

POLITICAL INTEGRITY

Lucas Reaffirms Term Limits Pledge

Pledging to abide by his 1998 term limits promise, voluntarily limiting himself to six years in the U.S. House of Representatives, on July 20 Rep. Ken Lucas (D-KY) publicly reaffirmed his intention to leave his position in Congress in 2004.

Term limits were a significant issue in Rep. Lucas's first congressional bid, and continue to be important to him today. "I want to make Congress a citizen legislature again, the way the founding fathers intended," Lucas once

said.

To demonstrate his commitment to restoring a more limited government, Rep. Lucas has vehemently argued against congressional pay raises, and has gone so far as to encourage open debates on the issue and demand recorded votes.

U.S. Term Limits Executive Director Stacie Rumenap said, "We all know that voters like term limits but that for the most part, politicians do not. Ken Lucas is a refreshing exception to this rule.

Kentucky voters can be proud knowing they have an honest representative in Congress. Rep. Lucas is a man of his word."

Lucas recently said that political careerism tends to distance Congress from its constituents. "For too many, Congress is about self-service, not public service. Congressmen are like the Energizer Bunny — they just keep running and running and running. They stay in office so long, they lose touch with the people they are supposed to represent and forget the reason people sent them to Washington in the first place."



Rep. Ken Lucas (D-KY) voluntarily limited his time in office to three two-year terms.

INSIDE

Executive Director Message
— page 2

Weep Not for TL'd Pols
— page 3

Success Story
— page 4

What a Hoot!
— page 5

Pity Council
— page 6

Maine Contender
— page 8

POWER CORRUPTS

Trafficant's Career Demonstrates the Necessity of Term Limits

Former Rep. James Trafficant (D-OH) was recently convicted of 10 counts of bribery, racketeering and tax evasion charges. Jurors were convinced beyond a reasonable doubt that the congressman received free labor and materials from construction businesses in exchange for governmental favors, required a staff member to turn over \$2,500 a month from the staffer's

paycheck, used congressional staff members to do work on his farm and his boat, filed false tax returns, and committed bribery and mail fraud.

But even though Congress has expelled him from office, taxpayers aren't off the hook. Even if Trafficant ends up serving the prison time he's been sentenced to, he will draw his congressional pension. It starts at

continued on page 8



MESSAGE FROM THE EXECUTIVE DIRECTOR

Never Underestimate a Politician's Power Lust

While public opinion polls show that voters continue to support legislative term limits (in many instances even more so than when the majority of term limits laws first passed in the early 1990s), voters should be wary of politicians' aspirations to serve the public — often for a lifetime. And as many politicians attempt to repeal term limits laws, a lifetime career is exactly what they're looking for, if voters allow them to get away with it.

As term limits kick in across the country, politicians in both parties have tried to repeal the very reform that has successfully brought new faces and fresh ideas into state politics. A recent *Wall Street Journal* editorial commented, "[Term limits] is one of those matters requiring constant vigilance, because if the voters so much as blink, incumbents will steal back their lifetime tenure."

Let's review some of the recent actions of self-serving legislators.

In Idaho, legislators had hoped voters would come to their senses after initially supporting term limits in 1994. Instead, the voters reaffirmed term limits in 1996 and again in 1998. But after voters let them down, legislators took their grievances all the way to the state Supreme Court last year. Again, the legislators lost. Alas, this year the Idaho legislature stooped even lower by passing a bill to repeal term limits, and even mustered up the necessary votes to override Governor Kempthorne's veto.

But Idaho voters have watched their haughty legislature closely and have demonstrated their distaste — two state Senators were among the incumbents defeated during the March primary, and more than 66,000 Idahoans have signed

petitions to place a referendum on term limits on this November's ballot.

Having twice failed in an effort to repeal local term limits, incumbent council members in New York City are considering a plan to extend the terms of some members whose time in office will be cut short because of redistricting. Not surprisingly, this measure is being pushed by the speaker (who, incidentally, ascended to leadership because of the openings term limits created).

