

VOTER APPROVAL

Election 2002: Term Limits Victories

In November's election, citizens fended off career politicians, and affirmed term limits in Colorado, Tennessee, New York, and Florida.

Voters approved term limits for district attorneys in Colorado, city council members in Nashville, Tennessee, city council members in Troy, New York, and county commissioners in Palm Beach, Florida.

Those affected are political officeholders who, for the most part, would love to turn back the tide of term limits — but who will have to serve under them anyway.

In Colorado, citizens flouted an attempt to undo term limits on district

attorneys by a vote of 65 percent to 35 percent.

The two-term curb on district attorneys was part of the initiative package that Colorado voters had passed in 1994. District attorneys and their public defenders claimed that too much "experience" would be lost if persons currently monopolizing DA posts must make way for newcomers. But most voters understood that you don't have to be in a particular office to have plenty of experience relevant to that office.

Not everyone who has seen the inside of a district attorney's office regards term limits as Public Enemy

Number One.

Craig Silverman, who once served as Denver's chief deputy district attorney, says "politics and prosecution are a poor mix. . . . "Reasonable people can disagree about term limits. But if you believe in term limits, and that power corrupts, there are few positions more powerful than that of district attorney."

Then there's Nate Chambers, a defense attorney whose client roster includes Timothy McVeigh, who laments the prospect of vigorous electoral competition for the office. "Every DA wannabe will be saying they are tougher [on crime] than the next DA

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CITIZEN GOVERNOR

Self-Limiter Sanford Now Governor

Advocates of term limits have always argued that there is life after term limitation. After all, being denied a monopoly over one particular office hardly precludes one from serving the public in a different role. All one needs is the skill and determination and quality of leadership to pursue that other role.

The 2002 elections have proven our point once again, dramatically. Six former congressmen who had limited their own terms, then

stepped down as promised, this year went on to run for governor of their states. Three of the self-limiters got the job, including former Congressman Mark Sanford.

Sanford's win was particularly gratifying. Mark Sanford has been a citizen legislator par excellence, always tough and principled. But an unaffected, regular kind of guy, too. He didn't put on airs during his years in DC, and didn't grow arrogant. Perks? Forget it. Mark slept

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MESSAGE FROM THE EXECUTIVE DIRECTOR

50-50 Election; 100% Full Steam Ahead

The suspense finally got term-limited around 3 a.m. It was certainly a nail-biter of an election — for friends of term limits as much as for Republicans and Democrats.

Six of the gubernatorial candidates in this year’s elections were congressional self-limiters, who had stepped down from Congress as promised. Three of these — 50 percent — have triumphed: Bob Riley of Alabama, John Baldacci of Maine, and Mark Sanford of South Carolina, who regards the principle of term limits as so central to his political philosophy that he wrote a book on the subject (a book published, we are proud to remind you, by U.S. Term Limits).

Term limits have a big impact on governors’ races across the nation in any case; a third of this year’s 36 gubernatorial elections were fought over seats newly open to competition because of term limits.

The struggle for control of the Senate overshadowed other electoral contests, but of course many other questions were being decided around the country as well.

In Idaho, there was Proposition Two — the referendum about the politicians’ unilateral repeal of Idaho term limits. A “yes” vote was a vote to affirm this repeal; a “no” vote was a vote to restore the term limits law that voters had passed in 1994.

For years, the career politicians in Idaho have been throwing everything but the kitchen sink at term limits. Again and again, voters have trooped to the polls to register their support for term limits. Alas, career politicians never seem to run out of dirty tricks, and one lesson of this political season seems to be that, sometimes, dirty tricks can indeed yield a win for the bad guys. In this case, the margin of victory was narrow indeed. In fact, with over 400,000 votes cast, the power-grabbers won by just 1800 or so votes.

Since 1994, term limits in Idaho went from a 59-41 margin of support to an even 50-50. Here’s why: Republican and Democrat candidates have made term limits an anti-Republican issue,

in a state where Republican legislators outnumber Democrats almost eight to one. And the popularity of state legislative term limits is not always enough to sustain support for term limits on hundreds of state and local offices, from sheriff to school board, as was the case with the Idaho term limits law.

