

NO UNCERTAIN TERMS

The Newsletter of the
Term Limits Movement

April 2002 • VOLUME 10 • NUMBER 4

POLITICIANS DEFEATED

California Voters Soundly Reject Attempt to Kill Term Limits

California's Proposition 45 — the first attempt to soften legislative term limits since they were imposed 12 years ago — was soundly defeated by voters last month, 42 to 58 percent, despite the fact that backers of this ballot scam outspent the opposition 10 to 1. The initiative was rejected in 56 of 58 counties, passing narrowly only in Los Angeles and San Francisco Counties.

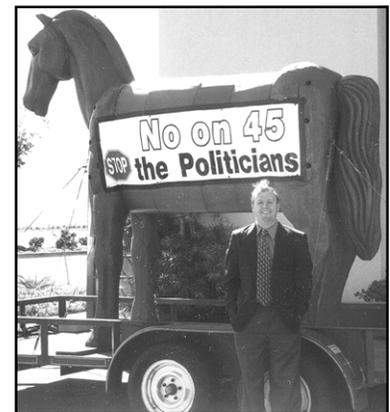
Backed generously by nearly every interest group with business before the

legislature, Prop. 45 would have allowed every politician in the legislature to serve an additional four years in office. The California Democratic Party chipped in \$3 million, labor unions contributed \$2 million, current or former politicians gave \$1 million, and hundreds of thousands of dollars came from each of several heavily regulated industries, like gambling, liquor, energy, tobacco, and trial lawyers. Backers ran TV and radio ads for three solid weeks

throughout every part of the state, also using phone banks and direct mail with misleading messages. In all, proponents of Prop. 45 spent well over \$10 million. Notwithstanding, California voters saw through the fog of publicity and powerfully restated their support for term limits on members of their legislature. Even a long-time foe of term limits, U.S. Senator John McCain of Arizona recognized the chicanery of the measure and disparaged it.

Term limits activists

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Todd McCauley, campaign manager for "No on 45: Stop the Politicians," poses with the campaign's Trojan horse mascot. McCauley took the horse on a seven-day tour of 12 California cities.

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TERM LIMITS VINDICATED

Term Limits Safe in Montana

In late February the Montana Supreme Court rejected a challenge to the state's term limits law, saying opponents waited too long to mount their legal challenge against the 1992 voter-adopted constitutional amendment.

"There must be a point at which a claim asserting that Montana voters failed to follow the proper procedures in enacting a constitutional initiative simply comes too late," wrote Justice James Nelson. "We have reached that point," he con-

cluded. Five other justices signed Nelson's decision.

Senators B. F. "Chris" Christiaens (D-Great Falls) and Mack Cole (R-Hysham) argued that the 1992 initiative was unconstitutional because it affected several state offices and, therefore, contained multiple changes to the Montana Constitution.

Even if the Supreme Court had ruled differently, the Associated Press reported that an impressive 21 of the 23 legislators due to be

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MESSAGE FROM THE EXECUTIVE DIRECTOR

Why Term Limits Keep Winning

The returns are in, and the career politicians have lost yet another big battle against term limits, this time in California. Their anti-democratic con job didn't work.

Of course, the foes of term limits have also just "won" a battle, in Idaho. A few weeks ago the state legislature there flouted the voters and the Idaho Supreme Court and even a gubernatorial veto to scrap term limits on its own, as if the right of citizen initiative were just a mirage in that state. The career politicians will realize soon enough that their so-called victory is a Pyrrhic one.

California voters were a lot less gullible than the politicians had hoped. Proposition 45 was fraudulently advertised as a way to "throw the bums out." The measure would "preserve" term limits by letting a minority of recent voters sign off on the reelection bid of their incumbent legislator and thereby enable him to serve up to another four years. Under the measure, if just 20 percent of recent voters were to sign the appropriate petition, the incumbent could stand yet again for re-election.

Needless to say, most longtime incumbents would have no trouble cobbling together the few signatures required — and even less trouble snagging re-election with the usual underwhelming electoral opposition. So Prop. 45 was a get-out-of-term-limits-free card. The measure was tricky-Dick enough to confuse many citizens, so that chances of passage seemed about 50-50 when it was first floated. But once the con job became clear, support plummeted. In the end, this prop-up-the-politicians measure was defeated in almost every single county of California.

