

OBSTRUCTION OF BILL

Bill Clinton Says Term Limits Are Too Limiting

Former President Clinton believes that presidential term limits should be amended to allow middle-aged ex-Presidents currently banned from returning to the Oval Office to serve again anyway.

“I think since people are living much longer,” Clinton mused during an appearance at the John F. Kennedy Library, “the 22nd Amendment should probably be modified to say two consecutive terms instead of two terms for a lifetime.”

After all, added the 57-year-old private citizen, “There may come a time when we elect a president at age

45 or 50, and then 20 years later the country comes up against the same kind of problems the president faced before. People would like to bring that man or woman back but they would have no way to do so.”

Clinton left office in 2000 after serving two terms as President. Under the 22nd Amendment of the Constitution, he is not eligible to serve again.

The Wall Street Journal once ran a flow chart of all the Clinton scandals — an illustration that filled an entire large newspaper page. At times, Clinton’s presidency seemed to be one

non-stop scandal-fest. But the *WSJ* published its pictographic guide prematurely, for even Clinton’s very last hours in office were marred by a drunken teen’s idea of executive privilege: a lurch to end-run the legislative process with a slew of eleventh-hour executive orders, and another slew of questionable and controversial presidential pardons that seemed only haphazardly to be based on merit.

Political connections or campaign contributions seemed to have the most to do with who got pardoned and who

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Accomplishments Matter Most, Says Potential OK House Speaker

“One big effect that term limits may have on Southwest Oklahoma is that a possible new House speaker from the area would only get to serve two years.

House Democrats have nominated state Rep. Jari Askins, D-Duncan, to serve as speaker, replacing Rep. Larry Adair, if Democrats retain a majority in the Oklahoma House after the 2004 elections. . . .

But because Askins term limits out in 2006, she would only be able to serve as speaker in 2005 and 2006.

‘Of course, I knew that at the time,’ Askins said Friday. ‘I knew if I had a chance to be speaker, it would only be for a two-year period.

‘My philosophy has always been that it’s more important what you accomplish during your time of leadership than the length of your time of leadership,’ she said.

—*Lawton Constitution*
May 26, 2003



MESSAGE FROM THE EXECUTIVE DIRECTOR

Disconnect on Term Limits

The more things change, the more they remain the same.

The first major steps in the modern term limit movement were taken in 1990, when voters in California, Colorado, and Oklahoma imposed term limits on their state legislatures.

Over the next several years, almost every single state with the citizen initiative process passed term limits. Today, 16 state legislatures are term-limited. In the few states where term limits have been overturned, the reversal of public fortune has occurred as a result of judicial maneuvering or, in two cases, a unilateral overthrow of the will of the people by the state legislature itself.

In 1990, term limits were very popular with the general public. Also in 1990, a majority of politicians, lobbyists, sundry special interests, and bureaucrats were opposed. It's now 2003. What has changed? A lot and nothing.

Citizens still want the democratic benefits of term limits. They still know that long-time incumbents enjoy political advantages that combine to crimp electoral competition. They still want a choice at the ballot box and a genuinely representative legislature.

Yet, politicians and their pals continue still connive against term limits, often claiming that voters are now "ready" to scuttle term limits — despite pervasive evidence to the contrary.

Various officeholders are gearing up to merely extend

term limits (for now). For instance, Maine Representative Hanna Pingree hoped to lengthen current limits of eight years to 12 years, saying that while she would prefer to abolish term limits altogether, she can allow that 12 years is "reasonable." (Of course, legislators in states with 12-year term limits disagree. The general rule is that wherever legislative term limits are in place, career politicians work to undo them, regardless of how many terms are permitted under the term limits law.) Pingree's bill died in the House, but similar legislation is being debated in the Senate.

For a dozen years, voters have been consistent in their support for term limits, and Maine voters are no exception. Nor are they in favor of making the term limits more flaccid. Earlier this year, a Basswood Research poll showed that by a margin of 63 percent to 29 percent, Mainers prefer eight-year limits over 12-year limits for state legislators.

