

HANDS OFF!

San Antonio Voters Beat Back Politicians, Keep Tough Term Limits by 2-1 Margin

Voters in San Antonio, Texas, smashed an attempt by politicians to weaken the city's term limits law in an overwhelming two-to-one vote, which mirrored the original vote for term limits back in 1991.

This victory — in a major city and against a tremendous barrage of advertising that was completely lopsided against term limits — sends a strong message to politicians and special interests nationwide: hands off our term limits laws!

San Antonio term limits advocates, led by Bob Martin, president of the Homeowner-Taxpayer Association, stopped a well-financed effort by politicians and a

laundry list of special interest groups to extend term limits from the current two two-year terms to three three-year terms. The charter measure would also have jetisoned the lifetime ban, thus allowing incumbents to return after just a single term out of office.

The homeowners group was outspent, not 10 to one, not 20 to one, not 50 to one — but 100 to one. Supporters of the term limits extension were, according to newspaper columnist Roddy Stinson, “Mayor Ed Garza, all 10 City Council members and San Antonio’s political establishment, including City Hall consultants, contractors, union bosses and other notable trough-feeders.”

The Homeowner-Taxpayer Association worked the news media and held street rallies at busy intersections throughout the city, but raised only \$3,000 — compared to the more than \$325,000 raised by the special interests seeking to weaken term limits. According to the *San Antonio Express-News*, proponents of weakening term limits and other charter amendments “raised at least \$325,000 mostly from corporations and wealthy contributors for a campaign that relied on direct mail, billboards, phone banks and radio and TV ads.”

“I’ve never seen anything like it,” said Bob Martin. “They bombarded us with ads on TV and radio.”

Still, citizens rocked the city council with the lopsided vote. As Bob Martin said, “You just got to have confidence you can beat city hall.”

Martin and the Homeowner-Taxpayer Association, which successfully fought for term limits back in 1991, said voters remembered what it was like before term limits. “A lot of these folks voted for term limits,” he told the newspaper, “and they recall the days when we had career politicians running the city.”

This is the second full-scale assault on San Antonio’s tough term limits law. In 1995, Helen Dutmer, a 14-year former council member and county commissioner, sued to overturn San Antonio’s lifetime ban in federal court. U.S. Term Limits Foundation worked to defend the term limits law, which the federal court upheld, including the lifetime limit.

In sorting out winners and losers after the May 15th vote, Jim Forsyth, an 18-year veteran of covering the city’s political scene, proclaimed as winners “The Homeowner Taxpayer Association, and its highly quotable President Bob Martin (‘people who think they are insufficiently taxed should vote for charter reform’).” He went on to say, “The HTA turned what was not a tax related issue into a referendum on higher taxes. And yes, as much as it pains me to say it, C.A. Stubbs. The veteran tax protester’s banjo playing city hall news conference helped fuel the anti charter reform drive.”

U.S. Term Limits offers congratulations to Bob Martin, the Homeowner-Taxpayer Association, all the voters of San Antonio and a very special congratulations to C.A. Stubbs, one of many tireless warriors throughout America. And his banjo, too. Many thanks! ■

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MESSAGE FROM SENIOR FELLOW PAUL JACOB

Pork as Policy, Turkeys as Congressmen

When it comes to the real issues in Congress, there is only one. Day after day, year after year, the issue is how to divvy up the body politic as fat slabs of pork.

In the good ol' days of just a decade ago, pork was quietly stuffed into various bills and sneaked through the Congress. Today, pork seems the *raison d'être* for these monster bills that are little else.

The Republican-controlled Congress provides ample evidence to conclude that wielding political power and spending other people's money trump party affiliation. Republican congressmen have beaten Democrats at the polls and then again at the trough of wasteful spending. The last highway bill in Democratic hands had 538 pork projects earmarked for specific congressmen. This latest bill had 3,193 earmarked expenditures.

The fact that Congress has become even more of a smorgasbord and that there seems to be no stopping these big pig-outs is worth some reflection. Let's look at the highway bill just passed by the House. Representative Don Young of Alaska, chairman of the House Transportation and Infrastructure Committee, managed to put two laughable projects into the legislation.

Taxpayers across the nation will pay to build two bridges in Alaska. One bridge connects Ketchikan, population 8,000, and lonely Gravina Island, home to 50 souls. Yup: \$120 million for a bridge to an island that has 50 people on it. Yet, your taxes are building quite an impressive bridge — higher than the Brooklyn Bridge and just as long as the Golden Gate Bridge in San Francisco.

