

NO UNCERTAIN TERMS

The Newsletter of the
Term Limits Movement

July 2002 • VOLUME 10 • NUMBER 6

SERIOUS OPPOSITION

Idaho Primary Sends Incumbents a Message

Idaho voters saw a record number of candidates run for office in May — 414 candidates filed for legislative seats across the state. And incumbents faced serious opposition in the primary election, from politically savvy challengers who took incumbents to task for their votes to repeal term limits.

“The people of Idaho have stepped forward in record numbers to run for office and to once again

be represented in the legislature, not ruled by all-too-often unopposed and clearly unrepresentative career politicians,” said Don Morgan, chairman for the Committee to Repeal the Repeal.

From local races to the top of the ticket, Idaho incumbents received formidable challenges prompted by voters’ considerable anger over the legislature’s repeal of term limits, the state budget and the economy.

continued on page 8

Idaho Term Limits Referendum Qualifies for November Ballot

Citizens for Term Limits submitted petitions containing over 46,000 valid signatures to the Secretary of State’s office in mid May, qualifying Proposition 2, a term limits referendum for the November ballot. Signatures were gathered in each of Idaho’s 44 counties.

“The Idaho legislature clearly abused its powers when it overturned a law enacted twice by the people of Idaho,” commented Don Morgan, Chairman of Citizens for Term Limits. “We’re very pleased to allow voters yet another opportunity to vote on term limits and show career politicians in Boise that their

disrespect for us won’t be tolerated.”

Idaho voters passed term limits in a 1994 initiative with a vote of 59 percent. After numerous attempts by the Idaho legislature to convince the people or the courts to rescind legislative term limits, the legislature voted to repeal term limits themselves, going so far as to override Governor Dirk Kempthorne’s veto of their self-serving. The Idaho legislature is the only state legislative body in the United States to repeal term limits.

According to Morgan, “By qualifying Proposition 2, we will allow Idaho voters to have the last word on term limits.” ■

INSIDE

Executive Director Message
— page 2

Bloat Watch
— page 3

Limiting Lawmakers
— page 4

Hanging Too Good?
— page 5

Outrage of the Month
— page 7

Promise Kept
— page 8

CITY VICTORY

Term Limits Voter Support Stays Strong in Austin, Texas

In early May, Austin voters rejected Proposition 4, a City Charter revision that intended to repeal term limits on Austin’s mayor and city council.

The text of Proposition 4 read: “Shall the city charter be amended to repeal the term-limits provision for the mayor and council members?”

The measure was rejected, 55.1

to 44.9 percent.

“The Austin City Council, egged on by both the daily and the weekly newspapers, indulged themselves in a massive case of wishful thinking and put repeal of term limits on the ballot,” said Mike Ford, Chairman of Initiative for Texas.

“The voting public actually believes in term limits and they proved this yet again.” ■



MESSAGE FROM THE EXECUTIVE DIRECTOR

Incumbents, You've Probably Already Won

It's not Publishers Clearinghouse. This isn't Ed McMahon at the door. But if you're an incumbent congressman, relax. Chances are you've already won. Especially

if you've got no opponent.

The April 24 issue of the capitol's political newspaper of record, *The Hill*, alerts election watchers that "46 House members lack foes" and "Number of uncontested races extremely high."

But this is nothing new. Easy glides to reelection are old news for congressional incumbents. As the years go by, the advantages of incumbency — rigged by the incumbents themselves — seem to only grow stronger. The latest: "campaign finance reform" that seeks to regulate (read: impede) criticism of candidates when independent advocacy groups are doing the criticizing.

Political observers say the courts will likely overrule this latest assault on free speech. Maybe. But when it comes to protecting their turf, incumbents tend to get away with an awful lot. And if at first they don't succeed, they'll just try, try again. It's easy for incumbents to exercise unlimited gall when there's little or no risk of being penalized at the ballot box.

The Hill reports that in 1992, "only" eight congressional incumbents ran unopposed. In 1982, the number had been 19. But by 1998, 95 incumbents had little or only nominal opposition. In 2000, the number was 64. This year, with no more time to file for 2002 in 241 districts around the country, 46 candidates will run unopposed in this November. There is still time to file in some 194 districts, so the final tally of competition-free candidates will probably be much higher.