But still, every year or two, career politicians from Augusta to Sacramento make their power plays and try to undo the work of the voters. And every year or two, we have to shake our collective fingers and say: "Enough!"

This periodic anti-democratic assault on the electorate is tiresome, and it's time-consuming. But if that's the way it has to be, we can fight as long as they can. ■

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NO UNCERTAIN TERMS

JULY 2003 • VOLUME 11 • NUMBER 7

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A Publication of
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Politicians Keep Trying to Take Out Term Limits

The career politicians in term-limited state legislatures have been at it again, working feverishly during recent legislative sessions to pull the rug out from under the voters and roll back term limits.

So far this year, only one of their hit jobs has succeeded: in Utah, where 12-year term limits had been passed by legislators to preempt the passage of stricter limits. Because Utah's limits were statutory rather than constitutional, it was relatively easy for the politicians there to thwart constituents on this issue.

In other states, however, the battle is not so one-sided.

Arizona: No progress this year by lawmakers hoping to kill term limits or lengthen individual terms.

Arkansas: Several bills to lengthen terms or term limits for state representatives failed, but HJR 1006, which increases term limits to 12 years in each chamber, passed and will be sent to the ballot in November 2004 for voters to have the last word.

California: Plans to introduce yet another ballot scheme to dupe voters into turning against term limits seem to be going nowhere. Last year, an ill-fated effort to give legislators a four-year reprieve from term limits got clobbered at the ballot box. The *Sacramento Bee* reports that tentative polling on the issue hasn't turned out the way the career politicians want. Voters continue to like term limits.

Colorado: In the 2002 elections, voters defeated a ballot measure that would have repealed the term limits on Colorado's district attorneys. Such a repeal would have served as a wedge and precedent to pry term limits away from other elective tenures as well.

Florida: There has been a fair amount of gloomy grumbling in the legislature of the sunshine state about how inconvenient term limits are, but no action has been taken against them — yet.

Louisiana: A bill to repeal term limits looked for a while as if it might be posted to the ballot. Voters would have had to decide on the measure during the 2003 gubernatorial primary. However, a 3-2 committee vote against doing so means that voters won't have to deal with the issue this year. Committee member Senator Jay Dardenne says, "We owe it to the voters to respect their wishes."

Maine: A bill to place a term-limit extension on the ballot is pending. The bad guys had favored an outright repeal, but their polling told them that it might be easier to pass an extension. As of this writing the bill failed in the House, but passed a Senate committee by a margin of 12

to 1. If the bill makes it to ballot, voters will decide its fate in November.

Michigan: This is our favorite state when it comes to pronouncements against term limits by lobbyists. Blue Cross/Blue Shield lobbyist Richard Cole once announced that it takes new legislators "four years to figure out where the men's room is." In 2002, Blue Cross tried to persuade Michigan radio stations to refrain from airing ads by U.S. Term Limits critical of Cole and Blue Cross. Fortunately, the state's politicians and their lobbyist allies have made no progress this year against their arch-nemesis, term limits.

Missouri: The legislature adjourned without taking action on sundry anti-term-limits bills.

Montana: Legislators have passed a bill that places a measure on the ballot asking voters to increase the eight-year limit to 12 years. If voters go along with it, senators would be free to serve three four-year terms instead of two. House members would be free to serve six two-year terms instead of four. Voters must decide on the measure in the 2004 election.

Nebraska: A bill to extend term limits passed one round of debate. Two more rounds are scheduled for next year.

Nevada: No news is good news.

Ohio: Career politicians in Ohio are upset that the new guys don't play along with politics as usual and are much-too-much resistant to new tax hikes. It's also tougher these days to get away with scandalous conduct. While an anti-term-limits bill has yet to be introduced this session, Ohio legislators seem to be on the verge of doing so. We are keeping an eye on them. Our spies are refreshing our intelligence daily.

