

THE M&M FACTOR

Term Limits Bring Fresh Faces to MO and MI Legislatures

It seems that whenever a term-limited state has a problem — say, a looming budget deficit — critics of term limits attribute the problem to term limits. (Even if all other states are suffering from the same problem.)

But in Missouri, the term limits voters passed by a 75 percent majority are just now going into effect. It's hard to blame term limits for the fiscal decisions of sessions past.

Even major media in the state has begrudgingly welcomed the fresh influx of legislators. As the *St. Louis Post-Dispatch* put it last year, "the good news is that nearly half the members won't be back next year." Of course, the paper felt

obliged to add that the quality of the next session would have something to do with the quality of the new legislators, that it's not just a matter of throwing out the scoundrels. If the new members "are weak, disinterested or lazy, they'll be easy prey for the 200 or so full-time lobbyists." These lobbyists are, presumably, "salivating" at the prospect.

While it's true that voters must try to elect the best people — a job that term limits gives them a more regular opportunity to do — the *Dispatch* gets the story wrong when it comes to lobbyists. Polling has shown that lobbyists tend to loath term limits in even greater numbers than the politicians. Lobby-

ists would rather deal with the old familiar faces than with fresh new ones who might rock the boat and/or be more concerned about representing all voters than catering to special interests.

Like career politicians in other states, career politicians in Missouri have tried and failed to overturn the term limits law. Nonetheless, that law has now taken effect in both chambers of the state legislature. Members of the Missouri House are now limited to four two-year terms. Senators are limited to two four-year terms.

A similar shake-up is taking place in Michigan, although not quite as sud-

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Election Was Incumbent Heaven

“Members of Congress don't have the equivalent of faculty tenure, but you wouldn't know it by last week's election results. So many incumbents won by such large margins that Saddam Hussein could have sent election observers to critique the lack of political competition.”

—*The Wall Street Journal*
November 13, 2002

Invigorating the Political Process

“[T]erm limits have invigorated the political process. New candidates can find opportunities to run for office against no incumbent, giving them a chance to win. Incumbent politicians who are unpopular, yet have been reelected due to name recognition, are forced out of office. Term limits ensure turnover and prevent any single person from hijacking the democratic process.”

—*Tufts Daily Online* (Medford, MA)
November 18, 2002



MESSAGE FROM THE EXECUTIVE DIRECTOR

Term Limits: The Year in Review

Last year was an up-and-down time for the term limits movement — with, thankfully, a lot more ups than downs. After the traumatic events of September 11, 2001, getting back to “normal” was a challenge. But Americans were up to it.

For friends of term limits, the year started on a high note, with the high courts of Idaho and Montana each affirming the constitutionality of their states’ legislative limits. (The Oregon Supreme Court was less obliging.)

Meanwhile, the honor and integrity of citizen legislators like Congressman Schaffer — who had affirmed his self-limit pledge as 2001 drew to a close — continued to show that it’s possible to be both 1) a political leader and 2) a keeper of one’s word. We were also gratified to see a new study of congressional habits from the National Taxpayers Union Foundation affirming, once again, that self-limited congressman like Jeff Flake of Arizona and Pat Toomy of Pennsylvania are more inclined to be fiscally sober than long-term career politicians.

Early in the year our attention was riveted on California, where the politicians had come up with yet another dirty trick to try to kill the state’s popular term limits law. The latest gimmick was Proposition 45, which purported to be in favor of “throwing the bums out” but was actually in favor of giving the bums four more years. The bad guys out-spent term limits activists by a factor of ten to one. But once voters learned what Prop 45 was all about, it was a goner. On March 6, 2002, the question was defeated by a 16-point margin, 58 to 42. Though California’s politicians immediately started hatching a new anti-term-limits plot, they retreated as soon as word got out about it.

