

## BETRAYAL IN OREGON

# Oregon Legislators Use Courts Against Voters

In 1992, Oregon voters overwhelmingly approved one of the toughest term limits laws in the nation. State Representatives are limited to six years, State Senators are limited to eight years, and all legislators can serve a maximum of 12 years combined in both houses. In fact, term limits passed with 70 percent of the vote, the highest vote total for an initiative in Oregon history.

Ever since, the Oregon political establishment has been trying to get rid of the law. Two

years ago, the legislature nearly passed a measure that would have lengthened the limits to 12 years in each house, and would have starting the clock anew for long-time legislators. Recognizing that to amend their state constitution, they would need voter approval, the politicians backed down.

They began to pursue the same strategy this year, but a new thought occurred to them: if they couldn't win with the voters, they'd fight their battle in the courts.

Oregon has had the initiative process for nearly 100 years. However, recently a lower state court has reinterpreted a long-standing state constitutional provision to open the door to invalidating any initiative whose provisions it deems were not "closely related" to each other. Unsurprisingly, the Oregon politicians have

*continued on page 2*



**Oregon Sen.  
Peter Courtney**

Courtney was the first legislator to file for reelection after the court threw out term limits.

## INSIDE

**God Help Them**  
— page 2

**Dead on Arrival**  
— page 3

**Unholy Alliance**  
— page 4

**Frozen Democracy**  
— page 5

**They Said It**  
— page 6

**Fiscal Responsibility**  
— page 7

## CALIFORNIA SCAM

# State Legislators Fund Hidden Term Limits Attack

In their ongoing effort to dismantle legislative term limits, proponents of a legislator-supported initiative recently filed their first fundraising report showing that the measure has raised nearly \$1 million, with 99 percent of the money coming from politicians and special interest groups.

Opponents of the measure have dubbed it the SCAM initiative, which stands for Sacramento

Careerist Mentality. SCAM's report, filed with the Secretary of State's office, showed that during a three-month period initiative supporters raised nearly \$1 million, with only \$10,000 coming from two local Californians. And state legislators dumped nearly \$700,000 into two groups which to date have spent a combined \$150,000 to loosen the 1990 voter-enacted term

*continued on page 8*



## MESSAGE FROM THE NATIONAL DIRECTOR

### God Help Them

Every 10 years we take a census so that new political lines can be drawn for Congress and the state legislatures. It's the state legislatures that draw the lines, which are then ratified like any other piece of legislation.

These lines really matter. As the Center for Voting and Democracy tells us, "With increasingly sophisticated computer software, polling results and demographic data, incumbent legislators quite literally choose the voters before the voters have a chance to choose them." The Center notes that as a result of redistricting, "most voters are locked into one-party districts where their only real choice at election time is to ratify the incumbent or heir apparent."

I'm not shocked that state legislators tend to reward themselves, at least those in the majority, with seats that are designed to elect . . . well, them. But how do con-

gressmen get such nice treatment? After all, the congressmen don't draw the district lines, not directly.

Good connections help. So does a little bribery. Take California, where Michael Berman, brother of Congressman Howard Berman, is the legislature's appointed line-drawing guru. U.S. Representative Loretta Sanchez publicly admits that she and 30 of the 32 Democratic congressional incumbents have already paid Berman \$20,000 each for what she calls an "incumbent-protection plan."

"Twenty thousand is nothing to keep your seat," says Sanchez. "I spend \$2 million every election. If my colleagues are smart, they'll pay their \$20,000, and Michael will draw the district they can win in." She adds, "Those who have refused to pay? God help them."

God help them? God help us.

"Betrayal in Oregon," continued from page 1 seized on this ruling to try to kill term limits.

They're making two arguments. First, they claim that the term limits initiative contained multiple provisions that were not sufficiently "closely related": term limits on the state's congressional delegation, term limits on statewide officials, and term limits on state legislators. The *Oregonian* newspaper, normally no friend of term limits, editorialized, "If all this doesn't qualify as 'closely related,' it's hard to

imagine what would."

The politicians' second argument is that the new judicial interpretation should be applied retroactively to invalidate initiatives, like the 1992 term limits law, that were passed well before the new interpretation was made.

