

INAPPROPRIATE APPROPRIATIONS

Self-Limiter Jeff Flake Speaks Out Against Appropriations Pork



Rep. Jeff Flake (R-AZ)

Representative Jeff Flake of Arizona — one of the congressmen who, like his predecessor Matt Salmon, is voluntarily limiting his terms in office — wonders why the federal government needs to spend \$90,000 on . . . ahem . . . cowgirls.

It's hall-of-fame mania. There's \$90,000 in the new appropriations bill for the Cowgirl Hall of Fame, \$350,000 for the Rock and Roll Hall of Fame, and another \$750,000 for the Baseball Hall of Fame.

Flake insists he's got "nothing against cowgirls, rock and roll or

baseball, but why are my tax dollars paying for their halls of fame? I'd nominate Congress for the Pork-Barrel Hall of Fame, but I'm afraid the appropriators would actually try to appropriate money for it. . . . What disgusts me even more is the fact that this omnibus bill was largely written by Republicans. We ought to be trying to get spending under control, not loading up spending bills with pork."

But Flake already knows — or is learning fast — that long-time career politicians are nothing if not big

spenders of other people's money.

Among the goodies having nothing to do with national security tucked into the 3,000-page, \$397.4 billion appropriations package:

- \$202,500 to build a National Peanut Festival Agriculture Arena in Dothan, Alabama, requested by Alabama Representative Terry Everett.
- \$90,000 to create a "bilingual audio tour" for that cowgirl museum in Fort Worth, Texas, requested by Texas Representative Kay Granger.
- \$250,000 for "beaver manage-

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KILLING INITIATIVE

To Praise and Bury

In Shakespeare's "Julius Caesar," Mark Antony comes "to bury Caesar, not to praise him." Our career politicians come "to praise citizen initiative, not to bury it."

Like Mark Antony, however, they mean the opposite of what they say.

No democratic mechanism is more distasteful to career politicians than the citizen initiative. And they're doing everything they can to bury it.

Of course, they can't come right out and say so. Instead, they talk about "increasing trust" in the

process. For some reason, "increasing trust" has an awful lot to do with multiplying obstacles.

The latest confidence-boosting measures are being trotted out in Oregon, where being "inactive" on the voting rolls already makes one ineligible to sign a petition . . . *even if the signers are registered and eligible to vote.*

Among the steps Oregon legislators are now pondering: allowing only petition signers to add

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MESSAGE FROM THE EXECUTIVE DIRECTOR

Term Limits Continue to be Successful

As many state legislative sessions wind down for the year, one thing is unyieldingly clear — term limits continue to be successful.

From California to Florida to Maine, term limits brought more electoral competition and turnover, more diversity in gender, ethnic, and occupational backgrounds to state legislatures, and even more real solutions to fix tough budget crises than states without term limits in effect. Even better, term limits ended decades-long monopolies over particular governmental seats for the very first time in the Michigan Senate and both chambers of the Missouri Legislature.

But just because term limits remain widely popular with voters doesn't mean laws weren't challenged by incumbent career politicians who often believe not so much in democracy as in their own personal political power.

Take Utah, for instance, where legislators are in the process of repealing their limits despite a recent poll showing that three-fourths of Utahns want to keep their current 12-year legislative limits (which, incidentally, are considerably longer than the more typical 8-year limits imposed in other states). The Utah case shows that it doesn't matter how many terms are allowed or how

long politicians can remain in power — careerists chomp at the bit to stay even longer. While the Utah Senate has disregarded the voters' wishes on term limits and passed a bill hoping to repeal the law, we're hopeful the House will do the right thing.

The bottom line is that career politicians have proven that if they can find a way to stick it to the voters, they will. Democracy? Electoral competition? Power-sharing? It all takes a back seat to their own monopolistic ambition.

In Montana, after a straight-out repeal effort died, the legislature attempted to pass a bill that would extend term limits from eight to 12 years. And this not long after the Montana Supreme Court ruled that term limits were in fact constitutional, against a lawsuit filed by two termed-out legislators who didn't want to look for a new job.

