

NO UNCERTAIN TERMS

The Newsletter of the
Term Limits Movement

February 2002 • VOLUME 10 • NUMBER 2

IDAHO INTEGRITY

Dirk Kempthorne, Champion of Democracy

Does it take courage to go with the flow?

When it comes to term limits, it just might. It just might.

In this case, "the flow" is the steady public support for a mandatory limit on how long any one Idaho officeholder may serve in any one seat of power. In 1994, Idaho voters passed term limits. In 1998, obliged to vote again on the same question, Idahoans affirmed their support.

The ones going against the flow are the career politicians, who just as steadily connive to undo the term limits Idaho citizens voted for fair and square.

Not every Idaho politico works to thwart the democratically manifested will of the people. But enough do so — and repeatedly, these past several years — to make things more than a bit uncomfortable for Governor Dirk Kempthorne at his next few rounds of political meet-

ings with the folks over at the statehouse.

The anti-democratic political careerists will be the ones giving him the nasty looks.

That's because Governor Kempthorne is refusing to play the power-monger's game of throwing everything plus the kitchen sink at democratically-enacted term limits.



**Idaho Governor
Dirk Kempthorne**

Last year, a district court heard a challenge to the Idaho term limits law. It os-

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JUDICIAL RUSH JOB

Assault on Montana Democracy, Ten Years in the Making

A new bipartisan attack on term limits has been thrust on a judicial fast track to accommodate a couple of career politicians who waited until they were almost out the door before challenging a term limits law passed . . . ten years ago.

Montana State Senators B.F. Christiaens, a Democrat, and Mack Cole, a Republican, filed a lawsuit against Montana's term limits on

December 18, imploring the Montana Supreme Court to toss out the state's term limits on grounds of unconstitutionality — even though term limits had passed as an amendment to the state's constitution and even though citizens in Montana have the right to pass ballot initiatives.

They also requested immediate

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MESSAGE FROM THE EXECUTIVE DIRECTOR

All Hail Electoral Competition!

Suddenly, an election year in Modesto that's worth going to the polls over.

After having breezed through a half-dozen reelection campaigns, congressional incumbent Gary Condit now faces actual competition. In 2002, the voters of California's 18th district will be free of the typical incumbency lock enjoyed by House members.

For all the wrong reasons, of course.

Two factors have ignited the unwonted electoral combustion.

1) First, census-mandated redistricting. Condit must do battle in a reconstituted district. But second and far more important . . .

2) . . . that intern thing.

But the congressman's reelection bid is far from the whole story of the coming election season. There's electoral competition aplenty in California right now. Term limits continue to roil the playing field at the local level; Governor Davis is on the hot seat; and there are a number of important initiatives on the ballot, too. The willing interest in public office and the peaceful transfer of power in a democracy is something to celebrate.

There's one blight on the otherwise blissfully democratic landscape, however: Proposition 45, slated for the March ballot.

This underhanded initiative is only the latest scurvy

attempt of California's indefatigable career politicians to escape the term limits law — a law which, despite incessant caterwauling by the career politicians, has been affirmed again and again at the ballot box and in the courts.

Prop 45 says that if an incumbent about to be termed out of office can persuade 20 percent of the voters in the last election to sign on the dotted line, he may stand for reelection, extending his tenure up to four more years. Garnering the requisite signatures would be piece of cake for a still-seated incumbent. So even though Prop 45 is not a straight-out extension of term limits, it's only about an inch away.

What voters in California and the other 18 states that now enjoy term limits need to do is keep the term limits they've gained, not water them down. And they could join with all Americans to achieve term limits at the national level, too. In 1995 the Supreme Court's Thornton decision delayed the inevitable. But the tide of term limits can't be stayed indefinitely.

At the very least, if we had congressional term limits, we wouldn't have to deal quite so often with the Gary Condits of the world. ■

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 Editor:
 Eric D. Dixon — eric@termlimits.org
 Contributing Writers:
 Kurt A. Gardinier, David M. Brown
 A Publication of
 U.S. TERM LIMITS FOUNDATION
 10 G St., NE, SUITE 410
 WASHINGTON, D.C. 20002
1-800-733-6440

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ENEMIES OF OREGON VOTERS

Term Limit Decision Had to Do With Politics, Not Law

By Ted Piccolo, *The Oregonian*
January 15, 2002

The Oregon Supreme Court tainted the state's judicial system Friday by blithely doing the bidding of the career politicians. Turning on a trumped-up technicality, the court tore up the term limits law Oregonians passed 10 years ago.

