

YOU CAN SAY THAT AGAIN

Attempts to Undo Term Limits “Not Grassroots Affairs,” Says Scholar

The political class really doesn't like term limits.

It's official. A new study from the Cato Institute, “Defining Democracy Down: Explaining the Campaign to Repeal Term Limits,” documents the relentlessness with which career legislators and allied groups have opposed state legislative term limits since voters first began passing such limits in the early 90s. The study is available online here:

www.cato.org/pubs/pas/pa-490es.html

Author Patrick Basham sees several sources of hostility to term limits but notes, in a formulation that can only be characterized as understatement, that “the re-

peal campaigns are not grassroots affairs.”

Rather, repeal efforts are the work of politicians, legislative staffers, bureaucrats, and special interest groups, all of whom tend to prefer the luxurious opportunities for mutual back-scratching that come with an entrenched, monopolistic power structure. He makes his point by reporting especially on the repeal efforts in California, New York City, and Idaho (only the last of which succeeded).

The loss of personal “rent-seeking” opportunities is one motive for the anti-term-limit antipathy of the political class. Another is the recognition that term limits “produce both legislators and legislative

incentive structures that are inherently more inclined toward limited government.” Critics in the media, even though they generally must acknowledge that term limits do reduce political corruption, are often hostile to the reform precisely because of this ideological import. Term limits encourage fiscal sobriety at the expense of liberal (and costly) social engineering.

Members of the political class — made up of “incumbent politicians, and those who benefit from close, established relationships with incumbents” — disdain term limits because of the benefits they extract from legislative monopolies. Even the harshest
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THEY SAID IT

Term Limits Bring New Faces To Oklahoma State Legislature

“The next time Oklahoma voters cast ballots for the Oklahoma Legislature they could radically change the political landscape of the Sooner State. . . .

Whatever the outcome, one thing is certain — there will be a lot of new faces at the state Capitol after the 2004 election.

Supporters of term limits say that is exactly what our state needs.”

—*Enid News & Eagle*
October 11, 2003



MESSAGE FROM SENIOR FELLOW PAUL JACOB

Some Journalists Don't Play By the Rules

Actually they're not rules, they're laws: the laws of logic. These laws can get complicated. But they boil down to just one: the law of identity.

The law of identity says things are what they are. Framed negatively, it is the law of non-contradiction; the fact, in Aristotle's words, that "the same attribute cannot at the same time belong and not belong to the same subject and in the same respect." A boulder does not have the features of a donut. If you want to know what a donut is like, inspect a donut, not a boulder. (Assume a fresh donut.)

Logic is good for everything, from crossing the street to doing journalism. One thing logic enjoins as you're doing journalism is that you be internally consistent in your depictions and assessments. Also that you report about the real world, not your free-floating fantasy construct. Fiction has its own logic, of course, but not the logic of reports that carry the weight they carry because of the assumption that there is an effort to use facts, not fictions, as the building blocks.

Let's now examine a textbook example of illogical reporting by an alleged reporter: a newspaper article by Michael Dresser that was reprinted under various headlines around the country. The most apt headline — i.e., the one most clearly indicative of the biased, slanted illogic — was the *Orlando Sentinel's*: "Women's Progress in Politics Has Stalled" (August 17, 2003). Better would have been "Women's Progress in Politics Has Stalled Thanks to Those Dang Term Limits," but you can't have everything.

The article illustrates several logical fallacies of the sort that I puncture periodically in my Common Sense e-letter, read only by the most sophisticated and politically savvy people. Let's consider two of these fallacies.

1. Post hoc ergo propter hoc. Latin for "after this, therefore because of this." This is the fallacy of treating a temporal relationship as if it must be a causal relationship. So let's say that in 1990, voters pass state legislative term limits in California. Later there's an earthquake, mud slide, fire, Gray Davis, or

what have you. You cannot then say, "Aha! See what happens when you have term limits?" No, you have to actually supply evidence showing that term limits cause all bad things. Then, and only then, can you argue that term limits cause all bad things. Sequence does not equal causality.

In his article, Dresser makes two related claims that together constitute this fallacy. The first: that "women's progress in winning legislative seats stalled in the 1990s and has yet to recover." (See fallacy #2.) The second, safely attributed to Dresser's cherry-picked sources: "A major culprit [of this stalled progress], according to lawmakers and academic researchers, is the legislative term limits adopted in 17 states."