Efforts to kill term limits in states like Michigan and Arizona soon died on the vine. But in Idaho, the news was

less auspicious. Once the Idaho Supreme Court upheld term limits, Governor Dirk Kempthorne pledged to veto any further attempt to scuttle term limits. But Idaho’s career politicians ignored all past decisions of the voters, the final decision of the high court, and even the governor’s veto, and chose to scrap Idaho’s state legislative term limits on their own, unilaterally. (What we called “unilateral anti-democratic disarmament.”) Never mind the obvious conflict of interest!

In November, Idaho voters narrowly passed a confusingly worded referendum that let the politicians’ repeal stand. But we know that when the term limits question is put to them clearly, the voters are in favor.

The year had begun on a high note and it ended on a fantastic one. We learned that three of the self-limited former congressman running for governor this year — Mark Sanford of South Carolina, John Baldacci of Maine, and Bob Riley of Alabama — gained a term in the governor’s mansion. We’re not shy about admitting that Mark Sanford wrote the book on term limits — *The Trust Committed to Me* — and that the U.S. Term Limits Foundation published it.

We were also pleased to learn that this election year, voters passed or upheld term limits in locales as diverse as Palm Beach, FL, Nashville, TN, and Troy, NY. And that a statewide anti-term-limits measure got clobbered in Colorado.

We hope you enjoyed a great holiday season. Thank you for your commitment to the democratic ideals that help make this country great. We have counted on your generous enthusiasm and support throughout 2002, and we know we can count on you in 2003 as well.

Once more into the breach, dear friends. Onward! ■

NO UNCERTAIN TERMS

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INCUMBENT PROTECTION

Where's the Competition?

Although the redistricting process has long been used politically, as a tool to protect incumbents, sometimes it brings about a little competition anyway — when two incumbents end up running against each other, for instance.

This past election, however, lacked any kind of serious competition — primarily because of bipartisan gerrymandering that carves out “safe” districts meant to preserve the natural power and advantages that go along with incumbency.

Overall, 98 percent of House incumbents won reelection, only four incumbents lost to non-incumbent challengers, 50 incumbents ran unopposed, 78 had no major party opposition (compared to only eight without opposition in 1992), and the average House race was won by an incumbent, with more than 40 percentage-point margin of victory. An astonishing 189 incumbent members won with 70 percent of the vote and 352 incumbent members, or 81 percent of the House, won with at least 60 percent of the vote.

Consider California, Texas and New York. Out of California's 53 House seats, a mere four candidates won with less than 60 percent, and only a single candidate won

with less than 55 percent — that was Gary Condit's seat. In Texas, 24 out of 32 House races were won with at least 60 percent of the vote, and in New York, 26 out of 29 races won with at least 60 percent of the vote.

Overall, November's election saw the lowest number of incumbent defeats since 1806 when only two incumbents were defeated (75 out of 77 incumbents won re-election). And these numbers weren't much better than in 1792, when voters saw every incumbent member of Congress who ran for re-election re-elected — 45 of 45 incumbents celebrated a victory that year.

Such little competition naturally leads to voter apathy. In the past two mid-term elections, a dismal 38.4 percent of voters cast ballots for their representative. And in only four states — Minnesota, South Dakota, Maine and Vermont — did 50 percent or more of the voters show up to the polls.

Term limits are the solution to energize voters and put competition back into our elections. Seventeen states have already passed term limits for their own lawmakers. It's time Congress did the same. ■

FREEDOM OF SPEECH

Political Ads: Why Limit a Good Thing?

by Patrick Basham and John Samples, The Cato Institute

December 5, 2002



A sure bet during the post-election period is the propagation of specious proposals for solving the “problems” encountered during the recent election. A South Dakota legislator provides our favorite example since Nov. 5. Republican state Sen. Bill Napoli is circulating a bill that would only allow political advertising on radio and television during the 60 days prior to a primary or general election.

“It's a pretty simple bill, but pretty far-reaching,” Napoli commented to the *Argus Leader*. “I'm proposing this because of what has happened in South Dakota in the last year-and-a-half with the incessant political advertising . . . We've had enough.”

