

THE BIG GRAPPLE

Term Limits Hold Strong in NYC Despite Opposition by Career Politicians; One More Round to Go

Things don't seem to be working out for New York City's career politicians.

Determined to pad tenures despite the city's twice-enacted term limits law, city council members had unilaterally imposed a two-year extension of term limits for some of their members — namely, those members whose two terms would, as a result of redistricting, add up to only six years in office rather than eight years. The council wanted these members to be able to run for an additional two-year term in office (totaling three terms in office, or one more term than the legal term limit).

But after the council acted to dilute the limits, a pro-democracy coalition led by attorney Ravi Barta and others sued to overturn the illegal move.

Even if the change had been reasonable, the council was obliged to go to the voters with a fix rather than act unilaterally, argued State Supreme Court Justice Gerald Rosenberg in his 23-page decision issued in late March. He said that the council's passage of the term-extending law "is inconsistent with the historical practice of enacting term limit legislation by referendum."

Justice Rosenberg added, "By per-

mitting the council speaker to run for an additional two years, Miller's reelection . . . will frustrate junior council members from obtaining the powers the speaker now possesses."

It is widely understood that Speaker Gifford Miller's support for the unilateral extension had much to do with his own mayoral ambitions. He had hoped to run for the mayor's office in 2005 as a sitting council speaker, benefiting from the advantages of incumbency.

The city's career politicians have opposed term limits from the begin-

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OREGON UPDATE

Oregonians Reject Tax Hike Proposed by Career Politicians

In January, Oregonians rejected a scheme by long-serving legislators that would have increased income taxes over the next three years.

The defeat of what would have been a major tax increase came as no surprise to anyone, considering Oregonians have rejected every income tax hike presented to them since 1930. But the fact that the legislature was brazen enough to try and get it passed again might have

something to do with the recent repeal of term limits, a four-year effort led by career politicians trying to hold onto power longer.

Studies by the National Taxpayers Union Foundation and the Cato Institute have shown that the longer politicians stay in office the more they vote to tax and spend — and this theory has proven no different when it comes to the Oregon state

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MESSAGE FROM THE EXECUTIVE DIRECTOR

The Consequences of Term Limits

Long-time incumbent Congressman Henry Hyde (R-IL) once suggested that under term limits, finding candidates for office would be like picking names out of a phone book.

In other words, electoral competition is the same as random chaos. The Congressman would like us to believe that it's better to simply allow incumbents to monopolize power endlessly.

But it's not just Congressman Hyde who despises term limits; most establishmentarian-type politicians bitterly oppose them. That's because they know that term limits curb the power of career politicians and open the door to a less power-hungry breed of representatives — new people with real-world experience.

But as term limits have kicked in across the country, we've come to expect these sorts of intended consequences, at all levels of government.

But occasionally, we hear about the "unintended" consequences of term limits.

The first one to come to mind is the way career politicians keep trying to destroy term limits in the 16 states that term limit their legislatures. Term limits advocates certainly didn't "intend" for this to happen. But we're not really surprised, either.

Another "unintended" consequence relates to a news story out of Sacramento, Calif., where a reporter notes a new "trend" — women are succeeding their husbands in California's term-limited legislature. Not the kind of thing advocates of term limits predicted, the reporter suggests. And he's right. In 1990, that wasn't on our list of possible results of term limits.

But it's not a big deal either. We knew that many outgoing office-holders would try to stay in the game one way or another. We knew that un-term limited incumbents often try to turn their power over to a designated favorite — a staffer, for example. But under term limits, these designated favorites can't keep bouncing a legislative seat back and forth between them.

The story read, "Assemblywoman Sharon Runner [is] the first woman to succeed her husband in the California Assembly." I hardly think that one example makes this a shocking trend.

The bottom line is that in California and across the country, when term limits open up seats and help level the playing field, newcomers can make it in the political arena. ■

"Oregon Update," cont. from page 1
legislature. In fact, Oregon is facing one of the worst budget deficits in the country, reaching over \$110 million.

One can't help but to question that if legislators had put as much time into trying to fix the state's budget problems as they did in trying to undo their own limits, Oregon may not be faced

with such a record-high budget crisis.

Passed in 1992 by a whopping 72 percent of the vote, Oregon's term limits law allowed state legislators to serve six years in the House and eight years in the Senate, not to exceed 12 years overall. Just last year, after many legislative battles, a couple of long serving incumbent legislators found sym-

pathy in the Oregon State Supreme Court who threw the law out on a technicality.