But the news isn't all bad. In California, incumbent politicians and their special-interest friends overwhelmingly lost a March ballot measure designed to repeal the current term limits law. Efforts to try reviving the repeal in the legislature have failed miserably, and even the measure's sponsor in the assembly admitted that voters weren't willing to give lawmakers a lifetime career.

Similar repeal efforts have waned this year in seven of the 17 states that have term limits. Perhaps incumbents have figured out that voters expect them to represent, well, voters — instead of their own interests? Or perhaps they simply realize it's an election year?

Regardless, the political ruling class is unyielding in its ambition to rid itself of term limits, so voters should expect similar schemes to pop up in the coming years. And if you're as tired as I am of arrogant, entrenched politicians who think they can milk the advantages of incumbency and squeeze out electoral competition, we need to follow the example of Idaho voters and punish our politicians at the ballot box.

Voters should be wary of politicians' aspirations to serve the public — often for a lifetime.

NO UNCERTAIN TERMS

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Weep Not for Term-Limited Pols

The Daily Oklahoman
July 10, 2002

Breaks your heart, doesn't it, to see all those career politicians filing for their legislative seats for the last time? It makes us want to uncase the violin and play a dirge.

Oops. We got carried away by a nostalgic flood. Now that we're back on dry land, it's time to again honor the voters of Oklahoma — Democrats, Republicans and independents — for making this the first state in the nation to impose legislative term limits.

As the filing period for the 2002 elections opened Monday, some lawmakers waxed nostalgic about the loss of their divine right to perpetual terms. A fifth of House members can't run again if they're re-elected this year. Fifteen state senators are in the same boat; 12 more won't be able to run after 2006.

Oklahoma's term limits law was passed by voters in 1990, but not a single officeholder has been affected by it. It's 2002 and the bill is almost due.

State Rep. Larry Ferguson, R-Cleveland, lamented that the onset of term limits means legislators will be "turning over everything to the bureaucrats." Sorry, Mr. Ferguson, but that happens without term limits. The bureaucracy recently hijacked the legislative process when the state Board of Health and Gov. Keating foisted anti-smoking regulations on the people without the consent of lawmakers.

Elsewhere, powerful legislators with a re-election guarantee push around the bureaucrats in ways they should not. They micro-manage state agencies and influence their hiring decisions. This is out of balance. Term limits help restore balance and maintain the separation of powers.

Rather than empower the bureaucracy and lobbyists, term limits open the political process to newcomers, particularly women, minorities and younger candidates. Witness the flurry of activity in the 4th Congressional District, where incumbent J.C. Watts isn't running again — by choice. Oklahoma congressional seats held by Republicans have been so safe that Democrats have offered only throwaway candidates for years. Alas but term limits don't apply to seats in Congress.

Sixty-seven percent of Oklahoma voters gave the nod to legislative term limits. There's little doubt that a referen-

dum to repeal term limits would result in a similar affirmation of the idea.

Term limits is a two-word phrase that can best be defined by the following two words: Gene Stipe. Without term limits, the dean of the state Senate could serve in perpetuity — which is what he's done for half a century. With term limits, Stipe is serving his final term.

Sixteen states followed Oklahoma's lead in approving legislative term limits. Some, such as California, made the limits too restrictive. Oklahoma got it right.

State Rep. Randall Erwin, D-Nashoba, says rural Oklahomans like him are the real losers with term limits. Voters in the urban areas wanted limits, he said; his constituency didn't. All we can say is that it's about time the

heavily populated areas had more clout in state government.

Still, the weeping and wailing about legislative term limits goes on even in the big cities. A *Tulsa World* editorial writer, for instance, recently called the limits law a "really dumb" idea pushed by Republicans to overthrow a Democratic establishment. If term limits are such a partisan issue, why are so many Republican lawmakers in Oklahoma so upset by term limits? Term limits is one of the most non-partisan issues in existence.

