists Fight Back

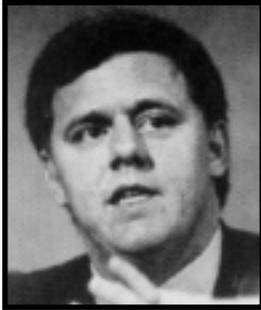
As legislative term limits kick in, Oregon legislators are hoping to wiggle their way out of their termed-out destiny. Recently, they passed a bill allowing themselves to challenge, in court, the 1992 voter-approved term limits law that limits state representatives to three two-year terms in office and state senators to two four-year terms. This sets a combined lifetime limit of 12 years in the two legislative

chambers.

U.S. Term Limits has joined local activists in the lawsuit to defend the will of Oregon voters, which follows on the coattails of a 1998 Oregon Supreme Court ruling that limits the scope of voter initiatives by allowing only a single change to the Constitution in any given initiative.

Ross Day, the attorney represent-

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## MESSAGE FROM THE NATIONAL DIRECTOR

# California Scheming

There's a crisis facing California legislators and they are meeting it head on. Well, not exactly head on, but they're tackling it. Well, they're not quite tackling it, but they're scheming pretty hard to get around it.

Think I'm talking about rolling blackouts that terrorize many who depend on electricity for life-saving machines? And millions more struggling to pay astronomical energy bills? Heh heh. Think again.

Naw, it's term limits that have the career politicians' full attention. The solution to every problem, according to these jokers, is to end term limits. Just give them some more time and they'll solve each and every problem they've created.

California term limits first took effect in 1997. The asinine energy regulation bill, which caused the current crisis, was passed in 1996 by that last great, unlimited

legislature — a sort of parting gift.

But while term limits has brought many new faces to the Capitol, too many of the old bulls switched chambers and are still around. Under current law they're finally termed-out of both chambers in 2004.

These super-incumbents are using their tremendous experience not to fashion a solution to the energy nightmare, but rather to file and fund a phony new initiative. Proposition 918 pretends to "improve" term limits by allowing the politicians to continue to serve — another eight years, even after already serving 14 years since term limits were passed, and years before that.

Well, the politicians aren't going to get away with it. At long last, it's going to be lights out for the power-grabbing politicians. ■

*"California Update," continued from page 1 passion."*

Jacob, who recently visited California to stir up opposition against the initiative, believes that Proposition 918 is a desperate maneuver by politicians to undo the will of the people.

Polls continually reveal that term limits are favored among voters. Under California's current term limits law, 21 Assemblymen and 7 Senators will be termed out of office in 2002, leaving 28 legislative seats open for new leadership. ■

*"Politicians Sue Voters," continued from page 1 ing U.S. Term Limits, argued in a Marion County court that a ruling in favor of the two former legislators who initially filed the suit would threaten a majority of the 200 other voter-enacted changes made to the Oregon Constitution.*

Day pointed out that over one million voters approved the initiative in 1992 and current support for term limit laws remains strong throughout the state. He told the judge, "Voters would effectively have their votes thrown away." Oral arguments were heard in

July and a ruling is expected soon.

To counter legislators' bogus claims, Oregon activists have filed a series of lawsuits challenging the constitutionality of several longstanding amendments. Because of the term limits litigation being pushed by lawmakers, dozens of current laws are potentially jeopardized.

Stacie Rumenap, Deputy Director for U.S. Term Limits, said to Oregon reporters, "We are open to running a new initiative in Oregon next year, with even tougher term limits for state legislators." ■

**NO UNCERTAIN TERMS**  
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# Incumbent Immortality

*The Wall Street Journal*

May 21, 2001

In 1996, California's last state legislature dominated by career politicians passed a remarkably bone-headed change to the state's electric grid. Prices at the retail level were capped, those at the wholesale level were deregulated. The result, in large part, is the state's energy crisis, with California having already shelled out \$6 billion to buy power but ratepayers still facing up to 44 days of severe, life-threatening blackouts. Incredibly, the response of many of the same legislators who created this mess is to attempt to effectively gut the state's term-limits law.

Now, self-preservation is a strong instinct in most all politicians, but legislators in the Golden State are particularly brazen about their attempts to hold on to their jobs. A 1998 survey found that 65% of voters thought term limits had been good for California. So rather than focus all of their energies on the state's power crisis, legislators are spending time and money on a kamikaze scheme to extend their tenure. Their behavior provides all the evidence needed for why term limits were imposed in the first place.