Citizens should not be confused. The politicians hate to have their terms limited. The lobbyists hate to have to re-invest in new and independent representatives. And in a sneaky maneuver in last year's legislative session, they both conspired to sue the people and overturn an election that took place a decade ago.

The reason politicians voted to sue was that they were afraid to let you, the voter, have an opportunity to tell them once again that the people want term limits. So, knowing the inevitable outcome of an election, the politicians took a back-door approach, allowing them to skirt responsibility for their shameful act.

Because of the actions of career politicians and courts that are against the initiative process, we'll have to gather signatures again to vote on term limits.

Now, enlisting all the usual cliches, Oregon's career politicians are gamely stepping up to the plate to ratify this gutless gutting of democracy.

"We have term limits, and they are called elections," intoned 28-year state Senate veteran Lenn Hannon, R-Ashland, with cue-card originality. Yet perhaps even a long-time officeholder like Hannon can understand how the insulating effects of incumbency might muzzle electoral competition in a district and thus risk rendering elections in that district more than a mite meaningless.

Then there's Rep. Lane Shetterly, fresh from an appendectomy.

"When I met with my surgeon Thursday, I did not mind that he had a lot of experience in cutting people open,"

said Shetterly, R-Dallas. So perhaps Oregonians should be grateful when the career politicians and courts turn the knives on the voters — and treat the right of citizen initiative like chopped liver.

In its opinion, the Oregon Supreme Court states that the term limits on Oregon's congressional delegation — later struck down by the U.S. Supreme Court — had "little or nothing to do with" the term limits on the state-level offices spelled out in the same text. "Nonetheless, the voters were asked to vote for or against both sections in a single measure."

A former legislator who challenged the law, Mike Lehman, said Oregon voters just didn't understand what they were voting for in 1992. It's the sort of claim that, for whatever reason, career politicians have echoed in virtually every state where term limits have been passed. Their own constituents can barely read, in their view.

But voters are more literate than some give them credit for. And contrary to the Oregon Supreme

Court, there was no mind-numbing multiplicity of "separate subjects" in the 1992 term limits initiative. The initiative was not about term-limits-plus-zoning. Or term-limits-plus-property taxes. Or term limits-plus-potholes or term-limits-plus-macrame. The measure was about term limits.

It's obvious that the anti-democrats among us are upset with the 1992 initiative not because of any imagined technical lapse. What they dislike is, pure and simple, the term limits — and the fact that Oregon citizens possessed the power to enact them.

Well, they shouldn't get away with it. A new effort, one that meets the phony-baloney objection it took career politicians 10 years to come up with, will be seeking petition signatures. And the new measure will pass, too. ■

Reprinted from *The Oregonian*

It's obvious that the anti-democrats among us are upset with the 1992 initiative not because of any imagined technical lapse. What they dislike is, pure and simple, the term limits — and the fact that Oregon citizens possessed the power to enact them.

"Judicial Rush Job," cont. from page 1

consideration by Montana's high court.

By a 5-2 vote, the Montana Supreme Court did agree to consider the lawsuit right away. Normally, the suit would have had to be pressed first in District Court. The short-circuited process means a final ruling on the suit can be reached much faster.

Both Christiaens and Cole will be ineligible to run for reelection in 2002 under the term limits law. Their deadline to file for reelection is March 21, 2002.

In 1992, Montana citizens approved a constitutional amendment limiting service for many executive-branch officials to eight years out of any 16-year period. The same limit applies to legislators serving within a particular chamber — but legislators who reach the term limit in one chamber are free to run for office in the other, where they are subject to the same cap on service.

Senator Christiaens asserts that term limits "are an affront to the fundamental rights of all Montanans to choose their government."

But the 1992 ballot measure, known as Constitutional Initiative 64 (CI 64), was passed by a majority of 67 percent of voters, which suggests that the term-limit feature of Montana government was indeed freely chosen.

Support for term limits in Montana remains strong. A poll conducted in December 1999 by Mason-Dixon Polling and Research showed respondents fa-

voring term limits by 64 percent to 25 percent, with 11 percent undecided.