Here's the real story: Those who oppose term limits like the way things are in Oklahoma. They like Democratic majorities. They like the system of entrenched and powerful legislators turning state government into a hiring engine for their cronies. They like the status quo that last year resulted in the loss of a congressional seat.

Term limits supporters, that "really dumb" majority of voters, don't worry about a bureaucratic takeover. They aren't swayed by the fear-mongering about term limits. They simply believe that 12 years is enough time for politicians to serve in the Legislature.

Shed no tears for the term-limited veteran pols. They've had their chance. It's time to give others a shot at greatness. ■

Reprinted from *The Daily Oklahoman*

Rather than empower the bureaucracy and lobbyists, term limits open the political process to newcomers.



Term Limits: An Idea Built on Solid Ground

by Stacie Rumenap, *Intellectual Ammunition*

May/June, 2002

Maybe what the career politicians need is a silver cross. The term limits movement is so persistently popular it has already been given about a million obituaries. Of course, when something is really dead, you need to pronounce the last rites only once.

As term limits began triumphing around the country in the early 1990s, one of the first obits was delivered by Speaker of the House Tom Foley (D-Washington) — right after voters in 14 states term-limited their congressional delegations and statehouses.

The Speaker was so annoyed he sued his own Washington State constituents to overturn the limits. Voters were so annoyed they handed him a stunning defeat in the very next election — rewarding a virtual unknown who had pledged that he, for one, would serve only three terms in Congress. (A mere campaign ploy, as it turned out; Foley's opponent would soon unveil himself as Just Another Career Politician.) The movement that was already “running out of steam” had just ejected a sitting Speaker of the House.

LAME ARGUMENTS

If obituaries can't kill term limits, maybe arguments will. But the critics keep coming up with such lame ones.

“We already have term limits. They're called elections.” (As if a rigged field is a fair field.)

“If you have term limits, all the power will go to the lobbyists and bureaucrats.” (Who oppose term limits by the same overwhelming margins the career politicians do, even in the term-limited states where they're allegedly being handed all this power.)

“The new guys are too inexperienced to find the bathroom.” (Are there no maps?)

The latest version of all this is Michael Flynn's “Term Limits: An Idea Built on Sand,” which ran in the November/December 2001 issue of *Intellectual Ammunition*.

Flynn claims the high reelection rate for congressional incumbents is not really evidence of incumbent advantage. Thanks to gerrymandering (politically motivated line-drawing of districts), according to Flynn, “a large number of legislative districts are simply not competitive.”

But isn't it usually the incumbents who get to draw those lines? Sounds like an advantage of incumbency to us!

Flynn also avers that to be fair in measuring incumbency advantage, you've got to compare only those races in which

the incumbent and challenger are already spending comparable amounts of money. But numbers don't tell the story all by themselves; you've got to consider them in context. Incumbents don't have to spend very much money at all if they have no significant opposition in an election.

Eric O'Keefe, president of Americans for Limited Terms, points out that if Flynn were to study congressional election returns a little more closely, he'd see that in 1998 (the latest election year for which we have detailed figures), “the reelection rate of incumbents who spent under \$600,000 was 100 percent. Almost all the defeats came from those who spent over \$1,000,000. High spending often indicated a serious challenge, therefore vulnerability.

“Another thing Flynn ignores is the partisan composition of districts,” O'Keefe adds. “Most state legislative districts are never competitive in a general election, even when there are open seats. Those with roughly equal spending are among the small minority that are not one-party, where the bulk of inter-party fighting occurs. They get well funded by the parties because they are competitive. Flynn has cause and effect backwards.

GIVE THE PEOPLE A CHANCE

Sure, the term limits movement is embattled. Career politicians don't like the idea of a periodic stimulus to electoral competition. Advantages of incumbency that result in mere token (or even zero) electoral opposition in a district are just fine with them.

