

HERE TO STAY

Term Limits Are Just Getting Started

It's official. The term limits movement has rocked the political establishment. And it's here to stay.

The idea of term limits stretches as far back as ancient Greece. And in the 1700s, many of the American Founding Fathers were staunch advocates of the concept. Thomas Jefferson and others felt that "rotation in office" was an essential curb on political power.

With the growth of the Leviathan state in the 20th century, politicians no longer routinely abided by the de facto, voluntary term limits that had been the principle of American political life for a century and a half.

Today, of course, we're paying attention to the principle once again. The modern movement began in earnest in 1990, when California, Colorado and Oklahoma passed term limits on their state legislatures. Now legislators in 17 states are serving under term limits.

Just a dozen years after the modern term limits explosion — a microblink in the broad scheme of things — how far have we come in restoring American democracy? The start of a new year is a good time to look at the question; we're helped by the publication in 2002 of Patrick Basham's excellent overview for the Cato Insti-

tute, "Assessing the Term Limits Experiment: California and Beyond."

Public support for term limits remains high. Basham notes that the average vote for term limits in the states where it has passed is 68 percent. And since passage, support (as measured in opinion polls) has remained remarkably high and consistent in state after state — remarkable considering all the chronic term-limits bashing by politicians, bureaucrats, lobbyists, media and other groups who either believe in or benefit from the patronage of incumbents.

continued on page 8

INSIDE

Executive Director Message
— page 2

Montanans Sill Support TL
— page 3

Governing Principles
— page 3

Government, Heal Thyself?
— page 4

Moping in Michigan
— page 5

Leadership Terms
— page 6

Political Elites Have Less Power, Thanks to Arkansas Term Limits

“Randy Thurman of Little Rock, a former House member who served three terms, then began lobbying in 1995, said term limits has drastically changed the game.

‘It forces us to do a lot more research and a lot more work because we don’t have those long-standing relationships,’ he said.

But it also presents opportunities for more groups to be heard, he said.

‘I think that in the past before we had term limits, there were certain interests that were obviously much more powerful and much stronger out here than others.’

Now, he said, people and groups who were not a part of the elite have a chance ‘to make a legitimate argument, to make a presentation and to be actual players, whereas before, there were those who had and those who had not.’”

—*The Morning News of Northwest Arkansas*
January 5, 2003



MESSAGE FROM THE EXECUTIVE DIRECTOR

No Surprises Here; Legislators Dislike Being Term-Limited

As legislative cycles kick off another new year, voters shouldn't be surprised that the term limits they enacted over the past decade are causing grumblings among soon-to-be-termed-out legislators. Clearly, voters recognize that legislative power should not be monopolized by an elite few; that such political monopoly tends to encourage corruption and political expedience, while discouraging fresh and innovative perspectives; that real democratic representation and robust electoral competition are great things.

Take Nebraska, for instance, where in 2000 voters imposed eight-year limits on members of its unicameral legislature. The Associated Press is now reporting — as if it were news — that Nebraska politicians have “doubts” about term limits.

“In a pre-session survey by The Associated Press, 25 of Nebraska's 49 lawmakers said they would support an effort to overturn term limits placed on state legislators, while nine said they were leaning that way.”

So, a scant few years after term limits were passed, many Nebraska legislators don't relish the prospect of being shown the door! But were politicians and power brokers in Nebraska or any state ever as enthusiastic about term limits as the voters?

The answer is an unequivocal NO. Although many good men and women in legislatures around the country have championed term limits, the majority of officeholders are opposed to such permanent curbs on their power, and have always been.

The complaints in Nebraska are familiar.

For example, one state senator, Elaine Stuhr of Bradshaw, opines that term limits leave senators “with little experience in leadership roles and no one with legislative history.”

But how hard is it to get legislative history? Senator Stuhr would have voters believe legislative records don't exist in Lincoln, or that private sector experience doesn't count. There's no reason to believe that new legislators arrive in the capital without any experience relevant to their job. It's unlikely that prospective freshman campaign on the basis of being inexperienced and unable to hit the ground running.

Meanwhile, Senator Pat Engel says that although he would not support overturning term limits, he does believe the voters blundered, insofar as they “have taken away their own power to elect whom they choose.” Yet anybody who follows politics at all is well aware that incumbency tends to attract the financial support of special interests and to repel and discourage political competition. When seats become “open” as a result of term limits, choices at the ballot box increase — not decrease, as political elites would like us to believe. Without competitive choices, voters have little chance to hold representatives accountable and seek new representation. While we think of ours as a two-party system, most legislative elections only give voters the frame of reference of a virtual one-party system.