Let's be candid. Sen. Napoli's proposal is dead on arrival in our constitutional democracy. He wants to make speaking out on political issues illegal. He is saying that

Americans can only talk about politics when the government permits it. His idea is appalling and contrary to our First Amendment.

Napoli's grandstanding reflects two common though mistaken assumptions about American elections. We supposedly spend too much money on political ads that are “too negative.” These assumptions have led to many proposals to reduce spending on elections and to “improve” our political discourse.

Why are these assumptions wrong? The mass media and advertising are a major way of communicating in our society. A district in the House of Representatives comprises over 600,000 citizens. Reaching that many people requires advertising and the means to pay for it.

Do we spend too much on political ads?

Keep in mind what's at stake in our elections: questions of war and peace as well as taxing and spending trillions of dollars. Given the stakes, the \$1 billion or so spent in the 2002 election on ads seems trivial.

Sen. Napoli's home state of South Dakota saw \$20 million spent on ads in a Senate race between incumbent Tim Johnson and challenger John Thune, a race most observers believed might determine control of the Senate. That's just over \$60 for every South Dakota voter in the Senate contest.

Sixty dollars is a fair price to pay to inform voters about a momentous decision they must make. Those who argue for less spending on elections are really saying voters should be less informed.

The same goes for the critics of “nega-

continued on page 8

A Householder Divided Against Himself

Larry Householder, Speaker of the Ohio House, has made a statement in support of term limits.

Householder's next two years will be his last as Speaker — and his last as a member of the House, period — which gives him double “lame duck” status. People talk a lot “about lame-duck leaders losing power but that’s a bunch of baloney,” says Householder. “It depends on the person. Leaders lose power in their last terms only if they were weak to begin with.”

Householder, one gathers, is one of the strong leaders.

This defense of term limits comes as something of a surprise. Even when he had just gained the job of Speaker, thanks in large part to legislative term limits, Householder was hinting that his ostensible support was half-hearted at best and, at worst, consciously manipulative.

“I’m all for [term limits] right now,” he had told *The New York Times* way back in February of 2000. “But I think in ‘04 when I’m term-limited I’ll probably be scraping my nails across the desk as they drag me out.”

Not long after, not bothering to wait until the last year of his last term, Householder did indeed work to weaken the term-limit law. In September of 2001, he spearheaded what an Ohio newspaper called “an odd coalition of conservatives and labor unions have been quietly trying to gauge public support for giving lawmakers four more years in the House or Senate — 12 consecutive years rather than eight.”

At that time Householder issued a kind of repositioning position paper to collate his various sober-minded reassessments of the term limits question and rationalize his push to weaken the law.

The paper began with a concession to the appeal of term limits: “With term limits, freshmen are players from day one, carrying major bills and handling major assignments. Moreover, today’s students are tomorrow’s teachers, and

our charge is not only to govern but also to prepare those who will govern.”

But soon it was segueing to the part where Householder suggested problems with term limits law required voters to rethink all this. Problems like an excess of democratic competition:

“[W]hile term limits has infused the legislature with new blood and ideas, they have not come without a cost, including the loss of talented lawmakers. . . . Moreover, the ticking clock of term limits raises the potential for unhealthy competition within the ranks, as members jockey for future positions.”

And, turns out competitive races are more expensive than the kind where the incumbent is unopposed or suffers only nominal opposition!

“Term limits means more open seats and more lawmakers making their first bid for re-election than in years past — and those campaigns are among the most expensive legislative races to win.”

