

THE NEW GUYS

“Inexperienced” Wise Men Grab the Reins in Ohio

In 1999 Representative Charles Calvert, a lowly freshman in the Ohio House, voted “No” to the state budget — against the advice of every member of his staff, and flouting his own Republican party. He claimed the numbers weren’t adding up. Political newbie, or grizzled veteran of the bottom line?

One of the most frequent criticisms of term limits — repeated especially often by career politicians fearful of having to send around their resumes — is the notion that term limits systematically erase relevant “experience” from government, as if this were a commod-

ity utterly inaccessible beyond the walls of state capitols.

Representative Calvert is one conspicuous counterexample. He may have been too experienced to realize he wasn’t supposed to go against the wishes of his fellow Republicans, who crafted the budget as the majority party. But the 63-year-old astrophysicist and number cruncher had spent 35 years at the NASA Glenn Research Center — 14 of those years as a financial officer. And when it came to the state budget, even as a legislative freshman he knew what he was talking about, having spent many evenings and week-

ends poring over each line.

“I had a lot of experience establishing priorities in the [NASA] budget, something we wrestle with here,” he told the *Columbia Dispatch*. “I’m big into numbers. Numbers come about because of an event. We ask, ‘why is this happening?’ and the numbers can show why.

“For example, why have the sales tax collections on automobiles been above the estimates? Because of the no-interest loans and the large rebates. That’s going to be short-lived, as you can’t look at that level of tax receipts

continued on page 8

INSIDE

Executive Director Message
— page 2

Restoring Accountability
— page 3

Common Sense
— pages 4-5

Bookkeeping Blues
— page 6

Breaking Partisan Molds
— page 6

They Said It
— page 8

Ohio Term Limits Have Wrung Overt Corruption From House

“ [T]he stench from pay-to-play politics in part caused Ohio voters in 1992 to overwhelmingly approve limiting state legislative terms to eight consecutive years.

A decade later, the impact of term limits is being appraised. No one in the House or Senate today has continuously occupied the same seat he or she held in 1992. Only a handful of lawmakers, most of whom simply switched chambers, were in the General Assembly 10 years ago. Many legislators have been in office fewer than four years.

Early evidence suggests that term limits have at least one desired effect: Overt corruption has been wrung out of the Statehouse. For sure, pay-to-play politics still flourishes, but it’s the old-fashioned kind in which campaign money contributed to party caucuses buys access, rather than cash payments directly to legislators.

—*Columbus Dispatch*
May 4, 2003



MESSAGE FROM THE EXECUTIVE DIRECTOR

Voters Are Tired of Political Excuses

If the heads of state governments were heads of Fortune 500 companies, they'd all be looking for new jobs by now. With the recent economic slump, state legislatures around the country are facing budgetary woes. During flush times politicians have a habit of incurring over-generous obligations that simply can't be sustained when times are leaner. But where states are nearly broke, voters are tired of hearing excuses from top lawmakers.

Consider California, where the state budget deficit is at an estimated \$35 billion and growing by \$21 million a day. The *Wall Street Journal* notes, "A paralyzed California legislature has so delayed solutions that the state will have to borrow at least \$10 billion this summer just to pay off short-term debts and meet cash flow . . . The state comptroller may soon have to issue IOUs to vendors."

In Arkansas, legislators have an estimated \$167 million budget shortfall to contend with. Meanwhile, the Arkansas Supreme Court ruled that the current funding structure of the state's school system is unconstitutional. Governor Huckabee proposed combining some rural school districts to save money, but legislators disliked that idea. Instead, the Legislature ended its session without any budget, calling a special session in hopes of moving things forward. It has yet to be seen whether the same types of maneuvers and counter-maneuvers that gummed the works in the previous session will yield to fiscal responsibility in the coming months.

And in Montana, voters are facing a budget deficit of over \$230 million by the middle of 2005.

To you and I, the solution is obvious — it's time for belt-tightening against special interest pork. But

legislators can't agree on how to close the gap. One school of thought advocates taxing more; the other, spending less.

Yet when it comes to term limits, differences are surmounted and legislators clasp hands in unity. In Arkansas and Montana, legislators have defied public opinion and placed measures on the November 2004 ballot that seek to lengthen current term limits laws. And despite the overwhelming defeat politicians incurred last year in California when their effort to hold onto power failed at the ballot box — losing 60 to 40 percent — there's talk of yet another scam by lawmakers to stay in office longer.

News reports confirm that many officeholders could not have gained their posts absent the democratic consequences of term limits laws currently on the books. No doubt many of them appreciated term limits when they first ascended to office.