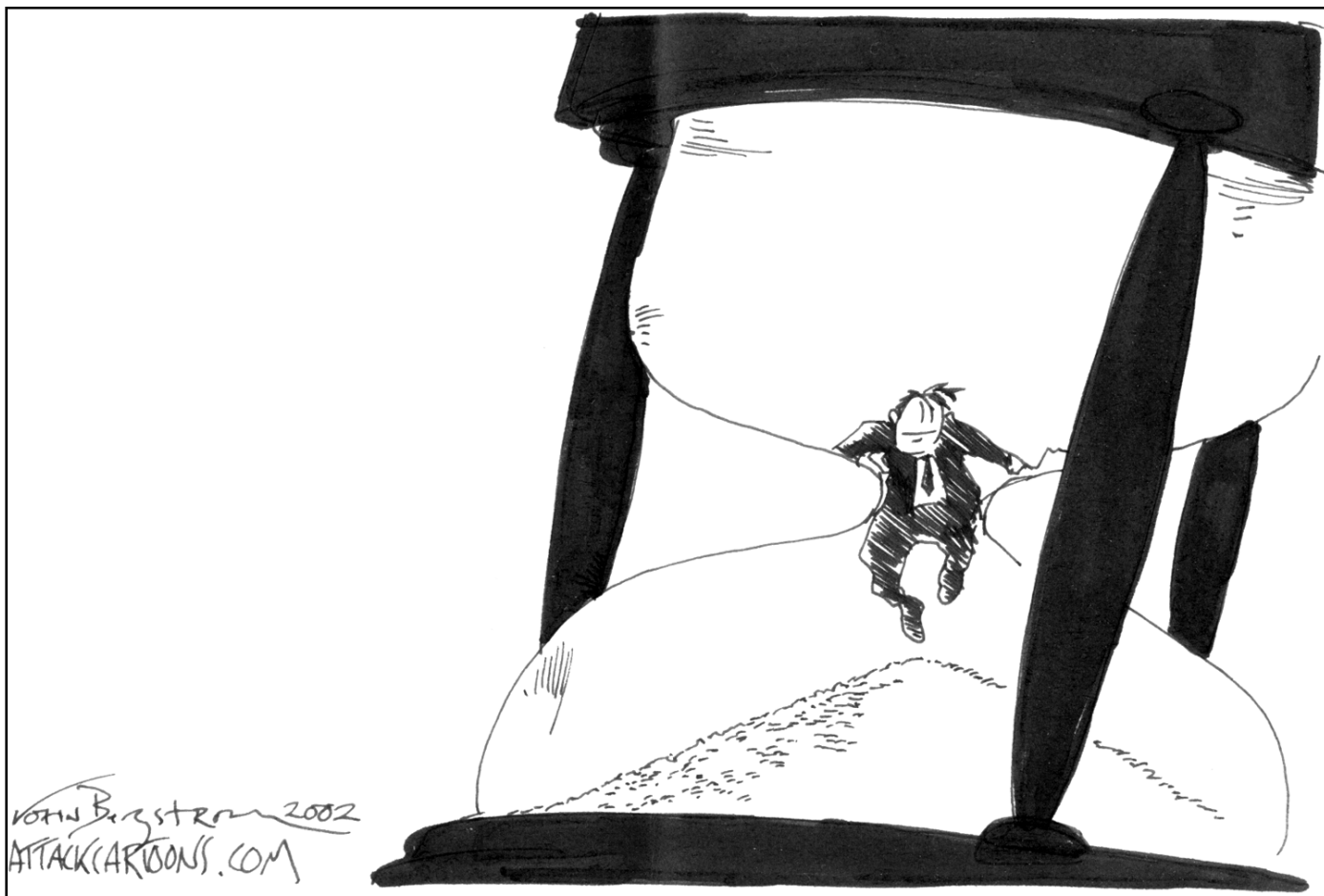
A rigged game . . . permanent power . . . only the special interests to answer to . . . everybody saying “yes sir” and rushing to hold open the door . . . “fact-finding” junkets to Bermuda . . . what's not to like? It's only the public at large and other such partisans of democracy that could see any problem.