We don’t have exit polls to consult, but it’s likely that not all voters were fully clear on what they were voting for. A main advertising theme of the politicians was that a “yes” vote would “Stop Special Interests from Running Idaho,” the exact opposite of the truth. But a more important stumbling block for the term limits side was the ambiguous wording of the ballot question. The import of the referendum was more clearly expressed in newspaper summaries than it was on the ballot itself — which seemed to present two opposite interpretations of what a “yes” vote would do, depending on whether you were reading the short version of the question or the long one. Regardless, in the past dozen years term limits have triumphed 49 times — compared with only 14 losses, including Idaho.

Our overall winning streak continued at the local level during the midterm elections, where term limits fared well. Voters in Palm Beach, Florida, passed term limits on their county commissioners. In Nashville, Tennessee, and in Troy, New York, voters beat back attempts to weaken term limits on the mayor and city council members. Coloradoans defeated an effort to exempt district attorneys in that state from term limits — an exemption that would have opened the door to further attacks on term limits there.

Finally, I hear from USTLF Senior Fellow Paul Jacob that efforts to bring the citizen initiative to Minnesota — where his new organization, Citizens in Charge, has been active this election season — are going well. Of course, what’s good for citizen initiatives is good for term limits.

Onward and upward! ■

NO UNCERTAIN TERMS

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BOOK REVIEW

The Politics of Spin

All Too Human by George Stephanopoulos
(Boston, New York and London: Little, Brown and Company, 1999)

Reviewed by David M. Brown

All Too Human is not a book about substance, although it does deal with substance. It is a book about process. It is a well-told memoir about what it's like to be in the thick of a political campaign and, later, the pressure-cooker of the Oval Office.

It is about Being There. It is about wheeling-and-dealing and maneuvering and back-stabbing. It is about being initiated into the realm of players, being a player, and, finally, escaping from the field; what it takes to serve a gifted career politician — and what it takes out of you.

And it's about spin. What George Stephanopoulos spun and why and whether it worked and how he felt about it at the time and how he felt about it later. About a Spin Machine that whirls like a top until, finally, it gyrates out of control.

Before meeting Clinton, Stephanopoulos worked as a congressional aide and as an advisor to the Dukakis presidential campaign. When they did meet in the fall of 1991, he found the Arkansas governor's charisma to be seductive, despite their ideological differences.

Immediately, in that first encounter, substance is subordinated to spin — an approach taken for granted in the easy understanding of two thoroughly political animals.

"Before we really began talking, the phone rang," Stephanopoulos reports. "Democratic Party benefactor Pamela Harriman was calling, and she wanted to know Clinton's position on campaign contributions from political action committees (PACs) . . . When the call was over, he asked for my advice. Tsongas was refusing PAC money; should he do the same?"

"PAC money isn't morally worse than other contributions," I said. "But attacking PACs is an easy sound bite

right now, so unless you can raise a ton, it's probably not worth ceding the high ground. Besides, Harkin's sucking up all of the labor money anyway. You're not giving up as much as you'd gain with the editorial boards. I'd take the pledge." "That sounds about right," Clinton said."

[This book] is about Being There. It is about wheeling-and-dealing and maneuvering and back-stabbing. It is about being initiated into the realm of players, being a player, and, finally, escaping from the field; what it takes to serve a gifted career politician — and what it takes out of you.

Here the truth of the issue is treated as virtually irrelevant. What matters most, it seems, is whether you can get the money or not, whether taking the "high ground" will play well in the campaign or not. Even granting that high-stakes politics must entail some degree of cold political calculation, isn't the price of political power a bit too high if it's not your actual beliefs that enable you to obtain it?

The lopsided preoccupation with spin didn't stop when his candidate won office, either. A particularly glaring example has nothing to do with Clinton's past at all, but concerns the government's unprovoked assault on the religious "compound" at Waco, Texas.