Dan Johnson-Wienberger, national field director for the Center for Voting and Democracy, attributes the lethargic election prospects to redistricting efforts. "Somehow partisan mapmakers forged truce after truce around the country

to avoid an exciting post-redistricting election year."

But the causation is not so mysterious once you factor in the fact that in most states, it's the state legislatures that sketch the new districts, and state legislative incumbents often have cozy, mutual back-scratching relationships with congressional incumbents. Incumbents helping incumbents.

Ross Baker, a political science professor at Rutgers, understands that the problem goes beyond the power to redistrict as such. "It's one more bit of evidence that the incumbent advantage is very difficult to overcome. It serves as a deterrent in many cases and a complete obstacle in many others. And it's not going to change any time soon."

The number of uncontested races is only the starkest gauge of incumbent advantage. Even when incumbents do have to put up with major-party opposition, they're usually able sashay their way back into office without breaking a sweat.

The Center for Voting and Democracy reports that the percentage of U.S. House seats won by a landslide jumped from 64 percent in 1996 to 73 percent in 1998 to 77 percent in 2000. The average margin of victory for incumbents running in 2000 was 40 percent. If a "competitive" race is one in which the margin of victory is less than 10 percent, then less than 5 percent of the contests in 2000 were competitive. The best thing for a candidate to be is an incumbent.

How can we repair the unfair, self-entrenching, anti-competitive, anti-democratic advantages of incumbency?

Three possibilities come to mind. 1) Cross your fingers and hope; 2) ask the incumbents to reform the system themselves so that they have less of a stranglehold on power — a request that yields incumbency-shoring stuff like the recent "campaign finance reform"; or 3) term limits.

We know that #3 works. The citizens of 18 states have already won. ■

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Edited by Eric D. Dixon — eric@termlimits.org

Contributing Writers:
David M. Brown
Kurt A. Gardinier

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U.S. TERM LIMITS FOUNDATION
10 G St., NE, SUITE 410
WASHINGTON, D.C. 20002

1-800-733-6440

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Bloat Watch

By Jeff Flake, *The Wall Street Journal*
May 2, 2002

As a young kid growing up on a farm in northern Arizona, one of my more unusual chores was what I called “bloat watch.” I would sit atop a hill with knife in hand, watching cattle grazing on the green alfalfa field below. As soon as the first critter assumed the bloated “I’ve fallen and I can’t get up” position, I would rush to the victim, raise the knife and stab just behind the last rib high on the left side — then take cover as pent-up gas and alfalfa spewed heavenward, raining down on boy and bovine. I’m sure that being stabbed in the side wasn’t pleasant, but the alternative was to be unceremoniously dragged over the hill to the bone yard.

As we debate the newest farm bill in Congress, I find myself instinctively reaching for my old knife. There are many examples of bloated government in Washington, but none are just begging for the knife as much as our farm policy.

Last week, House and Senate negotiators approved a farm bill expanding payments to farmers by nearly \$50 billion over the next decade. The bulk of this increase, more than 90%, will go to farmers producing just five crops: wheat, corn, rice, cotton and soybean. Two-thirds will go to just 10% of farmers. The passage of this bill will mark a full-scale repudiation of the Freedom to Farm Act of 1996, which sought to wean farmers off government assistance.

That the new farm bill is bad policy is not seriously disputed. It distorts the free market, wreaks havoc with incentives, further institutionalizes dependency and jeopardizes our export economy. But it is more than just bad policy — it is bad politics for Republicans.

The farm bill’s \$173.5 billion price tag over 10 years makes our claim as the party of fiscal discipline purely relative. It is estimated that this legislation will cost the average American household \$4,377 over the next 10 years — \$1,805 in taxes and \$2,572 in inflated food prices because of price supports. That doesn’t sound like a message this Republican wants to run on.

As evidenced in 1994, Republicans win elections when

they draw a sharp contrast with Democrats. When Congressional Republicans seek to blur the lines, as we’ve done for the past several years, Democrats gain ground, as they’ve done for the past several years. There is an old

political axiom that goes “You can never out-Democrat a Democrat.” While we Republicans have tested that axiom’s limits of late, we ought to understand that voters will eventually go for the genuine article. With this approach we might eke out another election with our slim majority intact, but our days are numbered.