It's a political truism that seats held by long-time incumbents are considered "safe," virtually immune to electoral challenge. Many prospective challengers don't even bother to run under such circumstances. They wait until the seat is "open" again. Term limits ensure that electoral seats are regularly pried open to electoral competition.

But term limits can't change human nature. There will always be officeholders, including direct beneficiaries of term limits, who prefer governance-by-entrenchment to genuine representative democracy. These are the same folks who will turn their noses at any reasonable constraints on their power. ■

NO UNCERTAIN TERMS

JUNE 2003 • VOLUME 11 • NUMBER 6

Edited by Eric D. Dixon — eric@termlimits.org

Contributing Writers:
David M. Brown,
Kurt A. Gardinier

A Publication of
U.S. TERM LIMITS FOUNDATION
10 G St., NE, SUITE 410
WASHINGTON, D.C. 20002

1-800-733-6440

USTLF BOARD OF DIRECTORS

Peter Ackerman
Steven Baer
Edward Crane
Neal Goldman
M. Blair Hull
Paul Jacob
Ronald Lauder
Howard Rich
Donna Weaver

Travis Anderson
Terence Considine
Mike Ford
Jerry Hirsch
Sally Reed Impastato
Kenneth Langone
Paul Raynault
Joseph Stilwell
Bill Wilson

No Uncertain Terms is published monthly. Third class postage paid, Washington, D.C. POSTMASTER: Send address changes to U.S. Term Limits Foundation.

Term Limits On-Line!

For the latest developments on term limits across America, visit our web site on the Internet at

www.ustermimits.org

Have Term Limits Served Their Time? No: Overall, They're Working Well

by Dennis Polhill, *The Denver Post*

April 27, 2003

'In free governments, the rulers are the servants, and the people their superiors. . . . For the former to return among the latter does not degrade, but promote them,' said Benjamin Franklin.

Thomas Jefferson added, "Whenever a man has cast a longing eye on office, a rottenness begins in his conduct."

It comes as no surprise that the political establishment despises term limits, since they bring about change. Four times since 1990, Colorado voters supported change in statewide elections by voting for term limits.

Why did voters conclude such changes were needed? Because Americans inherently understand democratic processes.

After the second congressional election in 1790, freshmen members made up 42 percent of the U.S. House of Representatives. Between 1790 and 1898, that number fluctuated - peaking at 74 percent but never falling below 30 percent. Since then, the freshman level has steadily declined to single digits, with more incumbents leaving office because of death or indictment than being defeated by a challenger.

In fact, 98.5 percent of all incumbents who ran during the 2002 cycle won re-election, a new high for a post-census election. Worse, in 381 of 435 U.S. House races, incumbents won with at least 60 percent of all votes cast; 188 won with more than 70 percent; and 89 won with more than 80 percent. The Center for Voting and Democracy correctly predicted the outcomes of 333 of 333 U.S. House races in 2002 and has already released predictions for 2004.

At the state level, the results are much the same. As modern technologies augment gerrymandering precision, politicians are making districts less competitive. For instance, more than 40 percent of the roughly 6,000 state legislative seats nationwide are uncontested by one of the two major political parties. In some instances, the number exceeds 75 percent. In term-limited states, that number drops as people with real-world experience step forward to lead. In Colorado only about 20 percent to 30 percent of state legislative seats are uncontested.

Term limits cannot instantly reverse 100 years of undermining the American election system. But evidence shows that term limits weaken the stranglehold that career politi-

cians have over the electoral process and help invigorate the system. More competitive elections are producing more diverse legislatures with more women and minorities; more varied occupations are represented; more accountable legislators are less beholden to special interests; and corrupt pork-barrel spending is beginning to diminish.

In Colorado, the eight-year clock for state legislative limits began ticking in 1990. In 1998, 27 career politicians could no longer hold the same offices. A few retired but most chose to seek other offices. A few became lobbyists. So far, there is no evidence

of a shortage of qualified candidates willing to serve. Because the number of candidates with impressive credentials seeking to serve has increased, those arguing against term limits are suggesting that those citizens are somehow insufficiently or inadequately qualified when compared to those who are term-limited.

As far as the impact of term limits on public policy, it's too soon to say and difficult to measure. However, it is clear that legislation has not gotten worse. Six-year term limits swept old-timers from the California and Oklahoma assemblies in 1996 without major fanfare. And the same has subsequently occurred in 17 states without incident. In Arkansas, term-limited legislators have begun to break down the seniority system by allowing more junior members to serve in leadership positions. In Maine, the requirement that the state budget be adopted by a set date was met for the first time in more than 20 years by the first term-limited legislature.