Last week, a lower court judge bought into this reasoning and struck down the term limits law, which opened the floodgates. Now, every grievance group in the state that wants to throw out an initiative passed anytime during the last century is filing

lawsuits under this ruling, throwing the Oregon political and legal system into chaos.

The Oregon Supreme Court will now decide the matter. The Court is set to hear oral arguments this November. If any sense of logic prevails, term limits will win in the Court. Again, even the decidedly anti-term limits *Oregonian* opined, "The term limits law should go — but it shouldn't go this way, on a questionable ruling that may trigger legal challenges to dozens of initiatives dating back much of the last century."

<p><b>NO UNCERTAIN TERMS</b>  <b>OCTOBER 2001 • VOLUME 9 • NUMBER 6</b>          Editor:          Eric D. Dixon — <a href="mailto:eric@termlimits.org">eric@termlimits.org</a>          Contributing Writer:          Stacie Rumenap — <a href="mailto:rumenap@termlimits.org">rumenap@termlimits.org</a>          A Publication of          U.S. TERM LIMITS FOUNDATION          10 G ST., NE, SUITE 410          WASHINGTON, D.C. 20002  <b>1-800-733-6440</b></p>	<p><b>USTLF BOARD OF DIRECTORS</b></p> <table border="0"> <tr> <td>Peter Ackerman</td> <td>Travis Anderson</td> </tr> <tr> <td>Steven Baer</td> <td>Terence Considine</td> </tr> <tr> <td>Edward Crane</td> <td>Mike Ford</td> </tr> <tr> <td>Jerry Hirsch</td> <td>M. Blair Hull</td> </tr> <tr> <td>Sally Reed Impastato</td> <td>Paul Jacob</td> </tr> <tr> <td>Kenneth Langone</td> <td>Ronald Lauder</td> </tr> <tr> <td>Paul Raynault</td> <td>Howard Rich</td> </tr> <tr> <td>Joseph Stilwell</td> <td>Donna Weaver</td> </tr> <tr> <td>Bill Wilson</td> <td></td> </tr> </table>	Peter Ackerman	Travis Anderson	Steven Baer	Terence Considine	Edward Crane	Mike Ford	Jerry Hirsch	M. Blair Hull	Sally Reed Impastato	Paul Jacob	Kenneth Langone	Ronald Lauder	Paul Raynault	Howard Rich	Joseph Stilwell	Donna Weaver	Bill Wilson		<p><i>No Uncertain Terms</i> is published bimonthly at an annual subscription price of \$15. Third class postage paid, Washington, D.C. POSTMASTER: Send address changes to U.S. Term Limits.</p> <p><b>Term Limits On-Line!</b></p> <p>For the latest developments on term limits across America, visit our web site on the Internet at  <b><a href="http://www.ustermlimits.org">www.ustermlimits.org</a></b></p>
Peter Ackerman	Travis Anderson																			
Steven Baer	Terence Considine																			
Edward Crane	Mike Ford																			
Jerry Hirsch	M. Blair Hull																			
Sally Reed Impastato	Paul Jacob																			
Kenneth Langone	Ronald Lauder																			
Paul Raynault	Howard Rich																			
Joseph Stilwell	Donna Weaver																			
Bill Wilson																				

# Term Limits Repeal Has Flat-lined

*The Daily Oklahoman*

September 7, 2001

The obituary for an effort to repeal legislative term limits may have been written with the news that Oklahomans remain overwhelmingly in favor of such limits.

Some county officials, bucking the pro-repeal Association of County Commissioners, are making it clear they don't want term limits repealed. The latest *Oklahoman*/OU Poll shows that term limits are even more popular today than they were in 1990, when Oklahoma became the first

state in the union to establish limits on legislative terms. And the best case yet for term limits comes with news that state Sen. Gene Stipe is linked to the hiring of a state Health Department "ghost employee."

Stipe denies the allegation, but a multicounty grand jury was nevertheless convinced that legislators have unduly influenced hiring practices at state agencies. The more powerful the legislator, the more likely it is that he holds sway over these agencies. And the longer a legislator has been in office, the more powerful he's likely to be.

