

REPEAL REJECTED

Wyoming House Squashes Attempt to Kill Term Limits

When it comes to term limits, too many politicians have refused to acknowledge that the voters have spoken on the issue, overwhelmingly supporting term limits on their state legislators.

Fortunately, that anti-constituent attitude can't keep a good idea down — not all by itself. In late January, a Wyoming state legislative committee voted down an attempt to kill term limits that are about to take effect, an effort that was led by 20-year veteran Representative Jim Hageman.

Even committee members who don't particularly like term limits — like Representative Del McOmie — de-

serve credit for respecting the electoral decisions of the people they are pledged to represent. "I can't see how I can sit in here and overturn a vote of more than 75 percent for term limits regardless of my personal feelings," McOmie says.

U.S. Term Limits Executive Director Stacie Rumenap commented on the vote: "It's not surprising that politicians don't like term limits. Regardless, voters do. Kudos to the members on the House Corporations Committee who recognized how wrong it would have been to subvert the will of the people. Each of them deserves credit for resisting the natural impulse of career

politicians to try to save their political monopolies at all costs."

Enthusiastically endorsing term limits, Wyoming's senior U.S. Senator Craig Thomas argued, "Term limits will return power back to the people, where it belongs. Our Founding Fathers believed in self-government and citizen legislators. Unfortunately, many of today's politicians are careerists who have lost touch with the constituents they serve."

Jeers, though, to the career politicians who floated the idea of repealing our term limits to begin with. Wyoming citizens are worried about drunk

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REAL EXPERIENCE

Frist In Motion

One much-noted feature of U.S. Senator Bill Frist's ascendancy to the job of Senate Majority Leader is its relative rapidity. He started his second term as senator just two years ago.

Not so well noted is the paradoxical position of senators who endorse the second-term senator in his new post yet strenuously oppose term limits for ejecting "experience" from the halls of power.

Journalists reporting on the results of term limits in various state legislatures typically tally the

combined "years of experience" of those being swept out by term limits. They never bother to tote up the experience of incoming freshman — presumably on the assumption that no experience outside government can possibly be germane to the judgments rendered inside government.

Yet here is a man who put in no long apprenticeship in state legislatures or any other political post before reaching Washington, DC. Before 1994, Senator Bill Frist

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MESSAGE FROM THE EXECUTIVE DIRECTOR

The Advantages of Incumbency Squeeze Out Electoral Competition

Too often, critics of term limits claim that term limits are short-sighted. But what these critics are really saying is that democracy itself is short-sighted, even though you and I know that democracy is supposed to be a power-dispersing alternative to monopolistic rule by a privileged few.

As state legislative sessions are in full swing, soon-to-be termed-out legislators are complaining that term limits presupposes the “stupidity” of the electorate. Yet advocates of term limits need only assume what is already in evidence: a) political power has a tendency to corrupt; and, b) the advantages of incumbency squeeze out competition at the ballot box.

For example, only a few of Nebraska’s currently serving state senators won recent elections by unseating incumbents (in one case, a mere appointee). A few others competed for open seats. But the vast majority (39 out of 48 legislators) won reelection as incumbents — incumbents who were able to use their positions to secure reelection. This is a pattern that holds true wherever there are no term limits to break the incumbents’ stranglehold on power.

The bottom line is that in most races — at both national and state levels — the majority of incumbents face no serious opposition. How do the voters get to choose when there’s

only one person to pick? Voters may be as discerning as one could wish yet still be deprived of choices at the ballot box.

Worries that new lawmakers will be deficient in “experience” are true only in the limited sense that, like all newcomers to any job, newly-elected legislators must learn the ropes.

But let us not neglect the experience we have already gained from term-limited state legislatures around the country. We know that if the current captains of these legislatures take pains to train the new folks, freshmen legislators will become familiar soon enough with legislative procedures, gaining the competency they need to deal with the business at hand.

Nor is legislative competence merely a matter of navigating procedure. What about leadership and knowledge of issues? Such proficiency and quality of

character are more likely to be gained outside of electoral office than in.

So while our elected officials may have their own dubious reservations, I’m not giving up on democracy — or term limits — just yet. ■

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NO UNCERTAIN TERMS

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Lawmakers Seek Term Limits for Executive Branch

by Marc Powers, *Southeast Missourian*

November/December, 2002

A group of new lawmakers who are in office, at least in part, because of legislative term limits propose imposing service caps on all six statewide elected officials.