But this setback is temporary. Oregon activists are gearing up for a new, tougher initiative. And next year, voters will have the opportunity to once again show legislators they continue to support term limits. ■

NO UNCERTAIN TERMS

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Youth Taking the Lead

by Denise Ross, *Rapid City Journal*

March 23, 2003

On any given afternoon at the South Dakota Capitol, a 35-year-old Spearfish man ran business on the floor of the House of Representatives during the 2003 legislative session.

“Mr. Speaker, I have a question for the sponsor,” a legislator would say.

“State your question,” the 35-year-old would reply from the carved wooden speaker’s podium, elevated above everything else in the chamber.

The protocol might seem mundane, but House Speaker Pro Tempore Chris Madsen is a symbol of two simultaneous phenomena.

In only his second two-year term, Madsen is the highest-ranking member of a crop of legislative sophomores who have risen to leadership positions.

Under longstanding legislative tradition, in 2005, Madsen will replace House Speaker Matt Michels, R-Yankton, who himself served a single term before being tapped for leadership. And Madsen is one of 13 West River lawmakers in leadership jobs who have tipped the balance of power, however briefly, to the western side of the Missouri River.

Which individuals hold the reins of legislative leadership remains fluid from term to term, but youth under the Capitol dome is a phenomenon significant to the future of South Dakota politics.

In 1992, South Dakota voters passed a constitutional amendment limiting state lawmakers to eight consecutive years in either the House or Senate.

In 2000, 34 longtime state lawmakers faced either the ends of their careers or a run for the other chamber. That year, term limits ended the 10-year legislative career of Mike Rounds, now the state’s governor.

Although the new rule has led some lawmakers to simply switch chambers, it has prompted many more to retire. That has cleared the way for waves of new faces.

This year, 29 of the 105 legislators are freshmen — 24 of them in the 70-member House. Nearly a fifth of lawmakers are 40 or younger, and 12 percent are 35 or younger.

Traditionally, about a third of the Legislature would turn over each cycle, but there were stalwarts who held on for decades.

“The change has been in senior leadership,” House Majority Leader Bill Peterson, R-Sioux Falls, said.

The new, often young, leaders emerging in the era of term limits have precious little lawmaking experience under their belts.

Take this recent exchange from a recent House Taxation Committee meeting: The issue was a proposed change in the way agriculture property is assessed, a familiar debate even in just the past few years at the Capitol.

A 35-year-old freshman lawmaker, Rep. Tim Rave, R-Baltic, observed: “I think you all have been debating this issue longer than I’ve been on the planet.”

Young Credit Term Limits

The newbies aren’t all young, and the young lawmakers aren’t all freshmen.

But the wave of young faces hitting the state Capitol can’t be ignored, Rep. Margaret Gillespie, D-Hudson, said. She is a party whip in her second term.

“There’s so many of us, they have to deal with us. The older guys really don’t have much choice,” she said. “The trouble is, there’s just so much to know, so many different facets of state government. It takes a long time to learn the history of issues, the process and the players. So many newcomers rely on long-term legislators, and most of the time that’s the leadership. Those legislators in leadership have that much heavier a burden.”

Before Rep. Justin Davis, R-Ipswich, was elected in November at the tender age of 24, Sen. Brock Greenfield, R-Clark, held the distinction as the state’s youngest-ever lawmaker.

“I am here because a senator was termed out,” the 27-year-old Greenfield said. “There was a vacant seat. Had term limits not been in place, I wouldn’t have run for this.”

When he was elected in 2000, Greenfield was 25. He began circulating petitions to get his name on the ballot just 10 months after graduating from Northern State University in Aberdeen.

“I used to get mistaken for an intern, but I’ve never been mistaken for a page, I don’t think,” said Greenfield, whose work in college as a legislative intern piqued his interest in holding office.

A former lawmaker from his area, Dean Anderson, called and encouraged him to run.

“There was a little fire kindling in me. That flame was really fanned when he called me,” Greenfield said.