It's equally obvious why most of the public like term limits just fine. It may not be at the top of their “most-important-issue” list. But whenever they get a chance to vote for term limits, they do.

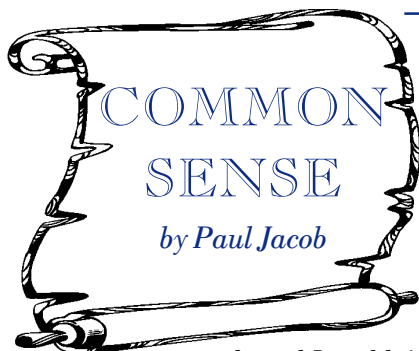
Judging by what the people do when the people have a chance, term limits is the most successful political movement of our time. The term limits movement will prevail. In this country, friends of democracy far outnumber the friends of oligarchy. Mr. Flynn, join us. ■

Reprinted from The Heartland Institute's
Intellectual Ammunition

Term limits is the most successful political movement of our time.



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



What a Hoot!

If you would like to receive
COMMON SENSE
by email, write to us at
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One sentence into the article and I couldn't stop laughing. Here's what reporter Mick Hinton says in *The Daily Oklahoman*: "Now that term limits are kicking in, Republicans and Democrats filing for the last time Monday at the state capitol say they are not so sure it's a good idea."

Give me a break. Politicians see term limits as the bubonic plague. They've never liked term limits, never will. It's we voters that like 'em.

Representative Larry Ferguson says, "I hate to see us turning over everything to the bureaucrats." So do I, Rep. Ferguson, which is another reason for term limits. New members are tougher on the bureaucracy.

Senator Dave Herbert, a Democrat, says, "It takes so long to get anything done at the legislature. The first couple of terms you are window dressing."

He's right. Without term limits, the longer-serving members grab way too much power. The system bogs down. Term limits breaks up that system and equalizes power. We've seen how freshmen can jump into action very quickly in legislatures that already have term limits.

Senator Carol Martin, a Republican, says she understands that the people have spoken. "I can live with it," she says. But she complains that "Freshman coming in do not have rich histories." I beg to differ.

All across Oklahoma, there are many people with very rich histories. Their experience may not be as a legislator, but being a legislator isn't the end all and be all. Not with term limits. ■

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THEY SAID IT

New Faces Mean New Ideas

“Oakland County [Michigan] Clerk and Register of Deeds William Caddell said term limits and redistricting are driving forces behind the upcoming election.

Caddell said more registered voters are expected to go to the polls on Aug. 6 because so many candidates are running for different offices.

‘New faces mean new ideas. That’s what government is about,’ Caddell said.

—*The Detroit News*
July 26, 2002

A Wave of Change

“The constitutional amendment limiting the number of years of service for all legislators will generate a major wave of change in Oklahoma City this year, as a large number of both houses are broomed, including some of the most senior members meaning those with the experience to govern.

Couple term limits with the new political district lines for this year based on the 2000 Census, and a lot of casual voters are likely to be staring at ballots on Election Day wondering just what the heck is going on.”

—*The Claremore Daily Progress*
July 10, 2002

The Importance of I&R

“When the [initiative and referendum] process works as it should, proponents say, it makes legislators pay attention and sometimes overrides them. Most analysts say few states would have term limits . . . if not for initiatives passed by voters.”

—*USA Today*
July 30, 2002

MO’s Massive Turnover

Term limits are kicking in, sort of.

“About 45 percent of the Missouri House is banned from seeking re-election this year, bringing the first massive turnover at the state Capitol since voters approved term limits in 1992.”

—*St. Louis Post-Dispatch*
July 24 2002

PITY COUNCIL

The New York City Council Never Learns

In 1993, the voters of New York City passed an initiative that placed eight-year term limits on its mayor, borough presidents and members of its city council. In 1996, when the New York City Council placed a measure on the ballot to try and gut the term limits law, voters again overwhelmingly endorsed term limits.