Overall, term limits are working, and more successfully than even advocates predicted. As term limits have kicked in, we've seen that those in power will do almost anything to hold onto power. But the notion that careerists can deny the people their will in a free and open society is absurd. While there is still more work to be done, America is well on its way to restoring some democracy and accountability lost in the last century.

"It is said that man cannot be trusted with the government of himself. Can he, then, be trusted with the government of others?" — Thomas Jefferson

Reprinted from *The Denver Post*



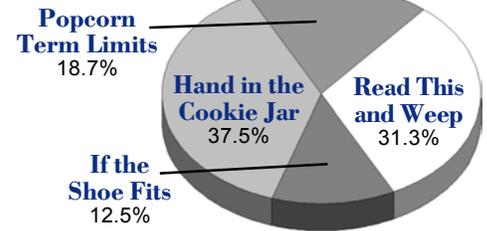
Dennis Polhill is co-chairman of the Colorado Term Limits Coalition



Paul Jacob
U.S. Term Limits
Senior Fellow

Here's how you voted last month . . .

Which of These is Most Outrageous?



No There There

Like most of us, the people of Maine are busy living their lives. If they had any spare time over the last couple months, they were probably watching the war news and feeling a flood of emotions — hoping everybody would be all right and it would be over soon.

Frankly, that's one reason Mainers don't have time to waste playing games with state legislators. Yes, it's another legislative session in Maine. And yes, once again, politicians are complaining that they cannot do their jobs in the paltry eight years to which they are term-limited. Twelve or 14 years would work better for them — or even no limit whatsoever, if they could just hoodwink voters somehow.

Legislators have introduced three bills to repeal or ruin the voter-enacted term limits law. Of course, the politicians prefer repeal, but figure watering down the limits might be more possible.

The legislators convened a hearing on their bills to screw up term limits. Just one little problem: no one to testify in favor of the term limits law that had been passed overwhelmingly by the voters.

Of course, the voters have testified, again and again, to tone-deaf legislators on the question. And they passed the law by a two-to-one majority — yet legislators pretend the lack of testimony shows a lack of public support. Hey, maybe you should've sent a copy of the hearing schedule to term limits supporters...ya think?

Each year, legislators whine and whine about the popular term limits law — one reason we still need term limits. Folks who are that desperate for power really should not be allowed to hold onto it forever. ■

Going Batty

Holy moly, it's the bat cave! What to do?

I guess if you're the caped crusader and you have bats in your belfry, you're not going to call the exterminator. Bats are your friends. You get along with bats just fine. They're what you're all about.

But if you're just a regular guy with an apartment and bats are making the place unlivable, then you do call the exterminator, right?

Well, not if you're living in Florida, old chum. As apartment dweller Grant Griffin discovered recently when a colony of bats took over the place. He found them in the sink and everywhere else. They made so much noise that he has trouble getting to sleep. When he could sleep, he woke up with bite marks.

But Griffin had the misfortune of living in the wrong state. The Florida government considers the bats to be "native wildlife." Under the law, an assaulted tenant can exterminate an invading bat battalion only if the bats are rabid. These bats aren't rabid. So Griffin had to move to a new apartment.

As they say in the commercials — wait, there's more.

I came across another story recently about an infestation of field mice in a Colorado Springs home. But the meadow jumping mouse is on some endangered species list, and there's a possible fine of up to \$200,000 if your cat happens to chew up a mouse. It's enough to drive a man batty.

Let's hope the bureaucrats don't decide that New York City is a native habitat for cockroaches. ■

Boring Regulation

Another boring regulation.

IRS regulation 133254-02 is not yet in effect. But despite being boring, it has stirred quite a controversy. There is a flood of opposition to the new rule, and very little support outside of the IRS itself.

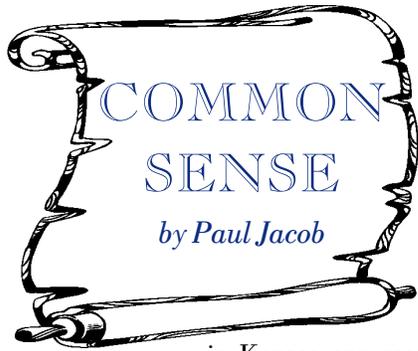
The regulation would require U.S. banks to report all interest paid to non-resident foreigners to the Internal Revenue Service. But the U.S. doesn't even tax non-resident aliens on the interest income they earn in this country. So what's going on here?