The first claim is false. The second claim is unintelligible if the first claim is false. But assuming there were data to support the first claim, one would then have to show that the percentages of women represented in state legislatures had stalled especially in term-limited state legislatures, even as it had advanced unimpeded in un-term-limited state legislatures. In order to begin to show causation, one would have to at least begin to show correlation between the alleged cause and the alleged effect. Dresser doesn't bother to do this, of course, because he's merely quoting "experts" in that impartial way that journalists have when they don't bother to quote experts who actually know about the subject.

2. Interpreting a generally ascending trend line by choosing one tiny slumping splinter of the trend line and treating the splinter as if it were the whole trend line. In its more general form, this is the fallacy of composition — treating the whole as if it were the same as the part. This is also the fallacy of "context chucking." Or "making stuff up as you go along."

To establish that female progress in occupying state legislative seats has "stalled in the 90s," Dresser cites a single isolated datum from a study by the Center for American Women and Politics at Rutgers University. According to this datum, in 2003

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NO UNCERTAIN TERMS

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Conservatives to seek term limits on appropriators in '04

By Alexander Bolton, *The Hill*

November 5, 2003

Coalitions of conservative activists in Washington and states across the country are planning to launch an election-year push for term limits on Republican members of the House and Senate appropriations committee.

The movement could resemble one that took hold of freshman members of the 104th Congress who demanded when they took office that House leaders place six-year term limits on committee chairmen and the Speaker. Newt Gingrich (R-Ga.), who was then Speaker, agreed to the proposed limits on chairmen and an eight-year limit for his own post.

Grover Norquist, an activist with close ties to the Bush White House, is spearheading the drive which he said has been vetted with members of a conservative coalition that he meets weekly. He says he has discussed his plan with White House officials and House and Senate leaders and does not anticipate opposition.

Norquist and his allies expect the proposal, which would place a six-year term limit on all Republican members of the appropriations committees, would gain steam if they break the budgetary ceiling they agreed to earlier this year, a breach that has become a yearly tradition.

"We'll start the drive now, get all the outside groups to endorse the concept, we'll publicize it," said Norquist, who presides Wednesdays over a meeting that draws between 120 and 160 conservatives from groups ranging from Citizens Against Government Waste, to the National Rifle Association, to the Chamber of Commerce.

"We're going to want to do something on spending next year — we, radio talk shows, conservative journalists, conservative activists, and then members of Congress who aren't appropriators," he added. "The only problem is the guys who are appropriators won't like it."

Representatives from the White House, such as Tim Goeglein, the deputy director of the office of public liaison, and aides to House Majority Leader Tom DeLay (R-Texas), House Majority Whip Roy Blunt (R-Mo.) and Senate Majority Leader Bill Frist (R-Tenn.) routinely attend the weekly meetings.

In addition to the Washington-based meetings, the conservative coalition affiliated with Norquist has a network

that holds regular meetings in 40 states. As Election Day nears, representatives from Bush's re-election campaign will attend those meetings to keep their finger on the pulse of the conservative base.

Norquist said there is enough support for appropriations committee term limits to make it an issue next November. His aim is to persuade GOP challengers and incumbents to make term limits for members of the House and Senate appropriations committees a part of their campaign platforms.

Grover Norquist said there is enough support for appropriations committee term limits to make it an issue next November.

"We're going to go after candidates and incumbents to say this is a problem," he said. "For a congressman to say this is a problem and I'm part of the problem is different from saying this is a problem and here is an institutional fix for it."

The most likely way to limit terms on the House Appropriations Committee would be to change the House Republican caucus rules, similar to the change in 1995 that limited committee chairman to six-year reigns. Such a change would not affect Democratic members of the panel.

A GOP House leadership aide was skeptical about the prospects of limiting tenure on the Appropriations panel.

"I don't think it's going to fly," said the aide, who affirmed that Republican leaders would not fight it but warned that members of the committee would put up stiff opposition.

"It would be a bloodbath," the aide said. "It's not the appropriators at fault here. The biggest problem with spending has been the entitlements."

The aide cited the farm bill passed last Congress, Social Security and Medicare as more responsible for growth in spending than the annual appropriations bills.