Thus, the best argument for term limits is that they restrict the power of individual legislators to improperly influence state agencies. Stipe has been in the Legislature for half a century. The man that Stipe is accused of helping get hired was on the state payroll for more than 15 years while doing little or no work.

The poll not only shows that 82 percent of Oklahomans like term limits (67 percent of voters approved term limits in 1990), it indicates that most people want term limits placed on county officials, statewide elective offices and Congress as well. In fact, it would be hard to imagine a state in which term limits are more popular than they are in Oklahoma.

Despite this, the Association of County Commissioners has begun an effort to repeal the term limits law even before it takes effect. Some county commissioners apparently believe they'll lose clout with the Legislature when the law brings in a number of new lawmakers. Yet commissioners

such as Oklahoma County's Jack Cornett and Stuart Earnest have made it clear they want no part of the term limits repeal movement.

Savvy politicians know the people are solidly behind term limits, even to the point of extending them to virtually every elective office in the state. The *Oklahoman*/OU Poll shows that the people want more restrictive term limits than the 12 years established by voters in 1990. About three-

fourths of those polled said they favor term limits of 10 years or less.

Oklahomans not only passed the first legislative term limits law in the nation, they passed one of the most generous. Compare the state's 12-year term limit for House members to other states with a term limits law. Most restrict House service to eight years. A few restrict it to six years. Of the 19 states with legislative term limits, only Oklahoma and four others allow a generous 12 years. By the way, the average margin of victory for term limits laws nationwide was 68 percent, about the same as Oklahoma's.

Oklahoma voters were generous in another way — they didn't "start the clock" on the 12-year limit until

after the law was passed. Thus, despite its 1991 start date, not a single Oklahoma lawmaker has yet to be forced from office because of term limits.

In several states the clock has already run out on legislators. Observers report the increasing diversity of legislatures in states where term limits have kicked in. More women and minorities have gained seats because term limits removed from office a number of white, male incumbents.

Generous. Popular. Promoting diversity. What more do you need to know about Oklahoma's legislative term limits law? Just that a small band of discontented politicians think they know more than the people about what's in their best interests. Repeal of the term limits law has virtually no support among the people.

It's time to sound the death knell for the repeal effort. ■

Reprinted from *The Daily Oklahoman*

**Observers report the increasing diversity of legislatures in states where term limits have kicked in. More women and minorities have gained seats because term limits removed from office a number of white, male incumbents.**

---

# Assessing the Term Limits Experience

At a recent term limits conference sponsored by the Cato Institute, Cato Senior Fellow Patrick Basham presented a paper, titled “Assessing the Term Limits Experience: California and Beyond,” which analyzed the effects of the term limits movement.

“The term limits movement is one of the most successful grassroots political efforts in U.S. history,” Basham wrote. “From 1990 to 1995 legislative term limits passed in 18 states with

an average of 68 percent voter support. By the end of 2000 those term limits had affected more than 700 legislative seats. Term limits were intended to end careerism among state legislators. Academic and other research on the effects of term limits suggests that they have substantially attained that goal.”

Basham found that term limits tend to increase representative diversity and increase electoral competition, among other effects. His full analysis can be

found on Cato’s web site here:

<http://www.cato.org/pubs/pas/pa413.pdf>

The conference was held on Friday, August 31, at the American Political Science Association’s annual meeting in San Francisco, and included five panelists: Basham, California Secretary of State Bill Jones, *Wall Street Journal* reporter John Fund, *American Prospect* reporter Peter Schrag, and Professor Bruce Cain of Berkeley’s political science department. ■

---

## UNHOLY ALLIANCE

### Limiting Term Limits

*Los Angeles Daily News*

August 27, 2001

Like weeds in a garden that only come back tougher and nastier after they’ve been pulled out, the enemies of term limits are back.

Nurtured by a steady stream of special-interest cash and the rhetorical fertilizer of career politicians, they now threaten to choke the life out of the state’s 1990 term-limits law — just as it was starting to bear fruit.

It was a little over a decade ago when California voters — fed up with a political regime that made incumbents invincible and reform impossible — voted for caps that held state assemblymen to two terms in office and senators to three.

It was a tough battle. Every vested interest in the state came together to defend the status quo and preserve the power of their wholly owned politicians.