The proposed regulation has nothing to do with enforcing U.S. law. The IRS even admits that the purpose of the regulation would be to help foreign governments with *their* tax collecting.

What would be the result? Well, for one thing, the U.S. economy would lose foreign investors. Big-time. Estimates are that some \$40 billion has left the county already, just because such a regulation has been proposed.

Tax expert Dan Mitchell notes that the IRS "can recommend changes in the law, but they have no right unilaterally to change government policy." Of course, Congress crafts plenty of bad law. But it chose not to tax the interest of non-resident foreigners because they want to attract overseas capital to this country.

If this new regulation is foisted on us, it would not only tell the Congress to get lost. It would also tell foreign investors to get lost . . . at a time when our economy really can't afford yet another punch to the gut. ■



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

Look, Toto

If you would like to receive
COMMON SENSE
by email, write to us at
CommonSense@termlimits.org

I have a feeling we're not in Kansas any more.

Recently I talked about how a young group of freshman legislators was impressing observers of the Kansas state legislature. These young folks were able to do good things right off the bat. Problem is, the group is a small one — just six people — who gained their seats mostly thanks to the retirements of entrenched incumbents.

The Kansas legislature is not term-limited. Therefore many incumbents stay in office until they either retire or somebody pries their cold, dead hands from the levers of power.

But we're not in Kansas any more. We're in South Dakota, where voters passed a term limits law in 1992. In 2003, 29 of the 105 state legislators are freshmen. In the old regime you could always count on a certain clique of

senior leaders hanging on for decade after decade. Not any more.

Current Senate Majority Leader Eric Bogue says, "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.' Largely, those folks are gone. We rely much more on our own backgrounds, education and experience."

And House Speaker Pro Tem Chris Madsen says he's "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. If you've got aspirations or if you've got promise, you get into the system a lot faster than you used to."

In other words, a brand new day. ■

Does your local radio station carry COMMON SENSE?

If not, ask them to call 1-800-733-6440 for a FREE subscription.

Provided to radio stations five times a week.

Tell us what you think!

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

**No There
There**

**Going
Batty**

**Boring
Regulation**

Or do you prefer the commentary on this page?

NAME _____

EMAIL ADDRESS _____

STREET ADDRESS (LINE 1) _____

STREET ADDRESS (LINE 2) _____

CITY _____

STATE _____

ZIP _____

Send this form to:

No Uncertain Terms
10 G St. NE Suite #410
Washington, DC 20002

If you don't want to cut up your newsletter,
feel free to use a different sheet of paper.

Or you can email your response:

newsletter@termlimits.org

BOOKKEEPING BLUES

Study Finds 8.9% Increase in House Members' Yearly Office Spending

A study released in April by the National Taxpayers Union (NTU) showed that members of the House of Representatives increased expenditures on their own offices by 8.9 percent overall in the year 2001. Full-year spending for each representative was an astonishing \$998,386.

“Despite the zeal for campaign finance legislation in the last Congress, many incumbents have taken full advantage of loose restrictions on mass mailings to boost their chances for reelection,” said study author David Keating, senior counselor for NTU. “It’s now not uncommon for Representatives to spend over \$300,000 on self-promotional mailings in each Congress, the equivalent of 60 political action committees each giving the maximum of \$5,000.”

Taking advantage of mass mailings in this way gives incumbents an enormous advantage over challengers who don’t have tax dollars at hand to finance their campaigns. The unfair powers of incumbency were demonstrated again last year when only four incumbents were defeated by challengers — the lowest rate since 1806.

Keating’s report concluded that the average Republican generally spent less to run his or her office than the average Democrat. However, the extremes of the scale are even more uniformly partisan: of the 25 most frugal office spenders, 19 were Republicans; of the 25 top office spenders, 21 were Democrats.

NTU also found inconsistent data in House mailing expenses. The study estimates that at least 16 members understated their mass mailing expenses by \$31,000 to \$51,000. NTU recommends that the House should adopt the member-by-member restrictive dollar limits that apply to the Senate. According to the study, such a change could easily save \$30-40 million per Congress.