Oklahoma: No news is good news.

South Dakota: A bill to extend term limits (as well as the length of individual terms) failed.

Wyoming: A bill to repeal term limits never made it out the door.

As we go to press, then, we know that Arkansas and Montana are definitely siccing term-limits extension measures on the voters; that serious threats against term limits have been deflected in Louisiana and Wyoming; and that the situation is still in play in Maine and Nebraska.

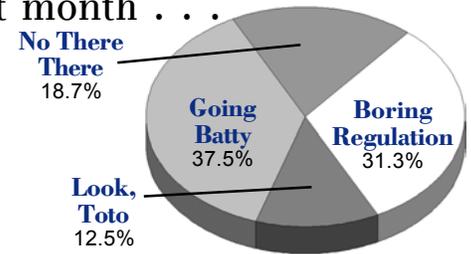
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Paul Jacob
U.S. Term Limits
Senior Fellow

Here's how you voted last month . . .

Which of These is Most Outrageous?



Myopia in Missouri

Missouri's career politicians want to kill term limits, and they've been gearing up to do it all session long.

In the eyes of many Missouri politicians, term limits cause all the problems in the world — including those caused by their own lack of fiscal discipline. Of course, in Missouri, term limits took effect in 2002, by which time state revenues were already slumping. So much for that theory.

Term limits also catch blame for spawning partisanship.

Certainly it is plausible that under term limits, a) there are more newcomers in each session, and b) more of these newcomers are genuinely committed to their principles than entrenched career politicians. The new guys haven't had time to turn sour and cynical yet.

But is this so bad? Aren't ideas and principles one of the things voters look for in their candidates? When party lines blur, it may mean that ideas aren't so important any more — and that voters no longer have a choice.

The repeal measure, Senate bill SJR16, was sponsored by a state senator named Jacob. Now, that's not right. But what really hurts is how the bill attacked and insulted the voters and their electoral decision. I guess the hope was that Missourians would be so distracted by the latest orange terror alert that they'd pay it no mind when career politicians tried once again to terrorize democracy.

But the scheme didn't work. Voters did take notice, the career politicians noticed them noticing, and the session ended without any action against term limits. Chalk up another victory for term limits — and democracy. ■

When Crime Pays

Crime isn't supposed to pay, but the New Hampshire Supreme Court apparently disagrees.

Under the Constitution, any government "taking" of private property for public use must be accompanied by a just compensation of the owner whose property is being taken. The Constitution does not add that if such takings are ruled to be illegal or "defective," the government now doesn't have to bother with compensation.

The victim in this case is Henry Torromeo, a resident of Fremont, New Hampshire. A few years ago the town imposed an ordinance that prevented Mr. Torromeo from building on his own land. This was after he had already sunk a million bucks on the project.

Several months later, the ordinance was ruled illegal and Torromeo was allowed to use his land after all. But the town said it did not have to compensate him for economic loss during the period he was banned from developing. The New Hampshire Supreme Court said, yes, that's right, what happened was merely a "procedural error," so the town of Fremont is free and clear. The court argues, incredibly, that the taking has to be ruled "unconstitutional" in order for any compensation to occur.

Of course, the U.S. Constitution does not make these myriad distinctions between different takings. It requires compensation to be paid for *all* public use takings of a person's private property. I guess Torromeo should be glad he's not being thrown into the nearest creek in cement galoshes.

The U.S. Supreme Court is now being asked to consider the case. Let's hope they do the right thing. ■

Getting Riled About "Churn"

The specter of legislative "churn" is the latest charge against term limits lodged by those eager to return Maine's legislature to the anti-democratic days of yesteryear.

You'd think the new guys, at least, would protest being characterized as incompetent fumble-bums.

Not necessarily. With talk about limiting term limits now again bouncing around the legislature, Representative Ed Suslovic, a freshman, seems more modest about his leadership ability than he presumably was during his campaign for office.