In Idaho, disingenuous anti-term-limit ballot measures have been falling on the voters like snow for years.

But voters won't weaken term limits on their own, not if they know that's what they'd be doing. So Idaho's desperate career politicians turned to the judicial system. A dis-

trict court did agree to throw out the term limit law on a trumped-up technicality, but the state Supreme Court reversed the lower court and upheld the term limit law. Shortly thereafter, the politicians launched their temeritous torpedo.

The fact that Idaho's professional incumbents had spent years trying every other possible ploy before resorting to such conduct is yet more proof, if any were needed, of the outrageousness of it — outrageous in the eyes of the perpetrators as well as the victims. They know; they don't care.

Nearly two dozen states have passed term limits on their legislatures; bitter battles have raged in most of them.

The high court in Montana was also recently asked to kill term limits; they too have refused. The court pointed out that it's not polite to wait ten years or so to challenge a successful ballot initiative. (The suit had been filed by a couple of politicians about to be termed out of office; don't forget to write, guys.) In Maine, a motion to post an "advisory referendum" to trample term limits has just been tabled in the legislature, at least for now.

The level of gall in Idaho is historic. No politician in the Montana or Maine or even California legislature would even think of trying to outlaw term limits unilaterally. (Well, maybe they're thinking about it.)

This is a conflict between a pro-democratic populace and anti-democratic career politicians. On the surface, a seesaw. We win one, they win one. We win one, they win one. But it's the friends of democracy who will win in the end. Why? Because we're right, the politicians are wrong, and this is America.

Friends of term limits have the troops: the vast majority of Americans. We have the ammo: America's democratic heritage.

And we're going to do what Americans always do: keep going until the job is done. ■

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Attempt to Limit Term Limits Trails

By Greg Lucas, *San Francisco Chronicle*

March 6, 2002

Despite a nearly \$10 million campaign, Proposition 45 — the first attempt to soften legislative term limits since they were imposed 12 years ago — was rejected by California voters Tuesday.

The initiative trailed in every California county, although narrowly in Los Angeles. Statewide it was voted down by almost a three-to-two margin.

Backed generously by nearly every interest group with business before the Legislature, Proposition 45 would have allowed lawmakers in their last term to run again for a maximum of four more years providing local voters gave their approval.

“The voters understood that Proposition 45 was an attempt by career politicians to kill term limits,” said Dan Schnur, a spokesman for the “no” campaign, which was outspent nearly 10 to 1.

“Once again, Californians have made it very clear that they prefer citizen politicians,” Schnur said.

That was the tough obstacle Proposition 45 had to overcome — California voters still overwhelmingly support the idea of term limits. A majority apparently thinks the limits voters enacted in November 1990 give lawmakers plenty of time in office.

Even in liberal bastions like San Francisco, where Proposition 45 backers expected to do well, voters were nearly evenly divided.

California’s 80 Assembly members are restricted to three two-year terms. The state’s 40 senators can serve two four-year terms.

Proposition 45 would have let lawmakers in their final term run again but stay no longer than four more years.

To run, legislators would need to get signatures from at least 20 percent of the voters who cast ballots in the lawmaker’s last election.

Opponents portrayed the initiative as an end-run around current term limits, the first step by “career politicians” toward ultimately abolishing all limits on officeholders.

U.S. Sen John McCain of Arizona gave opponents a boost last week by coming out against the measure.

Opponents said that money from special interests would bankroll the signature-gathering.

The opposition’s poster boy was Senate President Pro Tem John Burton, D-San Francisco, who was first elected to the Assembly in 1964. He would have been one of the proposition’s major beneficiaries: Without its passage, his time in the Legislature ends in 2004.

Burton also was the driving force behind Proposition 45, both placing it on the ballot and raising the lion’s share of the campaign’s nearly \$10 million in contributions.