Identical measures filed in both the Senate and House of Representatives would ask Missouri voters to decide a constitutional amendment that would limit those executive branch officeholders to two four-year terms. At present, only the governor and state treasurer are so restricted.

State Rep. Brian Yates, R-Lee's Summit, said the proposal is intended to bring more uniformity to the Missouri Constitution.

"There are several loopholes where certain statewide executive officeholders are subject to term limits and some aren't," Yates said. "Why should some be exempt is our question."

As in most other states, Missouri governors historically have been term limited. Until the adoption of the current constitution in 1945, they could serve only one four-year term in a lifetime. Even then, a governor couldn't serve two consecutive terms until a constitutional change in the 1960s.

The reason the treasurer is subject to a service cap is less clear.

"The theory is the treasurer is term limited with the governor because they have control over purse," said Chuck Miller, chief of staff to State Treasurer Nancy Farmer.

Under the current proposal, limits would also apply to the lieutenant governor, secretary of state, attorney general and state auditor.

Yates and the five other House sponsors of the measure are part of the massive, 90-member freshman class in the lower chamber. Sweeping turnover in the legislative ranks took place this year because term-limits of eight years per chamber, which voters overwhelmingly approved in 1992, finally took full effect.

The impetus behind legislative term limits was the notion that the General Assembly had become dominated by career incumbents who stayed for decades.

Lifetime Tenure Examined

However, that level of lifetime tenure hasn't been the case in the executive branch. Since statehood in 1821, only 16 statewide officeholders have held the same job for more than eight years. That group includes James Monroe Siebert of Cape Girardeau, who was state auditor from 1889 to 1901. Siebert also served as state treasurer from 1885 to 1889.

Democrat James C. Kirkpatrick holds the record for tenure in the same executive branch office, serving 20 years as secretary of state from 1965 to 1985.

Attorney General Jay Nixon is the only incumbent statewide elected official to serve more than eight years. The Democrat is midway through his third term and intends to seek a fourth in 2004.

If the current measure clears the legislature it wouldn't affect Nixon's re-election effort as it would go before voters on the same ballot.

State Sen. Matt Bartle, R-Lee's Summit, said the proposal, which

he is sponsoring in the upper chamber, doesn't target Nixon or any other individual. Bartle served four years in the House and moved to the Senate this year after term limits created an open seat.

The effect of term limits on the legislature, Bartle said, has been to bring in new people with fresh ideas, something the executive branch could stand as well.

"We are seeing some changes in government that are fundamental, and I'd say that is desirable," Bartle said.

Another House sponsor, state Rep. Bryan Pratt, R-Blue Springs, said the public deserves the chance to consider the issue.

"Missouri voters spoke clearly when they voted for legislative term limits, but were not given the opportunity to vote on term limits for executive branch offices," Pratt said.

The measures are HJR 6 and SJR 8. ■

Reprinted from the *Southeast Missourian*

The effect of term limits on the legislature, [State Senator Matt] Bartle said, has been to bring in new people with fresh ideas, something the executive branch could stand as well.

BOOK REVIEW

To America: Personal Reflections of an Historian

by Stephen E. Ambrose (New York: Simon & Schuster, 2002)

Reviewed by David M. Brown

Stephen Ambrose wrote this book knowing it would probably be his last. He was dying of cancer.

Told in the form of stories about America and himself, *To America* is a final reassessment and appreciation of what makes this country great. It is about the Founders and their hypocrisy about slavery — and the ideas of the Founders that led to its destruction. It is about Andrew Jackson and the Indians, and Andrew Jackson and the Battle of New Orleans (which, Ambrose insists along with Jackson, was a crucial victory against the British even if it came after the War of 1812 was officially over). It is about America's sweep westward, immigration, the building of the railroads, citizen soldiers, civil rights.

One goal is to revise the kind of historical revisionism that stresses previously-ignored flaws and contradictions in America's history — but then ignores or downplays the good stuff, or judges historical figures apart from the historical context, as Ambrose himself once did. Here he acknowledges both the greatness and the flaws. And he shows how the greatness has often made it possible for us to correct and transcend the flaws — if not immediately, eventually; if not perfectly, at least substantially.

"I want to correct all the mistakes I made," he told a reporter as he was struggling to finish the book. "I want to tell all the things that are right about America."