"When you're brain-dead, you make mistakes. My worst came on the day of the FBI raid on cult leader David Koresh's compound in Waco, Texas [on April 19, 1993]. . . . Later in the afternoon, I issued a statement saying the president was monitoring the situation and took full responsibility for its consequences, but the press was clamoring for the president in person. That's where I erred. Dee Dee Myers and Bruce Lindsey pushed to have the president do it, and he agreed at first. But I convinced him not to out of fear that if he said something that triggered Koresh to kill the kids who might still be alive, then we'd be culpable.

"My motive may have been unassailable, but my judgment was dead wrong. . . . [T]he first rule in a presidential

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Senators Vote to Allow Pay to Jump by \$4,700

Associated Press
November 14, 2002

The Senate on Wednesday voted to give itself a pay raise, the fourth time lawmakers' salaries have increased in the last four years.

The Senate, without debate, voted 58-36 — with six not voting — to reject a measure by Sen. Russ Feingold (D-Wis.) that would have denied the congressional pay raise. Georgia Sens. Max Cleland and Zell Miller, both Democrats, voted with the dissenters.

With the slumping economy and financial markets, job layoffs and federal budget deficits, "This is the wrong time for Congress to give itself a pay hike," Feingold said in a statement.

The House cleared the way for the raise back in July.

With the 3.1 percent pay raise, senators and representatives will make \$154,700 next year, up from the \$150,000 they made this year. Lawmakers' salaries have gone up \$18,000 since 1999.

Under a 1989 law, congressional pay raises, determined by a complicated formula that includes a measure of private industry employment costs, go into effect automatically unless lawmakers vote to block them.

The 3.1 percent pay raise, which would begin in January, also would apply to more than 1,000 top executive branch officials, including the vice president, and members of the congressional leadership. The president's salary of \$400,000 a year is unaffected.

The first members of Congress received \$6 a day.

In 1855, compensation was \$3,000 a year. It hit \$10,000 in 1935, \$60,000 in 1979, and went above \$100,000 in 1991.

The pay level stalled at \$133,600 during the mid-1990s with lawmakers wary of giving themselves a raise when the federal budget was in deficit, but salaries have risen steadily since then. ■

The first members of Congress received \$6 a day. In 1855, compensation was \$3,000 a year. It hit \$10,000 in 1935, \$60,000 in 1979, and went above \$100,000 in 1991.

"The Politics of Spin," cont. from page 3

crisis is take responsibility fully and openly . . . When Attorney General Janet Reno appeared before the cameras, she was praised and the president was criticized, but it was my fault."

From this passage we do not even know that there were two assaults on the Koresh household: the initial bungled (and arguably unnecessary) attack, and then the prolonged siege before the tanks finally rolled in and the C4 gas was lobbed. Yet, excluding a brief allusion to the tragedy a couple hundred pages later, the above passage constitutes the sole discussion of Waco in the entire book.

Judging by such an account, the problem with Waco was not the dead bodies nor how they got that way; nor why a BATF agent didn't simply ar-

rest Koresh when he went to the store for groceries, if the Bureau of Alcohol, Tobacco and Firearms thought Koresh and his group were doing something wrong; nor why Koresh and friends were regarded as a "threat" to the neighborhood to begin with; nor whether the government later covered up many of its actions at Waco and if so, why. All these issues are substance, controversial and messy.