Voters get it. They also get that the longer legislators stay in power, the more immune they tend to become to electoral competition, and the cozier they tend to become with special interests. After all, that's why most voters want term limits.

The paradox is that legislators understand the same thing — it's just that, over time, too many of them grow increasingly eager to go along to get along. After a while, sacrificing one's principles begins to seem a small price to pay to hold onto power. And that's why most politicians dislike term limits. ■

NO UNCERTAIN TERMS

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PUBLIC SUPPORT

Montana Voters Give Thumbs Up to Term Limits

Despite recent grumblings by Montana politicians, a December 2002 poll conducted by Mason-Dixon shows that the state's voters continue to support the tenure caps they enacted on state legislators over a decade ago.

Fifty-five percent of voters disagree with the antipathy of some legislators to term limits, while only 36 percent favored a repeal. Legislators are said to be planning bills for the next session that would expand the number of years legislators may serve from eight to 12 years.

In 1992, Montana voters passed an initiative to limit House members to four 2-year terms and Senate members to two 4-year terms. Executive branch officials are similarly term-limited by the same measure.

Just last year, in a 5-2 decision, the Montana Supreme Court rejected a challenge to the term limits law brought forward by two incumbent lawmakers about to reach their limits, Senators Mack Cole and B.F. "Chris" Christiaens. Cole and



**Montana State
Sen. B.F. Christiaens**



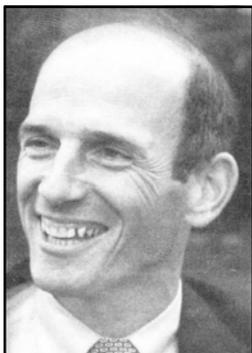
**Montana State
Sen. Mack Cole**

Co-filed a lawsuit against Montana's term limits law last year, but are now barred from seeking an additional Senate term.

Christiaens have since been barred from seeking an additional Senate term. ■

GOVERNING PRINCIPLES

Three Former Self-Limited Congressmen Sworn in as Governors of SC, AL, ME



**Maine
Gov. John Baldacci**



**Alabama
Gov. Bob Riley**



**South Carolina
Gov. Mark Sanford**

Governors John Baldacci of Maine, Bob Riley of Alabama and Mark Sanford of South Carolina had all served in the House of Representatives no longer than they promised in their congressional campaigns, leaving office voluntarily in accordance with their pledges to limit their own terms.

In January, three former self-limited congressmen were sworn into office as governors of their respective states: John Baldacci of Maine, Bob Riley of Alabama and Mark Sanford of South Carolina. Each of them had served in the House of Representatives no longer than they promised in their congressional campaigns, leaving office voluntarily.

"By serving under term limits as members of Congress, Reps. Baldacci, Riley and Sanford proved their commitment toward a more responsible government, and refused to become part of the Washington insider system," said U.S. Term Limits Executive Director Stacie Rumenap. "And by leaving Congress when they said they would, these gentlemen proved to have one of the rarest qualities in a politician — honesty. As newly-elected governors, we fully expect them to apply this same principal in governing their home states." ■

Government, Heal Thyself?

Capital Ideas, The National Taxpayers Union Foundation
November/December, 2002

Greedy executives. Cooked books. Hoodwinked shareholders. It's not a company, it's your country.

For most of 2002, media headlines have hammered on abuses in corporate America, some real, some imagined. Through it all, many elected officials have waved their pious fingers at CEOs, hoping to score political points in front of the television cameras by proposing new federal "crackdowns" on big business.

Unfortunately, when it comes to practicing basic business skills, big government is much likelier to be a sinner than a saint. The following are just a few examples NTUF staffers quickly uncovered:

- The U.S. Securities and Exchange Commission ordered top CEOs to personally certify the accuracy of their companies' financial reports by August 14, 2002, under penalty of law. According to a report published this year by the U.S. General Accounting Office (GAO), 18 of the 24 agencies' Chief Financial Officers produced 2001 financial statements that were adequate to receive an "unqualified" (clean) rating. Due to these uneven results and other factors, for the fifth year in a row, GAO is "unable to express an opinion" on the consolidated financial statements of the whole federal government "because of certain material weaknesses in internal control and accounting and reporting issues."