However, proponents of term limits say that other efforts, such as annual passage of a budget or discussions about a balanced-budget amendment, have failed to restrain spending. Appropriators are often described by their critics as members of their own party, more concerned about funding their favorite programs and those of their colleagues on the committee than following the dictates of leadership. ■

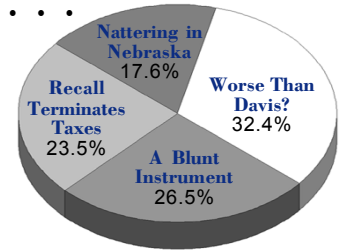
Reprinted from *The Hill*



Paul Jacob
U.S. Term Limits
Senior Fellow

Here's how you voted last time . . .

Which of These is Most Outrageous?



Wounded Schemers

The mayor is dead-set against it. The local paper says it may cause “a wound that never heals.”

Wow, scary stuff. Until you realize they're talking about simple democracy, in the form of a citizen initiative.

Mayor Victor Ashe, the *News-Sentinel*, and the town council want to build a \$10 million dollar state-of-the-art hotel in downtown Knoxville. Why? To bring in new business for the publicly-funded convention center already costing taxpayers there an arm and a leg. Yet politicians are looking to raise property taxes to cover an existing \$10 million deficit.

The voter initiative they're so afraid of would forbid the city from using taxpayer dollars to build the hotel. It's true, as the mayor charges, that owners of the hotels currently in downtown Knoxville are underwriting the cost of the petition drive. Well, no big sin if folks don't want their own tax dollars used to put them out of business.

But it is a sin to ignore the taxpayers — the ones who'll have to cough up their hard-earned dough. A recent poll shows 80 percent of Knoxville voters opposed to a new city-funded hotel.

The citizen initiative is a building block of a free society. It's one way citizens have of keeping elected officials from getting out of control.

Here we have a special deal being awarded to the few at everyone's expense. It's cases like this that are why we must have the citizen initiative process. Special interest schemers will never want their schemes put to a popular vote, but so what? The people do. ■

Boone Country No More

It may not loom very large in the grand scheme of things. But it shows the outsized career politician ego.

It's all about, “Hey, I brought you a bag of taxpayer-funded goodies, so I'm a hero, just in the mold of, say, frontiersman Daniel Boone. In fact, why don't you go ahead and take down his name and put up my name.”

Maybe that's not what happened. Maybe the congressman wasn't in on the deal that the highway cutting through the Eastern Kentucky mountains should lose the name of Daniel Boone and gain the name of the congressman. All we know is that Governor Paul Patton asked the state's transportation secretary to replace Boone's name with the congressman's name. And the transportation secretary played along.

But the congressman sure as heck could have said, “No! Don't do this! You're a better man than I am, Daniel Boone!”

The congressman — Republican Hal Rodgers of Somerset — has represented his district for over 20 years. He helped funnel federal funding to Kentucky so that the state could eliminate tolls at that Daniel Boone highway. Great, now all of America gets to pay for that road instead of just the people who drive on it.

So the decision was made to reward the porkbarreler who got the subsidy by dropping the name of the man whose life and legend have filled countless volumes. And installing the name of the congressman.

“It's a tremendous honor to have this parkway named after me,” Rogers said. “I am humbled.”

Not humble enough. ■

Come Back, Isabel

Isabel, we hardly knew ya.

I live in the DC area. A few weeks ago a hurricane called Isabel paid us a visit. It had skipped past Florida and Georgia and decided to rage through North Carolina, Virginia and DC. More a tropical storm than a hurricane by the time it got to our neck of the woods. Still, it caused damage. There were power outages.

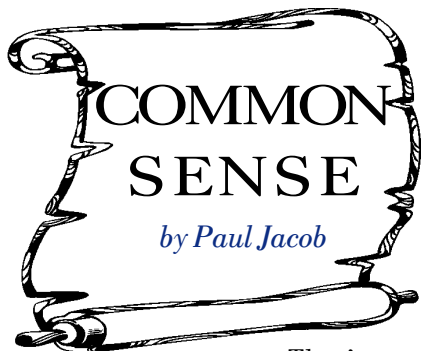
The wrong power got hit, though. For example, the DC Metro system decided to shut down its subway when it was not yet really necessary to do so for the sake of safety. In fact, the system was shut down in the middle of the day, and hours before the storm was scheduled to show up.

Why did they Metro this? Power play. Social engineering: they wanted to encourage people to stay off the street. The chairman of Metro's board, Jim Graham, told *The Washington Post* that the decision to close was “part of a coordinated action to get people to stay at home.”

So because Metro decided that it knew better than its customers whether its service was really wanted and needed, thousands of people had to scramble for other transportation. Totally unnecessarily.