State legislators have tried this stunt before. Last June, the California state Assembly failed to pass a weakening of term limits when a fourth of members declined to vote on it after hearing outraged constituents. At that time, Senator Don Perata of Oakland conceded that "the legislature can't change term limits; it would seem too self-serving." So instead legislators are giving behind-the-scenes backing to a petition drive for a ballot measure that would allow incumbents to seek four more years in office if they collect the signatures of 20% of the registered voters in their districts. The initiative is partisan as well as brazen: GOP districts are unlikely to be wedded to their incumbent, Democratic districts are dominated by local machines and can more easily gather signatures.

State Senator Perata, who also chairs the redistricting committee that is about to gerrymander the state on behalf of incumbents, is the main sparkplug behind weakening term limits. He argues that voters should have experienced legislators on hand to address the power mess, and the job can't be entrusted to rookies. But a fourth of the current legislature was in office and voted for the disastrous electricity bill in 1996. Term limits were approved in 1990, and the first legislator to be affected by them didn't leave office until 1997. The voters might wisely think good public policy would say good riddance to the office-holders who got them into this mess.

The initiative is sponsored by Howard Owens, a former head of union-backed seniors and consumer groups. Getting such a mea-

sure passed will consume an enormous amount of money and attention better spent elsewhere. In the end, it will be for naught. Just last November, California voters rejected a measure to restore the generous pension benefits for legislatures that voters tossed out when they passed term limits. The measure lost 61% to 39%, losing 57 out of 58 counties. (Yes, San Francisco was the exception.)

California is one of only several places where career politicians are trying to beat the clock of term limits. In neighboring Oregon, Democratic Governor John Kitzhaber has signed a bill passed by the GOP legislature that will mount a legal challenge to the state's 1992 term-limit law.

In Washington, D.C., a city council committee recently voted five to nothing to repeal that city's term-limits law, which was passed by 62% of the District's voters only seven years ago. Bill Lightfoot, a former city council member, chastised his former colleagues for their arrogance: "If you disagree with what the people have done, submit it to them again." He will likely be ignored when the full council votes on the repeal.

In Missouri, voters approved term limits in 1992 by a 75% vote. Nonetheless, the state Senate has voted in favor of a resolution to lengthen their time in office. "Term limits are based on a fallacy that it's too easy for incumbents to get elected," says Senator John Schneider. Note: All but one of Missouri's 35 state Senators were returned to office last year.

But the prize for incumbent arrogance goes to New Orleans Mayor Marc Morial, who has gotten a ballot measure approved to try to evade the city's two-term limit. Mr. Morial says he has "unfinished business" to complete and wants to call a special election to allow him to run again. City council members grumble that the term-limit change applies only to Mr. Morial and not to future mayors, and also won't adjust the two-term limit that council members face.

In the end, the self-serving nature of incumbents pushing to water down term limits is the limits' greatest protection. Whenever voters in any state have been consulted, they reject efforts to bring back incumbent immortality. That's why careerists like Senator Perata in California have to engage in such subterfuge in undermining the will of the people. We doubt California voters will be fooled. Indeed, if there are two hot summers of rolling blackouts there may be very few safe districts in California in the next year's election, no matter how contorted gerrymandering gets. ■

Reprinted from *The Wall Street Journal*

**Self-preservation is a strong instinct in most all politicians, but legislators in the Golden State are particularly brazen about their attempts to hold on to their jobs.**

## Term Limits Live On

by John Hood

*National Review Online*

For those trapped in the political hothouse of Washington, DC, the issue of term limits might seem far removed from the political discourse.

Like the scandal-ridden House bank and federal budget deficits, term limits played a vital role in the Republican congressional resurgence of the early 1990s. After taking over the U.S. House and Senate in 1994 — in no small measure due to the term-limits movement — many Republicans began to develop convenient lapses of memory on the subject. While scheduling enough votes on limiting terms to placate proponents (and quietly lining up enough members to vote the idea down) the GOP leadership gradually but firmly backed away from it. After all, wasn't the real problem with long-time incumbents the fact that so many of them were, well, Democrats?