Though New York City’s term limits were passed almost a decade ago, they began to take effect six months ago, by barring council members from running for office. Now the city council has the audacity to attack term limits yet again.

Unsurprisingly, City Council Speaker Gifford Miller has received a considerable amount of support from his colleagues to roll back their expiration date, allowing himself and the seven other council members an extra two years in office. But although the city council members are anxious

to stay in office as long as they can manage, New York City voters continue to support term limits by a wide margin.

The tragic events of 9/11 proved to be an important test for New York City’s term limits. Mayor Giuliani received so much praise and support during the tragedy’s aftermath that he contemplated running for a third term, even though New York’s term limits law prohibited him from doing so. Although he said that New Yorkers should be able to decide who leads the city out of such troubled times, Giuliani’s chances of staying in office beyond the close of 2001 ended when New York State lawmakers agreed not to take any action on reversing the city’s term limits.

As we approach the anniversary of the catastrophic event 9/11, the city council may want to reflect on the fact that if such a tragedy doesn’t cause New Yorkers to abandon term limits, they never will. ■



Paul Jacob
U.S. Term Limits
Senior Fellow

Which of These is Most Outrageous?

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 drop us a note in the mail to the return address on this newsletter. We'll print some of your responses in an upcoming issue of *No Uncertain Terms*.

The Maneuver Maneuver

Sometimes politicians try to hide stuff! Even in plain sight. They may not fool anybody who really looks, but I guess what they're hoping is that nobody really looks. So let's have a look.

It's like this. You can have a vote in the Congress about a controversial measure. Or you can have a vote about whether to have a vote. Like, say, the recent Senate vote over the vote over whether to end the estate tax permanently.

Jerry Terry with the National Taxpayers Union tells me that an amendment by Senator Gramm would have repealed the death tax permanently. But before this could happen, 60 Senators had to first support a "Motion to waive the Budget Act," so they could vote on the death tax repeal.

Terry says, "I may be a bit cynical, but since the 'Motion' would only allow a vote on the amendment and does not guarantee that it would pass, this seemed to be a political vote by some Senators. In other words, by voting against a 'Motion' to allow the vote, some Senators will be able to technically say that they didn't vote against making the Death Tax permanent. . . . While this splitting of hairs may let some Senators tell the truth under a legal definition, most people would agree that in reality there is no difference between voting against the amendment and voting not to vote on the amendment."

Well, Mr. Terry, I don't think you're cynical at all. You're just stating the facts. When career politicians want to help special interests while sticking it to taxpayers, they like to keep it technical. ■

Top Secret . . . Not!

Here's the part I don't get.

Since September 11, the government has detained immigrants by the hundreds. No arrest, no charge. Often in a very secretive manner. A lot of those detainees have now been released or deported. But it seems a very ominous precedent is being established.

That precedent has just gotten a quiet thumbs-up by the New Jersey Supreme Court. The court declined even to hear an appeal by the ACLU of a ruling which reversed a lower court's decision to force the government to release the identities of the detainees.

According to the Justice Department, the court's decision was justified because it maintained "INS's authority to protect from disclosure information that could provide terrorists a road map of . . . investigations and assist their efforts to harm Americans."

But why then did the government brag about the detention of gang member Jose Padilla, who traveled overseas and was allegedly plotting to begin to plot a terrorist attack against Americans? Why, after weeks of detaining Mr. Padilla, did the Attorney General broadcast his name and the fact of his captivity? Doesn't this tip off al Qaeda and "assist their efforts to harm Americans?"

And what will the government do if they capture Osama bin Laden, or find his corpse? Shout it from the rooftops, is all. No, it seems much more likely that the government's secrecy is about insulating itself from complaints and legal actions on behalf of those detained.

The ACLU is considering whether to appeal the case further. And I think they should. ■

Minnows vs. People

It happened last summer. And now the Forest Service is building a memorial — to commemorate firefighters who died in the line of duty.

But it is also a symbol of their own monumental capacity for evading responsibility. The bureaucrats did a bad thing, and they're pretending it never happened.

