

HOLDING FIRM

Term Limits Beat Back Challenge From South Dakota Politicians

The South Dakota House of Representatives Committee on State Affairs voted on February 23 to table two bills which would have gutted term limits for politicians in South Dakota.

Paul Jacob, U.S. Term Limits Senior Fellow, praised this action by the legislators.

"Today is a great day for all South Dakotans — the citizen legislature that they fought for has been preserved," said Jacob. "The politicians now know that they cannot cross the will of ordinary South Dakotans without enflaming a prairie fire of righteous anger from voters."

These bills had already passed the South Dakota state Senate, in clear opposition to the wishes of the state's voters. Despite this initial passage of the bill, however, a few senators spoke up to defend term limits from legislative attacks.

"I was one of those persons that helped put that on the ballot," said Sen. Bill Napoli, R-Rapid City, as reported by the Associated Press. "I think the people in South Dakota spoke, and I would not be doing my duty if I did not stand here today and defend term limits and the people who voted for them."

South Dakota first approved term lim-

its in 1992 by a 64 percent margin. State House members were then limited to four two-year terms, and state senate members to two four-year terms. The legislature tried to overturn the measure in 1998, but was soundly rebuffed by the public outrage of ordinary South Dakotans.

"The people of South Dakota made their will loud and clear a dozen years ago on the term limit issue," continued Jacob. "These political maneuverings were nothing more than a brazen attempt to extend the political careers and ambitions of fiefdom-dependent state legislators." ■

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Montana Term Limits Bring Energy, Excitement, New Ideas

“Since the institution of [Montana] term limits, citizens not interested in spending 20 years in the Legislature playing politics are now running for office and bringing energy, excitement and new ideas to the process. In addition, individuals who are term limited out of one office, but would like to contribute to the political process, are candidates for other political offices. In the 2000 election for the first time in Montana history, voters actually had numerous choices — an incredibly valuable asset to the political process!

Lobbyists, media editors and professional politicians who hate term limits should not mislead Montana voters with wild descriptions of the Legislature being in turmoil because of 'lack of experienced legislators' — it simply is not true. Limiting elected officials to eight years in one office limits their obligations to special interest groups — remember, 'power corrupts and absolute power corrupts absolutely'!

—Montana Sen. Edward B. Butcher, *Billings Outpost*
September 18, 2003



MESSAGE FROM SENIOR FELLOW PAUL JACOB

California Term Limits Take a Licking, Keep Ticking

California is one of 24 states with a citizen initiative process. It is also one of the 16 states that now enjoy a term-limited state legislature, so that career politicians cannot maintain a permanent monopoly on legislative power.

It is also one of those states where voters have refused to let the politicians bully or trick them into giving up democratic rights.

Back in 1990, career politicians desperate to maintain their monopoly spent millions to prevent term limits from being passed to begin with. When that didn't work, the politicians then sued in court to overturn the term limits law.

When that didn't work, the politicians tried to gull voters into chucking term limits themselves, or at least watering them down, at the ballot box. In early 2002, the politicians and special interests threw more millions on a deceptive anti-term-limits campaign to kill term limits in the name of saving term limits. This gambit also failed.

When legal expedients fail to kill term limits, the career politicians try to hop from one chamber of the legislature to another. Or they enlist their legislative aides or family members to run for office after they must step down, in the hopes of perpetuating their dynasty by proxy. Fresno political reporter Dan Walters calls such candidates "retreads" and "kinfolk."

But as long as robust term limits remain the law of the land in California, the wannabe permanent incumbents can't get their wish.

General elections are still less competitive than they should be — thanks to the gerrymandering of electoral districts to favor one party over another, the kind of thing that occurs in states all over the country. But if such artificially lopsided districts are ever going to be reshaped according to more objective principles, it's the voters, the courts, or political leaders less vested in the system who are going to make that change. Twenty-year incumbents were never going to crimp any of their own incumbent

advantages, not voluntarily, not ever.