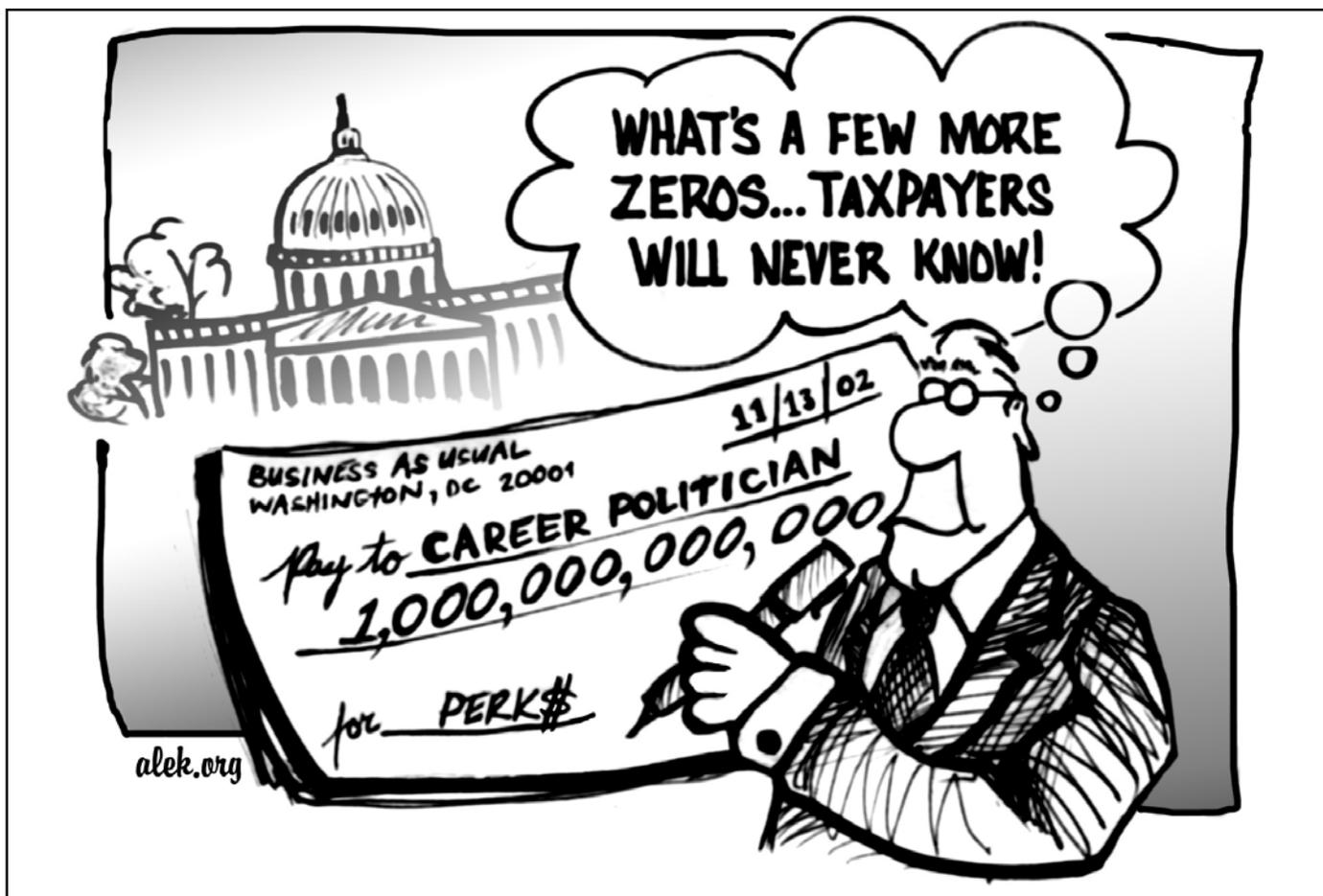
No, the real problem was that the aftermath was spun wrong — with the attorney general gaining at the expense of the president.

It would be unfair to suggest that Stephanopoulos has no assessment or knowledge of Waco beyond what appears in this book. But what is true is that the incident emerges in the book apparently as it emerged in his working life: as a thing-to-be-spun. From

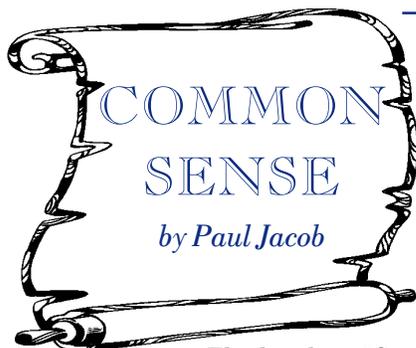
this memoir, we have no idea what anyone on the Clinton team was saying about Waco as the siege was continuing, or after it was over; or what Stephanopoulos's contribution to any such discussion may have been. Is this spin, still, or just a misguided literary decision?