There is no more tragic issue for students of American history to grapple with than slavery. The same Founding Fathers who won and established freedom and republican institutions also owned slaves. Americans did not invent slavery; it had been a blight on mankind's history for many centuries and indeed is still practiced in a few backward countries to this very day. But slavery presented an especially destructive contradiction to an ethic of governance as radical and liberating as that expressed in the Declaration of Independence — whose author, Jefferson, excoriated the slave trade but did not free his own slaves, not even in his will (unlike his fellow Virginian George Washington).

In his own book, *Notes On The State Of Virginia*, Jefferson argued that slavery must be destructive in its effects on the master as well as the slave. But he left the resolution of this contradiction to the future.

"Of all the contradictions in Jefferson's contradictory life, none is greater," writes Ambrose. "Of all the contradictions in America's history, none surpasses its toleration first of

slavery and then of segregation. Jefferson hoped and expected that Virginians of Meriwether Lewis's and William Clark's generation would abolish slavery, yet he said not a word to them about his dream. His writing showed that he had a great mind and a limited character."

Yet Jefferson also wrote the Declaration of Independence, the creed Martin Luther King cited as the standard which Americans must live up to. Jefferson also did much to establish the principle of religious freedom in this country. We battle now about prayer in the public schools, but that kind of conflict is trivial compared to the persecutions worshipers of all creeds have had to endure in other lands and times.

Jefferson's "Plan of Government" for western territories laid out the principle that new territories would be accepted into the union as full and equal states as soon as their populations were large enough, with the same political rights as the thirteen original states. No British-type governance of colonies who might be subject to "taxation without representation"! Instead, "They would have the same number of senators and representatives as the original thirteen. They would elect their own governors, and so on. No one before him has proposed such a thing. Empires were run by the 'mother country,' with the king appointing the governors. It was Jefferson who decided that we wouldn't do it that way in the United States."

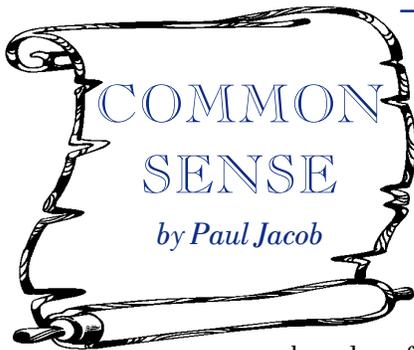
And it was George Washington who made clear that there should be no monarchs running the show. "He resisted efforts to make him into a king and established the precedent that no one should serve more than two terms as President. He voluntarily yielded power. His enemy, George III, remarked in 1796, as Washington's second term was coming to an end, 'If George Washington goes back to his farm he will be the greatest character of his age.' Napoleon, then in exile, was as stunned as the rest of the world by Washington's leaving office. He complained that his enemies 'wanted me to be another Washington.'"

By such values and deeds, dead white males like Washington and Jefferson, Adams, Madison and Paine created a republic to establish the liberty and rights that would one day embrace us all. *To America* is a fitting tribute to that epic political adventure, and a fitting close to the career of a distinguished storyteller. ■

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



Better Than the Boys

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These have been days of sorrow but also of memory — and pride.

Among the seven brave men and women lost in the tragic Columbia shuttle accident was an Indian woman named Kalpana Chawia.

Kalpana's story struck me because she had to be gutsy not only to board the shuttle, but even to try a career as an astronaut to begin with.

Growing up, she was often told "No," and always she ignored that "No" and pursued her dreams anyway. Dr. Kamlish Sharma, an English teacher at her girls' preparatory college, recalled that "her [way of] thinking was not traditional, not conservative."

A childhood friend reports that "She never had the feeling that because she was a girl, there were things she should not do." And her brother Sanjay recalls how she always said she would be "better than the boys."

Kalpana was the only woman in her class Punjab Engineering College to pursue a degree in aeronautical engineering. "It was a big shock to everyone there," Sanjay recalls. The school discouraged that course of study but Kalpana went ahead with it anyway.

When she went to the U.S. to continue her studies, her father disapproved. But she earned a master's and a doctorate degree, became an American citizen, and married.

Although Kalpana was estranged from her family for the first few years in this country, her brother reports that after she joined the space program, "everyone was proud and elated."

The girl who decided she was going to be better than the boys had dispelled all doubts. ■

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THEY SAID IT

Young Blood, New Ideas

“I don't think there's any problem with term limits,” said [Oswego, NY, City] Councilor Michael Farrell, D-6th District. ‘I think it's good for society as a whole, and I'm a firm believer in bringing in young blood to help stimulate Oswego.’

After long periods of service, there's always the possibility things could get ‘cliquey,’ Farrell said.