And efforts to try to defy the democratic decision of the people by killing term limits are still underway in Nebraska and South Dakota, where legislators have called for more "study" of the term limits question. Give me a break — a study? We all know that's code for a pretense to

objectivity, as a prelude to hoodwinking the public.

The bottom line is that career politicians have proven that if they can find a way to stick it to the voters, they will. Democracy? Electoral competition? Power-sharing? It all takes a back seat to their own monopolistic ambition. ■

NO UNCERTAIN TERMS

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Term limits serve as brake and ignition — not cure-all

by Stacie Rumenap, guest column for *RationalReview.com*

February 26, 2003

Most establishmentarian-type politicians bitterly oppose term limits. That's because term limits curb the power of career politicians and open the door to a less power-hungry breed of representative.

Yet even some libertarian critics offer little more than the billion-times-served cliché that “we already have term limits, they're called elections,” despite the overwhelming institutional advantages that accrue to incumbent politicians, especially in district-level contests. Indeed, each year a great many U.S. representatives and state legislators suffer no electoral opposition to speak of. Any dictator presiding over empty electoral rituals would be happy to endorse the principle that “we already have term limits, they're called elections.”

Steve Trinward's recent article “Term Limits Reconsidered” is a refreshing change from this approach. If I object, it's not so much because Mr. Trinward's concerns are unreasonable, as that they are slightly off-target. The problem is the nature of the political beast, not a specific reform's attempt to tame that beast; yet in his article the distinction is not always clear.

For example, Trinward writes that “So far, all we are doing [via term limits] is discouraging the current crop of game-players from keeping their hats in the ring, or even serving their final terms with concern for their constituents; we also need to encourage the new paradigm, of service for its own sake, if it is to thrive.”

But if this is a journalistic claim about the effects of term limits, the negative conclusion is not justified. It is not justified as assessment of the impact of term limits either on the Congress (insofar as term limits have been enacted there by voluntary self-limitation), or on the 17 state legislatures now subject to term limits. Studies done by the Cato Institute and the National Taxpayers Union show that even so-called fiscal conservatives in the Congress tend to become more liberal spending other people's money the longer they're perched in power. But we also know that self-limited congressmen — genuine self-limiters, as opposed to those who spuriously term-limit themselves merely to gain an electoral edge — have proven more likely to resist institutional pressures and hew to their avowed fiscal conservatism (see John Berthoud's observations about self-limited members of Congress at http://www.ntu.org/taxpayer_issues/ntuf_issue_briefs/ibntuf128update.php3).

Mandatory term limits on state legislatures also seem to foster fiscal sanity, judging by the evidence that has come in from legislatures where term limits are now in effect (see Patrick Basham's study for the Cato Insitute, “Assessing the Term Limits Experiment California and Beyond,” <http://www.cato.org/pubs/pas/pa-413es.html>).

Political realities of course persist. Trinward mentions the case of Tennessee Governor Don Sundquist, who has been pushing for a state income tax now that he will presumably suffer no political cost for doing so. Sundquist cannot run for another term as governor. Is his power play made possible by his term limit? Yet Trinward fails to note that denizens of the state legislature also pushing for a state income tax are most definitely not subject to term limits. (In Tennessee, voters don't enjoy the right of initiative and referendum.) Perhaps a legislature more subject to democratic competition would be more reflective of the sentiments of the people, and less likely to go along with a push for a state income tax. In any case, the fact that a Sundquist or a Clinton might run riot during his scheduled final term is no argument for letting them remain in office indefinitely! (Not that Trinward himself would suggest any such thing.)