Even candor can be a ploy, as the 18th-century philosopher Rousseau discovered. But despite the gaps in Stephanopoulos's account — gaps of fact and of analysis — one gets the impression that he has indeed, at least for now, escaped the world of spin — the world in which "Clinton's shamelessness is a key to his political success," with George Stephanopoulos as enabler-in-chief. ■

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



COMMON
SENSE

by Paul Jacob

The Seinfeld Election

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

Is this the Seinfeld election?

The hit show “Seinfeld” was supposedly about nothing, and that’s what the midterm elections seem to be about.

Regular people care about politics because they care about issues that matter in their lives. Politicians care about politics because they want the benefits of power. If an election isn’t about issues, then it is about the other thing: power.

So how can we keep elections from degenerating into meaningless popularity contests between one blow-dried candidate seeking power for power’s sake against another blow-dried power-lusting candidate? There’s no panacea, but term limits and citizen initiatives sure help.

The problem is that many candidates simply want a career on the politician’s gravy train with all the perks and privileges of office. Because they treat public service as a career, they’ll do

anything to get reelected and keep their position.

Under term limits, though, you can’t have a career. So elected officials are more likely to be concerned with what they can do to solve problems and address issues, than with staying in power.

We also need the citizen initiative process, so that citizens can petition to place important measures to a vote when legislators can’t or won’t deal with them. We wouldn’t have term limits without citizen initiatives, nor all manner of other reforms of our government.

Do you want a political process more about tackling tough issues than amassing raw political power and the perks that go with it? Then let’s return the power to the people through term limits and the citizen initiative process. ■

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

THEY SAID IT

Ruining the House

“When the Constitution’s framers created Congress, they imagined that the House of Representatives would be the country’s most popularly responsive national institution. The Senate – slow, deliberative, elite – would serve as a counterweight to the more emotional House.

Judging from last week’s elections, it is the House that has become uncompetitive, sclerotic and immune to change.”

—*The New York Times*
November 13, 2002

Nashville Limits Stay

“For the third time in less than a decade, voters have refused to extend the number of terms a Metro Council member can serve.

As a result, 18 of the 40 current members won’t be able to seek reelection in August because they are in their second four-year terms.”

—*The Tennessean*
November 5, 2002

Colorado DAs Still Limited

“[Colorado] prosecutors who’ve been pleading for a chance to stay in office for more than two four-year terms lost their case with voters.

Voters gave an unequivocal thumbs down to Referendum A, thus continuing Colorado’s status as the only state with term limits for district attorneys. Opponents of Referendum A had argued that term limits provide a check on the considerable decision-making power of district attorneys and offer voters the potential of having more candidates from which to choose.

Dennis Polhill, co-chairman of the Colorado Term Limits Coalition and an opponent of Referendum A, argued that there is an abundance of competent attorneys, so term limits should be upheld.”

—*Rocky Mountain News*
November 6, 2002

Term Limits in Palm Beach

“It’s a rite as regular as the arrival of snowbirds: As [Palm Beach, FL] county commission incumbents inch toward the end of a term, campaign donations flow from developers, lawyers, and other special interests. Then the incumbents usually get reelected.

A couple of terms from now, that ritual will change. Voters on Tuesday said yes to term limits, meaning county commissioners won’t be able to run again after serving eight consecutive years. Years served so far don’t count.

By 2012, seven new commissioners will replace the ones now occupying the dais.”

—*Palm Beach Post*
November 7, 2002

“*Citizen Governor*,” cont. from page 1

on a futon in his office, to remind himself that Washington DC was no place to set up shop permanently.