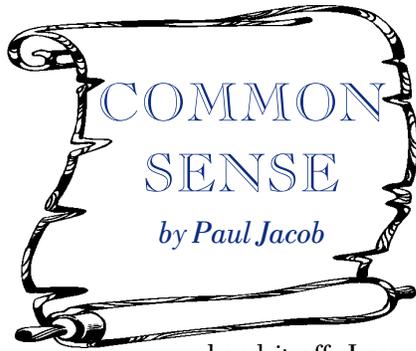
"It's a little scary thinking we're the ones writing tax reform," Suslovic says of himself and others on the Tax Committee.

But if Mr. Suslovic believes Maine is ill-served by the way things are done now, can't he propose a change? For example, if committees are getting swamped by repetitive bills, as some critics charge, why not raise the bar for what qualifies as an acceptable bill?

But incumbents are really more eager to unravel term limits than they are to fix any alleged procedural problems. A term limits extension may be on its way out the door of the Maine legislature. If the measure goes to the ballot, voters will have the final say. But why should they have to waste time fending off yet another attack from career politicians?

Representative Kevin Glynn, a term limits supporter, says, "It looked more like we were trying to save our friends from term limits. . . . How arrogant is it of us to ask to have our own terms extended after voters already made it clear that they didn't want us serving up here forever?"

Good question. ■



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

How to Delegate

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

Self-help tip for the day: hand it off. Learn to delegate.

Critics of term limits often complain about how term limits kick experience out the door. And how tough it is for newcomers to learn the ropes. What I keep hearing, though, is that new legislators bring experience to the table that is highly relevant. Experience as farmers, accountants, businessmen, taxpayers.

And what about all that complicated legislative stuff? Well, turns out the actual legislative procedure is not all that complicated. And even the arcane niceties of legal language don't have to be a stumbling block. U.S. Congressmen have their staffers to hack out bills for them. But state legislators get help too.

For example, I see at the Arkansas legislature's web site that the actual drafting of the legal language of bills is

handed off to the Bureau of Legislative Research. After that, according to the web site, "A bill is given to the Chief Clerk of the House or the Secretary of the Senate and assigned a number. The sponsor(s) of a bill signs the original copy."

Then I guess at some point everybody gets to vote on it. Sounds like rocket science, doesn't it? No, submitting a bill isn't the hard part. There's a manual for that. The hard part is representing citizens fairly and governing fairly. And there's no reason why a person can't be experienced in balancing the books, the problems of particular industries — or, for that matter, the basics of a just political philosophy — long before entering public office. ■

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THEY SAID IT

The Legislative Learning Curve is What You Make It

“Despite an impassioned plea by [Louisiana] Senate President John Hainkel, a Senate committee Wednesday rejected Hainkel’s bid to scrap term limits for state lawmakers. . . .

State lawmakers are limited to three consecutive terms in the same chamber — 12 years. Voters approved the limits in 1995 with 76 percent support.

The 12-year limits starts affecting lawmakers in 2007, when incumbents serving three or more terms will not be able to run again.

The proposal by Hainkel, a nine-term incumbent, would ask voters whether they want to repeal those limits. It is a constitutional amendment and requires the support of two-thirds in each chamber and a majority of voters.

Sen. Jay Dardenne, R-Baton Rouge and a committee member, sharply criticized arguments that voters should tackle the issue again.

‘This is a bad idea,’ Dardenne said. ‘We owe it to the voters to respect their wishes. This was fully debated. It was overwhelmingly approved by the people.’

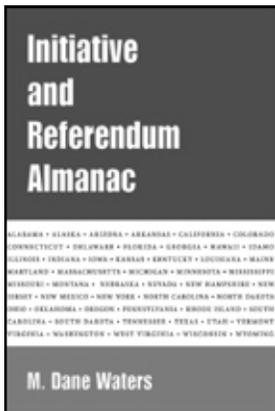
Dardenne also disputed arguments that limiting how long lawmakers can serve gives government bureaucrats too much power. And he took issue with comments that term limits do not give lawmakers enough time to learn state government’s terrain.