Both through mail and an extensive television advertising campaign, Proposition 45’s backers geared their message to the primary’s most likely voters — older, more conservative Democrats and Republicans who were brought to the polls by a contested gubernatorial primary.

They portrayed the proposition as merely a way to give local voters more control over who represented them.

If those voters felt their representative in Sacramento was doing a good job, they could keep him or her a few years longer.

“The low turnout, which was heavily conservative, made it a tougher hill to climb,” said Karin Caves, a spokeswoman for the campaign. “Simon’s surge probably hurt us, too. . . .

“We knew the general popularity of term limits was out there,” she said, “but even though our goal wasn’t to overturn term limits, the more conservative voters were still distrustful of our motives.”

The major message Proposition 45’s supporters used on Republicans was that a “yes” vote would prevent the return of San Francisco Mayor Willie Brown to the Legislature.

Brown has already begun raising money to run in 2004 for the Senate seat now held by Burton, who is Brown’s oldest political ally.

One mailer sent in the Central Valley featured a broadly smiling Brown under the caption: “I’M BAAAACK! And only Proposition 45 can stop him.”

The mailer and a similar one also featuring Brown were paid for by the California Correctional Peace Officers Association, the politically powerful prison guard union, which has been a major supporter of Burton since he became leader of the Senate. ■

Reprinted from the *San Francisco Chronicle*

Even in liberal bastions like San Francisco, where Proposition 45 backers expected to do well, voters were nearly evenly divided.

Real Political Reform

By Thomas Sowell, *TownHall.com*

February 20, 2002

In its reckless disregard of the Constitution when it passed “campaign finance reform” legislation, the House of Representatives has demonstrated dramatically why we need real political reform. The First Amendment to the Constitution begins “Congress shall make no law” on several subjects, including any law “abridging freedom of speech.”

Yet here was the House, working into the wee hours of the morning, to flat out prohibit various kinds of political speech within 30 days or 60 days of an election. Just what part of “Congress shall make no law” do they not understand?

Sadly, they do understand. But a Constitution is no stronger than the willingness to defend it. If the voting public is easily stampeded into thinking that there is a desperate need for “campaign finance reform,” then defense of the Constitution may depend on whether the White House is willing to take the heat for opposing a popular measure during an election year.

The last line of defense of the Constitution is the Supreme Court, but this particular set of Supreme Court justices has too often split the baby instead of taking a stand on principle. We don’t need nine more clever politicians across the street from Congress, but too often that is what we have had.

Why is campaign finance reform so popular — and with whom? This is not something that the public is demanding. Polls repeatedly show little or no public urgency about the matter.

Those most enthusiastic about campaign finance reform are the media and elected officials, backed up by various other special interests who stand to gain. What campaign finance reform restricts are public expressions of alternative sources of information and viewpoints besides those which dominate the media. Naturally, the media would love to have a monopoly, since none of these laws restricts what the media can say or when they can say it.

Elected officials would also like to see their competition stifled. Campaign finance reform laws do not restrict what incumbents can say or do in their official capacities, which not only makes “news” but does it free of charge — or at the taxpayers’ expense, which amounts to the same thing.

Members of Congress can lie through their teeth on tele-

vision right on up to, and including, election day. But if you correct or challenge what they say with paid ads at the forbidden times, you will be violating federal law. The corrupting influence of money is nothing compared to the corrupting influence of federal laws protecting incumbents from free speech.

Money is valuable only for what it can buy. But if incumbents get millions of dollars worth of free publicity, restrictions on spending only handicap challengers.

The reform we really need is one that gets rid of people whose whole lives are spent getting elected and re-elected — and who think that the Constitution is just something to get around in pursuit of that goal. The idea that money is corrupting innocent poli-

ticians would be laughable if it did not lead to such dangerous legislation as campaign finance reform.

The media constantly depict campaign contributions as bribes that get business, in particular, special treatment from elected officials. They dogmatically refuse even to consider the possibility that these contributions are tributes exacted by politicians, armed with the power of government, which can make life miserable for any business that refuses to pay up.

Even after revelations of Vice President Al Gore’s phone calls from the White House, telling — not asking — big business leaders how much he expected them to contribute to political campaigns, the liberal media still blindly insists that we are talking about bribes, not tribute.