Then there's the bridge being built between the Port of Anchorage and Mackenzie Port. What's that? You've never heard of Mackenzie Port? You don't know why it needs a \$200 million bridge? Maybe that's because Mackenzie Port

has a permanent population of one. Not 1,000 or 100; just one.

These projects amuse us on late night TV, but the cost isn't funny: \$320 million for both.

Congressman Young admits that "[i]t's not a good way to legislate, although I got a lot of stuff in it. I mean I stuffed it like a turkey."

Congressmen regularly admit that what they do is wrong or isn't "good"; that the Congress they work in is dominated by special interests; that they are "all corrupt." I don't know about you, but I'm convinced that on these matters — and these matters only — congressmen are actually telling the truth.

Young is not without excuses. He explains that Alaska came late to the game — becoming a state in 1959 — so they have make up for lost time. Apparently, we should have been sending pork to Alaska a long time ago, subsidizing Woolly Mammoths, perhaps.

Don Young also blames term limits on committee chairmen, imposed by Republican House Caucus rule. With less time to wield power, Young suggests he has to do his ripping-off of taxpayers as fast as possible, before he loses his seat. Such is the logic we have come to expect from entrenched politicians.

Yet, the poor fellow is forced to compete with Senator Pork: Ted Stevens, also of Alaska. "I'd like to be a little oinker, myself," Mr. Young says good-naturedly when compared to Stevens. "If he's the chief porker, I'm upset." Earlier this year, I detailed just how Senator Stevens became a millionaire through using his powerful position and our tax dollars.

Some citizens of other states may be a tad jealous of the largesse shipped back to Alaskans. But the envy is misplaced, for the pork benefits the politicians and those

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DRAT — FOILED AGAIN!

Conniving Louisiana Careerists Gamble and Lose

“Drat — foiled again!”

That’s what must have been going on in the minds of Louisiana’s career politicians on May 4, 2004, when yet another attempt to shove a kill-term-limits measure onto the ballot was scotched by a vote of 25-14.

Reporter Adam Nossiter headlines it thus: “Senators turn back term limits repeal.” But it was no chorus of state legislators, most of whom are invariably instances of the species *Careerus Politicus*, that rebuffed this repeal effort.

Career politicians would love to see term limits die. They pragmatically doubt that the voters agree. That’s why many state senators weren’t quite smitten by the repeal effort. Why confirm voters’ suspicions about their anti-democratic arrogance?

That arrogance was certainly on display a couple weeks earlier when a Senate committee voted 3-2 for a bill to repeal the 12-year legislative term limit.

Senator Charles Jones, the quarter-century veteran of the legislature who sponsored the bill, did so because he’s

indispensable.

“There is no substitution for institutional knowledge,” he said knowledgeably. “Like any other profession you get it by time. You don’t guess on it, don’t get it by osmosis.” No, not by osmosis and certainly not by sopping up any real-world experience that might be relevant to determining what kinds of laws we should all live under. At least, not if you accept, with Senator Jones, that the only way to study up for the legislature is to be permanently entombed in it.

Much easier to absorb is the arch observation of repeal opponent Senator Jay Dardenne.

“I guess my question now to this legislature is, what part of ‘yes’ don’t you understand?” Dardenne said. “The people by 76 percent said they wanted it. Now we, those who are affected by it, are saying ‘We know better than you. You are gravely in error, how can you possibly not want us to represent you in perpetuity.’”

That sure is what the career politicians say. Yes. ■

“Message From Paul Jacob,” cont. from page 2
connected to them, not the average Alaskan.

It’s true, the Ketchikan bridge project will bring some jobs to the area — temporarily. But as mariner Dale Collins told *The New York Times*, “The funny thing, when that big bridge is done, it will take more time to get to the airport than it does now on our little ferry.” A ferry that may be put out of business.

Small businessman Mike Salle knows the score: “[I]t’s just a boondoggle that we’re getting because we have a powerful congressman. That ferry of ours has been pretty darn reliable.”

What can be done? First, we need to devolve power from Washington back to the states and localities, where voters have at least some measure of influence on their elected officials.

Why should the politicians most removed from our control — Washington congressmen — take the biggest bite out of our wallet? What possible rationale exists for sending tax dollars from our own states to

Congress, knowing that Congress intends to take a cut and then ship the money back, with added mandates to control how we spend it?