But their counterparts outside in Washington, in state capitals and local governments, weren't as sophisticated. They didn't understand that term limits was a hobbyhorse designed to replace long-time Democrats with (it was hoped) long-time Republicans. They actually believe in the concept, and helped pass referenda or legislation to limit legislative terms. By 1996, 18 states had imposed limits on legislative terms. Some states had put relatively permissive standards on the books that allowed up to 12 consecutive years in each legislative chamber — meaning that you could still be a career lawmaker if you timed it right. Others, such as Arkansas, California, Michigan, and Ohio, put more meaningful lifetime limits into place. In hundreds of local governments, advocates had followed suit with term limits on city and county officeholders.

The year 1996 was also the first in which the newly created limits started to sting career pols, particularly in California. Forced to move “up or out,” incumbents fought in crowded and fiercely competitive state and local primaries

and general elections. Former Assembly speakers went on to win (Willie Brown in San Francisco) or lose (Antonio Villaraigosa) mayoral contests. In Florida, where term limits passed in 1992 with a whopping 77 percent of the vote, longtime incumbents began to eye the year 2000 with trepidation. Some retired. Others ran for higher office. The result was that voters elected first-time legislators to 63 of 120 Florida House seats last November. So far, this supposedly amateurish body of law-

makers has grappled with a constitutional crisis (the Bush-Gore imbroglio), passed election-reform legislature, and otherwise conducted Florida's business without any obvious emergencies or grievous errors.

There is a great deal of debate about the impact of term limits on the legislative process. One undeniable fact is that they have made state and local elections more competitive, and the resulting lawmakers more diverse. In California, for example, even critics concede that term limits have been a major factor in the growth of Hispanic representation — up from only 6 percent of the legislature in 1990 to about 23 percent in 2001 — while nearly doubling the number of women. Term limits have also

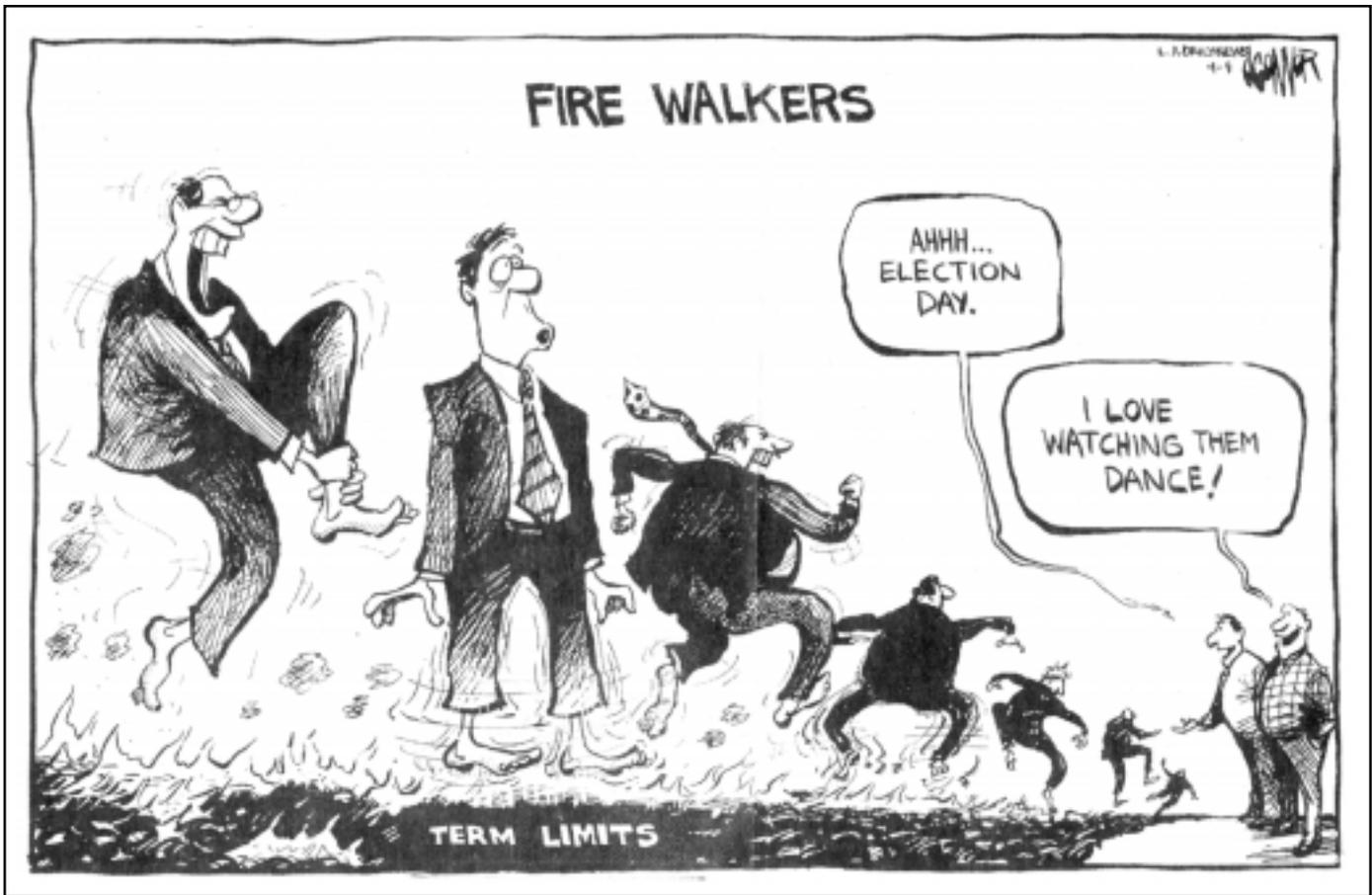
scrambled the redistricting deck.