The official spin from Householder’s office was that they simply wanted to take the pulse of the public. Explained Householder’s chief of staff: “The speaker wants to know: If politicians are for this, and business and labor leaders are for this, are the people for this?” Just

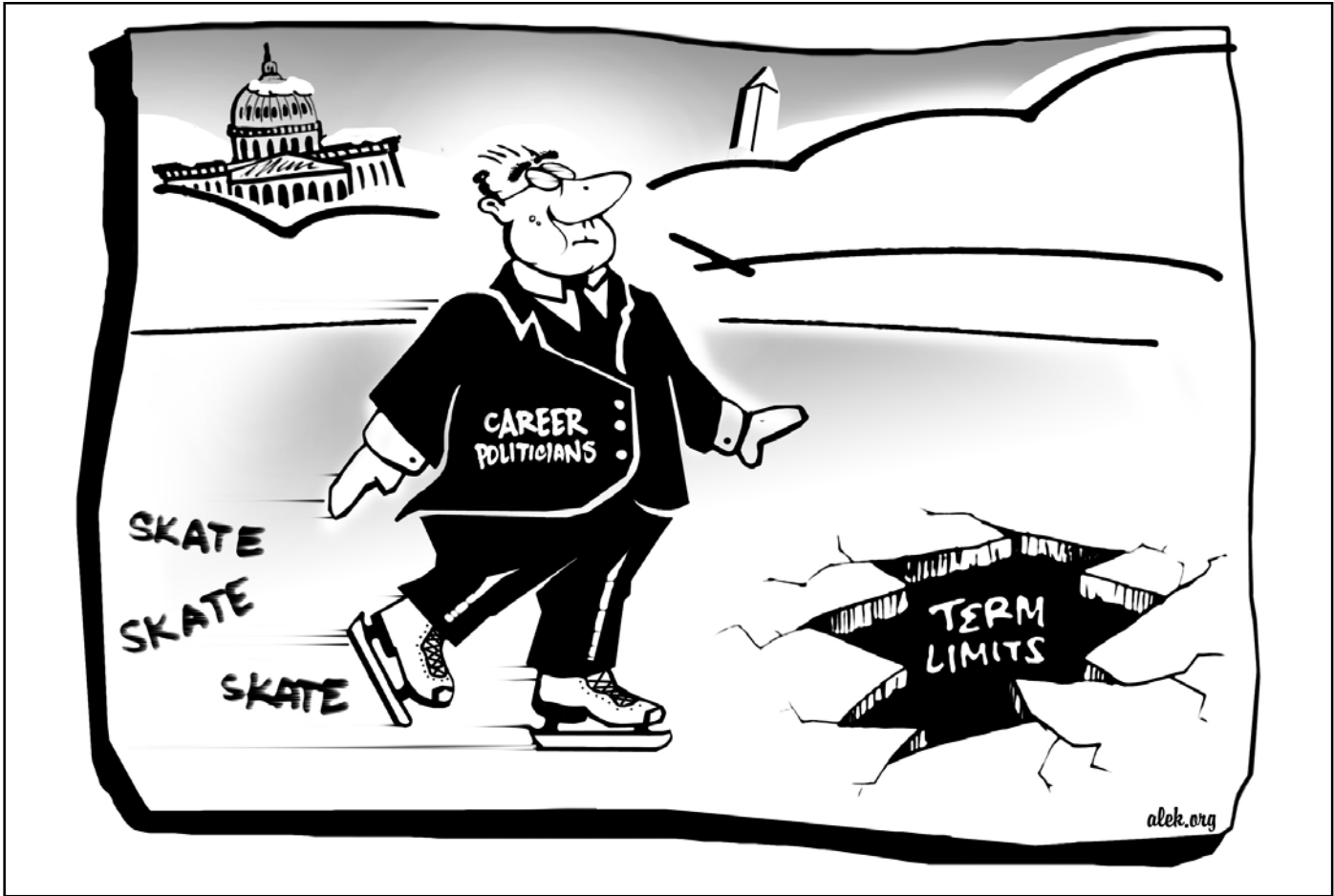
Term limits advocates can be glad Mr. Householder is once again defending term limits (or at least the last term of his term-limited tenure). Still, on balance, it’s probably a good thing that the seesawing Mr. Householder will be stepping down at the end of his current term.

a research question.