And the effect of term limits is seen very clearly indeed when it comes to the primaries. It's incumbents out, electoral competition in. As Nancy Vogel noted in a February 29 story for the *Los Angeles Times*, "Of the 100 Assembly and Senate seats being contested in the primary election, 34 are wide open to newcomers, without an incumbent running for reelection. That's mostly because lawmakers must move on after serving three terms in the Assembly and two in the Senate."

Vogel's story rattled off a litany of primaries that swarmed with competition this year. An example is Assembly District 47, where seven candidates vied to take over the slot of former Assembly Speaker Herb Wessen.

Back in the good-old-boy days, of course, the words "former" and "Assembly Speaker" were rarely conjoined in any political reporting. In the mid-90s, Willie Brown finally left that post in anticipation of term limits — after having monopolized the post of Speaker for 15 years. And after having served in his seat in the Assembly since . . . 1964.

Political observers noted that this year more than twenty of California's primary contests for assemblymen were "too close to call" even with primary Tuesday just around the corner — an unheard of situation in the days before term limits. Absent term limits, incumbents typically need contend with zero or only trivial opposition in a primary. Absent term limits, you might as well not even bother to hold primaries until the incumbent steps down on his own.

The plain fact is that with firm term limits, there are many more opportunities now for fresh faces to enter the system — regardless of any retread/kinfolk candidacies. If that were not the case, the reactionaries who have fought so hard to kill term limits at every turn would not have been so desperate to kill them. ■

NO UNCERTAIN TERMS

MARCH 2004 • VOLUME 12 • NUMBER 1

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

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Ten Fallacies About Term Limits

By David M. Brown

The modern term limits movement was born of the need to counteract the vast anti-democratic electoral advantages of incumbent politicians.

The goal of the movement is to subject elected officials at all levels of government to official limits on their tenure. Typically, at the state legislative level this means three two-year terms in the case of assemblymen or house members, and two four-year terms in the case of senators. Although the formula varies a bit in the sixteen state legislatures now subject to term limits, in each case the limits spell an end to decades-long monopolistic rule.

Term limits are popular with the public — not so popular with the incumbents being term-limited. Reluctant to accept curbs on their power for the mere sake of enabling democracy that is democracy in more than name, career politicians purvey a slew of “reasons” why term limits are not just bad for them personally but are bad policy, period. Friends of the political establishment in the media propagate these claims ad infinitum and come up with spin-offs.

Some of the objections to term limits sound semi-plausible if not examined too closely, so they sometimes influence the opinions of honest voters with no particular axe to grind. But these objections are usually repeated as mere catch phrases or clichés, without any genuine engagement with the case for term limits. There’s a good reason for that. They don’t stand up to scrutiny.

According to these fallacies, term limits are either superfluous, counterproductive, a mere partisan ploy, or even blatantly undemocratic. Sometimes the anti-democratic foes of term limits don’t even bother to argue, but just announce that the term limits movement is moribund — a non sequitur, but also untrue. Let’s examine ten of the most common phony claims.

1. We already have term limits; they’re called elections.

There should be a rim shot after each utterance of this statement — a mainstay of stale newspaper editorializing that quivers on the lips of all career politicians.

Form is not the same as substance. Let’s say that Brezhnev’s Soviet Union or Saddam’s Iraq “have elections,” elections at which there is a 100 percent turnout and 100 percent endorsement of the Glorious Leader. Few in the west would have trouble discerning that the rigged “contests” of such dictatorships are mere empty shells — husks — and not the real thing at all.

Thanks to America’s strong tradition of democracy and rights, this country doesn’t suffer such problems — at least not to such

an extreme. But the greater freedom of our political life doesn’t mean that our political life is perfect or that our political institutions are infallibly resistant to the traps and trappings of power.

Incumbents wield enormous, built-in electoral advantages over challengers — advantages they can exploit regardless of their actual performance in office. These advantages include franking privileges (the ability to send mail to constituents at taxpayers’ expense), abundant free publicity from the media, the chance to throw taxpayer money at potential donors, taxpayer-funded office staff that can be used for campaign purposes, and gerrymandered electoral districts that shore up the incumbent’s base. Even sundry electoral “reforms,” like campaign finance reform,

are drafted by incumbents to suit the political needs of incumbents as against challengers.