- GAO has also been tasked with identifying "high-risk" government operations that are most vulnerable to "waste, fraud, abuse, and mismanagement." From 1990-2001, GAO's "high-risk" list rose from 14 areas to 22 areas. While investors have passed judgment on poorly-managed companies in the space of one trading day, the U.S. Department of Defense's weapons acquisition and inventory management programs (worth tens of billions of dollars) have lingered on GAO's "high-risk" list for 11 years.

- This year the White House office of Management and Budget developed a "Management Scorecard" that rated the 26 biggest federal agencies on five rudimentary criteria: human capital, competitive sourcing, financial man-

agement, use of "e-government" technologies, and performance-based budgeting. Each criterion was assigned a qualitative rating of red, yellow, or green "lights" to evaluate their progress. Half of the agencies got "red lights" in all categories. In fact, the sole "green light" awarded — out of 130 "lights" in the entire government — went to the National Science Foundation (whose four other "lights" were yellow or red).

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- Amidst concerns that companies are hiding debts and other negative financial aspects, the latest *NTUF Chartbook on Entitlements and the Aging of America* estimates that the federal government's true liabilities, including benefit programs and contingent claims, amount to \$23.8 trillion. This is four times higher than the officially-reported national debt, and the "reporting gap" is roughly 4,500 times

greater than the debt WorldCom recently admitted to have hidden from shareholders.

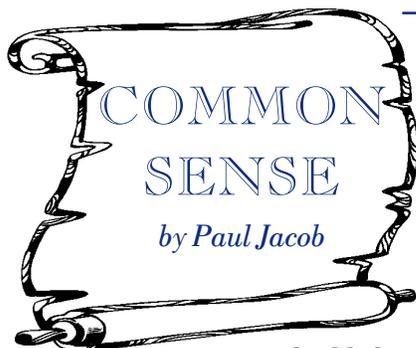
- As new rules on investments and funding on private-sector retirement plans are scrutinized, the government's own Civil Service, Federal Employee, and Military Retirement Systems are under-funded by a combined estimated total of \$1.6 trillion.

- Prosecutions for private-sector cover-ups of corporate misdeeds proceed apace, while, according to syndicated columnist Deroy Murdock, "bureaucrats perpetrate the very shredding that sank Arthur Andersen [and] get away with it." The day a federal court order was issued to preserve 400 boxes of documents pertaining to allegations of government mismanagement of Indian Trust Funds, the Treasury Department began shredding the materials. Treasury and Interior Department officials failed to disclose their error and ignored contempt of court citations. Murdock's exposé also found strong evidence of document destruction and deletion in cases alleging improper political activities at the Environmental Protection Agency and conduct at the Immigration and Naturalization Service. ■

Excerpted from The National Taxpayers Union Foundation's November/December 2002 *Capital Ideas* newsletter



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



COMMON
SENSE

by Paul Jacob

Moping in Michigan

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There's a shakeup happening in the Michigan Senate.

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.

But the *Detroit News* says it isn't even happening. "The Senate is getting a transfusion of old blood from the House," says the *News*. "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."

Lobbyist Bill Rustem confirms that "If the goal of term limits was fresh faces, it didn't work."

Hey, be careful what you wish for, guys. After all, most

voters would probably not object if term limits were even tougher. In any case, the claim is bogus. Thanks to the limits that went into effect in 1998, many of the House members who have now found a place in the Senate have been in the legislature for just six years, or even less. These comparatively short legislative resumes hardly turn the Capitol into a "giant recycling bin." And transplants from the House will have to leave at the end of two senatorial terms.

So the fresh faces will keep on coming.

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. ■

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THEY SAID IT

Careerist Impulses

“If Republicans water down term limits, they will show they are falling prey to the same careerist impulses that they said had distanced Democrats from average Americans back in 1994.”

—*The Wall Street Journal*
December 27, 2002

Career Politicians Lose Vigor

“Rep. Nick Smith (R) on 12/19 said ‘he will stick to’ his ‘92 pledge to serve six terms, ‘although he doesn’t rule out running for the Senate one day.’ Smith said members who stay in Congress for a long time ‘become too influenced by lobbyists and ‘lose some of the vim and vigor they have over the first 10 or 12 years.’”