But by the end of the campaign, they were unable to overcome the public’s disgust — and term limits eked through with 52 percent of the vote.

The effects of that effort have only recently been felt. But Angelenos got a taste in this spring’s elections, when a number of state pols ran for city office and failed.

Most notably, one-time Assembly Speaker Antonio Villaraigosa went down in flames to James Hahn in the mayoral race.

In City Council campaigns, Tom Hayden, who was unbeatable when he was in the Senate, found himself bested

by newcomer Jack Weiss. Former Assemblyman Scott Wildman didn’t even survive the primary in the race eventually won by Eric Garcetti.

When stripped of the perks and fund-raising advantages of incumbency, the longtime politicians were no longer so invincible.

Term limits have managed to breathe a little bit of life into the state and city political machines. The only groups now wringing their hands about them are politicians past and present and their special-interest masters.

Just look at some of the members of the unseemly coalition that’s come together to put an anti-term limits initiative on the March 2002 ballot: trial lawyers, various PACs, some Sacramento Democrats and a collection of

political has-beens calling themselves Former Leaders for Effective Government.

They’ve already raised more than \$1 million toward their effort. Of that, they’ve spent \$812,000 on paid petition gatherers to collect a million signatures — more than the 670,816 they need to secure a spot on the ballot.

All of which means that another tough, hard-fought term-limits battle is on the horizon.

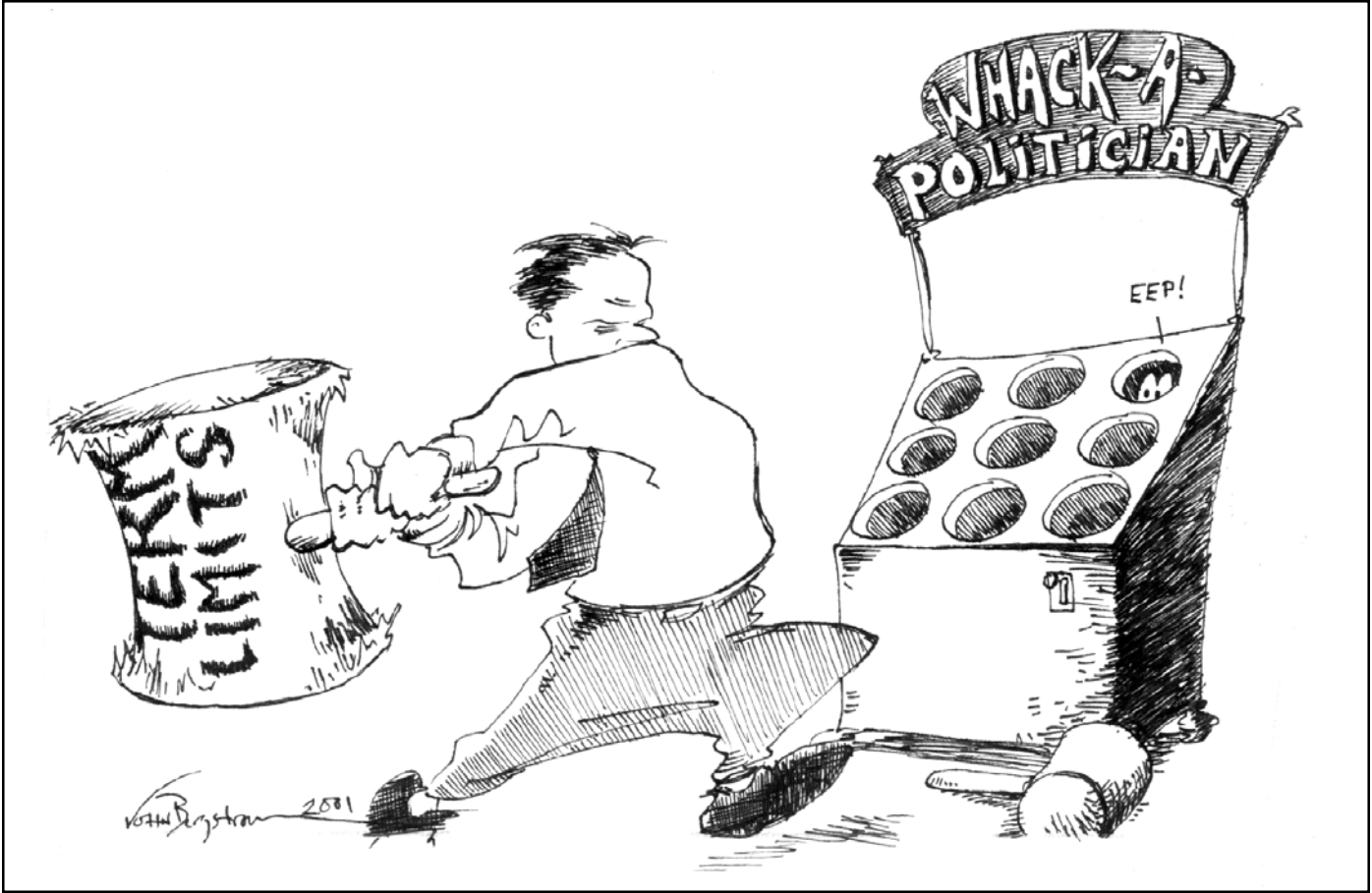
And when it’s over, another one will surely follow.