The result is that congressional incumbents now typically get reelected at a rate of 98-plus percent. Many incumbents are so well-entrenched that often when they stand for reelection, they don’t have to bother with any major competition at all. The Center for Voting and Democracy reports that in 2002, 99 percent of all House incumbents won reelection — and almost a fifth of the incumbents had no major-party opposition to worry about.

Elections at which voters lack choices may be elections in some ethereal sense; but such elections don’t limit anybody’s terms.

2. Turnover of elected officials is substantial even without term limits.

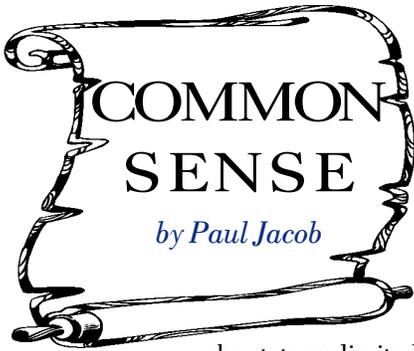
This is an odd claim, because it is obvious to even the most critical observers that term limits generate rapid and massive turnover in the legislature — turnover that would have taken decades longer to take place without term limits. But we are supposed to believe that because seats do change hands in the absence of term limits, there is no problem for term limits to cure.

The legislators and professors who argue in this way implicitly assume that open seats are representative of *all* seats. An open seat is a seat being vacated by the incumbent, whether because of retirement, death or scandal. A seat is open when the incumbent does not stand for reelection. So yes: any time this happens, it is certain that someone other than the erstwhile incumbent will take over (probably someone from the same party, if the district has been gerrymandered with sufficient finesse).

All this laudable turnover occurs only at the margins of the

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

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We hear a lot of complaints about term-limited legislatures — from term-limited legislators, mainly. Sure, there are other moaners and whiners, who charge these rookie legislators with such dastardly deeds as being too dumb to even vote to raise our taxes. Wow. *That* dumb, eh?

And then there’s my very favorite complaint: the lobbyists who whimper that they now have, well . . . too much power. Yeah, they just can’t stand their charmed life under term limits. Apparently, that’s why many old bull lobbyists are calling it quits. Kinda brings a tear to your eye.

But what about legislatures where there are no term limits? Any complaints there? Well, believe it or not, yes. Seems a former Democratic legislator, Tim Maloney, objects to the fact that the Maryland Legislature is being “congressionalized.”

By “congressionalized,” Maloney is referring to “career politicians with perpetual incumbency, an ever-growing group of lobbyists, round-the-clock fundraising and relentless partisanship.” Note that the “ever-growing group of lobbyists” he refers to are not complaining one little bit about having “too much power.”

Maloney tells us that since 1995 “full-time legislator” has become the most common listing for the occupation of Maryland legislators. But he misses the simple solution — one certain to end political careerism, as well as endlessly frustrate lobbyists and special interests.

It’s called term limits. For which, voters have few complaints. ■

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Tell us what you think!

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

**Joe
Virginia**

**So
Sophisticated**

**Hiding
the Truth**

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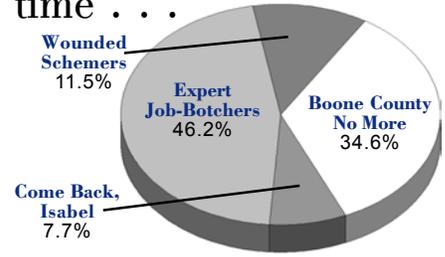
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Paul Jacob
U.S. Term Limits
Senior Fellow

Here's how you voted last time . . .

Which of These is Most Outrageous?



Joe Virginia

You've heard of Joe Six-Pack; meet Joe Virginia. He's not a drinker, he's a taxpayer — and the creation of Fredericksburg, Virginia's leading paper.