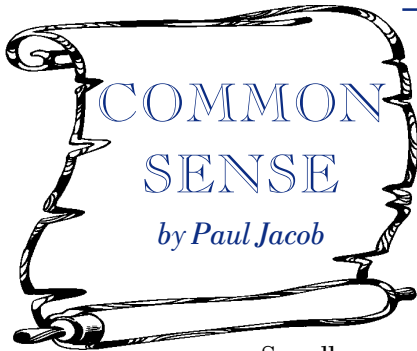
The research didn’t quite work out, however. Polling in early 2002 showed that 62 percent of the public opposed any extension of term limits. Householder and his coalition decided to drop their reactionary attempt to water down term limits. At least temporarily.

Term limits advocates can be glad Mr. Householder is once again defending term limits (or at least the last term of his term-limited tenure). Still, on balance, it’s probably a good thing that the seesawing Mr. Householder will be stepping down at the end of his current term.

At any rate, who could object? ■



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



Wisdom is Not Enough

If you would like to receive
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In a recent column, Thomas Sowell argues that voters should not vote unless they prepare. I agree.

According to Dr. Sowell, if we're going to pull that lever, as some of us just did, we should take the trouble to inform ourselves on the issues. Otherwise we're "blind Samsons," with power that we don't apply.

But Sowell and I might not agree about whether the voter always has that power in point of fact. Sowell says he often hears from readers who feel helpless "to do anything about the negative trends in politics and society. Yet the people who make those laments have the ultimate power in the most powerful nation on earth. All they have to do is exercise that power in the voting booth."

Um, well, yes. True as far as it goes. But the good doctor neglects to mention that in all too many cases,

there is no practical alternative for voters, thanks to the stranglehold of incumbency. A few hard-fought contests for high-profile U.S. Senate seats obscure the fact that for most incumbents in the House, reelection is a cakewalk. In a big chunk of the election so-called contests, the incumbent is unchallenged. The power of the vote fades.

But I bet Dr. Sowell would concede as much if I managed to catch him after a lecture. After all, in previous commentary he's come out in favor of term limits himself, saying that "the last person to trust with power is someone who is dying to have it." I certainly don't dispute him there. ■

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THEY SAID IT

Term Limits Intensity

“There will be big political battles in 2004, too — showdowns that likely will begin in the coming new year with term limits-borne intensity.”

—*Flint Journal* (Flint, MI)
December 4, 2002

Voter Apathy Explained

“With so few congressional races actually requiring real campaigns, it leads to an under-mobilized electorate that has repercussions for statewide races, like U.S. Senate and governor. *The New York Times*'s Gail Collins pithily sums up the story: 'First they gerrymander us into one-party fiefs. Then they tell us they only care about the swing districts. Then they complain about voter apathy.'”

—The Center for Voting and Democracy
Fair Elections Digest
December 12, 2002

TERM LIMIT ME NOW

Rhode Island Assembly Leaders Plan to Term Limit Selves

It's always a good sign when the people in power act to at least begin to install reasonable limits on that power, on their own steam.

It shows, first of all, that such leaders do not regard their power as an end in itself. It shows they have respect for voters and democracy. Practically speaking, it makes the job of reformers easier when there's somebody “on the inside” who supports democratic sentiment—as opposed to fighting it tooth and nail.

That might be the attitude in Rhode Island, where Representative William J. Murphy, a member of the Rhode Island House who is about to become Speaker, is working with four other leaders to limit the terms of leadership in the General Assembly. And they don't want to do it by gentleman's agreement or easily rescinded statute, either. They want a constitutional amendment.

The only problem with the reform is that it needs to go a lot further.

Murphy says he does not want to serve the same decade-long stint as Speaker that his predecessor serviced. He believes that eight consecutive years as House Speaker or Senate President should be the limit. His goal is to “help restore the confidence of the people of Rhode Island in the legislature and its leadership.”

Rhode Islanders have been critical of apparent abuse among legislative leaders in recent years—which included an apparent attempt to cover up an allegation of sexual harassment by a previous speaker. The legislature has been “under siege,” as Murphy puts it.