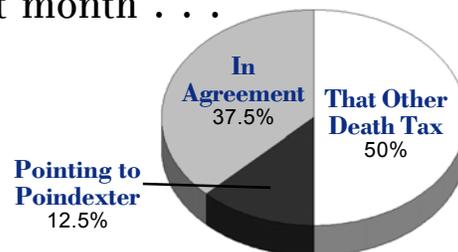
continued on page 6



Paul Jacob
U.S. Term Limits
Senior Fellow

Here's how you voted last month . . .

Which of These is Most Outrageous?



Read This and Weep

I once suggested that congressmen be required to read the bills they vote on. There would be a quiz about the content of the bill before any vote. If a legislator failed to get a passing grade, he would not be allowed to vote on the bill.

My radical suggestion was ignored. So congressmen continue to pass bales of legislation they've never even read. Then they get all shocked, *shocked*, when news of what's in the law trickles down to them.

Take the McCain-Feingold campaign finance law — please. Lawmakers are now taking seminars to find out what the fine print is. And it seems they are stunned.

Robert Bauer, a lawyer who conducts some of the seminars, told the *New York Times*, "We sometimes leave our audiences in a state of complete shock."

Another phrase Bauer uses is "slack-jawed amazement." He says he hears a lot of "very anxious questions." One representative, Robert T. Matsui, flat out admits he just didn't realize everything that was in the bill he voted for. Maybe the next seminar should be about how reading is fundamental.

The shockers include up to five years in jail for stuff like raising soft money or hosting a fundraiser you're not supposed to host. This is a law that was passed by 60 senators, 240 congressmen. Whoosh. Right over their heads.

It's tough enough for entrenched incumbents to navigate the draconian new campaign-finance laws. But how are less well-financed candidates supposed to make it through that maze?

Oh, maybe they aren't? Gee, who knew? ■

If the Shoe Fits

Whether we support or oppose a war in Iraq, we all want the best for the men and women in uniform. We want them to have the tools to fight any war and, please, to come home safe and sound. And should a soldier fall, we want to make doggone sure that his family is well taken care of.

This is simply common sense and common decency. But for congressmen, such virtues are high-wire acts that they clearly haven't mastered.

Recently, we saw legislation to give military families a tax break should a soldier be killed in battle. The families currently receive a \$6,000 special payment at the death of their loved one, half of it tax-free. The bill would make *all* of it tax-free. Now, Congress can get carried away doing nice things for folks with our tax dollars, but this idea didn't strike me as too lavish.

In fact, the bill — one of those feel-good, jump-on-the-bandwagon, photo-op bills that everybody wants to co-sponsor — was certain to speed through Congress. But precisely because every pork-barreling politician in Congress knew the bill would pass, they began loading it down with special-interest tax breaks. The list of goodies had reached \$300 million when the scam got exposed and the bill got scuttled.

Pandering to so many special interests at the same time didn't work. The congressmen were so busy with their self-dealing that they callously forgot about the very soldiers they have sent into harm's way. They looked like a bunch of corrupt hacks.

Well, if the shoe fits . . . ■

Hand in the Cookie Jar

Sometimes things do seem different than they really are. And sometimes people interpret a situation unreasonably.

However, when you've got a video of the kid sneaking up to the cookie jar and sticking his hand in the jar and eating the cookie and then sneaking out of the kitchen again, you can be pretty sure he took the darn cookie.

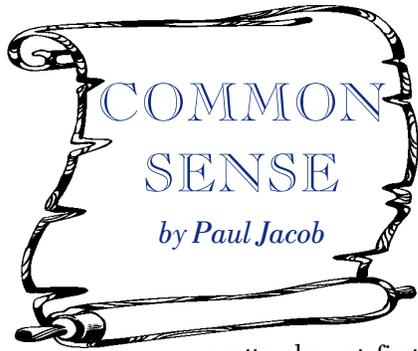
Our congressmen also do a fair amount of skulking around with padded feet. And it's all just politics as usual. Somebody helps out your campaign, maybe you send them bushels of taxpayer money, tucking the provision into page 2,997 of a 3,000-page stack of legislation.

Of course, you really did it for perfectly patriotic reasons. It only *looks* improper! Yeah, sure. Uh huh. Right. Whatever.

Here's an example. House Minority Leader Nancy Pelosi recently pushed through a million bucks in funding for a think tank called, ironically, Center for Public Service and the Common Good. It's based out in San Francisco, the district Pelosi represents. The million-dollar check is buried in a mammoth appropriations bill.