According to the Senators' lawsuit, measure CI 64 violates a requirement that a separate vote be conducted on "separate" constitutional amendments, inasmuch as more than one political office was term-limited by the measure. The suit also claims that term limits discriminate against the right of political association.

"That's such baloney," scoffs Stacie Rumenap, executive director of U.S. Term Limits, the Washington-based grassroots organization.

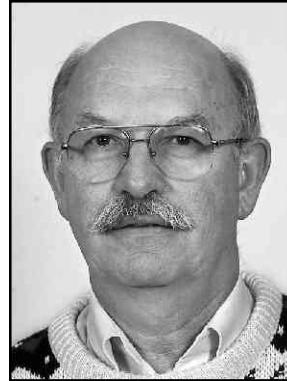
"If any restriction on elective office by that very fact violated a right of political association, you couldn't have age requirements or even residency and citizenship requirements. And the notion that the term limits initiative violates any kind of legitimate single-subject rule is even sillier, if possible. CI 64 wasn't about taxes or garbage collection or zoning regulations. It was about term limits.

"This Johnny-come-lately lawsuit is all about political elitists who don't want to share power with other citizens. Apply the 'single-subject' rule the way Cole and Christiaens want, and every initiative ever passed in Montana would collapse from chronic mitosis. Every clause and sub-clause in every paragraph of an initiative would be deemed a 'separate subject.' You wouldn't be able to have citizen initiatives at all in Montana.

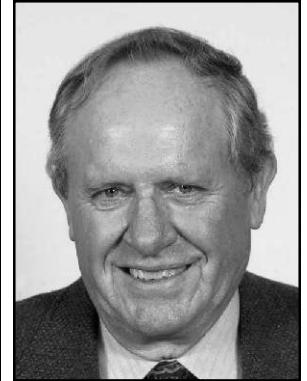
"In a last-ditch effort to hang on to their power, these guys want to kill lawfully enacted term limits and — oh, just by the way — they'll be happy to kill direct democracy in the bargain.

"It's outrageous," fumes Rumenap. "Montanans should be up in arms over this."

The *Helena Independent Record*, a newspaper hostile to term limits, acknowledges that "it seems to us that a



Montana State Sen. B.F. Christiaens



Montana State Sen. Mack Cole

Co-filed a lawsuit against Montana's term limits law.

measure setting term limits on all statewide and legislative positions is a rather unified theme."

Fred Thomas, majority leader of the state Senate, is even more critical of the lawsuit.

"I think for the Supreme Court to take this case and ignore the last nine years is a complete disenfranchisement of the voters, *carte blanche*," he says. "It doesn't matter what you think about term limits. If the court finds that everything has to be separate, then you truly can't amend the constitution by initiative."

Dissenting justices Jim Rice and Terry Triewweiler noted that the alleged emergency status of the lawsuit was created by the dilly-dallying of the very persons filing suit.

"Both Senator Christiaens and Senator Cole are astute public servants who have been well aware since their last election that the constitutional amendment embodied in CI-64 prohibited them from seeking another term," wrote Justice Rice. "Yet, they failed to properly initiate a challenge to the amendment in the District Court, waiting until the midnight hour and crying 'emergency' to this court."

In an unguarded moment, the lawyer for the two Senators, Stan Kaleczyc, admitted why the lawsuit was being brought only now, ten years after the fact:

"Cole and Christiaens were not terminated until now," he said. ■

This Johnny-come-lately lawsuit is all about political elitists who don't want to share power with other citizens.



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



Another Light Bulb Joke

If you would like to receive
COMMON SENSE
by email, write to us at
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Question: How many career politicians does it take to screw in a light bulb? Answer: Depends whether the voters are willing to see the light.

Maybe we voters just don't understand political science. Maybe Herb Asher, political science professor at Ohio State, can help. Herb has analyzed new poll results showing that despite all the naysaying of the politicians, most Ohio citizens continue to support the state's term limits.

According to Herb, Ohio voters still support term limits largely because no one is explaining the problem to them. Politicians aren't putting any emphasis on the issue — even though they know all about why term limits are bad and hanging onto power for all eternity is good.

Herb says, "You have to give people a reason why [term limits] are a problem. So far nobody has tried to make the case." He says that term limits curtail experience and

wisdom in ways that are too hard to quantify for us dumb voters to understand.