Metro is, of course, not an independent private company worried above all to keep its customers happy. They're a brainchild of government, and subsidized by the government. And they seem to think they are obliged when they have the chance to impose bureaucratic mothering on their riders.

This is why I say the wrong power lines got knocked down that day. ■



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

Expert Job-Botchers

If you would like to receive
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CommonSense@termlimits.org

They're pros. They're experts, They're real experienced. Of course, they can't get the job done. But other than that, they sure do know what they're doing.

It's the job of passing a federal budget.

Not that I'm a huge fan of the budget as such. I disagree with about 94 percent of the federal spending. You'd think I'd like budget delays, but I don't. Because in the crazy world of Washington, delays in the budget — like everything else — in the end cost us more money.

The budget deadline for the 2004 fiscal year has now passed. So Congress is once again freezing operations at the previous year's fiscal levels until it figures out spending for the next fiscal year. Congress has passed continuing budget resolutions to keep the spending going.

The danger is that the new appropriations will be passed

with an omnibus resolution that sandwiches all the spending into one big fat bill. That you'd need a crane to deliver to the White House.

Pete Sepp of the National Taxpayers Union points out that "Once you get into omnibus territory, it's usually as urgent and rushed as the final two minutes of a football game." So lawmakers will "approve anyone's pet project just to get the bill to the president's desk, and that can be very fiscally dangerous."

What this means, of course, is that there is actually an incentive for the career politician not to get things done — so that he can later slip in all kinds of salty pork-barrel spending under the political radar screen. There oughta be a law. ■

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Tell us what you think!

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

**Wounded
Schemers**

**Boone Country
No More**

**Come Back,
Isabel**

Or do you prefer the commentary on this page?

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*Financial Reckoning Day:
Surviving The Soft Depression of the 21st Century*
By William Bonner With Addison Wiggin (John Wiley & Sons, Inc., 2002)

Reviewed by David M. Brown

This is a book about deception. No, it's not about career politicians — although we do get a chapter on four-term Federal Reserve Chairman Alan Greenspan, yet to be termed out of the economy-czar post he has held since 1987.

It is a book about spin. About how to separate factual wheat from fantastic chaff.

The first tool in the authors' tool kit is a healthy amount of skepticism. That's probably a skill that can serve one in evaluating what comes out of the mouths of politicians too. And *Reckoning Day* (whose authors also write a free contrarian financial e-letter, "The Daily Reckoning," at www.dailyreckoning.com) is indeed a book about politics in the sense that everybody does politics. All people try to persuade others that what they have to offer is of value. Sometimes they have facts on their side. Sometimes just hopes and "spin." And sometimes the two get confused.

The heady doctrines of the dot-com wizards of the late '90s are among those that get skewered in this fast-paced read. It's not that technology and the Internet aren't wonderful. It's that economic principles apply to techno-products and techno-business as much as they do to the ingredients of the "old economy." And when the economics don't make sense, you won't get rich on enthusiasm alone (unless you bail out just in time).

In Summer 2000, Ed Yardeni categorized humans of the New Era into two different types, the "forward-looking camp" and the "backward-looking camp." According to Yardeni, the first camp believed that the digital technology revolution was transforming our economy into the New Economy, and the second viewed the New Economy as mostly hype. . . . These views were further explored by the chief economist at Deutsche Bank, Alex Brown, who concluded, "The first group gets it, the second group doesn't." . . . Typically, the expression getting it described a position considered so hip and correct that there was no need (and little hope) of ever justifying it by appeals to reason or experience.

Ouch!

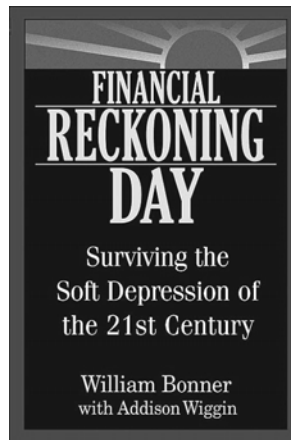
To be sure, there's a difference between the grand illusions of the market and those of politics. In the market, bad deciders must pay the price of their bad decisions, which cannot be sustained indefinitely. Eventually, companies like Cisco and Tyco go belly up. Others, like Amazon, can try to survive only by getting lean and fiscally more responsible. Investors get disabused of their wishful thinking. CEOs get fired and sometimes even jailed.