Here's a coincidence: Turns out the Center was founded by the campaign treasurer of a Pelosi political action committee, former Lieutenant Governor Leo T. McCarthy. Could it be that Pelosi is rewarding a supporter with taxpayer money? Golly, it sure *looks* improper!

Ms. Pelosi, keep your hands out of the cookie jar. ■



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

Popcorn Term Limits

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It's like popcorn. Starts pretty slow at first. A pop here, a pop there. But before you know it, it's crackling up a storm. And pretty soon you've got yourself a whole bag.

The term limits movement has been like that. Sometimes it's sound and fury, other times just a steady pop . . . pop . . . pop that keeps on popping.

Before the modern term limits movement got going in the 1990s, most people knew term limits because of their impact on the U.S. presidency and 21 governors' offices.

But as Danielle Fagre points out in "Microcosm of the Movement," a classic study of local term limits, local limits have been spreading across America's political landscape since at least 1851. Fagre estimates that by 1995, almost 60 million Americans were living in localities with one kind of term limit or another.

We had some more popping going on last November, and there have just been a couple more pops in Michigan. Localities in Wayne County and Metro Detroit have just voted for term limits on their municipal officers.

They're following in the footsteps of Michigan's Southgate community, where voters rebuffed an attempt to kill term limits last November. Voters in Livonia had passed term limits on the mayor and city council in 1994. Rockwood, Michigan has had term limits since 1984. Plymouth has had them since 1951.

It's the president, 17 state legislatures, 36 governors' offices, thousands of towns and counties. One by one by one, the people are taking their government back. ■

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Tell us what you think!

Which one of the commentaries on page 4 is most outrageous?

**Read This
and Weep**

**If the
Shoe Fits**

**Hand in the
Cookie Jar**

Or do you prefer the commentary on this page?

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"Youth Taking the Lead," cont. from page 3

Earlier this month, Greenfield was elected as one of 11 Republicans to serve on the 15-member executive board. Commonly called the "E-board," the body makes decisions and handles administrative business when the full Legislature is not in session.

"I'm 38 percent of the way through what could be my maximum term, and it's been the ride of a lifetime," Greenfield said.

Rep. Tom Hackl, R-Hoven, ran for the House after term limits forced former Rep. Jay Duenwald, R-Hoven, to seek election to the Senate.

So far, so good, the 26-year-old Hackl said. He played it low-key this year but is already drafting bills for next year.

"If anybody my age would want to run, I would suggest to do it," Hackl said. "If you let people know that you want it, if you're willing to do the legwork, people will respond to it."

A Different Experience

Under term limits, legislators must draw more on the cumulative experience of their own lives than on their lawmaking experience, one leader said.

"Gone are the days where someone would say, 'We tried this 20 years ago. It was a bad idea then, and it is a bad idea now,'" 38-year-old Senate Majority Leader Eric Bogue, R-Faith, said. "Largely, those folks are gone. We rely much more on our own backgrounds, education and experience."

The situation has put an added burden on leaders. They must train new lawmakers and identify talent while managing legislation and exerting the Legislature's authority as a separate branch of government.

Leaders have established a formalized orientation program for new members in which they learn committee and floor procedure and how to introduce legislation.

Orientation for leaders is less structured.

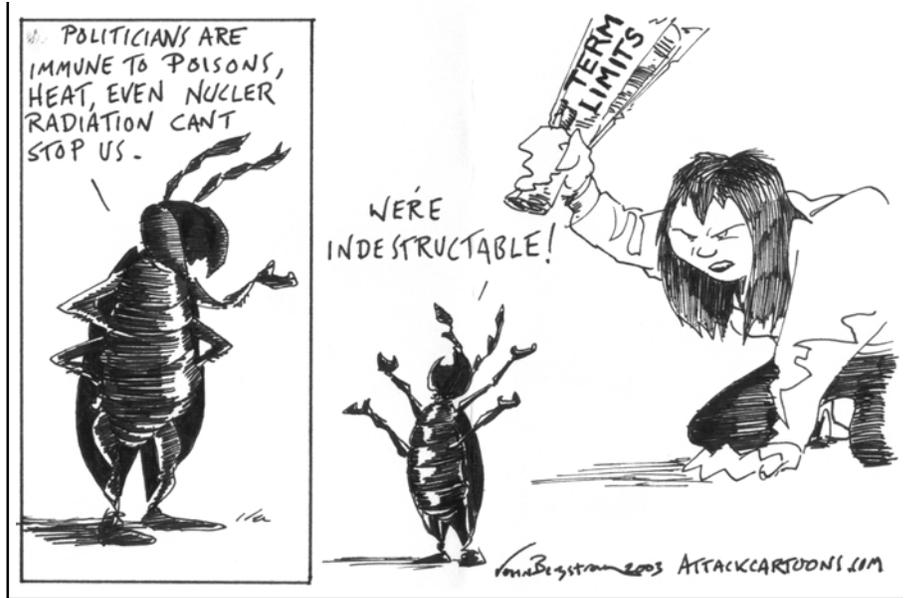
Speaker Michels said leaders will emerge naturally.