—Associated Press
December 20, 2002

Washington Infects Politicians With Money and Power

“Washington, D.C., has indeed infected many with the addiction of power, clout and influence. Increasingly, these words have become transparent political code for “money,” “money” and “money” in various forms. Yet these words and others like “committee chairmanships” and “plum post” are now being tossed around by [Congressman Pete Hoekstra] and others who say he should run again — and who conclude that, after all, term limits really were a bad idea.”

Mr. Hoekstra’s announcement that he is breaking his oath has nothing to do with term limits in general. These are simply attempts to rationalize and obfuscate the real issue — the sacrifice of his integrity and honor along with truth and public trust.”

—*Grand Rapids Press*
January 11, 2003

LEADERSHIP TERMS

USTL Calls on Hastert to Honor Term Limits, Plan to Leave Leadership Position in 2006

When the Republican Party gained a congressional majority in 1994, it failed to pass sweeping term limits on the tenures of all members of Congress — even though such term limits had been one of the most popular planks of the Republican “Contract with America.”

The new majority did succeed, however, in capping the terms of committee chairmen and Speaker of the House.

But after just eight years — and before limits on any Speaker even kicked in — Majority Whip Roy Blunt (MO) and others within the Republican Party eliminated the eight-year limit for Speaker Dennis Hastert, as well as others who will follow in his footsteps. In abolishing limits on the Speaker, Rep. Blunt said that while the spirit of the term limit is “good,” limiting this particular speaker would be bad — Speaker Hastert is popular.

But whether Speaker Hastert is popular isn’t the issue. Rather, the issue is whether any wielder of great power should be allowed to wield that power in perpetuity.

The purpose of term limits is to prevent any single person from indefinitely monopolizing power. And it’s

especially important to maintain term limits on the most powerful congressional leader because that way, even political wheeler-dealers most inclined to put political advantages ahead of the public good would not be able to feather their own nests indefinitely. Besides, if term limits are good enough for the President of the United States, they’re surely good enough for the Speaker of the House.

Meanwhile, Speaker Hastert remained silent on the issue. A spokesman for him noted recently that the Speaker is “not a disinterested observer. So he is not going to comment on it, other than to say he will abide by the will of the [Republican] conference on the rules change.”

Actually, if Mr. Hastert is indeed a leader he should step up to the plate and firmly repudiate this attempt to fatten his tenure. He should, as well, pledge to step down in 2006 as currently scheduled regardless of his party’s vote. By making clear that power is not an end in itself for him, Speaker Hastert would do more for his party and his country than any political special favor ever could. ■



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.

Fill 'er Up

We've all heard about tax evasion. But this is ridiculous. Now they're going after people who use one product instead of another, solely to save money.

I don't think anything like this is happening here in the U.S., not quite yet. Or maybe it is and I just haven't seen the report yet. But it's happening in Great Britain. Or more specifically, Wales.

As you may know, British gasoline — or, as they like to call it, petrol — is very, very expensive. That's because of all the taxes the government heaps on each gallon of the stuff. British motorists are so mad that they've actually rioted about the rip-off.

But now they're trying a new, more peaceful, and, apparently, more antisocial method of avoiding being ripped off. Called using an alternative fuel. Cooking oil.

Yes, it turns out that cooking oil, being oil, can actually be used to fuel your car. It is said to be cleaner than diesel fuel. But see, the government hasn't gotten around to taxing cooking oil at the same high rate that they're taxing petrol. Therefore, in Wales, using cooking oil in your tank is a crime punishable by a 500-pound fine. The police unit chasing these evil motorists is called "The Frying Squad."

The Welsh government says it's tax evasion for the Welsh to use Welsh on petrol purchases. Does this mean that you don't want to pay a sales tax on store-bought chocolate-chip cookies and you bake your own chocolate-chip cookies instead, you're a tax evader?

Sounds delicious. ■

Jackpot Justice

It's getting ridiculous. Juries award \$150-million judgments in controversial liability lawsuits. Broadcast journalists air critical reports about so-called "jackpot justice." Then a couple jurors from those cases, feeling the heat, turn around and sue the broadcasters to the tune of \$6 billion.

I guess most of that \$6 billion is for the pain and suffering of being held responsible for one's actions. Some people just feel morally entitled to be morally irresponsible at other people's expense.