He had gone to DC to do a job and apply his principles. He had the oddball notion that those principles should be applied consistently. As he wrote in his political memoir, *The Trust Committed to Me*: “If I was going to ask the people of my own district to expect less from the Treasury, I was going to have to do with less, too. My troubles began when I thought government downsizing was supposed to be reflected not only in my votes, but in personal decisions like giving back part of my salary, working with other freshmen to pass a gift ban, and trimming my personal staff.”

Heretical. Everybody knows politicians are supposed to talk the talk, not also walk the walk, right?

Eight years ago, Mark was a successful businessman

and political unknown who came out of nowhere to win a hard-fought primary and equally hard-fought general election. He ran on the kind of issues that made his opponents cluck and moo about how green and inexperienced this guy was. Issues like term limits and Social Security reform. Mark, the “Popeye” candidate, refused to let himself be “handled.” He was what he was and that’s all that he was.

In the gubernatorial contest, South Carolinians understood that this man was a breed apart. “Sanford shies away from politics as usual,” was the message of one headline published in the final days of the campaign.

“[H]e shies away from paid political professionals, preferring to have his campaign run by his wife, a longtime friend and people in their 20s,” reported Joel Sawyer of

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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 love feedback, and hope to hear from you soon.

So Sue Me

There's a new principle of jurisprudence now. Call it the "If you sue, they pay" principle. If something bad happens to you, just sue, and get a lot of money.

I hope this doesn't become the law of the land. But we sure seem to be headed that way. If smokers can sue and win against tobacco companies, even though they knew all along that cigarette smoking could be hazardous to their health, why not sue McDonald's because you're fat, as someone is doing now?

He'll never win that suit, you say? Well, maybe not. But in Manhattan, a woman who fell over a broken parking sign was awarded \$21 million.

And how about this? In West Virginia, a guy named Dustin Bailey spent a night in a bar and somehow ended up under a parked truck that was delivering supplies to a restaurant. When the unwitting driver returned to his vehicle and pulled forward, the man was killed. Now Bailey's mother is suing the driver, the owner of the truck, the owner of the restaurant, and the owner of the bar — because they failed to keep her son alive. She wants a measly \$350,000. Nothing in her legal filings, though, about whether her son had anything to do with drinking himself into a stupor.

We've got an explosion of ludicrous litigation. And all too often, if you sue, you win, whether the defendant is truly responsible or not. Great for the folks who collect the judgments, I guess. But it's you and me who end up paying. And who do we sue for that? ■

Brain Vane

Some day it just might be dangerous to show up at the airport with your brain.

NASA is researching a gizmo that would monitor your brain activity as you're walking through security gates at the airport. I kid you not.

The space agency wants to adapt space-age technology to develop some kind of fancy-shmancy neuro-electric sensors — non-invasive sensors, they say — which would monitor heart and brain activity. The data would be piped into some software program and matched up with other information collected about you, like your travel history and financial history. To see if you might pose a threat. Naw, doesn't sound invasive to me.

Hey, should I show up at the airport naked, too? Because it seems to me a guy with clothes on could still keep parts of himself private.

Reminds me of the old TV series from the 1960s called "The Prisoner," created by and starring Patrick McGoohan. After he quits his job, a spy called Number 6 is kidnapped and taken to a mysterious Village.

In this Village, a kind of bizarre debriefing camp, Number 6 is constantly poked and prodded by his masters. Every kind of sadistic mind game, manipulative drug, and brain monitoring device is used to find out what Number 6 knows. Everything in the Village is weird and incredible and intolerable, but the people running it all go about their antics as if it were all completely normal and ho-hum.

They never defeat Number 6. But then again, they never had the help of NASA. ■

Gag Orders

A few years ago the organization I work for, U.S. Term Limits, criticized a career politician in Washington State, and used TV ads to do so. The politician started badgering TV stations to pull the ads. We'd had similar experiences elsewhere.

"Free speech for me, but not for thee" kind of thing. Career politicians want to have their say, but just get real itchy when others want to have it too.