On the other hand, if presented with an articulate “freedom” vs. “security” argument, most voters will opt for the former. The dilemma for Republicans is that we’ve not only abandoned the freedom argument in principle, we’ve dropped the

rhetoric as well. Last week, at the same time Republican conferees on the farm bill were replacing the Freedom to Farm Act with the Farm Security Act, other House Republicans were holding a press conference where they slammed the Democrats for stealing the Republican Conference’s “Securing America’s Future” theme. Frankly, I’d rather be accused of stealing that patronizing theme than coining it. Let the Democrats have it.

In a 1964 speech, Ronald Reagan reminded us that there is no such thing as “left” or “right.” Rather, there was only an “up” toward freedom or a “down” toward totalitarianism. “Those who would sacrifice freedom for security,” Mr. Reagan said, “have already started down the downward path.”

It is probably too late for Congress to reverse course on this farm bill. We can only hope that President Bush is watching, pen in hand, as Congressional Republicans abandon all discretion and graze on green alfalfa right along with the Democrats. Being stabbed with a veto pen might not seem pleasant, but it sure beats ending up in the political bone yard. ■

Jeff Flake is a self-limited congressman from Arizona.

Reprinted from *The Wall Street Journal*

There are many examples of bloated government in Washington, but none are just begging for the knife as much as our farm policy.

LIMITING LAWMAKERS

Join the Term-Limit Revolution Now!

by David M. Brown
LaissezFaireBooks.com

We've had presidential term limits for quite a while in this country. We've also had gubernatorial term limits. Now we're limiting lawmakers.

Since 1990, citizens have passed term limits in 21 states, on 21 state legislatures. No small potatoes . . . especially considering that only 24 states allow citizens to post ballot measures. The new laws have typically limited consecutive terms of service to 6 or 8 years. In four of the states, though, the caps have been scrapped (not by the voters, you may be sure). The U.S. Congress itself would probably be term-limited by now had not the U.S. Supreme Court ruled in 1995 that it is unconstitutional for people to favor democracy.

It's the politicians, lobbyists, and media drones who hate term limits the most. For them it's arsenic. But even many otherwise perceptive cogitators shrug their shoulders over the issue.

"I'm not quite convinced," they muse as they meditatively squirrel their eyebrows. "I'm not fully persuaded that merely because all the career politicians seek to monopolize power, we should prevent them from monopolizing power. For example, what could be wrong — from the perspective of the sort of pie-in-the-sky political theory to which I subscribe, I mean — with letting a self-serving politician like Bill Clinton serve ten consecutive terms as President?"

So it's up to simple-minded champions of the commonweal like you and me to keep the term-limits train chugging.

Term limits are preventative. Not infallible, but better than nothing. Actually quite a bit better. Robust term limits stop politicians from exploiting the advantages of incumbency to smother electoral competition indefinitely and thereby sustain an indefinite monopoly on power.

("Advantages of incumbency" include such perks of the job as face time, taxpayer-funded mailing privileges, taxpayer-funded office staffs that double as campaign staffs, power to tax and destroy, power to rig electoral districts to favor a particular political party, and sycophantic support of every special-interest group under the sun struggling to rip somebody off or save themselves from being ripped off.)

Many critics say "We already have term limits, they're called . . . elections."

As if: 1) they're the first ever to come up with that line,

by now served up more often than the number of hamburgers served by McDonald's; and 2) the chronic phenomenon of elections featuring just one candidate is what you want in a "democracy." Actually, it is a consummation not very devoutly to be wished at all that in all-too-many congressional and statehouse races, the opposition to incumbents standing for re-election is either token or non-existent. Yet that is the reality. And why vote in an election if there's just one guy to pick from?

Lord Acton said power corrupts, absolute power corrupts absolutely. Fact is, even the best-intentioned newcomers to office tend to get addicted to power, and to become progressively more careless with it. If we don't want the Bob Byrds, Teddy

Kennedys, Strom Thurmonds and other such pond scum spending 50 years apiece doing their best to do the rest of us, we need to limit terms. Also if we want a lot more non-pond-scum in office (and then out again, fast).