The fact that businesses — including Enron — usually contribute heavily to both parties still does not get through to most of the media that they are paying protection money more often than they are likely to get special favors. Any look at the trend of ever more detailed government regulation of business over the years might also suggest that business as a whole is losing ground while it pays protection money to avoid losing still more ground.

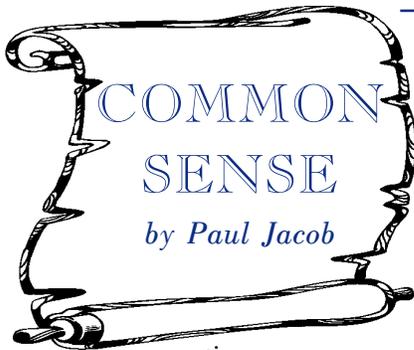
Career politicians are the problem, not the solution. The reform we need are term limits, so that elected officials can spend more of their time doing the public’s business, instead of making re-election their real full-time job, for which they are willing to disregard the Constitution. ■

Reprinted from *TownHall.com*

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



Uncle Sam's Enron Scam

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Boy, those Enron executives sure are unscrupulous, aren't they?

Those leaders at the top with their shady deals and even shadier accounting practices. Hiding debt. Getting people to invest in retirement accounts that turn out to have no real assets. So that employees have little or nothing to show for years of contributions. Some kind of crazy Ponzi scheme.

Wait a minute. Am I talking about the Enron Corporation or the federal government?

Because the Social Security Program sure is a risky retirement scheme, too. Let's face it. There are no assets in the so-called Social Security Trust Fund. Unless you want to count IOUs from the government as an "asset."

Andrew Biggs with The Cato Institute points out that it's illegal for a private corporation to fund its pension plan with bonds it issues to itself. And it's not exactly sound

fiscal practice either. But that's what the government does with its pay-as-you-go Social Security plan.

The money you are forced by law to contributed is certainly not socked away in any kind of "lock box" to which you yourself possess the combination.

Actually, the Social Security scam is much worse than the Enron scam, because nobody in America, not a single taxpayer, has any choice about contributing to Social Security. And if you're not allowed to make choices, you can't decide which what's best for you and your family, can you?

It's time to take the Enron out of Social Security. Time to turn the so-called Trust Fund into real taxpayer-controlled retirement accounts. ■

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"Term Limits Vindicated," cont. from page 1

termed out planned to step down voluntarily anyway — all except Christiaens and Cole.

"I made a commitment to follow through on what was an eight-year

term," said Rep. Matt McCann (D-Harlem), as quoted by the Associated Press. "I crafted my life around that and other people's lives. It's time for me to return to the private sector."

"I feel like I need to do something

else with my life than go to Helena," said Sen. Arnie Mohl, (R-Kalispell), also as quoted by the Associate Press.

Voters approved term limits by 67 to 33 percent in 1992, limiting legislators to eight years of service. ■

THEY SAID IT

Michigan Makeover

“ Couple the impact of term limits with the decision of veteran pol Ed McNamara to hang it up after four terms as Wayne County executive and a wide-open race for governor, and, well, ‘sea change’ is no exaggeration for Michigan politics and government.”

—*Detroit Free Press*
March 10, 2002

New Faces in Leadership

“ Six years after Senate Republicans decided to limit the terms served by their party leaders and committee chairmen, the day of reckoning is approaching.”

The term limits, demanded by newer members to whittle back the power of seniority and pump new blood into leadership ranks, will start to bite when Republicans meet after the November elections to choose their leaders for the next Congress.

As a result of the six-year limits, there will be new faces in two major party posts and possibly some switching around at the top of the GOP pecking order on committees.”

—*Washington Post*
March 11, 2002

Plenty of Open Seats in Missouri

“ [T]hings could be favorable for women candidates [in Missouri] this year.”

Term limits, imposed by the voters in 1992, is the main reason. Seventy-four members of the House and 12 senators cannot run for re-election. ‘Open’ seats often are where newcomers do best.”