As long as the political soil remains fertile, the weeds will keep popping up. ■

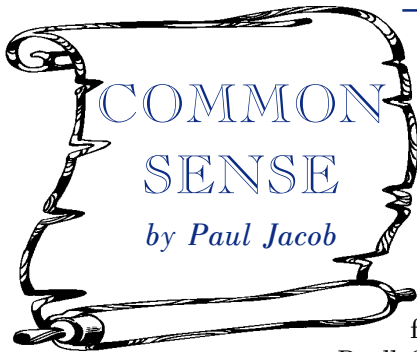
Reprinted from *The Los Angeles Daily News*

**Term limits have managed to breathe a little bit of life into the state and city political machines.**





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



**Frozen Democracy**

If you would like to receive  
**COMMON SENSE**  
by email, write to us at  
[CommonSense@termlimits.org](mailto:CommonSense@termlimits.org)

A frozen food caucus? A frozen food caucus? Oh come on. Really?

Well, apparently, yes, there is indeed a frozen food caucus now in the Congress. It's brand-new. Representatives Cal Dooley and Butch Otter are the co-chairs.

The American Frozen Food Institute is the driving force behind the caucus, and it notes that co-chairs Dooley and Otter have a "vested interest" in frozen food. You see, each congressman has a couple of frozen food processing facilities in his district. So you just know this is a burning issue for them.

Anyway, why not? For good or for ill, Congress gets involved in virtually every aspect of our lives these days. Few congressmen any longer judge legislation according to wide political principles that can be applied to, say, the food industry as a whole rather than just the frozen food industry. Or industry as a whole rather than just the food

industry. Or economic life as a whole rather than just this industry or that industry.

It's a chilling thought. Public policy these days is all about special rules and special regulations and special tax breaks and special subsidies, unique to you and your industry or sub-sector of the industry. It's all about who you know and what you can give them in return for what they give you. You couldn't have a Life-Liberty-and-the-Pursuit-of-Happiness Caucus. There aren't any bills pending about that.

The Frozen Food Institute has lobbied Congress on everything from trade barriers to frozen onion standards. For them, a frozen food caucus makes sense. I just hope frozen corn and frozen Salisbury steak will be treated fairly. ■

*Does your local radio station carry COMMON SENSE?  
If not, ask them to call 1-800-733-6440 for a FREE subscription.  
Provided to radio stations three times a week.*

## THEY SAID IT

### Even Rookies Will Rebel

“With term limits, there’s no back bench in the Assembly. New members do not sit meekly and keep quiet while they learn.

There’s little discipline either. Assembly speakers are short-timers. Even rookies will rebel.”

—*Los Angeles Times*  
September 10, 2001

### Open to All Newcomers

“The single quickest way to put more minorities into office is term limits. Dislodging the white incumbents would open up the system to all newcomers — especially minority challengers.”

—*Montgomery Journal* (Maryland)  
August 22, 2001

### Overwhelming Support

“An overwhelming number of Oklahomans want to limit the years politicians can serve in state government, according to the latest *Oklahoman/OU* Poll. They also want to expand Oklahoma’s term limit law to include county officers and statewide elected officials.