‘The learning curve around here is as short or as long as you want to make it,’ he said.

—*Baton Rouge Advocate*

May 22, 2003

Praise for the *Initiative and Referendum Almanac*



The *Initiative and Referendum Almanac* provides such information as the definitions of initiative and referendum; the roots of the initiative and referendum movement; the history of how the process has been utilized; regulations of the initiative process in each state; legislative attempts to regulate the process; and the role of the judiciary. The book also includes a series of essays by leading scholars and activists about the reforms brought about through the initiative process, and a brief discussion on the future of the initiative process through the eyes of activists and elected officials.

A complete listing of all relevant laws associated with utilizing the initiative and referendum process in each state, as well as a checklist of the major steps of which initiative proponents should be aware, are also included in the almanac. The appendix contains a complete listing of every statewide initiative that has appeared on the ballot since 1904; a complete listing of all the popular and legislative referenda that have appeared on the ballot since 1998; as well as other charts and graphs tracking the usage of the process since its adoption in 1898.

Order the *Initiative and Referendum Almanac*

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“The initiative and referendum mechanisms are two of the jewels of American democracy. They have been the tools to usher in critically important reforms in society, and they serve to excite and engage the electorate. This almanac provides a detailed roadmap on the history and workings of this important process. I recommend it for any person interested in politics in America.”

Wayne Pacelle, *Senior Vice President
The Humane Society of the United States*

Obscure Statute Could Dock Campaigning Members

The Hill
June 4, 2003

There's a law that says members of Congress should not be paid for workdays missed due to campaigning or other unexcused absences.

There's also a catch: It hasn't been enforced since 1914.

U.S. Code Title 2 section 39 holds that every no-show lawmaker has to forfeit "his salary for each day he has been absent from the Senate or House." The only legal excuse for not showing up is "the sickness" of a member "or some member of his family."

If the statute were applied today, Rep. Richard Gephardt (D-Mo.) might have to pay back thousands of dollars. As *The Hill* recently reported, Gephardt has missed 85 percent of this year's House votes. But the former minority leader, one of six members of Congress running for president, has plenty of company.

Sen. John Kerry (D-Mass.) has missed 34 percent of this year's Senate votes, not counting two votes he missed while recovering from prostate surgery. Sen. Joseph Lieberman (D-Conn.) has missed 22 percent of the votes. Sen. John

Edwards (D-N.C.) has missed 12 percent. Sen. Bob Graham (D-Fla.) has missed 6 percent, excluding 16 votes he missed after heart surgery.

Rep. Dennis Kucinich (D-Ohio) has missed only one of this year's House votes.

On Monday, John Berthoud, president of the National Taxpayers Union, sent letters to House Speaker J. Dennis Hastert (R.-Ill.) and Vice President Richard Cheney, president of the Senate, asking them to enforce the law.

"If most Americans took off work to look for another job, they wouldn't be paid," said Berthoud. "Why should members of Congress?"

And just to help lawmakers who are busy campaigning, the Taxpayers Union came up with this handy repayment formula: Based on the congressional salary of \$154,700 a year, members owe \$616.33 for every day they've skipped work.

Reprinted from *The Hill*

Self-Limiter Toomey vs. Arlen Specter

“To date, three self-term limited legislators — Reps. Nick Smith, R-Mich., Richard Burr, R-N.C., and Patrick Toomey, R-Pa. — have announced plans to leave the House at the end of the 108th Congress. However, Toomey is an announced Senate candidate — he is challenging GOP Sen. Arlen Specter.”