Two jurors in Mississippi have sued "60 Minutes" and the publisher of a newspaper chain for having the temerity to judge their judicial judgment. The plaintiffs are juror Anthony Berry, from a case dealing with asbestos, and juror Johnny Anderson, from a case dealing with a diet drug. Both helped award \$150-million judgments. Neither Berry nor Anderson, however, was mentioned by name in the "60 Minutes" report.

I don't know enough about the asbestos case or the diet-drug case to assert that the jurors were acting frivolously. And I especially don't want to hint at any such thing if my opinion has a \$6 billion price tag. The issue here is not the justice or injustice of those awards, but whether public conduct can be criticized at all in a free society if the critics happen to have deep pockets.

Rich people have rights too. But that's just my opinion. I could be wrong. Don't sue me. ■

Worth Condemning?

Here's one story the *New York Times* probably won't see fit to print.

It's about a block in midtown Manhattan being condemned by the state. The *Times* did run a story detailing how condemnation-worthy the block was, but aren't exactly trumpeting their own interest in its fate.

Before being condemned, one of the buildings enjoyed a 100-percent occupancy rate. Owner Sidney Orbach says, "I was never asked if I wanted to sell."

Other owners are also outraged. They say the condemnation has nothing to do with any dilapidation. Instead, they believe that a state agency, the Empire State Development Corporation, wants to tear down the block to make way for a skyscraper that would house the *New York Times*. And indeed, it would be quite a coincidence if every single building in a particular city block were in such bad shape that they all needed to be torn down.

The *Times* will get the property "at 10 to 15 cents on the dollar," Orbach says. "The deal has nothing to do with dilapidated buildings or urban renewal. This has everything to do with the government and the powerful *New York Times*."

The owners of the *Times* would bristle if anyone tried to destroy their freedom of speech — the linchpin of their livelihood. Yet they have no problem helping to coercively destroy the livelihoods of dozens of established businesses just so they can save on expenses. Nor would the *Times* be very happy if phony eminent-domain concerns were deployed against them.

Many people value freedom. But too often they just value their own. ■

"Here to Stay," cont. from page 1

Term limits help create electoral competition. Basham reports that turnover "is much higher in citizen legislatures than in professional legislatures. For example, in citizen legislatures the turnover rate in lower houses after 6 years was 15 percent higher, and after 12 years 21 percent higher, than in professional legislatures; meanwhile, in upper houses, citizen legislatures had a turnover rate that was 14.5 percent higher after 6 years, and 14 percent higher after 12 years, than did professional legislatures."

What these numbers don't say is that seniority systems and entrenched political empire building are utterly clobbered by term limits. No matter what the turnover under the old system, you could always have a few senior guys at the top ruling the roost and calling the shots decade after decade. That's impossible in term-limited legislatures.

Term limits increase the ethnic, gender and occupational diversity of term-limited legislatures. The example of California is instructive: "In California three times more legislators are now businesspeople than were previously. Furthermore, former legislative staffers — a principal source of new legislators in the pre-term-limits era — are a small proportion of new legislators. . . . [A] *Los Angeles Times* survey of the 1992 state legislature found a plethora of different occupations represented." Representation of women and minorities has also zoomed — as term limits

advocates had predicted would happen, once the death grip of career politicians had been pried loose. Hispanic representation in the legislature, for example, has more than tripled, rising from six percent in 1990 to 23 percent in 2001.

No matter what the turnover under the old system, you could always have a few senior guys at the top ruling the roost and calling the shots decade after decade. That's impossible in term-limited legislatures.

Bureaucrats and lobbyists have not been able to hypnotize gullible freshmen legislators into doing their bidding. This conclusion is contrary to what bureaucrats and lobbyists claim when they say that the reason they hate term limits so much is that, um, well, they're worried that they'll gain too much power as a result. Hardly.

Term limits encourages more responsible governance. We can't expect term limits to pinch-hit for responsible individual judgment. But by weeding out the more entrenched I-must-be-reelected-or-die incumbents, term limits do seem to give responsible individual judgment a better

chance to flourish in policymaking. Basham finds that most term-limited legislatures show a tendency to be more fiscally prudent than other legislatures. They're often more willing to hold the line on taxes or even cut them.

In other words, so far, so good. A whole lot of progress in little more than a decade for a movement Basham calls "one of the most successful grassroots political efforts in U.S. history."

And we're just getting started. ■

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ERMS