It's no coincidence that as the power and purview of the State metastasized during the second third of the last century, so did political tenure. Office-holders who truly possess the temperament of the citizen legislator don't mind stepping down when their time is up — whether their term limits are obligatory or voluntary. Self-limited (and anti-big-spending) congressmen like Mark Sanford, Matt Salmon, and Tom Coburn stepped down from office just as promised — despite the ease with which, as popular incumbents, they could have gained reelection. During their stints, folks like Coburn and Sanford could afford to be more independent because they didn't have to curry favor with party bosses. They knew they wouldn't be sticking around forever anyway. While they haven't changed the culture of Congress, such “citizen legislators” do show that that this political culture is not inevitable.

Most advocates of term limits would emphatically agree that term limits cannot be a jack-of-all-trades when it comes to effecting political change. It is not a political panacea, nor do we claim that it is. (My colleague Paul Jacob has devoted several of his daily “Common Sense” radio

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Paul Jacob
U.S. Term Limits
Senior Fellow

Which of These is Most Outrageous?

Tell us which Common Sense commentary you think is most outrageous by sending us the form on the next page.

That Other Death Tax

I hadn't thought of it that way before. But David Boaz is right.

Boaz is vice president of the Cato Institute, a think tank in Washington, DC. In a recent article for Fox News he says that even if Uncle Sam's estate tax affects "only" the rich, as some people claim, there's another death tax that robs a lot more people when they die. The one imposed by Social Security.

Boaz says that under the current government-mandated retirement system, "you 'save' your Social Security contributions your whole life, and then when you die, that money disappears. That's a 100 percent death tax on the retirement savings of most Americans."

He observes that if you set aside 12.5 percent of your income on your own for decades, invest it conservatively, and don't touch it until you retire, you'll collect quite a respectable heap of money. A 30-something couple earning \$54,000 a year could have a million dollars when they hit 65. If heaven forbid they should die in a car accident two years later, the leftover money could go to their kids. Even if there's some kind of death tax, the family would still keep some of it.

But the rules of Social Security just say, "Okay, game over."

In his article — which you can find through the SocialSecurityChoice.org web site — Boaz suggests that the government let people plan for their retirement. But don't stop us from planning and then sock us with a 100 percent death tax.

I agree. ■

Get a Life

There are lies, damn lies and statistics. Then there's a murkier area of polls and focus groups.

Numbers don't lie. It's just the analysis that's always open to spin.

According to John Hibbing and Elizabeth Theiss-Morse, authors of *Stealth Democracy*, Americans don't care much for democracy and are "happy to turn it over to others." The people want less power, not more, supposedly.

The Gallup poll that forms the basis for their analysis asked voters whether we would be better off if political decisions were left to "successful business people" and then to "unelected experts." A third of the people agreed with each of these statements and nearly half agreed with at least one.

Nearly half, eh? You mean, less than half? So, most Americans are *not* willing to hand over their decision-making authority to others. Sure, most people have more important stuff than politics to fill their days: children, family, earning a living, that kind of stuff. Maybe more analysts should get a life too.

Here's the kicker, though. The same Gallup poll shows a whopping 84 percent of Americans also want an initiative and referendum process. Hibbing hedges, "What they told us is that they still wanted those mechanisms to be there, in case there is a major issue that affects their lives."

Voters don't want to be hassled by politics constantly. They just want to be the boss — through reforms like initiative and referendum. ■

Pointing to Poindexter

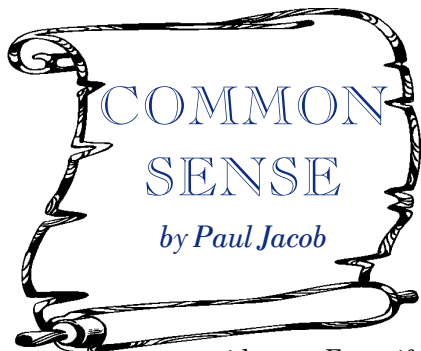
As ye sow, so shall ye reap. So, watch what you sow.

Total Information Awareness, or TIA, is the Pentagon's attempt to find a way to analyze all the transaction data of all U.S. residents. That means our bank transactions, phone records, credit card purchases, you name it. The goal is to toss all this data into a single software bin and then run some kind of algorithm on it. To see which of us is doing the kinds of things terrorists do.