The best way to stop Don Young and his ilk from wasting our money is to never let them get their slimy little fingers on it to begin with. Granted, our state representatives aren’t always so stellar. But they are closer to us, we can often talk to them face to face; they are more vulnerable at the polls because the advantages of incumbency are less; and, in 24 states, we have the citizen initiative process to overrule them.

Second, we need term limits. Term limits could be justified merely as a way to punish the likes of Don Young, but that’s never been the chief animator of the term limits movement. The impact of term limits is in changing incentives, and nowhere would it reverse the incentives more than in our pork-barreling Congress.

The longer people stay in Congress, the more they tax and spend. Why? Because they realize their personal power and influence is directly tied to

the power and control exercised by the federal government. The longer they stay, the more spending millions and billions and trillions of other people’s money becomes ho-hum.

Would Senator Charles Grassley of Iowa have suggested in his first term that taxpayers should spend \$50 million to build a rain forest in Iowa? But after 24 years in the Senate, he was no longer too shy to send us the bill.

It is no accident that porkers like Don Young, Ted Stevens, and Charles Grassley have been in Congress for decades, as regular readers of my free Common Sense e-letter know well. Meanwhile, the very best friend of the taxpayer — according to the National Taxpayers Union — is Jeff Flake of Arizona, who has pledged to serve no more than three terms in the Congress.

People who rip off the taxpayers are called crooks. What do you call a congressman who charges \$320 million for two bridges to nowhere?

Another great reason for term limits. ■

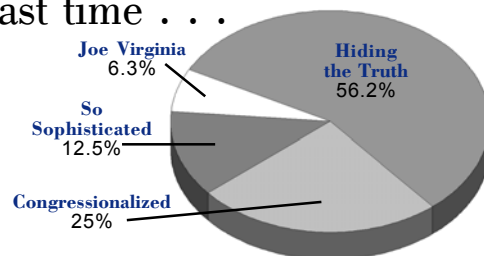
Originally appeared on *Townhall.com*



Paul Jacob
U.S. Term Limits
Senior Fellow

Here's how you voted last time . . .

Which of These is Most Outrageous?



Incumbents First

I wonder who passed the Massachusetts law mandating that incumbents get their names listed first on the ballot? Why . . . it was the incumbents! Surprise, surprise.

Donald White is running for his local School Committee and he says, "It's just not fair" that incumbents have their names listed first. So he is suing to overturn the law, an action he says "isn't so much about the School Committee race as it is about the bias in the law that favors incumbents."

Heather Gerken, an assistant professor at Harvard Law School, agrees that studies show a statistically significant advantage to having one's name listed first on election ballots. She adds, "Incumbents already have so many advantages going into an election that anything you can do to reduce that advantage is likely to be a good idea and make for more competition."

In fact, even the state's highest court agreed back in 1972, when the late Paul Tsongas sued to overturn the law. They wrote at the time: "A candidate given a first ballot position has a distinct advantage over other candidates . . ." Yet, the court went on to say the present record "contains no basis for evaluating the comparative advantages and disadvantages of alternate systems" — so the court took no action.

Isn't it interesting how activist or sheepish the courts can be depending on the issue? Clearly, this is an unfair system. The so-called experts know it, the court admits it. How, then, can the court not toss out that system and make the legislature find something less biased?

Maybe this time, they will. ■

Balancing Act

We find ourselves in the middle of an election year, and, because of the McCain-Feingold campaign finance law, in a muddle.

While Democrats took the lead in arguing against soft money, it is Democratic groups that are now using what other Democrats call a loophole to raise and spend large, unregulated contributions to defeat President Bush. For instance, Congressman Marty Meehan, term-limits turncoat and author of the Don't-Criticize-Your-Rulers Act, argues these groups should also be regulated — er, silenced — by the FEC.

"To do nothing," he wrote to the FEC, "would be to bless a loophole that will have grave consequences." Huh? Freedom of speech used to be a part of the Constitution. Now it's a loophole.

But Democratic House leader Nancy Pelosi and 121 other Democrats signed a letter to the FEC saying that the "proposed rules severely undermine" the balance between regulation and free political expression, which they point out also has "potentially severe consequences."

The problem — in the minds of these Democratic congressmen and, more importantly, in our legal system — is this idea that our First Amendment rights are to be balanced against the compelling state interest in regulating elections.

Nowhere in the Constitution does it allow, or even suggest, that our rights can be "balanced" against the desires of career politicians to take away those rights.