Virginia's legislature, the nation's oldest, is a train wreck over budgets and taxes. The governor promised not to raise taxes. Now he's pushing a billion dollar hike. The Senate saw the governor's billion and raised it to 3.9 billion — the largest tax increase in Virginia history.

Yet, Peter Ferrara of the Virginia Club for Growth explains that the "governor's own budget report shows that state spending can increase 11 percent . . . without any tax increase."

The House has agreed to a much smaller increase and House Speaker William Howell said any bigger tax hike should go directly to the people of Virginia for a vote.

But what if Joe balks at the wisdom of the politicians and newspaper editors?

That's why Fredericksburg's *Free Lance-Star* editorialized against a referendum, arguing, "Joe Virginia is apt to vote his personal interest.... Even Joe's long-term interests are ill-served if decays in state services cause his children to be less educated, his travel on state roads to be more tortuous, his medical care to cost more as hospitals shift expenses due to state Medicaid parsimony...." blah blah blah.

Our republic depends on citizen control. But some don't think us Joes are up to it. For them, "representative government" is just a euphemism for *un*representative government. In Virginia and elsewhere: when in doubt, let voters represent themselves. ■

So Sophisticated

Are you a "sophisticated political actor?"

I hope so, because FEC Commissioner Ellen Weintraub says of the McCain-Feingold speech regulations passed by Congress: "I don't think sophisticated political actors would have a hard time figuring out how to work within this framework."

And there you have it: regulation of campaigns and their speech means just a few extra dollars spent on attorneys and accountants for the sophisticated political actors.

For average Americans who might dare to seek a voice in their own government, well, call your attorney.

Permit me to ask: How can congressmen and Supreme Court justices square their oaths to uphold the First Amendment — which says, "Congress shall make no law... abridging freedom of speech" — with passing a law that has every political operative in the country waiting for rulings from a Congress-created regulatory body telling them how they can speak?

We're all speechless as to that.

Meanwhile, back at Speech Regulators R Us, the FEC haggles over just who can speak and how much and using what money raised how. Republicans, many of whom opposed McCain-Feingold, now see advantage in limiting Democratic groups that are highly dependent on large so-called "soft money" donations.

But they mistakenly put a couple of principled gentlemen on the party-controlled FEC: Mister Bradley Smith and David Mason. These two voted to let the Democratic groups, and all such groups, speak out. Imagine that. ■

Hiding the Truth

In January, the Senate passed the annual omnibus spending bill. As the senators deliberated, both the House Majority Leader, Tom DeLay, and the President of the United States, George W. Bush, praised the bill. They said it kept within the 3 percent limit that they had set for discretionary spending increases.

And yet in an important recent study, Heritage Foundation scholars looked over the books and came up with a very different figure: they estimate that this spending will grow 9 percent!

The good news is that at least the number is down from the previous two years, when discretionary spending grew by 13 and 12 percent respectively. The bad news is that this is the third year in a row of massive increases. The worst news is that the politicians are hiding the growth with "creative" accounting.

You see, there's a difference between the amount Congress and the President authorize agencies to spend in a year and the actual money spent by the agencies. So they played with the differences. They moved money from one account to another, and from this year to last. The kinds of things that send accountants in the business world to jail.

And yet almost no one blinks an eye. While journalists' eyes focus elsewhere, and citizens' eyes glaze over, the eyelids in Washington aren't steady. There's a lot of wink-winking going on.

While you can trust politicians to spend, you can't expect them to tell the truth about it. But we can tell the truth about it. And as long as citizens continue to take notice and cast a dark eye at both the lying and the spending, someday things will change. ■

system. Without term limits, incumbent politicians still have the maximum opportunity to rig the game in their favor. They can still remain in power for term after term and decade after decade. And the same good-old-boy network of party bosses can still remain in place, intact, for decade after decade too. Even if once in a while somebody does die.

3. Term limits do nothing to improve public policy.

As one skeptic puts it, "the central problem is American culture, not legislative culture. The country wants to spend without paying, and will find ways to do that. Term-limits advocacy is a way to avoid tackling the larger problem."