TIA is thankfully not in effect yet. It is a work in progress that would need congressional authorization to be implemented. Of course, for such surveillance to "work," terrorists would have to be cooperative and maintain familiar patterns of activity. The software problems are also humongous. It's hard to build software that can read minds. The other little thing is that everybody's constitutional rights would have to be ignored if anything like this ever comes to pass.

A group on the Internet has decided to turn the tables on the staff of Total Information Awareness and project leader John Poindexter. They say if these guys want to spy on us, we're going to spy on them. So they have been posting private information and sightings of TIA staff on the web for all to see. If Poindexter buys a gallon of milk and somebody associated with the site happens to observe him doing it, a report goes online.

I think this kind of spying and harassment is wrong. We ought not do this sort of thing. If we do it unto others, they just might turn around and do it unto us. ■



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

In Agreement

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I love it when people agree with me. Even if I have to slightly disagree with that agreement.

A listener I'll call "Jim" writes, "The idea of term limits is good, but only because seasoned socialists do more harm than neophyte socialists. If bureaucrats would stay within the bounds of the constitution, eliminate wealth redistribution, leave charity to churches, and just leave the people alone, it would not matter how long legislators held their offices."

Now, this is a great point. But I have to say I'm a little more worried about how unlimited incumbency corrupts even those who enter office without any goal of trying to grab my money. A person's chosen ideas are very important. But there are also institutional influences on officeholders.

My biggest reason for supporting term limits is that even the free-enterprisers get worse the longer they perch in

power. Studies by the Cato Institute and the National Taxpayers Union document how even so-called fiscal conservatives become more and more willing to spend our money as the terms fly by.

It's not surprising. A congressman's power is directly tied to the amount of money the federal government spends and the amount of say it has in our daily lives. No wonder congressmen always vote for more government. No wonder even the good guys go along to get along.

We have placed our representatives in a situation where their self-interest is directly opposed to the interest of those they represent. And with nearly 100 percent re-election rates, whose interests will they uphold? ■

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**That Other
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Get a Life

**Pointing to
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Or do you prefer the commentary on this page?

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THEY SAID IT

Calif. Citizen Legislators

“Before term limits eroded the ranks of [California’s] Capitol veterans, a potential Assembly member needed a significant political background. But these days, a quick stint on a school board or other local-government post is enough. Some seek Assembly seats as their first elected offices.

‘Before term limits, if you wanted to run for office, you had to wait for your local legislator to either retire, be indicted or die,’ political strategist Dan Schnur said.

—*The Syracuse Post-Standard*
February 24, 2003

A Fresh Outlook

“[T]he same distrust of entrenched institutions which motivated average citizens to restrict the tenure of political office-holders has not abated. Term limits have brought new ideas and fresh faces into the political process. Average citizens and governmental institutions have benefited from the infusion of new blood.

In a place such as Nevada, where the tradition of a part-time, citizen Legislature is part and parcel of the state’s political culture, there’s little indication that voters have any desire to abandon this noble experiment. That’s why it’s encouraging that Assembly Speaker Richard Perkins, D-Henderson, noted that repealing term limits is not on the Legislature’s agenda. There’s other, more-pressing work to do.

—*Kankakee Daily Journal*
February 4, 2003

SOUTHERN DISCOMFORT

Savannah Mayor Seeks to Chuck His Term Limits

Yet another mayor wants yet another four years in power, despite term limits that mean the end of his tenure is at hand.

Savannah Mayor Floyd Adams Jr., who has served two terms, doesn’t like the term limits voters passed in 1990 limiting him to two terms. He wants to chuck those term limits.

Not by asking the voters to change their minds, though. Instead he wants the local statehouse delegation to revise the city charter . . . without giving the voters any say at all.

This is not too surprising. The mayor of New Orleans asked voters to scuttle his term limit a couple years back and got clobbered. So why give the voters a voice?

Mayor Adams says one reason he opposes term limits is his belief that they were passed as a “vendetta” against a previous mayor of Savannah, John Rousakis.