‘With term limits, new people come in with new ideas that maybe others wouldn't have thought of,’ he said.

—*The Syracuse Post-Standard*
January 29, 2003

A Fresh Outlook

“Term-limited legislators are more likely to have a fresh outlook. There is a growing body of evidence that term-limited legislatures perform the state's business more efficiently than non-term-limited legislatures. Prior to term limits, California's state Senate was referred to as ‘the geriatric ward of California.’ Now, California's legislature works more quickly than before term limits were put into practice.

There also appears to be less rubber-stamping of legislation in a term limits environment.”

—*Kankakee Daily Journal*
February 4, 2003

‘There is a Reason for Term Limits,’ says Representative

“During Savannah-Chatham Day in Atlanta last week, the annual city- and county-funded shrimp-filled soiree held for legislators, [Mayor Floyd Adams Jr.] approached some members of the local delegation about changing the charter [to remove term limits].

‘He asked me if I would vote for it and I told him I wouldn't,’ Rep. Tom Bordeaux, D-Savannah, said. ‘I think there is a reason you should have term limits in the executive branch. That's why we have it for governor, that's why we have it for president and that's why we have it for mayor.’”

—*Savannah Morning News*
February 5, 2003

BABY STEPS

Rhode Island House May Limit Leader Terms

In late January the Rhode Island House of Representatives took the first step toward imposing eight-year term limits on the House speaker and Senate president. If passed by the Rhode Island Senate, the bill will be voted on by the people during the next statewide general election. The bill, sponsored jointly by the

Republican and Democratic leaders of the House, passed unanimously..

According to House spokesman Larry Berman, House Speaker William J. Murphy told the committees that a change every eight years would be “healthy for democracy,” “foster new ideas” and “ensure more accountability.” ■

“Repeal Rejected,” cont. from page 1

driving, taxes, health insurance and hate crimes, among many other issues. But Rep. Hageman insists, astonishingly, that his effort to stab voters in the back was “the most important bill this session.”

A few years back he also led the charge to extend term limits for House members from six years (the limit that Wyoming citizens had voted for in 1992 with 77% of the vote) to 12 years. Voters passed a measure to restore the limit to 6 years, but our electoral decision was overturned as the result of a technicality.

Term limit activists have long charged that efforts to extend limits tend to serve as a warm-up to the more sweeping program of killing term limits altogether. With this latest assault on the voters, Rep. Hageman demonstrates that such worries are justified. And he's now even hinting that he'll take the voters to court to try to kill term limits.

We'll need to keep an eye on him. ■



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.

Let Them Eat Cake

"Let them eat cake." If Marie Antoinette did not actually say that, maybe the credit should go to California Governor Gray Davis.

The way Davis and the legislature nearly doubled state spending during the last decade, you'd think Californians would be eating cake, sipping champagne and getting caught in traffic jams on streets paved in gold right now, wouldn't you?

Actually, Davis is possibly the least popular governor in the nation to get reelected last November. And times are not so good right now. But his lavish spending of tax dollars on special interests helped him amass a \$35 million campaign war chest and thrash and thrash his way back into office.

Correct me if I'm wrong, but it seems as long as there has been a recorded history there have been periods of prosperity followed by downturns followed by upturns followed by downturns, and so on. So how come the politicians, especially ones like Davis, never plan for such things?

Instead, they cry crisis, let slip the dogs of demagoguery, and scour the land for scapegoats — and demand more sacrifice in the form of taxes, as the only way to avoid catastrophe.

Worse still, according to the *San Francisco Chronicle*, Davis is going along with a legislative budget increase of \$8 million for more cars and more catered meals. The legislature's spending — on itself — has increased some 80 percent since a decade ago.

What leadership! What baloney. ■

Anti-Trust or Anti-Freedom?

Seems to me that freedom of speech means the freedom to keep quiet, too.

But the Justice Department doesn't think so. They have filed suit against two competing newspaper chains, Village Voice Media and New Times Media.

The crime? Well, the two chains reached an agreement to shut down a couple of their papers in the Cleveland and Los Angeles markets. In those cities, their runner-up papers in the alternative weekly market were losing millions. Village Voice agreed to close its Cleveland paper. New Times agreed to close its Los Angeles paper.

But where's the crime? Nobody put a gun to anybody's head to make this money-saving deal. Still, the Justice Department says it's "anti-competitive."