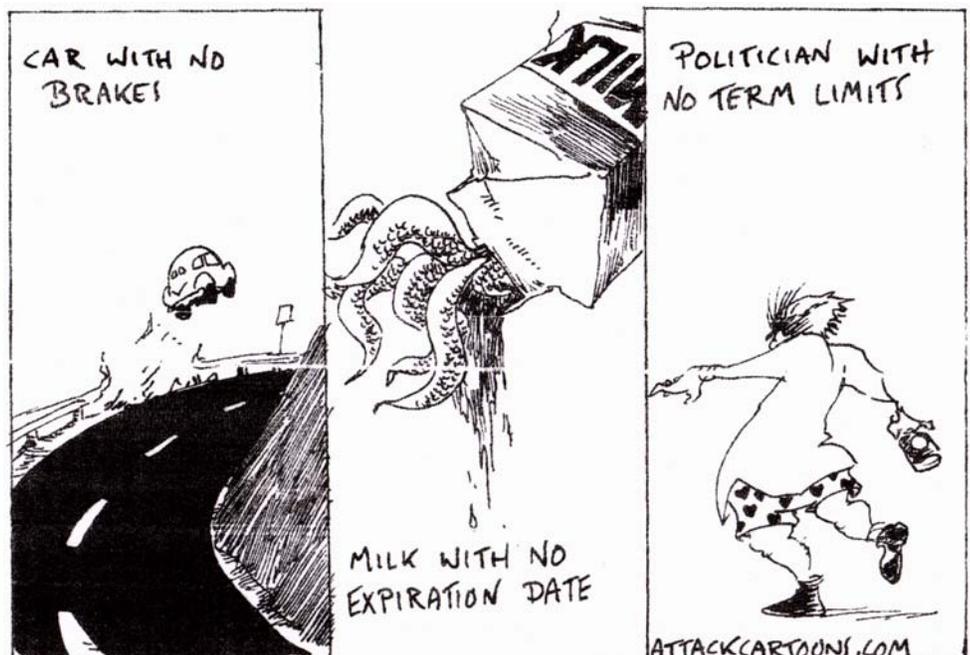
“The House’s bookkeeping makes it difficult for citizens to monitor Congress, and it may even make it difficult for Representatives to stay within their own budgets,” concluded Keating. “Taxpayers and their elected officials alike could benefit from a more serious commitment to accurate and prompt reporting of expenses.” ■

Letter to the Editor

The May 2003 issue of *No Uncertain Terms* included a message by Stacie Rumenap which included reference to a possible new trend of wives replacing their husbands in office.

One major factor involved in turning a seat over to a designated favorite was overlooked. No matter who takes over a seat, the seniority for that seat is lost. The major problem term limits addresses is getting rid of the few people who actually control state legislatures, and once that is accomplished, it doesn’t make a whole lot of difference who takes their seat.

—Ray Bowden
rebowden@juno.com



Fiscal Responsibility (and Irresponsibility) Crosses Party Lines

The story goes that when congressional Republicans were in the minority, they were all in favor of term limits, hoping it would help them gain power; then, when they became the majority, their enthusiasm dwindled. According to this story, the modern term limits movement pretty much began and ended with the string-pulling of a few power brokers in the nation's capital.

The notion that any crew of career politicians has been the primary impetus behind term limits is, of course, pure myth. The term limits movement is a popular one, driven by the public. The career politicians would much rather nobody had ever heard of term limitation.

The kernel of truth here is that, alas, all too many politicians have indeed hopped on the term limits bandwagon when it seemed opportune to hop on — then hopped off later, when it seemed opportune to hop off.

But this kind of flip-flopping is a bipartisan vice. A recent Democratic instance is Representative Grace Napolitano, who says she broke her term limit pledge not because six years is too short to serve in Congress but because the terms themselves are too short. She says she wants to meet with the folks here at U.S. Term Limits to explain to us that “our two-year House terms are just too short to accomplish what needs to be done.” (She hasn't shown up yet.)

Of course, there are other political leaders, of both parties, who have supported term limits with integrity. And such bipartisan virtue is found in the broader realm of governance as well. We know, for example, that despite any traditional partisan tendencies, Republicans aren't always fiscally conservative and Democrats aren't always fiscally liberal. Recent gubernatorial trends reported by Stephen Moore confirm the point dramatically.

Moore is in charge of putting together the Cato Institute's fiscal report card on the nation's governors, which is updated every two years. He has noticed that in recent years many Republican governors have been taxers-and-spenders, while many of the Democrats have tried to rein in taxes and spending.

Fiscally lax Republicans include:

- Governor Sonny Perdue of Georgia. Perdue was the first Republican to win the governor's seat in Georgia since the Reconstruction Era. And what was the top item on his to-do list? Plump for a \$600 million tax hike. Objections from members of his own party pulled him back from the brink. Moore reports that tax collections in the state have nearly doubled over the last dozen years, “making preposterous Perdue's claim that either ‘tax cuts must be raised or vital services cut.’”