Rousakis had been monopolizing the office for two decades when the term limit measure was passed. Alas, political monopolists have a disturbing habit of attributing stupidity or malice to citizens who favor competitive democracy more than they do. But if Adams feels such contempt for his own constituents, what’s he even doing in the mayor’s office to begin with?

So far none of the legislators with the



**Savannah Mayor
Floyd Adams**



**Former New Orleans
Mayor Marc Morial**

Savannah Mayor Floyd Adams is seeking to have the city’s mayoral term limits removed from the city charter. Former New Orleans Mayor Marc Morial tried to get voters to revoke his term limits a couple of years ago, and was resoundingly defeated.

power to change the city charter are playing along with the power play. They realize the blatant conflict of interest here, even if Mayor Adams does not.

Sorry, Mr. Mayor, but the people of Savannah didn’t need 20 years of John Rousakis, and they can survive quite nicely without another 20 years of you. Give it up. ■

Kenya's Term Limits Provide Peaceful Succession

The African nation of Kenya is suffering from terrible government corruption and a woeful lack of freedom. But the peaceful transfer of power and a new administration that's talking about change has Kenyans hopeful for reform and it's all due to their term limits.

New laws instituting term limits throughout Africa have been critical in providing and ensuring new leaders at the top. In the past two years, such limits have forced out Zambia's Fredrick Chiluba, Ghana's Jerry Rawlings and now Kenya's Moi. Moi

has ruled Kenya since 1978, but the presidential term limits of two five-year terms were only introduced with the 1992 election.

According to James Shikwati, the director of the Inter Region Economic Network for Kenya, "Without the constitutional provision for a limited presidential term, it would have been almost impossible to dislodge Moi from office. That he agreed to hand over [power] makes him a hero to Kenya and Africa in general."

Shikwati says the key will be getting

off foreign aid and ending government corruption that costs Kenyans \$895 million a year. The new government "should enlighten Kenyans on the fact that there is no such thing as a free lunch, and take this country off dependence on aid."

Likewise, Shikwati wants his countrymen not to be dependent on their own government, either. He argues they must "ensure that Kenyans get economic freedom . . . without looking up to the government for solutions . . ." ■

"Killing Initiative," cont. from page 1

information to petition sheets; requiring signature gatherers to register with the secretary of state; requiring the use of "official" petition forms (which will, of course, take a long time to get ready and distribute to would-be signature gatherers); and requiring "direct authorization" of petition circulators by the chief sponsors of a measure.

One bill would require initiative sponsors to obtain 10 percent of the required signatures before they can even circulate petitions with the official ballot title. Does it really help the validation process if signers aren't quite sure of the ballot question they're being asked to support?

While Oregonian pols may seem over the top, they are actually very representative of career politicians all over the country seeking to hamper participation in political life.

In many states, including Florida, legislators are pushing a "single-subject" rule according to which a ballot question is ruled invalid if it is said to consider more than one subject. Politicians are very strict-constructionist on this point, and so are some of their cohorts in the courts.

In Oklahoma, opponents of a cockfighting ban posted a competing ballot question which, if passed, would double the number of signatures required to post any animal-welfare measure. You don't have to be fond of animal-rights laws to realize that this kind of narrowly-targeted hurdle could easily be widened to embrace *all* citizen initiatives.

Some states want to increase the number of counties in which signatures must originate. Of course, no state legislature requires votes for governor or any other statewide official to be distributed a certain way among a state's counties. The only motive for imposing such a requirement on the initiative process is to gum up direct democracy — by forcing signature gatherers to spend more time, and

less productive time, in less populous regions.

If advocates of "strengthening" the citizen initiative were sincere, they would make it easier, not harder, to get a question on the ballot.