Still not persuaded? Read Eric O'Keefe's definitive explication, *Who Rules America*. That book would persuade a lump of protoplasm.

Getting term limits is hard. So is keeping them.

In Idaho the politicians have tried ballot gimmick after ballot gimmick to con voters into dropping term limits. Didn't work. So they sued in court . . . until the Idaho Supreme Court ruled that the state's term limits are indeed constitutionally kosher. Unfazed, the Idaho politburo has now quashed term limits on their own, by legislative fiat, treating the voters like chopped liver. (The battle in Idaho is far from over, however.)

Next on the hit list was California. The politicians there hoped a slithy-toved measure they were bankrolling, Proposition 45, would at last kill the term limits they have so often failed to kill before.

Didn't work, though. We stopped those maleficent malefactors. Stopped them cold. And we'll keep stopping them.

And we're going to keep term-limiting them. ■

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David M. Brown is the publisher of *The Crunch Report*, at <http://www.davidmbrown.com>. To be notified when new articles are posted to the *Report*, send an email saying "subscribe me" to crunchreport@lycos.com.

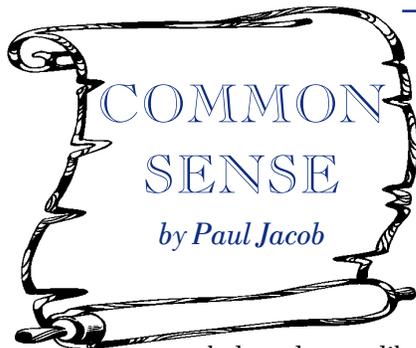
Who Rules America?

To receive a copy of Eric O'Keefe's definitive book about term limits and career politicians, mentioned in this article, send \$5.95 to this address:

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U.S. Term Limits Foundation
10 G St. NE Suite #410
Washington, DC 20002**



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



COMMON SENSE

by Paul Jacob

Hanging Too Good?

If you would like to receive
COMMON SENSE
by email, write to us at
CommonSense@termlimits.org

Nowhere have politicians behaved more like our masters than in Idaho, where the legislature ignored the people's repeated votes for term limits and repealed those limits. The voters have already placed a referendum on the ballot to repeal the legislature's repeal.

One reason Idaho's brand of career politician is even more obnoxious than Brand X is that there has been woefully little competition for seats in the Idaho Legislature. Republicans have an enormous majority in both houses. Rarely does an incumbent face any serious challenge. Which leaves the voters with little option when politicians misbehave.

But that is changing and it began last week in the primary election. The results are still coming in as I record this, but already several incumbents who voted to repeal term limits have been defeated. Other races are very close.

This level of competition hasn't been seen in Idaho for decades.

"I have a lot of anti-incumbent feelings," said Roger Emerson at the polls. "The people of Idaho have said three times they want term limits. . . . [T]hat's what we wanted; that's what we should get. And that's what brought me out."

Jamie Bothwell says he usually skips primary elections. "But this year," he said, "I was inclined to go. Even if the incumbents win their primary, if the numbers get close, it's kind of tightening the noose as best we can."

Reminds me of a bumpersticker someone sent me a couple years back. It read, "Hangin' Too Good? Try Term Limits!" Coming to an Idaho bumper near you. ■

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Provided to radio stations five times a week.*

THEY SAID IT

A Very Different Legislature

The full effect of the term limits amendment [Missouri] voters passed in 1992 is now kicking in: 73 of the 163 House members can't run again this November. Nor can 12 of the 34 Senators. Combine that with the effects of new district lines drawn last year and you have the prospect of a very different Legislature in 2003.

—*St. Louis Post Dispatch*
May 26, 2002

Michigan Shakeup

Term limits are forcing 27 of 38 state senators out of office this year. The law is also leaving open 24 of 110 seats in the House of Representatives. However, at least another 20 incumbent representatives, who could run for re-election, are running for Senate seats instead.

—*Observer & Eccentric Newspapers*
(Southfield, MI)
May 21, 2002

Californians Are Standing By Term Limits

Like a spouse who remains loyal to her lifelong love even after he loses his hair and puts on some pounds, California voters are standing by term limits. In fact, they don't even seem to notice the flaws.