- Governor Dirk Kempthorne of Idaho and Governor Mike Huckabee of Arkansas are both looking to hike sales taxes.

- Governor John Rowland of Connecticut. Eight years ago he gained office by promising to undo the new state income tax (championed by predecessor Lowell Weicker). Rowland not only bailed on that promise but is now pushing to turn a flat-rate income tax into a soak-the-rich progressive-rate income tax.

On the Democratic side of the ledger,

fiscally prudent Democratic governors include:

- Governor Phil Bredesen of Tennessee. Bredesen has been doing battle with a specter haunting Tennessee — the specter of the state income tax that was pushed by his Republican predecessor Don Sundquist. Bredesen is against slapping a new tax on the citizenry and wants instead to cut spending five percent across the board.

- Lieutenant Governor Mark Taylor of Georgia. Taylor, the Democrat, says he will oppose any tax increase proposed by Governor Perdue, the Republican.

- Democratic Governors Jennifer Granholm of Michigan, Bill Richardson of New Mexico, Ed Rendell of Pennsylvania, and Rod Blagojevich of Illinois, all of whom have exhibited symptoms of fiscal sanity.

Moore notes that many of the “new breed of ambitious, politically non-suicidal Democratic governors” just won their seats in 2002. It's interesting that so many of these Democratic contrarians are new to the job. No time yet for cynicism and politics as usual to take hold, perhaps? We'll just have to wait and see. ■

The notion that any crew of career politicians has been the primary impetus behind term limits is, of course, pure myth. The term limits movement is a popular one, driven by the public.

THEY SAID IT

Eight is Enough in FL

“Eight is enough” is extraordinarily popular with the voters,’ says Rep. Joe Negron, R-Stuart, who was elected in 2000. ‘They like us being on a short leash. Most of us wouldn’t be here but for term limits.’

‘I would never vote for increasing term limits,’ says Rep. John Carassas, R-Belleair, also a second-termer. ‘I am a product of term limits.’

—*St. Petersburg Times*
May 4, 2003

Cleaning House in OK

“Because of 12-year term limits imposed by [Oklahoma] voters in a 1990 constitutional amendment, 70 current senators and state representatives, both Republicans and Democrats, will have departed the capitol four years hence.

Next year, 28 house members and 13 senators are ineligible to seek reelection. Fifteen of the 41 are Republicans about in proportion to the partisan make-up of the Legislature.

In the 2005 elections, 18 State Representatives and 11 Senators will be ineligible to run again.”

—*The Claremore Daily Progress*
May 4, 2003

“The New Guys,” cont. from page 1

forever. If you’re working with budgets, you make sure you understand what caused things and, is it going to continue.”

In 1999, Calvert had been warned that he was putting his political prospects in jeopardy by his contrarian “No” vote. Now he is the chairman of the House Finance Committee, who must deal with a governor proposing record spending and tax hikes.

The chairman’s fiscally sober perspective doesn’t inspire cheers from all quarters. Recently an Ohio newspaper complained bitterly about all this inexperienced concern among legislative newcomers for the taxpayers’ wallets. The paper suggested that a more seasoned group would just follow the well-established practice of hiking taxes to ensure an unclogged spending spigot.

Calvert’s 66-year-old counterpart in the state senate, Bill Harris, is another sinner. While not quite the greenhorn Calvert is — Harris has been in the legislature for 8 years — he only recently became chairman of the state Senate

committee.

The Senator credits the military with helping his focus.

“You learn to be disciplined and structured in the military,” says Harris, who worked in counterintelligence during his time in Vietnam.

Senator Harris is also a businessman who owns two car dealerships, now run by his sons. The budgetary lesson he gleans from that experience is “to make sure you have the resources to pay for what you commit to.”

And he’s still wet enough behind the ears to prefer trimming spending to hiking taxes to resolve the state’s recent budget problems.

“You can’t have any excess. Everybody working for you has to be productive. If it doesn’t contribute and isn’t effective, we can’t pay for it. We’ve got to get rid of it.

“The more we can allow people to retain of their income, the better off they will be, because people will spend their money on what they need and would like to have lots better than the government will spend their money.” ■

WASHINGTON, DC 20002
10 G ST. NE SUITE #410
JUNE 2003
A PUBLICATION OF U.S. TERM LIMITS FOUNDATION

NO
UNCERTAIN
ERMS