The *New York Times* reports that as many as 25 TV stations have pulled ads this year, for fear of legal retribution. And TV stations are under Uncle Sam's regulatory thumb in a way that newspapers aren't, which only adds to the pressure to cave in.

What's the answer? Well, judges should throw out anti-free-speech lawsuits. But station managers should be a little bit more ornery too. It's a risk, but sometimes you just have to stand up for your rights. And I think it would work.

Every time a politician calls up and says, "Hey, we don't like our opponent's ad — please pull it off the air," the station manager should run an ad of his own, saying: "Recently, Candidate X demanded that we no longer run an ad made by his opponent, Candidate Y. We will not submit to this kind of pressure. If Candidate X does not agree with the ad, he should air a reply — not attempt to kill the conversation."

Believe me, if all the TV stations around the country followed this practice, the harassment from politicians trying to squelch debate would stop, and fast. ■

"Power Problems," cont. from page 1

wannabe." (Maybe term limits are unfair to criminals?)

In Nashville, TN, voters trudged to the polls for the third time in ten years to once again tell their Metro Council members, *No, we cannot agree to deflate your term limits.*

Theoretically, the council could keep sticking the issue back on the ballot every two years. But Councilwoman Janis Sontany thinks another assault is unlikely, at least not very soon. "The voters have spoken. I don't think it's going to come up for a while."

That may be a tad optimistic. Yet even the anti-term-limit newspaper *The Tennessean* suggested, in the weeks before the election, that officials throw in the towel if they fail once again to beat back the voters. "Continuing to raise the issue, despite the voters' consensus, would be an act of arrogance."

In the end, voters slapped down the

extension measure with 59 percent of the vote — 55,722 No votes to 38,434 Yes votes.

In Troy, NY, voters squelched an attempt not merely to extend but to scrap term limits on the mayor's office and the city council. That anti-term-limits measure was put down by a vote of 5,599 to 3,789. Seems no town, no matter the size, is immune to the assaults of anti-term-limit politicians eager to retain their fiefdoms.

Outgoing Mayor Mark Pattison had a good reason for opposing term limits on his office: he'll have to find another job. "I'm not a lawyer, I'm not a funeral director," says Pattison. "I have to figure out how to make a living."

By contrast, Councilman Frank LaPosta — who will also lose his job to term limits — sees the bigger picture:

"The people here are smart. They want control of their elected officials,

and this is how they want it. It hasn't been controversial whatsoever. They have always spoken the same way. From the first day I was elected, I knew it was eight and out."

In Palm Beach, FL, the term limits movement played offense, not defense. county commissioners here will now be term limited to eight consecutive years of service.

Thomas Collins of the *Palm Beach Post* knows this means a sea change. Up until now, it's been "a rite as regular as the arrival of snowbirds: As county commission incumbents inch toward the end of a term, campaign donations flow from developers, lawyers, and other special interests. Then the incumbents usually get reelected.

"A couple of terms from now, that ritual will change."

Real electoral competition. Robust democracy.

Sounds good. ■

"Citizen Governor," cont. from page 6

the Spartanburg *Herald-Journal*.

"Often during his tenure in Congress, he cast the lone dissenting vote on even the most popular of bills. But Mark Sanford doesn't consider himself a loner or a maverick — simply an individual who is not afraid to go his own way.

"The public persona Sanford, 42, has created is not unlike the way he conducts himself in more intimate situations. He strolls through festivals and parades dressed like everyone else, stopping every so often to strike up conversations to get a feel for what is on people's minds.

"People ask him about his platform. He asks them about their families and their jobs, but never once if he has their vote.

In its endorsement of Sanford, *The State* newspaper observed that "rather than shaping his own views to fit the polls, he respects voters enough to believe that if he has a good reason for doing something, he can explain it to us, and convince us, because we're smart enough to understand his arguments."

It's a theory — and a revolutionary one for the world of politics. ■

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NO
UNCERTAIN
ERMS