The half-truth underlying the skepticism is that term limits are not an entity. They are a political reform. Term limits don't legislate — legislators legislate. Most immediately, term limits affect institutions and process, not policy. But this does not mean that term limits have no good effect on public policy.

It's true: ideas and culture matter most. But this does not mean that institutions and process matter not at all. Think tanks like Cato and National Taxpayers Union have documented how even those legislators who start out as

sincere fiscal conservatives tend to become more liberal with other people's money the longer they're in office; term limits would nip this degenerative process in the bud. Term limits would, of course, also kick out legislators who never had any intention of looking out for the taxpayer.

If process were irrelevant, it wouldn't matter who's in office. All the same things would happen anyway. So if the new governor of California repeals a recently tripled car tax, that was going to happen anyway, and doesn't matter whether the previous governor had served one term plus one year, two terms, or ten terms.

But process does matter. Term limits abet democracy by giving democracy teeth — giving people real electoral alternatives again. Term limits can't take the place of good ideas and good people. But term limits do supply frequent new opportunities for both voters and candidates.

4. Term limits hand more power to the lobbyists.

One inconvenient fact for those who make this claim is that most lobbyists oppose term limits. Yet lobbyists themselves often cite this alleged truth — how they're gaining all this extra clout, so unfairly — as they lobby for an end to term limits.

Is it public-spiritedness at work here, or plain disingenuousness? The pork-barreling career politicians, too, claim that it's the public good they're concerned about when they oppose term limits, not their jobs.

A survey by the Council of State Governments shows that lobbyists oppose term limits even more than the politicians do. While 76 percent of politicians were against term limits, among lobbyists a whopping 86 percent were opposed. Meanwhile, most regular Americans support term limits.

Lobbyists know that their power and influence comes from developing long-term relationships with incumbents, especially those in leadership. Under term limits, lobbyists lose these relationships. At the same time, party leaders and committee chairmen no longer wield the unilateral control they used to wield.

Because term limits equalize power within the legislature, lobbyists can no longer push through legislation on the basis of their relationship with one powerful member. Instead, they have to keep making their case on the merits, and making it anew — and to legislators who won't necessarily sympathize with "how things are done in this town."

5. Term limits result in legislators who are too inexperienced to govern.

Of course, when a large number new legislators begin service at the same time, they are expected to participate more quickly and actively than the freshmen of the eras before term limits. So they must be taught the ropes. But presumably the legislators had knowledge of legislative issues and some idea of how they want to deal with them before deciding to run for office. Else why were they running?

In 1999, Arkansas's statehouse experienced an influx of new legislators,

with 57 out of 100 representatives new to the job. Before the session began, the political pundits worried that the sky would fall. Arkansas couldn't survive without the 800 years of legislative experience that had to leave due to term limits, they said. In the event, though, the new legislators managed fine.

Representative Bobby Glover, who had served in the legislature many years ago before returning in this session, said: "I couldn't have been impressed more. I've never seen a group that was more conscientious in scrutinizing legislation." Representative Ted Thomas, a veteran legislator, said the freshmen "wanted to know what the facts were, not who the personalities were."

Real-world experience is deeply relevant to the crafting of good law. Law is — or should be — about a lot more than appeasing the special interests groups who can fill campaign coffers. What matters most is what a candidate brings to the job. If he has a brain he can learn the technical procedures involved in legislating. If he is a leader, he can lead. If he has a question, he can ask somebody. And he won't need to spend years in training wheels.

6. Term limits give politicians an incentive to be more corrupt as the time to go draws near.

The assumption seems to be that because politicians know that once they're termed out of office they won't be around to suffer the electoral consequences of bad conduct, they have every reason to go hog wild in the term that they know will be their final term.

When one recalls the excesses of William Jefferson Clinton during his last days as President of the United States — the avalanche of abusive executive orders and presidential pardons

Term limits can't take the place of good ideas and good people. But they do supply frequent new opportunities for both voters and candidates.