Oh, if only the politicians would just screw in the light bulb, then the people would see the light! Or would they?

Maybe it's the professors and politicians who need a little light shined in their direction. Maybe they're the ones who have to figure out that wisdom and experience are indeed available outside the statehouse, that it was citizen legislators, not career politicians, who crafted the foundations of American democracy to begin with.

And term limits help make democracy work again — of, by, and for the people.

Get it now, guys? ■

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THEY SAID IT

Termed Out in MO

“ This year’s session of the Missouri Legislature certainly doesn’t suffer from high expectations.

Eighty-seven legislators already know they won’t be re-elected next year because of term limits. Those who can run again know they can’t raise taxes if they want to get re-elected.”

—*St. Louis Post-Dispatch*
January 14, 2002

California Capitol Upheaval

“ Certainly, the advent of term limits was a cultural upheaval for the [California] Capitol, which had been accustomed to professional politicians occupying offices for many years, even many decades. The constant turnover of legislators and staffers has been upsetting to those — special interest lobbyists, especially — who counted on long-term relationships. But it also has opened up opportunities for female and nonwhite office seekers, and it has, as its supporters intended, broken the stranglehold that professionals, many of them bred inside the Capitol as staffers, had on holding legislative office.”

—*The Sacramento Bee*
January 8, 2002

Full Impact of Michigan Term Limits

“ Ten years ago, Michigan voters approved term limits for the state’s top elected officials. This year they will see the full impact as 12-year veteran Gov. John Engler, Secretary of State Candice Miller, and about half of the state’s 148 lawmakers are forced to leave their jobs.”

—*The Detroit News*
January 1, 2002

“The evidence suggests that term limits lead to legislatures with more racial and gender diversity, but the repeal mob isn’t interested in diversity. It’s interested in preserving the status quo — which is to say it’s interested in keeping the influence it now has so that others can continue not to have it.”

**—*The Daily Oklahoman*
January 14, 2002**

Career Politicians Deluding Themselves

“ [Maine] Rep. John Michael, an independent from Auburn who worked to pass congressional term limits and supported the 1993 legislative term limits, accused the [Legal and Veterans Affairs Committee] of passing the buck Wednesday on an issue that should be initiated at the grass-roots level.

‘The committee’s deluding themselves,’ he said. ‘They’ve convinced themselves that the public wants to repeal term limits, which as anybody knows is not so. The proof of the pudding is that they are unwilling to go out and get the signatures to put it on the ballot themselves, so they want to convince the Legislature to take a hit, look real bad and put it on the ballot as an advisory referendum.’”

—*Bangor Daily News*
January 10, 2002

KEEPING HIS WORD

Rep. Bob Riley Keeps his Word

The U.S. Term Limits Foundation began airing a television ad late December thanking citizen legislator Rep. Bob Riley (R-AL) for keeping the term limit pledge he made prior to winning a seat in Congress in 1996. The ad ran during the Independence and Peach Bowls and continued through the middle of January. The ad highlights Rep. Riley's standing "up for Alabama values" and not "caving in to the special interests."

The ad goes on to point out that Rep. Riley is keeping his commitment to serve only three terms in the U.S. House of Representatives and is stepping down from office. It read, "Bob Riley: An honest man in politics. Now that's some-

"It's obvious that we desperately need new leadership in this state. And a majority of our Members believe strongly that Bob Riley is the person who can best provide that leadership."

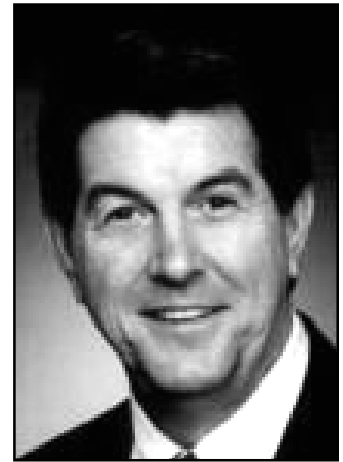
**— Rep. Mark Gaines
Alabama House
Republican Caucus Chairman**

thing special."

Riley is now focusing on his participation in the Alabama gubernatorial race. He kicked off his campaign on July 4, 2001, in his hometown of Ashland, promising to restore order to the state's budgeting process and to seek constitutional reform. Since then, Riley has received continued support with endorsements from groups such as the Alabama Restaurant Association and the Alabama Association of Realtors, along with the support of the solid majority of Republican Members of the Alabama House of Representatives.