As lawmakers across the country redraw political lines using the new 2000 Census data, there will likely be fewer safe seats drawn to protect incumbents, since in term-limited states they can't stay much longer, anyway.

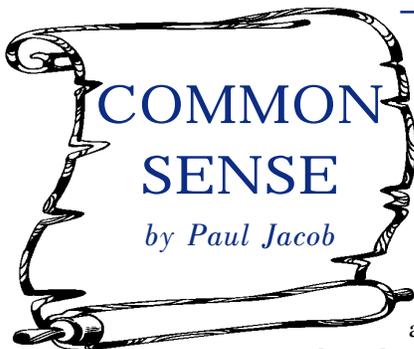
That's not to say that they are going quietly. In state after state, term-limited incumbents have tried with all the desperation of death-row inmates to postpone their day of reckoning. Without exception so far, they have failed. Most recently, lawmakers in Colorado, Missouri, Oregon, Maine, and New York City have tried various ways to loosen the limits, all meeting immediate or probable failure (the Or-

*continued on page 6*

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



### COMMON SENSE

by Paul Jacob

## Politics Corrupts Money

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We hear a great deal about money corrupting politics these days. But Paul Farago, with the Cascade Policy Institute, says politics is corrupting money.

He points out that much of the problem is created by politicians dispensing special favors or threatening to bludgeon the market to shake down contributions from various economic interests.

Farago writes: "The total amount spent in elections is insignificant when compared to the economic value of laws and rules that favor particular interests. For example, spending on federal elections over the last two years amounted to about \$2.5 billion . . . During the same period, the U.S. government spent about \$3.25 trillion: roughly 1,300 times more money."

Farago is right: Politics corrupts money. In the 1992 election cycle, Microsoft gave only \$50,000 in political donations. But after an aggressive campaign by the Clinton Justice Department to tear the company apart, Microsoft felt it had to start ponying up big-time to save its neck. It gave over \$4.5 million dollars in

the 2000 election cycle — a 9,000 percent increase.

Farago says Congress is supposed to provide for the welfare of all citizens, not discriminate in favor of a few, nor function as a shakedown artist intimidating those with deep pockets. Our political leaders are supposed to apply the principle of equality under the law.

Politicians don't need any new laws to stop corruption — especially laws that allow incumbents to squelch criticism and regulate those who would oppose them. They need only follow the law and not be corrupt. That's not too much to ask, is it? especially laws that allow incumbents to squelch criticism and regulate those who would oppose them. They need only follow the law and not be corrupt. That's not too much to ask, is it? ■

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## THEY SAID IT

### Opening Doors in FL

“Adding term limits, such as eight or 12 years, could inject new talent and ideas into city governments grown stale with seniority. It could open doors of political opportunity to low-budget, grassroots newcomers.”

—Ft. Lauderdale *Sun-Sentinel*  
June 22, 2001

### CA Term Limits Help Dim the Luster of Power

“The speakership traditionally has been considered one of the most important spots in California elected politics. Though its luster has dimmed in an era of term limits, it remains a position from which favors can be handed out and deals cut. As a result, it can elevate the officeholder and help deliver plums to his or her region.”