—*The Kansas City Star*
March 8, 2002

“[I]n a closely watched battle here in California, a proposition that would have permitted members of the State Assembly and State Senate to extend their terms was soundly defeated on Tuesday. The loss was widely seen as a major setback for such movements across the country. The initiative, Proposition 45, was thrashed, 42 percent in favor and 58 percent opposed.”

**—*The New York Times*
March 7, 2002**

Maine Voters Still Support Term Limits

“ [Maine lawmakers] remain divided over term limits and many are reluctant to revisit an issue approved by such a large majority of the voters. Rep. John Michael, an Auburn independent, predicted that even if [an anti-term limits] measure makes it out of the Legislature, it will be rejected by the voters.”

‘This is the politicians doing us this big favor of putting on the ballot a question to repeal term limits, but that same bunch of flunkies can’t go get the signatures themselves,’ Michael said. ‘And they won’t because there’s no support for it.’”

—*Bangor Daily News*
March 6, 2002

STEPPING DOWN

Rep. John Thune Keeps His Term Limits Pledge

At the beginning of the 108th Congress, Rep. John Thune (R-SD) will no longer serve as a member of the U.S. House of Representatives. This change, however, is not due to electoral defeat — Rep. Thune pledged to serve only three two year terms before taking office in 1996, and is keeping his promise.

In the early months of 2001, U.S. Term Limits Foundation began airing a TV ad thanking John Thune for keeping his promise to only serve six years. The ad highlighted Rep. Thune's record of standing "up for South Dakota values" and not "caving in to the special interests." It continued, "John Thune: an honest man in politics. Now that's something special."

"Congressman Thune should be highly commended for fighting off Potomac Fever and maintaining his dedication to the ideals of the citizen legislator," commented U.S. Term Limits Senior Fellow Paul Jacob. "He has shown that his word is his bond and the people of South Dakota can count on him to do what's right."

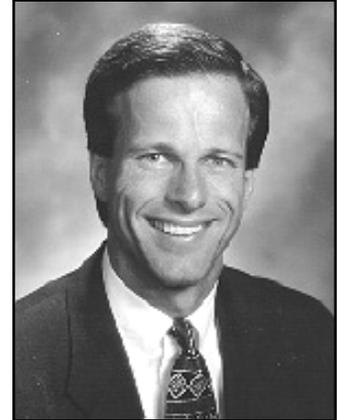
Rep. Thune has recently announced that he will run for a Senate seat, challenging incumbent Democratic Senator Tim Johnson in 2002. Thune contemplated running for governor,

but decided against it. "South Dakotans have encouraged me to run for both governor and Senate," he said, "Ultimately they've said, 'We want you in the position to do the most good for South Dakota.' Given the circumstances our nation finds itself in today, that position is unquestionably the Senate."

Thune has engineered many victories for South Dakota as a House member, and should his campaign for the Senate prove successful, Thune hopes to continue serving South Dakota favorably.

Thank you, Rep. Thune, for keeping your word.

(For more information on John Thune and his Senate race, visit his web site at www.johnthune.com). ■



Rep. John Thune (R-SD)

Keeping his promise to step down from office after serving six years, Rep. Thune plans to run for a Senate seat against incumbent Senator Tim Johnson later this year.

"Politicians Defeated," cont. from page 1
spent \$1 million. This included funds for two weeks of targeted radio ads statewide, two weeks of TV ads in small markets, and one week of TV ads in large markets. While Prop. 45 backers produced complicated ads, the pro-term limits crowd had a very simple and blunt message: "Career politicians, lobbyists, and special interests are spending millions to fool California voters and kill term limits. Say no to the politicians. Vote no on Prop 45. Keep term limits in place."

In declaring a term limits victory, Dan Schnur, a spokesman for the Stop The Politicians committee, said, "The voters understood that Proposition 45 was an attempt by career politicians to kill term limits. Once again, Californians have made it very clear that they prefer citizen politicians."

U.S. Term Limits Executive Direc-

tor Stacie Rumenap said, "Prop. 45's defeat proves that whenever voters are given a choice, they choose term limits over career politicians every time. Career politicians who try to take out term limits end up being taken out by voters instead."