According to the poll, 82 percent of respondents favor the idea of term limits for elected public officials. The same percentage want term limits for members of the U.S. Congress, and slightly less want to limit the terms of statewide public officers such as lieutenant governor, state auditor, labor commissioner and treasurer.”

—*The Daily Oklahoman*  
September 2, 2001

**In the last issue of *No Uncertain Terms*, we asked you about California term limits. 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? Here’s what some of you said:**

“Legislators were elected by a majority of the voters and should, therefore, bend to the will of the majority of the voters by not tampering with lawful term limits.”

—Thomas F. Pritchard  
tfp@intrstar.net

“Despite human nature and its inherent greed for power, we must stay the course and maintain term limits where presently enacted — and strive to continue to enact term limits in every state House and eventually at the federal level! Maybe Senator Perata should run for office in Central America, Africa, or the Eastern Bloc where such corruption has a better chance of sliding by.”

—Dan Van Buren  
dvan@sc.rr.com

“Keep the current terms of 6 and 8 in the Assembly and Senate respectively! No wiggle room! Then bring the limits to Massachusetts and hurry!”

—Thomas Buckingham  
tbuck@charter.net

### Career Politicians Profiled

“This year, [Pennsylvania] House members were indicted for bribery, sent to federal prison for scamming the government, forced to resign for perjury, found guilty of a hit-and-run fatality, arrested for drunken driving and served with an emergency relief-from-abuse order from a spouse.

And that’s just the House. Throw in the Senate and you can add another drunken driving, another federal prison term, an ongoing federal investigation into alleged tax evasion and/or mail fraud.”

—*Philadelphia Daily News*  
August 28, 2001

### Effects of Term Limits

“In the Legislature, Latinos gained ground during the 1990s, thanks in large part to term limits, which swept incumbents out of office and cleared the way for newcomers. Latinos hold 17% of the state Senate seats, and 24% of the Assembly seats.

In Congress, where there are no term limits, the proportion is lower: Latinos hold just 12% of the state’s House seats, or six out of 52. Even in districts that have become predominantly Latino, Anglo incumbents like Rep. Howard L. Berman (D-Mission Hills) have stayed in office for a decade or more.”

—*Los Angeles Times*  
August 26, 2001

# Where Term Limits Lead To Tax Cuts

By Michael New, *The Cato Institute*

August 17, 2001

During the early 1990s, term limits emerged as one of the hottest issues in American politics. Frustrated by a slow economy, high taxes, and unresponsive elected officials, many voters thought that term limits would be a good way to inject some new blood into Congress and state legislatures. Indeed, the term limits movement enjoyed a great deal of success during that period of time as 16 states passed some form of term limits between 1990 and 1994.

In recent years, many of these term limits have quietly gone into effect at the state level. We can now begin to assess their effects. Many proponents believe that term limits would improve state fiscal responsibility in two ways. First, the presence of term limits would improve the behavior of current state legislators. Limiting the amount of time that individuals could remain in the state legislature would theoretically cause state legislators to place less value on getting reelected. They would become more likely to place the broad interests of the state ahead of the parochial interests of their constituents and therefore be less likely to vote for wasteful pork projects.

Second, term limits would result in a continual stream of new people entering the legislature. The stereotypical long-standing committee chairman, adept at using his power to benefit his own constituents at the expense of taxpayers, would simply cease to exist. Additionally, the presence of term limits would likely change the outlook of those running for elective office. Many of these new elected officials would be citizen legislators, not seeking a career in politics, but simply desiring to serve their fellow citizens for a few years before returning to civilian life.

The year 2000 is an apt time to explore both of these theories. In six states, term limits went into effect in 2000. In these states, a set of incumbent legislators were about to leave office, but had not actually been replaced. Meanwhile, in four other states term limits had already succeeded in replacing an older generation of legislators with a new set of lawmakers. These four states could provide insights into the behavior of these new elected officials.

Looking at data on state tax reductions in 2000 provided by the National Conference of State Legislators, we see that states where term limits went into effect in the year 2000 were actually less likely to reduce taxes than other states.