— the claim has a certain plausibility. But this is really a claim about a certain type of person — like a robber who has only two more minutes to finish the bank job.

Safely immunized from electoral competition, career politicians already feel free to go hog wild. Billions of dollars of un-debated porkbarrel spending passes muster each year in our nation's Congress. Legislative favors are traded for campaign money. Party bosses crudely bully and bribe legislators to vote in ways contrary to their beliefs. Questionable behavior earns a wink and a nod. Very questionable behavior might earn a reluctant censure.

The conduct of an office-holder much depends on the type of person holding office. And term limits can actually gird the loins of principled citizen legislators — make them even more determined to do the right thing. Congressmen who limited their own terms like Matt Salmon, Tom Coburn and Mark Sanford were willing to defy the leadership of their own party when it came to matters of principle. As the clock ran out on their limited tenure, they sought to use the time remaining as wisely as they could to uphold the principles they believed in.

A term-limited Congress would mean a Congress whose members have less time to become corrupted by power . . .

. . . less time to become the kind of person who frets that he has only a few minutes left to rob the place before he's got to go.

7. Term limits cause many busy legislators to have “unfinished business” as they leave office.

Let's assume that we are dealing with either a Good Legislator or a Bad Legislator.

Everybody agrees that it's fine if Bad Legislator has no more opportunity to snorkel at the public trough. Perhaps he will continue to plague the polity as a lobbyist — but thanks to term limits, at least he won't be able to rely on a permanently entrenched network of fellow good old boys to do his dirty work with. Anyway, it's no big loss, everybody agrees, if Bad Legislator can serve only six years in a statehouse instead of 20 or 30 years. His unfinished business can remain unfinished, no problem.

But what about the “unfinished business” of Good Legislator?

First, if the unfinished business is worthwhile, he should be able to persuade others to carry on with it. His draft of the tort reform bill he was working on can go to Joe. “Joe, here's my thoughts on tort reform. I know you pretty much agree with me on this issue. I can't carry the work forward myself — I'm termed out of office now — but if you can get this issue on the floor next year, feel free to use my draft in any way you like. Call me any time to discuss it. I understand that even if I'm termed out of office, I'll still be able to receive phone calls.” “Okay.”

Second, a legislature is not the only place in which a former legislator can promote his ideas or do good work. If he wishes to continue public service, he can seek another office. Or he can find an avenue to advance his political goals outside of office altogether.

Third, there is no way to grant an “exception” for the exceptional legislator without destroying the term limit principle in its entirety. An exception is a loophole, and what career politicians do with loopholes is try to make them wider. If term limits are a sound political constraint, then they must apply to Good Legislator too — and he will be happy to comply. After all, for Good Legislator, power is not an end in itself. That's one of the things that makes him Good.

8. Term limits is just a ploy by the Republicans to get rid of the Democrats.

In 1994, the GOP expressed support for term limits in its Contract With America.

This statement of principles nationalized the Republican congressional campaigns by inviting like-minded candidates to pledge to reform the tax-and-spend culture of the federal government. The Contract proposed to “restore the bonds of trust between the people and their elected representatives.” Three hundred candidates for office gathered on the steps of the Capitol to formally sign the Contract.

The Contract promised a “first-ever vote on term limits to replace career politicians with citizen legislators.” Newt Gingrich, the Republican mas-

termind behind the Contract, had in fact been reluctant to include this provision — because, like many career politicians of both parties, he just doesn't believe in term limits. But term limits are so popular with voters that he grudgingly allowed it, and the Republicans went on to gain a history majority in the Congress.

The Republicans did hold their “first-ever” vote on term limits. But the fix was in. It was all just playacting. Republican leaders were never behind any of the several versions of term limits brought to the floor, and the phony effort fizzled. And by the year 2000, the Republicans had a new electoral strategy: dole out as much pork as possible in districts where Republicans are at risk. Despite the Contract With America's commitment to fiscal sobriety, it had become abundantly clear that the Republican career politician wasn't that much different in his legislative conduct than the Democrat career politician.