—*Los Angeles Times*  
July 3, 2001

### Gerrymandering Tougher

“While reapportionment already is politically touchy, term limits are making the process even more difficult. Scores of [Michigan] lawmakers are figuring out their political futures in the face of term limits, which restrict them to three two-year House terms and two four-year Senate terms.”

‘Term limits have put a jam into reapportionment this time in a way I didn't expect,’ said Senate Majority Floor Leader Joanne Emmons, R-Big Rapids. ‘Now it's a whole new dynamic.’

—*The Detroit News*  
July 9, 2001

### Citizen Legislators Are Free to Speak Their Minds

“An unceasing critic of term limits, [California Assembly Banking and Finance Committee Chairman Lou] Papan complained that in the bygone days of the Legislature, it was accepted practice for one member not to criticize another in the press.”

—*Prince William's Journal*  
June 29, 2001

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egon legislature just approved a ballot referendum to repeal limits, but few give it much of a chance of success).

Indeed, there is no evidence at all that public support for term limits is abating. In November, Nebraska became the 19th state to limit terms with a solid 56 percent of the vote in a referendum. Local term-limit measures also passed in California, Florida, Maryland, and New Mexico.

What I find particularly interesting about attempts to end term limits — in addition to their embarrassing lack of success — is that they flush out who really wins and loses in a term-limited legislature. Besides longtime incumbents trying to protect their sinecures, term-limits opponents usually include lobbyists, legislative staffers, and the news media. In an on-line survey on term limits by the National Conference of State Legislatures, for example, an overwhelming 83 percent of respondents said they opposed term limits. Not surprisingly, about 80 percent of respondents are either legislators, legislative staffers, or lobbyists.

While some have argued that those with institutional knowledge, like staffers and lobbyists, would gain power in a legislature dominated by short-timers, the reality is

more complex. First of all, even longtime legislators tend to rely on staff to supply technical information and draft bills. Ditto with lobbyists. So term limits don't really change that. What they do change is legislative culture. Freshman and sophomore lawmakers still tend to reflect the views of the communities that sent them to the state capital, rather than those of their colleagues in the “governing class.” Lobbyists, in particular, frequently gain power by developing longtime, symbiotic relationships with key legislative leaders or committee heads. With constant turnover, they are forced to work harder, spending more time and money to gain a relatively fleeting advantage with individual members. Furthermore, those who view legislative service as an interruption in their lives, albeit a noble one, simply have less to gain by ingratiating themselves with lobbyists, reporters, and other governmental insiders. In Maine, which along with California saw term limits come into effect in 1996, it has clearly become harder rather than easier to lobby the legislature. “Lobbyists are having to work harder because of the changing faces in leadership,” Maine Sen. Jane Amero told *Governing* magazine last year.

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# Limits increase diversity, check spending, spur political competition

By Greg Kaza  
*The Detroit News*

Retired state Rep. Margaret O'Connor did not do the bidding of Lansing lobbyists. The citizen-legislator and mother of 10 refused their political action committee contributions and published an annual list documenting wasteful spending. For this, the Democratic House speaker stripped her and two conservative colleagues of their staff in the mid-1980s. Undaunted, citizen volunteers stepped in to help O'Connor do her "people's work."

The episode underscores several points about Lansing. The most powerful lawmakers tend to forget they are subject to the same folly of prior generations. These include a lust for power and a lack of humility.

Contrary to term limits critics, it does not take a political career to learn the "legislative process." O'Connor and Co. had all served less than the three two-year House terms later permitted under Michigan's 1992 voter-approved term limits law. They had learned the process so well, and raised such a fuss about wasteful spending, they were retaliated against.

Term limits were approved by the people of Michigan in response to these types of abuses. It is unlikely someone like O'Connor would be retaliated against in such a manner today.

First, the Michigan Legislature is more diverse under term limits. In 1992, 20 women served in the House and three in the Senate. By the 1997-98 session, 30 women were serving in the House, a 50 percent increase. The percentage of women in the Senate today has increased 13 percent from the last pre-term limits session (1991-92). Hispanic lawmakers have been elected for the first time, and the number of African Americans has risen.

Political good old-boy networks across the United States are collapsing under term limits. Female representation in California's Assembly has nearly doubled since voters passed a 1990 measure. The number of Hispanic legislators has nearly quadrupled. The number of Native Americans serving in Montana has doubled under term limits. In the South, the number of women serving in Arkansas has

more than doubled since 1992.