On the morning of July 10, 2001, at 5:30 a.m., firefighters battling what came to be known as the "Thirty Mile Fire" in Washington State asked for water. You wouldn't think that this would be a controversial request. Water is a standard anti-fire agent.

But nine hours after asking for the water drop, four firefighters — Tom Craven, Devin Weaver, Jessica Johnson, and Karen Fitzpatrick — were killed by the fire. Others barely escaped with their lives. The water was never delivered.

What happened? A certain kind of environmental theology is what happened. Supervisors within the Forest Service were mysteriously unavailable to approve a request for water that would need to be taken from a local river.

The Forest Service isn't admitting it. But it seems that an environmentalist-style worry about "exploiting" natural resources is what motivated the unconscionable delay. The bureaucrats were more worried about catching heat from the Department of Fish and Wildlife, which is worried about endangered species in the water supply.

Well, I don't care if it is heresy. I'd be willing to let all the endangered species of minnow in the whole wide world go straight out of existence, if it would bring back the lives of those four firefighters. ■

MAINE CONTENDER

Baldacci to Leave Congress, Move On

Representative John Baldacci was elected to the U.S. House of Representatives in 1994, representing Maine's Second Congressional District. In the spirit of Maine's term limits law, he signed a pledge to serve no more than eight years in office.

Baldacci kept his word and is leaving office, but not stepping out of politics. In March of last year, Rep. Baldacci announced his bid for governor in front of an exuberant crowd of 78 current and former legislators. He aims to become the first Democrat to win the governor's seat since 1984.

If elected governor, Baldacci pledges to thwart any future efforts by the Maine Legislature to repeal the state's term limits law, as it has unsuccessfully attempted to do during the past couple of legislative sessions.

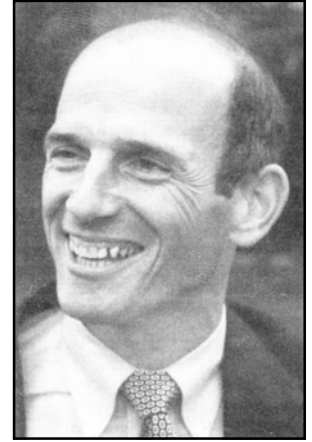
In May, Baldacci announced, "If elected Governor, I will veto any legislation that seeks to repeal or alter the voter-initiated state leg-

islature term limits law."

Maine's legislators are limited to four two-year terms in office, thanks to a 1993 initiative which passed with 68 percent voter approval. Citizens had collected over 88,000 signatures to place the initiative on the ballot.

"Rep. Baldacci came to Washington as a citizen legislator and, thanks to his commitment to term limits, avoided the pitfall of becoming a Washington insider," said U.S. Term Limits Executive Director Stacie Rumenap. "We commend him on keeping his term limits pledge and are confident that if he wins his gubernatorial bid, he'll represent the people of Maine with the same integrity he showed in the nation's capitol."

You can learn more about John Baldacci and his campaign by visiting his website: www.BaldacciForGovernor.com. ■



Rep. John Baldacci (D-ME) will leave office at the end of his term, in keeping with the term limits pledge he signed during his 1994 campaign. He has declared his candidacy for the 2002 Maine gubernatorial race.

"Restoration Operation," cont. from page 1
over \$37,000 a year and it will continue to grow with generous cost-of-living adjustments each year. Traficant is expected to receive almost \$1.2 million in continuing congressional benefits over the rest of his lifetime.

Radio talk show host Louie Free says the congressman is a walking advertisement for term limits. True enough, Traficant has been in office for 18 years — much like Dan Rostenkowski, who after 18 years earned 17 felony indictments and was ultimately convicted as

well. While he served his prison sentence, Rostenkowski received a congressional pension of over \$100,000 a year.

At the time, U.S. Term Limits dubbed Rosetenkowski our "Term Limits Poster Boy." Traficant is just as worthy of the title. ■

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