“My most important priority as speaker will be to remove that siege and restore the confidence of the people of Rhode Island in the General Assembly and in its leaders. If I cannot accomplish that goal, I will consider my time as speaker of the House a failure.

“Term limits for the principal leader of each chamber is one of several legislative reform initiatives that I will be proposing.”

One of the co-sponsors of the resolution, House Majority leader Gordon D. Fox, predicts that voters will be as supportive of term limits for the leadership as they have been of term limits for other posts.

“We have eight-year term limits for all five of the state's general officers,” says Fox. “This resolution that we are proposing will ask voters to change our constitution to impose those same eight-year term limits on the office of the Speaker and Senate president.”

Murphy notes that too much power in the hands of too few for too long can have a corrupting effect.

“Especially when it is held by someone

in a leadership position over an extended period of time, [political power] poses risks for an institution such as the General Assembly. I believe that the longer one holds such political power, the greater is the danger that person can lose touch with the wishes and needs of those who elected him or her.”

But the same reasoning about the dangers of excessive incumbency for the leadership applies as well to all members of the Legislature. Murphy and friends should propose term limits across the board—the same kind of limits that are now in place in 17 other state legislatures around the country. If they take that idea to the voters, they will get a very receptive hearing indeed.

Certainly the political climate in Rhode Island is hospitable to reform. In the recent election, three out of four voters gave their thumbs up to a ballot question on separation of powers, the result of which would be limit the power of the Assembly.

Capping the terms of Rhode Island's legislative leadership is a good first step. Here's hoping the new leadership has the wherewithal to propose the next step. ■



**Rhode Island Rep.
William J. Murphy**



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.

Whatever it Takes?

What would it really take to impose any kind of campaign finance regulation across the board? Spending limits, for example. Wouldn't you have to bind and gag the candidates at a certain point?

Campaign finance laws say, for example, don't do x . Now, if the candidate then goes on to do x minus y , is he then violating the law, at least in spirit?

I credit Mickey Kaus with making this point recently about the Coleman for Senator campaign in Minnesota. Kaus, in turn, credits the observations of one Eric Black.

Kaus writes that "Norm Coleman was able to communicate publicly what it might have been illegal (under campaign finance laws) for him to communicate privately — namely that he really didn't want the National Republican Senatorial Campaign Committee to run negative TV ads against Mondale."

Our political system is now one where the little guy can get stomped by the same rules the major players bypass with throat-clearing and smoke signals.

Kaus, Black, and probably you too have come to realize what should have become obvious to everybody over the 25 years since the Watergate era and that first flurry of campaign finance reform.

Namely: You can't run a free campaign in a free country if your next move must depend not on what you need to do to get your message across, but on what some regulation tells you to do.

If we're really that afraid of money and influence, we've got to stop printing dollars and we've got to outlaw campaigns. But I don't want to go that route. ■

Perk-Man

Ted Kennedy to the rescue?

You may know him as a humble and mild-mannered public servant. But to a select few in our nation's capital, he's none other than Perk-Man, defender of perks, paybacks, and the special-privilege way.

As soon as Perk-Man got the emergency call on the special emergency Perk-Jeopardy Hotline, he flew into action.

Seems US Airways is in bankruptcy and already has been bailed out by nearly a billion dollars in loan guarantees from the taxpayers, courtesy of our Congress. So US Airways is trying to cut costs so they can return a profit and stay in business. Problem is, they were planning to cut jobs that involved giving special VIP service to folks like Senator Ted Kennedy.

This service — which you and I can't get even if we paid extra — is free to many lawmakers. Not a bad place to cut, you say? But our politicians need their perks!

So Senator Kennedy got into his Perk-Man Costume. Had a little trouble fitting into the costume, but anyway, he quickly flew into action. He called the CEO of US Airways and had a little conversation. Begged to save the jobs for the two folks fluffing pillows and gophering about for lawmakers.

Or maybe Perk-Man said, "Don't mess with me, I have the power to make or break your business, buddy-boy. I'm Senator Perk-Man!"