Second, term limits have bred a fresh group of responsible citizen legislators opposed to wasteful spending. State Reps. Bob Gosselin of Oakland County and Leon Drolet of Macomb County have carried on O'Connor's fight for taxpayers. When career politicians who have never worked in the private sector complain about new legislators not understanding the process," they describe citizen legislators reluctant to spend tax dollars in Lansing and Washington.

A National Taxpayers Union Foundation study on congressional spending found that members of Congress who don't pledge to cap their service tend to vote for higher spending after their freshman terms. In fact, according to the foundation, their proposed spending quadrupled.

Finally, term limits has increased political competition. More than 10 percent of Michigan's 148 legislative races in the 1990 general election were uncontested. In 1994, in the first election cycle after term limits took effect, there was only one un-

contested legislative race in the state. There were no uncontested races in the 1996 general and only one a piece in 1998 and 2000. More candidates are also filing in primary elections.

It is unsurprising that Lansing lobbyists want to turn back the clock to the days when a political cartel ruled Michigan and bullied conservatives like Margaret O'Connor. Any move to alter term limits betrays the people, who took historic action in 1992 by limiting representatives to three two-year terms and senators and constitutional officers to two four-year terms. The benefits of term limits — diversity, responsibility and competition — are so great they should not be altered. ■

Reprinted from *The Detroit News*

Greg Kaza served in the Michigan House (1993-98) and as executive director of a bipartisan congressional term limits caucus in Washington, D.C. He is now executive director of the Arkansas Policy Foundation.

**Any move to alter term limits betrays the people. The benefits of term limits — diversity, responsibility and competition — are so great they should not be altered.**

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# What do you think about California term limits?

This month, we'd like to invite readers to give us an "eyeful" by email, letter or fax on a related term limits topic. This month's question comes in light of the petition drive sponsored by the California Legislature and its special interest groups, to allow term limited legislators to run for an additional term in office. If the amendment passes, any incumbent legislator who gets 20 percent of the signatures of the people who voted last time in their district will then qualify for four additional years in office.

## What do you think?

Should legislators be limited to the current terms of six years in the Assembly and eight years in the Senate? Or should there be the kind of wiggle room for which special interest groups are pushing?

We'll publish the results in the coming months. Please send your responses to [newsletter@ustermlimits.org](mailto:newsletter@ustermlimits.org), or fax them to (202) 379-3010. You can also mail responses to this newsletter's return address. Thanks!

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Term-limit critics continue to complain that state legislatures under term limits have become chaotic, ineffective, and uninformed. What they really mean, all too often, is that the new legislators won't do what they are told. There is more dissension, less quick agreement. New lawmakers are filing more bills than their predecessors used to, but passing far fewer of them. In Maine, nearly all bills reported out of committee carried unanimous backing.

After term limits were in place, the proportion fell to about 70 percent. As someone who spends a lot of his time in a state legislature, believe me: You want fewer bills shooting through greased committees, and fewer bad ideas getting enacted because of the power that party hacks and insiders accumulate through longtime incumbency.

In Ohio, where voters passed limits in 1992, the November elections saw 13 of 39 term-limited representatives retire to take jobs in the private sector or in other branches of government. With a legislature full of first-and second-term lawmakers, Ohio was then faced with a state supreme court ruling that the state's system for funding public schools

was inequitable. Rather than do what elite opinion in Ohio wanted — raise taxes — youthful conservatives in the state house cut higher education and welfare funding to fund increased budgets for local schools. "If they had more experience, they probably would have been less eager to cut," former House Speaker Jo Ann Davidson told *Time* magazine earlier this month.

Exactly. That's why we need more, not fewer, term limits — and why the issue retains its importance for conservatives nationwide. Longtime incumbency breeds more support for big-government programs, as a seemingly endless supply of grasping bureaucrats and lobbyists parade before committees asking for money or power. It is a disease that does not discriminate between political parties. When insurgent GOP minorities in Congress made the intellectual case for term limits in the early 1990s, they were right, even if they didn't know it. But the political case remains strong, too. Those large majorities of voters who supported term limits in virtually every state with an initiative process haven't changed their minds. And many are in states likely to be key battlegrounds in the 2002 elections. ■

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