Not so in the political world. Sure, politicians sometimes get booted from office by scandal. But getting penalized for bad policy is something else again. The political demise of California's policy-botching Governor Gray Davis was so spectacular because it was so exceptional. Many of the career politicians who were making bad federal policy 20 years ago are still in DC making bad federal policy today.

An Alan Greenspan may warn about "irrational exuberance" even as he pumps easy credit into the system, making the irrationality easier to indulge and harder to distinguish from the rational exuberance. When the bubble pops, though, he's not the one who has to pay the bill (and certainly not in gold, despite Greenspan's youthful advocacy of hard money). A man like Greenspan doesn't have to win economically to win politically. It only takes one nod from one man for him to be able to continue for another four years in the role of head knob-twirler.

Bonner and Wiggin have written a fascinating book, not least for its colorful, crisp, pugnacious style. Any critical reader will find plenty to dispute here (perhaps not excluding some inexplicable swipes at novelist Ayn Rand, a former mentor of Greenspan's). But that's what the authors want you to do, analyze the world logically and hard-headedly — based on facts, not just what somebody's telling you. You'll close this book with some new ideas to mull on how better to do so. ■

Financial Reckoning Day is available for purchase at Barnes & Noble, Amazon and most book stores. A 35% discount is available to those who order online by Nov. 30, 2003, at: www.bn.com/financialreckoning



Breach of Trust: How Washington Turns Outsiders Into Insiders

By Tom Coburn (Thomas Nelson, Inc., 2003)

Reviewed by David M. Brown

Dr. Tom Coburn is one tough cookie. But toughness only goes so far when you're up against marshmallows.

In his new blow-by-blow account of his time in Congress, *Breach of Trust: How Washington Turns Outsiders Into Insiders*, the former congressman tells how he struggled to get his colleagues to abide by "mandatory" spending caps that they themselves had agreed to and passed into law as part of the 1997 Balanced Budget Agreement. In 1999 Coburn approached House Speaker Dennis Hastert and Majority Leader Senator Trent Lott to make his case.

Coburn reports that although the new speaker, Dennis Hastert, at least gave him the courtesy of listening — more than he had come to expect from Newt Gingrich — the Senate majority leader was blandly dismissive.

"Lott looked at me, rested his chin on his hand, and said in his Mississippi baritone drawl, 'Well, I've got an election coming up in 2000. After that we can have good government.'

"It made me sick," recalls Coburn. "Here was one of the most powerful men in the country brazenly admitting, in effect, 'Yes, the government we have now is not good, but I don't really care as long as I keep getting elected.'"

Of course, on his way out of his top job Lott became infamous for other public statements. But the behind-the-scenes embrace of the culture of runaway spending and "bad government" is a fundamental failure of his tenure — and, alas, all too aptly typifies every career politician's approach to the job.

We get plenty more war stories in this volume. A full-bodied account of his years in Congress — only six, since Coburn abided by his voluntary term-limit pledge — would by itself make for compelling reading. There is, for example, Coburn's role in the coup that unseated Speaker Gingrich, who at times talked a good game but was more than comfortable with politics as usual once he had garnered his majority in the 1994 elections. There is Coburn's battle with the disingenuous ethics committee over his right to keep delivering babies while serving as congressman. Yet Tom Coburn (and co-author John Hart) also weave into the narrative an incisive analysis of exactly how things operate over there in the lion's den of big-time politicking.

Consider, for example, the good doctor's observations about the seemingly all-powerful appropriations committee:

An excess of power has been concentrated in the Appropriations Committee because it is Grand Central

Station for the spending requests and campaign contributions that flow through Congress. The committee is so powerful precisely because of its ability to spend.

Every appropriations bill affects numerous constituencies who rely on the funding within that bill and will make large campaign contributions to the members who will fight to increase or protect that funding. The committee is also the biggest pork-processing center in Congress. Orders for pork barrel are often processed according to a member's seniority, popularity among committee members, and vulnerability in their next election.

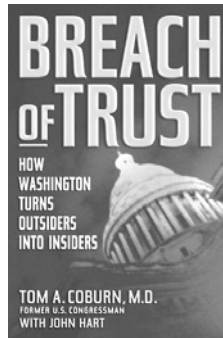
The process is a bipartisan bedrock of a Congress that is otherwise often a stage for bitterly partisan public battles:

One episode that [illustrated this bipartisan commitment] occurred in 2000 when House Appropriations Committee Republicans refused to release a list of Democratic pork projects to leadership. Members of leadership were irritated because Democrats were attacking Republican pork projects and wanted to mute their criticism by releasing a list of Democratic pork projects. The appropriators would have none of that, however, insisting that projects remain confidential. . . . Nevertheless, one has to remember that the fault does not rest solely with the appropriators. It is at the request of individual members that appropriators serve as the guardians of a political spoils system that transcends the official Republican and Democratic platforms.