Perhaps that's because the state's term-limited Legislature, while not perfect, is in many ways superior to the one that prompted the voters to pass the law in 1990. . . .

The new Legislature is a lot more diverse, including more women, more minorities and more people with experience in local government. Contrary to predictions, it seems less cozy with lobbyists and hasn't become putty in the hands of an un-elected staff."

—*The Sacramento Bee*
May 12, 2002

Term-Limited Actor

[Saturday Night Live's Will Ferrell will] miss the action, the high-wire act of doing live TV, the Fridays on which he and the writers are still throwing together the Bush sketch, pending breaking news. Comedians, like presidents, have their term limits.

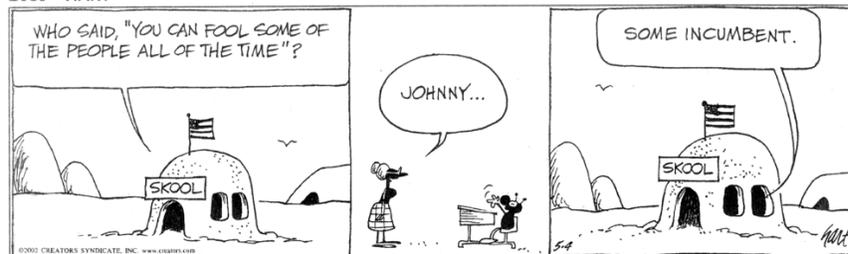
—*Los Angeles Times*
May 7, 2002

Term Limits in Star Wars

[Ewan] McGregor, revisiting the role of Obi-Wan Kenobi and looking ever less likely to age into Sir Alec Guinness, must also undertake some intergalactic police work, trying to find those responsible for an attempt on the life of Senator Padmé Amidala (Natalie Portman), who has become a legislator after her tenure as the elected (and apparently term-limited) queen of Naboo.

—*New York Times*
May 10, 2002

B.C. HART





Paul Jacob
U.S. Term Limits
Senior Fellow

Career Politicians — Outrage of the Month

The longer politicians stay in office, the more likely they are to abuse their power and betray the voters. Here are three recent examples of career politicians in action, from the best of Paul Jacob's Common Sense radio commentaries. **What do you think? Which of these is the most outrageous?** Send us email at newsletter@termlimits.org or send us postal mail to the return address on this newsletter. We'll print some of your responses in an upcoming issue of *No Uncertain Terms*.

Those Poor Rich Incumbents

Pity the poor uncontested congressional incumbent. All those hundreds of thousands of campaign dollars and no one to run against.

Somehow he muddles through, though.

In a report for the Center for Public Integrity, Kathryn Wallace and Marianne Holt note that only some 35 congressional races in 2002 are expected to be competitive; the other 400 incumbents are a shoo-in. And in a whopping 63 contests, the congressman faces nominal opposition or none at all.

Yet that doesn't stop these uncontested candidates from collecting as much special-interest money as they possibly can. And then spending it. Somehow.

How to unload the dough, when the actual cost of reelection is about ten bucks? Well, you could donate money to your political party, or to colleagues who are having a somewhat more exciting electoral life right now.

You could also "donate" money to a previous failed campaign of your own, as Representative William Jefferson of Louisiana has. He's given over \$150,000 to his ill-fated gubernatorial campaign. Jefferson also spent over \$20,000 of his "campaign" money on fancy restaurants, receptions, football games and whatnot.

Former Congressman Asa Hutchinson, no longer even a candidate for reelection, spent over \$800,000 of the over \$1.1 million he has raised for his campaign. How do you do that?

These are just a couple examples. I got a million of 'em. ■

Initiative Wrongs

Many politicians loathe the idea of citizens making decisions.

In many of the 24 states where citizens have the right of citizen initiative, anti-democratic politicians strive constantly to make that right as difficult as possible to exercise. Year after year they call for new signature-gathering requirements, ballot-wording requirements, calendar requirements, anything they can think of to stop a ballot question from even being asked.