California's 80 Assembly members are restricted to three two-year terms. The state's 40 senators can serve two four-year terms. Had Prop. 45 been accepted at the polls, each legislator hoping to run again would have needed to collect signatures from 20 percent of the voters who cast ballots in the lawmaker's last election; in many instances, this would require only a few thousand signatures.

The opposition's poster boy was Senate President Pro Tem John Burton, D-San Francisco, who was first elected to the Assembly in 1964. He would have been one of the proposition's ma-

ior beneficiaries — without its passage, his time in the legislature ends in 2004. Burton acted as the driving force behind Proposition 45, not only placing it on the ballot, but also raising the lion's share of the campaign's contributions.

Karin Caves, a spokeswoman for the Yes on 45 campaign, conceded, "We knew the general popularity of term limits was out there."

This victory is very important, as California is so often a trendsetter. Term limits are under attack from the political establishment in several states, and our opponents are very well funded. It's a tough fight, but we're winning because voters are on our side. If politicians in other states choose to continue to attack term limits after the decisive outcome in California, we're confident that we will defeat them too. Term limits are here to stay. ■

Florida to Legislature: Leave Our Term Limits Alone!

You'd think the one thing Florida's career politicians would learn from experience is that Florida voters really do want term limits.

They sure did in 1992, when they passed the "Eight is Enough" term limit initiative with 77 percent of the vote. They want them in 2002 too. In fact, according to a recent poll by Basswood Research, 78 percent of likely voters still support term limits these days. Not just term limits in general, either. They support the same term limits law they passed in 1992. The one that mandates a maximum of eight years of service in the House, eight in the Senate.

Floridians understand that if you've got only one real choice in an election, you haven't got any real choice at all. They don't want incumbents using the automatic advantages of incumbency to squelch electoral competition. They do want greater opportunities for all citizens to participate in government.

Of course, if a lifelong career politician doesn't have the experience required to, say, find a job in the private sector . . . maybe he doesn't feel that the convictions of his constituency are very relevant.

Consider Representative Ron Greenstein, for example. Lamenting the loss of "institutional memory," Greenstein hoped to fool voters into

lengthening Florida's term limits from 8 years to 12 years. His proposal for a new ballot measure cleared a House committee, but has now been withdrawn — thanks to public pressure on the career politicians.

He and his co-conspirators probably gave a closer study to the poll results in Florida. Also the election results in California, where voters have just slapped down yet another deceptive attempt by career politicians to water down term limits.

Strenuous partisan of "memory" though he may be, Mr. Greenstein apparently hoped that his constituents, at least, would fail to remember what they believe from one moment to the next. That tactic is wearing thin. In part, because one of things Floridian voters believe — eighty percent of them, according to a recent poll — is that legislators go after term limits more because they want to stay in power than because of any high-minded concern for the public good.

The claim that newcomers are too inexperienced to find their way to the bathroom is a very familiar one. Only if a legislator lurks around for term after endless term can he possibly garner enough know-how to even begin to do his job, we're told. (If the new executive tried to peddle that line in the private sector, he'd

be out on his ear in a week.)

Of course, we also hear that under term limits, all the power sluices off to the bureaucrats and lobbyists, inasmuch as they're the ones with all the specialized knowledge the new guys, mere puppets, lack.

Funny thing though: lobbyists and bureaucrats tend to hate term limits by the same high percentages the career politicians do. So if lobbyists are getting so much extra power now, why do they find the yoke of term limits so vexing? Maybe it's because their influence isn't really surging at all. Maybe it's because they have to keep updating their rolodex and keep making their case anew. And maybe it's because, sometimes, the new guys aren't quite the ignorant puppets they're supposed to be.

Sure, legislative procedures need to be learned. That's why we have things like manuals and tutorials, history books and telephones.

And let's remember, too, that "hitting the ground running" is a lot easier for a freshman legislator when there's no entrenched seniority system to steer him to the back bench. Let's remember that in the days before term limits, "institutional memory" typically sent him straight to the back bench.

Eight is enough. And enough is enough. So enough already. ■