Coburn then notes how he publicly undermined attempts by a couple of congressmen, tucked into appropriations bills, to rename federal institutions after themselves. That kind of egotistical abuse of power is just surface froth, of course. The antics get much worse, and it's always the sideswiped taxpayer who gets to pay the bill. Coburn lays it all out with a scalpel.

Obviously, there is only so much that one citizen legislator can do, alone or with a few like-minded colleagues, to stem the tide of narrowly self-serving careerism. What one man can do, Dr. Tom Coburn did. And is doing again, in this excellent report and diagnosis. Read it. ■

Excerpts from Coburn's book and links to articles about it are available at the web site of Americans for Limited Government: www.limitedgov.org



"You Can Say That Again," cont. from page 1

critics of term limits are forced to concede that under term limits, these monopolies disintegrate. The point is clearest when we compare legislatures that are term-limited with legislatures that are not:

"In most states, the absence of term limits severely limits the competition for legislative seats. In Idaho, for example, the 2000 election saw 66 percent of state senators and 50 percent of state house members elected without opposition. As journalist J.E. McReynolds observes, in states such as Oklahoma the 'chance of a challenger unseating an incumbent is slim to none in many districts. Some offices are filled without an election because no one files against the incumbent.' Consequently, legislative opposition to term limits is bi-

partisan."

Basham concludes that repeal efforts fail "because they have been led by those who are seemingly intent on preserving their professional advantages and institutional perks regardless of 'common good' considerations. Only once have such efforts passed voter inspection."

But this last statement is a bit misleading, since the "voter inspection" in question, regarding the referendum in Idaho, was focused on a confusingly worded ballot question. In any case, voters only very narrowly upheld a last-ditch, unilateral repeal of term limits by Idaho's own state legislators. "Representative democracy is not alive and well in Idaho," says Basham. "Term limits opponents won in Idaho by a razor-thin margin after a deceptive adver-

tising campaign that unfairly benefited from taxpayer-subsidized advocacy."

More than anything else, the experience in Idaho suggests that term limits with sticking power must be passed as constitutional amendments, rather than as mere statutes. Legislators sufficiently deaf to their responsibilities can easily repeal a term-limits statute, but must ask voters to roll back a constitutional amendment. And voters tend not to play along.

"A great deal is at stake with the repeal of term limits," notes Basham. "Without term limits, a state's political infrastructure risks stagnation. Term limits offer state taxpayers hope for an end to endless spending and taxing." And that, for the political class, is what makes term limits — and robust democracy — so very bad. ■

"Message From Paul Jacob," cont. from page 2

women make up only "22.3 percent of the nation's legislative seats — down from a peak of 22.7 percent last year."

But this kind of minor lump variation in a lump average is meaningless. One must look at the whole trend line. After all, if the ability of women to win state legislative seats "stalled in the early 1990s" — you know, when voters started passing those dratted state legislative term limits — why did 2002 represent a "peak" in the allegedly already collapsed trend?

Well, because the number climbed throughout the 1990s. Let's look at the very data that Dresser cites and presumably read. The Center began recording the

number of women in state legislatures in the 1970s. Since then, the proportion of women has more than doubled. In 1978 the average percentage was 10.3%. By 1984, 13.4%. By 1992, 18.4%. By 1999, 22.4%. In 2002, 22.7%. Then — in off-election year 2003 — we see a toboggan-slide drop of .3 percent (also known as three tenths of one percent). It's easy to get a trend these days.

What about the dampening effect of term limits? In 2002 term limits had taken effect in 11 states. In 2002, the average proportion of female legislators in those states was 24.8%, higher than the national average. Which doesn't prove that term limits increase opportunities for women at

a faster rate than they increase opportunities for everybody. But does help punch a moon-sized hole in the conclusions of Dresser's purported reporting.

And then, of course, you have the incidental zooming of women to leadership posts in various now-term-limited Houses and Senates (which happens because term limits equalizes power within the legislatures). A fact noted in the article but which somehow does not inhibit the sweeping conclusion that female legislative advancement has been plunging into reverse because of that term-limit-impelled point-three-percent thing.

Progress in journalism has stalled. ■

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