In Florida, the constitutionality of initiative questions must be decided even before they reach the ballot. That seems to make sense. Why waste time with lawsuits and such after a vote has been accomplished, if the court can let you know in advance what the constitutional status is?

But judges don't live in a state of immaculate judicial conception. After a measure has been passed, there's a more pressure to determine the constitutionality fairly. More light in the room, so to speak.

Second, in Florida it's taking forever for the courts to decide. One recent measure, the Florida Drug Treatment Initiative, will have to be delayed a couple years even if the court does finally give it a thumbs-up.

Dave Fratello, political director of the Campaign for New Drug Policies, says the Florida initiative process is "dysfunctional. It has been eight months since we submitted signatures to trigger Supreme Court review, but the court still has not ruled." The result, he says, is a kind of 'pocket veto' that is keeping the initiative from appearing on the 2002 ballot.

Politicians, stop trying to disempower the people. ■

Plundering for Profit

Suppose you want to steal a neighbor's land so you can build a parking lot more cheaply than you could on your own land. What do you do?

Well, you could go to the mob. But it's messy working with the mob. So instead you call up a government agency and ask them for some muscle. In exchange for which, you agree to pay that agency a healthy commission.

This isn't an HBO teledrama. It's not fantasy. It's fact. This is exactly the kind of stunt that Gateway International Raceway tried to pull in Madison, Illinois. Four years ago, Gateway decided they needed a parking lot. Which would be cheaper to build on their neighbor's land than on their own.

So Gateway trotted over to a local government agency, Southwestern Illinois Development Agency, or SWIDA, with a hat in one hand and a wad of cash in the other.

SWIDA tried to perpetrate this seizure in the name of the "public good" despite the fact that they themselves would directly profit as a result. The Constitution says you can't have any "takings" of private property unless the taking promotes the "public good" So to sanctify the swindle, SWIDA babbled something about how the seizure would relieve traffic congestion.

Fortunately, the courts aren't buying it. After four years of suspense for the victim of this attempted mugging, the matter has been resolved by the Illinois Supreme Court, which has said no, no, no, you cannot do this. It's wrong and unconstitutional. ■

PROMISE KEPT

Rep. Steve Largent Keeps His Word

Although Rep. Steve Largent has served for over seven years as a Member of the U.S. Congress, representing Oklahoma's 1st Congressional District, he is leaving office at the end of this term — not because of electoral defeat, but because of the term limits pledge he signed in 1994, limiting himself to four terms. Now that he has reached his self-imposed limit, he is gracefully stepping down — but not stepping out of politics.

Largent is now entering his state's gubernatorial race. In his farewell address to the members of Congress, Largent said, "I ran for Congress in 1994 because I believed our country was headed in the wrong direc-

tion, and I wanted to make a difference. . . . Now, seven years later, I believe that together we have worked to move our country into safer waters. We worked together to balance the budget and we deregulated telecommunications."

Stacie Rumenap, executive director of U.S. Term Limits, said, "By honoring his term limits pledge, Steve Largent showed the voters that he wasn't just talking about term limits — he took action and led the way. We commend him for going to Washington as a citizen legislator and not a career politician."

(For more information on Steve Largent and his campaign, visit his web site: www.largentforgovernor.com). ■



Rep. Steve Largent (R-OK)
Rep. Largent step down from office later this year, keeping his 1994 term limits pledge.

"Serious Opposition," cont. from page 1

As expected, the majority of incumbents prevailed, but in many cases by simply a handful of votes. And for the first time in years, two incumbent senators were defeated. Both had voted against term limits.

Incumbent Senator Dolores Crow, who voted to repeal term limits, narrowly defeated her challenger. She

commented that the election results were close because of anger toward term limits.

"I'll take [the closeness of the vote] into consideration. I'll be willing to listen [to voters]." Crow's results were the closest race for her in 11 elections.

"[T]erm limits clearly changed the behavior of voters accustomed to backing incumbents," wrote *Idaho States-*

man columnist Dan Popkey. "Had a few hundred votes switched here and there, seven other incumbents would have lost, and we'd be talking about a sweeping change message."

Voters will have the opportunity to restore state and local term limits soon enough, thanks to Citizens for Term Limits, who qualified Proposition 2 for the November ballot. ■