According to an assistant to the attorney general: "Rather than let the marketplace decide the winner, these companies chose to corrupt the competitive process by swapping markets, thereby guaranteeing each other a monopoly. . . ." So Justice wants to force New Media and Village Voice to sell their unprofitable papers instead of shutting them down.

Of course, nobody is "guaranteed" a monopoly in either market; there are still other newspapers available. And of course the only reason the individual papers are closing down is that they *were*, in fact, trounced by competitors. They were losing money!

One good thing could come out of all this. Maybe media folks — who have too often given a free pass to the excesses of anti-trust — will now realize they can't afford to do that. That the principle of anti-trust means they can't be trusted to conduct their own business freely, either. ■

Multiple Nonsense

How many times do you have to read a suspect his rights? Is once enough?

Not according to District Judge Thomas Honzel. Not if the suspect later turns out to have so-called multiple personalities.

A woman named Tessa Haley stands accused of stabbing her roommate.

Police answered a call from someone who called herself "Martha" and said she had stabbed another woman. When they arrived at the Montana home, they found a woman with blood-stained hands, Tessa Haley, tapping away at her computer. The police read Tessa her rights and got permission to search the place. Tessa denied knowledge of the stabbing or of this person "Martha."

Then the other, more hostile personality apparently took over, claimed to be "Martha," and admitted to the stabbing. Meanwhile, a hospital was treating a patient with a stab wound who identified Tessa Haley as her assailant.

So what's the problem with all this evidence? Well, Martha/Tessa has a public defender named Randi Hood who says that all the "Martha"-made statements should be tossed out as inadmissible. After all, the police never read "Martha" her rights but only read "Tessa" her rights! Can you believe it? And the judge went along with this baloney.

If there's an insanity defense here, fine, let them pursue that avenue — taking all the evidence into account. But you can't also ask cops to be psychiatrists as they arrive on the scene of a crime and try to interview suspects.

Well, maybe the judge will make a better decision when his next personality takes over. ■

"Frist in Motion," cont. from page 1

was just Dr. Bill Frist.

This kind of step-skipping is not unknown in political life. Ronald Reagan, for example, became governor of California without any prior legislative resume-building. But such examples don't mesh with the notion that political leadership is mostly a matter of learning technical legislative ropes for years on end, preferably as a humble resident of the back bench, before one can have a healthy impact. The truth seems to be, rather, that certain qualities of character and relevant leadership experience can accompany one into office.

The anecdote that made the media rounds soon after Senator Frist became majority leader — about how he tried to save the lives of car-crash victims in Florida — was no publicist's concoction. Nor was it any kind of disingenuous posturing in the manner of politicians who visit a disaster site, express sympathy and/or promise largesse, then catch the nearest helicopter.

Jonathan Cohn, a skeptic of Frist's politics, reports in *The New Republic* that the good Samaritanism in Florida seemed "too good to be true — except to everyone who knows Frist in Nashville. The thing that first strikes you when you start talking to friends and former colleagues of the surgeon-turned-senator is that everyone has a different story about his penchant for small acts of kindness. . . .

"Tom Nesbitt, a local physician who has known Frist since they started first grade together, recalls the senator making weekly phone calls about a mutual friend's son, stricken

with cancer, for months — and then flying down for the funeral smack in the middle of a busy congressional session. Mark Tipps, who was Frist's chief of staff before returning to Nashville to practice law, still marvels at the way Frist declined to attend a 1996 campaign rally with presidential nominee Bob Dole and half of Tennessee's congressional delegation. Frist had promised to accompany his son to the Cub Scouts' Pinewood Derby races that night and wouldn't break his word. 'It was at a time when a lot of Republicans were talking about family values,' Tipps notes, 'and he was actually doing it.'"

Such light cannot be hid under a bushel, which is why his colleagues are drawn to Frist, however much tutoring he may require as a herder of cats.

But the Senators may get more than they bargained for. This is a man who, it seems, does not put politics first. This may be a

refreshing change from Senator Lott. But Frist has been a vocal champion of term limits — on the side of the angels in the mid-1990s when the Senate took up the issue. And as recently as mid-2002 he defended congressional committee chair limits against those who would undo them.

"The power of being chairman is substantial," Senator Frist told *The Hill*, "and you're defining people's future profession and career by what words are written in our conference report."

And if Senator Majority Leader Frist keeps his promise to step down after two terms, there may be a lot of nervous throat clearing among his former colleagues. ■

[Journalists] never bother to tote up the experience of incoming freshman — presumably on the assumption that no experience outside government can possibly be germane to the judgments rendered inside government.

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