"I walked outside yesterday, and within the span of a day, a crocus had come up in our flower garden. This morning, there were two," the 43-year-old Michels said. "When you have the right elements together, they identify themselves and pop up like those crocuses. Chris (Madsen) is a natural."

As speaker pro tempore, senior leadership is a mantle Madsen has taken on.

"I've heard stories from the old days when first-term legislators were better seen than heard. I don't think that's true at all anymore," Madsen said. "If you've got aspirations or if you've got promise, you get into the system a lot faster than you used to."

Madsen points out that Republicans, the majority party



in both chambers, have chosen to cover their whip positions and committee chairmanships with few duplication of duties.

"The yoke of leadership is spread across a lot of necks," Madsen said.

As important as the top leaders might be to partisan politics, finding the right lawmakers to chair committees is as important to the democratic process, said former Spearfish lawmaker Harvey Krautschun, who served as House Speaker in 1995 and 1996.

"The most important area of leadership, to me, typically took place in committee. Where do you and I, the little people, really have the opportunity to get involved? It's the committee process," Krautschun said. "You want hard-working, good, fair people running those committees, Democrat or Republican."

Although Democrats don't have to worry about appointing committee chairmen, they too, are looking for leaders.

"Both parties have been searching for young, new leaders in their recruitment processes," said Sen. Dan Sutton, D-Flandreau, who is a Democratic whip.

After six years in the Legislature, the 32-year-old Sutton is practically a grizzled veteran. And he's eyeing the next rung on the ladder.

"I can be in here six more years, and our leader's been term-limited, so . . .," he said.

House Majority Leader Peterson said the ground continues to shift when it comes to legislative leadership.

"You'll see a much greater mix of leadership in years to come because of term limits," said Peterson, 52. "People are going to look less at where a person is from and more at what kind of leadership abilities they have exhibited. And people are frankly going to have less time to show that than in years past. People could, in the past, eventually work their way up. We don't have that luxury anymore." ■

Reprinted from *The Rapid City Journal*

A Lame Argument About Lame-Duck Terms

Has the power of the U.S. presidency declined in the years since 1951, when the office was constitutionally limited to two terms?

Some argue that term limits makes lame ducks of us all. One writer we came across insists that the evolution of the American presidency proves the point.

“Two things have been demonstrated by the term limits on the Presidency,” our critic claims in a recent Internet posting. “First, a stronger concern for issues that aren’t necessarily what the people think are important; and second and more importantly, the stronger resistance of the bureaucracy to presidential direction. A general attitude of ‘he’s out of here in a few, we don’t have to do what he says.’ Basically turning second terms into ineffective times. Now apply the principle to Congress. Term limits would mean turning over control from the people to the unaccountable bureaucracy. The people don’t elect bureaucrats, and the transference of power to them is taking control from the people.”

Of course, even a true lame-duck session in office isn’t that lame. If Congress passes a law when some of its members are about to depart—to establish a Homeland Security Department, for example—we must all still live under that law. But our critic implies that the entire last term of a term-limited tenure amounts to a “lame-duck” session.

Moreover, it’s the un-term-limited U.S. Congress that is the main culprit in creating all the new control-usurping bureaucracies! Our congressmen may be just as frustrated as everyone else by the thousands of pages of confusing and often contradictory tax code, for example. Yet who else but the Congress passes the tax law which the Internal Revenue Service then interprets and enforces with its myriad rules? And when a small businessman tears his hair out over senseless rules imposed by OSHA or the EPA, who else but un-term-limited congressmen can he credit for passing the laws the bureaucrats of these agencies profess to enforce?