Ah Perk-Man, you have saved your perk once again. How inspiring. ■

Indefensible Credit

We've all heard about rogue firms that loot the investments of unsuspecting stockholders. They are paying the price for their dishonesty or negligence.

But at least one such organization is not being held to account at all. You guessed it — the federal government. John Stossel did one of his "Give Me a Break" reports about the Defense Department, and how it issues credit cards to almost everybody on their payroll, including those with terrible credit histories.

Are there safeguards to make sure the purchases are of actual supplies for the Defense Department? Three-ring binders or guided missiles or whatever? Are there consequences for abuses?

Not really. When employees do rack up thousands of dollars in personal purchases, they don't get fired, they're just told not to do it again. One employee bought \$12,000 of personal goodies. She was later promoted.

One viewer thinks Stossel is biased. Most federal employees are honest, this viewer says. But Stossel's point is that the system is what's broken here, allowing those who are dishonest to more easily rip off the rest of us.

Another viewer reports: "I work for a travel agency that handles several federal government accounts, many based in Washington, DC. They choose a luxury hotel priced over the per diem rate and don't think twice about it. We advise them of their allowance and they reply, 'It's okay. The government's paying for it.'"

Which means that the taxpayers are paying for it — you and me. ■

"The M&M Factor," cont. from page 1

denly. House members had already felt the impact of term limits in 1998, when 64 members became ineligible to serve again. Now it is the Senate's turn. In the coming session, 27 new members are taking seats in the 38-member state Senate; the House will see 50 new members.

The Detroit News protests that it isn't even happening: "The Senate is getting a transfusion of old blood from the House. Of the 27 freshmen to be sworn in for the 38-member Senate, 26 are current or former members of the state House — just a quick stroll across the Capitol." The editors at the *News* conclude that there is not really a fresh infusion of new blood in the state legislature after all.

Bill Rustem of Public Sector Consultants, a Lansing lobbying firm, confirms that "If the goal of term limits was fresh faces, it didn't work."

Anti-term-limit editorialists and writers should be care-

"Political Ads," cont. from page 3

ful about how they press their case. After all, most voters would probably not object very strongly if term limitation were made even tougher. In any case, the contention here is incorrect. Thanks to the limits that went into effect in 1998, many of the House members who found a place in the Senate have been serving in the legislature for just six years, or less. These comparatively short legislative resumés hardly render the Capitol a "giant recycling bin." And transplants from the House will have to leave at the end of two senatorial terms.

So the fresh-face infusion will keep happening.

No matter how you slice it, term limits invigorate electoral competition and prevent encrusted old-boy networks from sending down permanent roots in either chamber.

Michigan and Missouri are now part of the team. Next stop: the Equality State. Term limits take effect in the Wyoming legislature in 2004. ■

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voters of an important fact: Cleland opposed the bill.

As political scientist Robert Loewy noted, "In the recent U.S. Senate race in Colorado, I would have never learned that one of the candidates tried to put a medical incinerator in a minority neighborhood if it had not been for a good negative ad."

Limits on "negative" ads would especially hurt challengers who must overcome the enormous advantages enjoyed by an incumbent.

Don't negative ads tell lies about candidates? Perhaps in a few cases. However, false ads pose a risk for their sponsor. If the candidate under attack exposes the lie, the attacker loses credibility and perhaps the election. One consultant in Georgia was even sued for creating an ad in 1998 that showed a candidate for lieutenant governor in a mental ward. The target of the ad won the election.

Sen. Napoli should find another issue. Spending on political ads, especially those critical of opponents, helps democracy by informing voters. Once again we see the wisdom of the First Amendment to our Constitution. ■

Reprinted from The Cato Institute

Consider the recent case of Rep. Saxby Chambliss and his tough election battle against incumbent senator Max Cleland (D-Ga.). The Chambliss campaign ran several ads pointing out that Cleland had voted against President Bush's bill to create a Department of Homeland Security. Critics howled, but the ad did inform Georgia