Of course posting a ballot measure cannot be made *too* easy — there must be some signature threshold, if only to ensure that there is actual public interest in a question and the ballot doesn't get flooded with frivolous measures. But it's better to err on the side of leniency here — not only because the politicians have a vested interest in squelching the initiative process, but also because no question can be decided at the signature-gathering level anyway. After a question gets to the ballot it still has to win a majority of the vote in order to become law. It's not as if there's a hurricane of ballot questions getting through. In 2002, state legislators posted three times as many ballot questions (147) as did citizens (49). Only the citizens had to do the legwork of signature-gathering.

We need more honesty in public life. Politicians in initiative states should be candid about their goal of making it impossible to put a question on the ballot. They could then openly advocate the best means of accomplishing this goal. New rule: DNA and blood samples must be collected from each person who signs a petition. New rule: the signature gatherer must give the argument against his question as well as the argument in favor. New rule: only one signature per petition. New rule: only one signature gatherer per petition signer. New rule: whenever the signatures for a petition are turned in, the deadline for turning them in shall be changed to the day before they were turned in, effective immediately, invalidating the petition.

Say what you mean, Mr. Career Politician. ■

"Inappropriate Appropriations," cont. from page 1

ment" in North Carolina.

- \$450,000 to promote soccer through the U.S. Soccer Foundation.

- \$650,000 for cricket control in Utah; \$300,000 for cricket control in Nevada. Zero to rein in items of budgetary largesse multiplying like crickets.

- \$30 million for water and sewage projects in rural Alaska; \$750,000 for sea otter research in Alaska; \$1 million to recover seabirds in Alaska, home state of Senate Appropriates Committee Chairman Ted Stevens.

- \$572 million for water systems in West Virginia, home state of Senator Robert C. Byrd.

- \$500,000 to aid and abet the health of catfish in Mississippi, home state of Senators Thad Cochran and Trent Lott.

- \$1.6 million for a drainage project in Illinois, home state of House Speaker Dennis Hastert of Illinois.

Democrats claim Republicans are shortchanging Homeland Security. But although the majority party tends to have an edge in funding the projects of its members, the annual pork plunge is very much a bipartisan affair.

Even representatives who start out as avowed fiscal conservatives tend to fall sway to the Hill's ruling ethos of mutual back-scratching of colleagues, back-stabbing of

taxpayers. They get co-opted by the system...or they do if their goal is to remain in that system for as long as they possibly can. So everybody supports everybody else's wastrel projects as a way of garnering support for their own wastrel projects, even when only one or two of the legislators really want a particular project to be funded.

Genuine self-limiters tend to be an exception, because they're *not* looking to be re-elected at all costs. A study on congressional spending in the 104th and 105th sessions of Congress by the National Taxpayers Union Foundation noted that "the 64 members from Congress' Freshman class of 1994 who did not voluntarily pledge to cap their service proposed an average of \$6.8 billion in annual spending increases during the 104th Congress. By the 105th Congress, however, the typical non-limiter's agenda had quadrupled to \$29.1 billion."

Part of what's going on is self-delusion—"If I give up my principles for just a few terms, until I'm well-established in office, I'll be in a better position to re-assert them later on," a freshman might say to himself.

But there's never an optimal moment to buck the establishment. You're either ready to stand on principle going in, or you're going to end up as just another good old boy slapping other good old boys on the back as you merrily pick the pockets of the taxpayer. ■

"Catalyst, Not Panacea," cont. from page 3

commentaries to exposing this straw man.) Indeed, no reformer of any stripe could be justified in claiming that his favored reform will somehow revise human nature so as to eliminate the possibility of moral choice or willful misconduct. What an appropriate reform can do, however, is *take account* of human nature. And that's what term limits do. Reflecting the Actonian insight that "power corrupts, and absolute power corrupts absolutely," term limitation provides an institutional means of regularly nipping

corruption in the bud.

Term limits do help pave the way for the more rights-respecting and fiscally sober policies that libertarians favor. No, term limits can't do it alone. Term limits are not even the most important factor in producing political change — certainly not more important than a candidate's personal integrity, or a culture's ideas. But even if a car key is not the most important ingredient of what makes a car go, you still need to flip the ignition. ■

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