—*National Journal's CongressDaily*
March 7, 2003



Reprinted from *The Pittsburgh Tribune-Review*

"Obstruction of Bill," cont. from page 1

did not. An attorney for many of those let off the hook noted that, "You had to be on the inside." Some political observers believed that if Clinton not been able to cut a deal with the independent prosecutor on his last day in office vis-à-vis his own crowded plate of scandals, he might even have pardoned himself. Even many voters sympathetic to Clinton's policies and inclined to forgive his transgressions finally seemed to think he had gone too far as he was walking out the door.

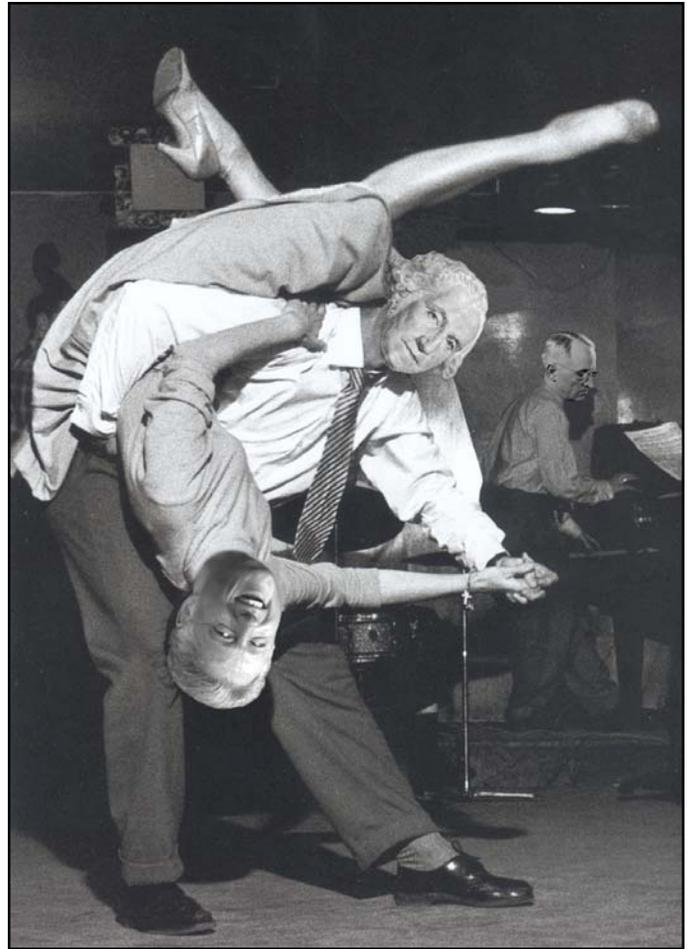
We here at U.S. Term Limits believe that former President Bill Clinton — who was termed out of the Oval Office in 2000 after two terms as President and six terms as governor of Arkansas — is eminently qualified to speak on the issue from the perspective of a career politician.

It is understandable that a career politician like Bill Clinton, so familiar with and fond of the uses and abuses of power, should regard term limits as too restrictive. But it is not the goal of term limits to keep the career politicians happy. The goal is to abet democracy by increasing electoral competition and preventing too much power from being held by a single office-holder.

"If it weren't for term limits, Bill Clinton most likely wouldn't have been looking for his first-ever non-governmental job at the age of 54," notes USTL's executive director, Stacie Rumenap. "All politicians face the same potential to be corrupted by power. And only term limits ensure that no single person can ever hold a monopoly on that power.

"Our country fought a revolution to get rid of a king, and we certainly don't need another king — not Clinton or anyone else."

The evidence suggests that the more eagerly a person clings to power, the less likely that person is to deploy that power with judiciousness and restraint. Monopolistic abuse of power is the way of the career politician. He should not be accommodated. ■



George Washington's two-term tradition still sweeps presidents off their feet and out of office — here Bill Clinton is his partner. Harry Truman is playing the tune, as the last president to voluntarily follow Washington's tradition.

U.S. Term Limits created this image in February 2001 to use on invitations to a celebration of the 50th anniversary of the 22nd Amendment.