Some congressmen do support term limits. They not only say they believe in term limits but actually commit to limit their own terms in office, and then step down as promised. Such citizen legislators tend to be a thorn in the side of the career politicians. Citizen legislators are a lot less worried about catering to special interests or party bosses, and a lot more worried about doing the right thing. They have less to lose by refusing to play politics as usual.

So the claim that term limits is “just” a partisan ploy is half-true: it's true enough that some career politicians disingenuously latch onto the term limits issue in hopes of getting some political mileage out of it. But the concept of term limits is hardly a newly hatched stratagem; in America, it dates back to the Founders,

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Citizen legislators are a lot less worried about catering to special interests or party bosses, and a lot more worried about doing the right thing.

"Ten Fallacies," cont. from page 7

who practiced the principle as a matter of course. In modern times the most persistent support for term limits has always come from the people, not the politicians.

9. Term limits are undemocratic: they prevent otherwise qualified individuals from running for office and prevent voters from voting for the termed-out candidate.

Term limits are undemocratic if age requirements, citizenship requirements, and geographic requirements for holding office are "undemocratic." But the institutions of democracy are not infinitely elastic. They must have some specific form, a form determined by the purpose of those institutions. The wisdom of various constraints on democracy depends on whether these constraints serve the legitimate purposes of democracy. Term limits certainly do, especially when they allow democracy to happen in places where, thanks to the dead weight of incumbent advantage, democracy had virtually shriveled. If nobody bothers to run against an incumbent, certainly the voters are prevented from voting for anybody other than the incumbent.

In any case, it is an empty truism to say that voters are prevented from voting for those who are not standing for a particular office—a set of persons which always includes the vast majority of the earth's population. A voter may be stymied in his wish to vote for one of the six billion or so people not on the ballot, but alas, that's just the way things are. It's not anti-demo-

cratic, it's reality. Institutions cannot provide alternatives without also imposing constraints and conditions. The constraint of term limits makes alternatives available to voters that otherwise would not have existed at all.

10. Term limits are passé these days. The movement has stalled. Let's move on.

Last rites have been pronounced over the corpse of the term limits movement so often that you'd think at some point the priest would go home. Of course, when something is really dead, you need to pronounce the last rites only once.

Interestingly, the announcement was first made in the early 1990s, when the movement had barely gotten started! It was made, for example, by Tom Foley of Washington state, who went on to lose the 1994 congressional election, in large part thanks to his vocal opposition to term limits. The movement that was already "running out of steam" had just ejected a sitting Speaker of the House.

Fourteen gubernatorial seats were term-limited in the 1990s (for a total so far of 36); along with the mayoral and council seats of countless towns and cities. But the most dramatic battles for term limits have been fought in the Congress and state legislatures. These are the places where laws seem to be made like sausage links, and more to feed the ravenous appetites of special interests and the political needs of incumbents than to promote the common good.

Sixteen states now benefit from term lim-

its on their state legislatures. In most of these states, voters passed constitutional amendments, making it impossible for legislators to get rid of term limits without going back to the voters with a new ballot question. The constitutional nature of these term limits laws has proved to be an important bulwark against the politicians who would dismantle the laws. In two of the states where term limits were imposed by statute—Idaho and Utah—politicians desperate to hold onto their jobs finally decided to overthrow the term limits laws of those states unilaterally, never mind the blatant conflict of interest.

In the early 90s, citizens in 23 states imposed term limits on their congressional delegations. Were it not for the narrow Supreme Court decision of 1995 (*U.S. Term Limits v. Thornton*), the U.S. Congress would now be a term-limited legislature. But five Constitution-shredders can't prevent this reasonable and necessary reform from happening forever.

There is no question that members of the political establishment are eager to protect their turf and that they do lay down hurdles, sometimes successfully. But these hurdles are not permanent hurdles. Almost invariably, when voters have a clear-cut opportunity to support term limits, they do so. The public's support of term limits is persistent, despite all the battering from the establishment. That's because America's tradition of democracy is strong and persistent.

And that is why in the long run term limits will win. ■