The writer also seems to harbor an erroneous notion about the capacity of any U.S. president, term-limited or not. Neither a president nor a congressman can be a hands on administrator, leaning over the shoulders of DMV clerks and pressuring them to be nicer and more efficient. The

most un-term-limited president of them all, Franklin Roosevelt, was far better at hatching bureaucratic schemes than he was at predicting or managing the consequences. Although certain global changes in government agencies can be made from the top down if the political will is there, the bureaucratic ways of bureaucracies are going to persist whether or not there’s term limits. The problem here is bureaucracy as such, and its octopus-like extension into so many areas of our lives. If you want someone to buck that status quo, you’re more likely to find that political courage in maverick newcomers to power than in entrenched time-serving incumbents.

Nor is it true that term limits have somehow triggered a decline in presidential power. Around the world, the U.S. president is still regarded as the most powerful head of state in the world. And somehow the president is able to exercise an enormous amount of power, for good or for ill, up to his very last day in office—as Bill Clinton

proved a couple years back with his last-minute flurry of pardons and executive orders. One of the most ambitious projects of Clinton’s first term—national health care—foundered in the face of widespread public opposition.

Let’s remember, too, that until the presidency of Franklin Roosevelt, American presidents voluntarily limited themselves to two terms, a tradition established by George Washington—which means that our critic’s thesis would have to hold true for every two-term president in U.S. history with the single exception of Franklin Roosevelt. While it’s true that the certainty of imminent departure must affect how a an office-holder conducts himself in his last days, as well as the political perceptions of others, it hardly follows that he must be hapless and ineffectual during that final stint in office.

What counts is the quality of leadership. A president—or any elected representative—can hit the ground running in his first term, or he can be chaotic and ineffectual. He can focus on promoting the public good, or on colluding with special interests at the expense of the public good. He can inspire support or make everybody angry. He can be good or bad, in his first term or in his last.

Term limits don’t prevent bad leadership. But they do limit the damage bad leaders can do—and make way for better ones. ■

Term limits don’t prevent bad leadership. But they do limit the damage bad leaders can do — and make way for better ones.

THEY SAID IT

Chicago Term Limits?

“Certainly, Chicago’s landscape would be different [under term limits].

If aldermen were subject to a two-term limit, 34 additional seats would have been open in this past election — instead of just one. If the limit was three terms, 22 more seats would have been open.”

—*The Chicago Sun-Times*
March 9, 2003

Leveling the Field

“Term limits level the playing field, [said former New Orleans City Council member Peggy Wilson], comparing incumbents to race horses that already have a head start. Asking for term limits is not a personal attack on elected officials but a means to keep officials from becoming complacent and increasingly powerful. If elected officials want more time in office, they need to run for higher offices.”

—*Hammond Daily Star* (Hammond, LA)
March 26, 2003

“The Big Grapple,” cont. from page 1

ning. After voters enacted the law in 1996, politicians rushed to post a repeal referendum on the ballot.

In ominous television ads they invited listeners to “Imagine the chaos if everyone who knows how this city works left office on the same day. December 31, 2001. That’s the day it [the kick-in of term limits] happens.”

Late in 2001 there was in fact chaos in the streets of New York. But it had nothing to do with term limits. Indeed, it is noteworthy that in the wake of the attacks of September 11, the popular mayor, Rudolph Giuliani, succeeded in stepping down from office just as scheduled, smoothly and without incident.

It seems that the millions of residents of New York City are able to keep going even without a particular leader at the helm.

The politicians’ repeal effort failed, but when it comes to term limits, genuine representation of the people stops where danger to political monopoly begins. Miller and the other

career politicians are now appealing the ruling of Justice Rosenberg.

Millie Drevanian, a Bronx resident, is not impressed by arguments that the city’s term limits law is unfair to office-holders. “Them politicians ain’t the end-all and be-all, you know. What do they think, out of millions of people ain’t nobody else can do their job? Pshaw! We passed the term limits fair and square, leave ‘em alone, I say.”

Appellate reviews should be completed by June, when council members must file for reelection. If the current ruling is upheld, Miller will be out the door by the end of 2003.

But whatever the outcome, the short-term effect for the politicians is . . . chaos. Their arrogant presumptions have been foiled, roiling the political landscape.

Says political consultant Scott Levinson, “The repercussions of this are really trickle-down hell” for previously complacent office-holders. ■

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