"It's obvious that we desperately need new leadership in this state," said Mark Gaines (R-Homewood), House Republican Caucus Chairman. "And a majority of our Members believe strongly that Bob Riley is the person who can best provide that leadership."

Again, thank you, Mr. Riley for keeping your word, and good luck in November. (For more information on Bob Riley and his campaign, visit his web site at www.bobrileyforgovernor.com). ■



**Citizen Legislator
Rep. Bob Riley (R-AL)**

Keeping his pledge to limit his time in office by stepping down at the end of this term.

Idaho Appeals Judge's Decision On Ballot Requirements

On December 31, the state of Idaho appealed U.S. District Judge Lynn Winnmill's decision declaring as unconstitutional the 1997 Idaho law that imposed strict conditions on the gathering of signatures for ballot initiatives.

This law required anyone trying to qualify an initiative for the ballot to gather the signatures of six percent of the registered voters in each of its 22 counties — a process made extremely

difficult due to the fact that 60 percent of Idaho's population resides in just nine of the state's 44 counties. Since the law passed in 1997, not a single initiative has qualified for the Idaho ballot.

The state submitted their appeal to the 9th U.S. Circuit Court of Appeals, and questioned whether Judge Winnmill "correctly balanced the state's interests in regulating elections, enacting legislation, and maintaining balance

and fairness within the process against the geographical distribution signature requirement."

The attorney general's office, on behalf of Secretary of State Pete Cenarrusa, argued that Winnmill improperly applied a federal standard to a "wholly state-created process."

Judge Winnmill's ruling gave the initiative process back to the citizens of Idaho. Let's hope her ruling is upheld. ■

"Idaho Integrity," cont. from page 1

tensibly pertained to the desire of county-level officials to remain on the job.

The district court ruled in favor of the plaintiffs and against term limits; immediately, swarms of statewide lobbyists and statewide politicians were crawling out of the woodwork to join the suit and demand an end to term limits not just for county officials, but for all officials, statewide.

But now Idaho's Supreme Court has confirmed that, yes, term limits are legal. So how are the careerists reacting? Not by gracefully conceding that, well, looks like we are indeed term-limited after all . . . no sir . . . but by moving . . . yet again . . . to repeal term limits.

Speaker Bruce Newcomb is spearheading a plot to kill term limits without any say-so from the voters whatsoever. Though Newcomb claims that this unilateral maneuver "presents some angst" for not only the citizens he intends to steamroll but for himself as well, the amount of angst is probably fairly low when compared to the amount of his contempt for voters.

Newcomb is of the school that no voter can be really smart enough to

understand what he's voting on, if what he's voting on is term limits. Of course, Idaho citizens were smart enough to see through the deliberately misleading "advisory" question of 1998 — confusingly worded precisely in hopes that the voters would vote against term limits despite themselves.

Didn't work. So, because the voters didn't allow themselves to be conned, they're confused, supposedly. Or so the theory goes.

That second go-round at the ballot booth should have been the cue to leave term limits alone.

The Newcombites want Governor Kempthorne to ratify their scheme to term-limit term limits. Instead, the governor has affirmed his promise that he will veto any attempt to repeal term limits by legislative fiat.

Not that he's such a fan of term limits; just that he is a fan and advocate of democracy.

"To me the issue is not the

merits of term limits; it's the process," says the governor. "I cannot in good conscience, having been elected by the people of this state, say that when they enact an initiative in that way, that we would then rescind it."

Good to know that at least one person in public service wants to abide by his conscience.

Meanwhile, Speaker Newcomb is intimating that the republic itself could collapse if Idaho's statehouse sees fresh faces and fresh ideas on any kind of regular basis.

"I told [the governor], 'You can defend democracy; I'll defend the republic,'" Newcomb boasts.

Oy vey. Gutsy fellow, that one. ■

Correction

In the January 2002 issue of *No Uncertain Terms*, we featured the photos of six gubernatorial candidates on page 8, but neglected to mention that these candidates had all served in Congress, leaving office voluntarily after making a pledge to limit their own terms.

Each of these six candidates is running for governor in a state where gubernatorial term limits are already in place. Their demonstration of principled character will serve them well in their respective races, and we wish them the best of luck. ■

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