Only half of the states where term limits went into effect in the year 2000 lowered their taxes as opposed to 62 percent of states nationally. Additionally, only one of these six states enacted a tax cut whose magnitude exceeded the national average. In these states term limits did little to alter the behavior of those currently serving in elective office.

However, as we examine the four states that had enacted term limits prior to 2000 a different story emerges. All four of these states reduced the tax burden on their residents. California's tax reduction of \$1.3 billion was, in dollar terms,

the largest tax cut in the 50 states. Maine reduced the tax burden on its residents by 3.8 percent, the largest reduction in percentage terms among New England States. Similarly, Colorado's tax reduction of 3.4 percent was the largest among Rocky Mountain states. Finally, Oregon's tax cut of \$7 million is small in comparison to those of other states, but significant given Oregon's spendthrift reputation.

The current year has provided even more evidence that states with term limits are taking steps toward fiscal responsibility. This spring the Montana state House, which just received an influx of new members because of term limits, passed a Tax and Expenditure Limitation (TEL) bill. If enacted into law, this TEL would be one of the three most stringent in the country. Similarly structured TELs in Washington state and Colorado have proven to be very effective at limiting expenditures in their respective states. In fact, Colorado's TEL has forced the state to refund over \$2.3 billion to the taxpayers between 1997 and 2000. What is even more intriguing, however, is that a majority of members in Montana's state House willingly supported a restriction on own their power to tax and spend. The TELs enacted in Washington and Colorado were both passed by citizen initiatives.

Important lessons about term limits can be drawn from both the survey of state tax reductions in 2000 and the passage of a strong TEL by Montana's state House in 2001. Turnover in state legislators is healthy, and the new legislators brought in by term limits are likely to be more fiscally responsible than their predecessors. Advocates of limited government should not wait until the next economic slowdown to promote such a worthwhile cause. ■

Reprinted from *The Cato Institute*

**The new legislators brought in by term limits are likely to be more fiscally responsible than their predecessors.**

# How will the Oregon Supreme Court rule on 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 a bill passed by the Oregon Legislature allowing legislators to challenge, in court, the 1992 voter-approved term limits law that limits state House members to six years, state senators to eight years, and sets a combined lifetime limit of 12 years in office. Legislators claim that term limits violate the single-subject rule because it affects more than one section of the state Constitution.

Because of the term limits litigation being pushed by

lawmakers, over 200 other current laws could potentially be in jeopardy, including redistricting, the overturning of criminal convictions, the use of lottery funds and allowing legislators to set their own salaries, among others.

## How do you think the Oregon Supreme Court will rule?

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

"California SCAM," continued from page 1

limits law.

The proposed amendment would allow legislators to circulate petitions in their districts to remain in office beyond the current limits of six years in the Assembly and eight years in the Senate. Under this measure, if 20 percent of voters in the most recent election signed the petitions (in some instances, a mere couple of hundred signatures would be required), legislators could serve an additional four years in office.

According to the *Los Angeles Times*, term limits have benefited minorities across the state. They note that Latinos gained ground during the 1990s in large part because of term limits sweeping incumbents out of office and clearing the way for newcomers. Latinos currently hold 17 percent of the state Senate seats, and 24 percent of the Assembly seats. The *Times* article points out that in Congress, however, where there are no term limits, the proportion is lower: Latinos hold just 12 percent of the state's House seats, or 6 out of 52 — even in districts that have become predomi-

nantly Latino.

The *Los Angeles Daily News* editorialized against the measure, saying, "When stripped of the perks and fund-raising advantages of incumbency, the longtime politicians [are] no longer so invincible. Term limits have managed to breathe a little bit of life into the state and city political machines. The only groups now wringing their hands about them are politicians past and present and their special-interest masters."

U.S. Term Limits Executive Director Stacie Rumenap commented, "Dishonest career politicians are hiding behind a phony group in hopes of destroying term limits. Voters will be appalled to learn how low politicians will sink in order to hang onto power longer." ■



**California Sen. Don Perata**

Perata loaned \$30,000 from his campaign account to help special interests defeat term limits.

WASHINGTON, DC 20002  
10 G ST. NE SUITE #410  
OCTOBER 2001  
A PUBLICATION OF U.S. TERM LIMITS FOUNDATION

NO  
UNCERTAIN  
ERMS