The First Amendment is explicit that Congress shall not regulate speech. How do we balance that against the politicians' desire to regulate what's said about them? In a better world, we don't. ■

The Best Need Not Apply

Let's say you are an industrious visionary. You cast your acute eye towards Washington, and see how something can be fixed. But then you look at the political process, and do a double take.

Quickly, you cast your eye — and dedicate your talent — to other problems.

Why?

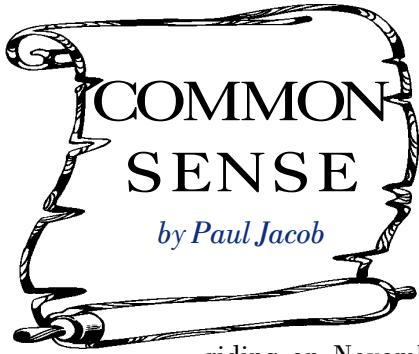
Because you are practical. You have seen that, to achieve a powerful enough position in, say, the United States Senate, you'd have to make the Senate your career. It takes well over a decade for your average solon to become a committee chairperson, where the real power is. Ten years to wait around for a real chance to make changes? Forget it!

Social scientists cite this as an example of an "adverse preselection process." Our current political system ensures not that the worst will get on top — though they often do — but that the best will *never even apply*.

Not long ago, when the primary process was still busy selecting a Democratic candidate, columnist David Broder backed this up. As examples of how hard it is to do anything in the Senate these days, he gave John Kerry and John Edwards, two savvy men who, as senators, accomplished almost nothing. As Broder describes it, the Senate is "a remarkable place, but it's not the real world."

Well, at least real-world visionaries have no place in it. To give them a chance, there's only one solution: term limits. With no long careers possible, the Senate would have to find new ways to allocate its internal power.

And maybe then it wouldn't scare away the most talented and practical visionaries. ■



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

Sweeping Down the Plains

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In Oklahoma, “there’s a lot riding on November’s election” — at least according to Associated Press writer Sean Murphy. He isn’t talking about the presidential race, but the battle for control of the state House of Representatives.

There’s one big reason this election will be so competitive in Oklahoma: term limits. Oklahoma was the first state in the country to pass term limits on their state legislators, back in September of 1990. But the limits are, frankly, too long — 12 years — so they are just now kicking in. Finally, this year, 28 legislators are termed out of the 101-member House.

Democrats have a 52-48 majority over Republicans, with one seat vacant at present. If Republicans take over the House it will be the first Republican majority since 1921 — that’s 83 years ago. Quite historic.

If Democrats hold the House, that too would be historic,

because Rep. Jari Askins — already selected to replace the current Democratic House leader — would be the state’s first woman Speaker of the House.

Askins admits that she wouldn’t even have a chance to be the next Speaker without term limits. The seniority system would have kept her way back in line . . . still waiting. But she worries, “[T]erm limits may keep me from that opportunity, and that’s because of the large number of open seats.” Changing party control is easier when powerful incumbents aren’t clogging the system.

Ahhhhh, a competitive election, what a sight to behold, politicians nervously awaiting the voters, brought to you once again by term limits. ■

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

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Balancing

The Best Need

First

Act

Not Apply

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Tax-Funded Politics

By James T. Bennett (Transaction Publishers, 2004)

Reviewed by David M. Brown

In 1994, year of the soon-to-sputter “Republican Revolution,” some of the new congressmen of 1994 tried to rectify a patently unjust feature of the political process.

It has to do with how the government takes money from taxpayers not only to subsidize organizations the policies of which taxpayers may not agree with — but even to subsidize the lobbying these groups do for even more taxpayer monies. In other words, we’re not only being burgled, we’re paying for the tools the burglar burgles us with.

“From the time of the nation’s founding,” writes Bennett in this abundantly researched exposé, “government was intended to serve the will of the people. However, when government promotes ideas, the master/servant relationship is turned on its head, for the power of government is used to influence and create the will of the people rather than passively serve that will. [T]he government . . . has very deep pockets to promote its agendas. Because federal law has long prohibited federal employees from directly engaging in lobbying and advocacy activities, nonprofit entities in the private sector are given grants and contracts by governments at all levels to proselytize on behalf of the programs of the agency or government department providing the funding.”

Tax-Funded Politics notes that although private charities are banned from using federal funds for lobbying and electioneering, they’re not banned from using private funds for these activities, so the ban is essentially meaningless. It’s a matter of mere accounting to ensure that the federal funds “aren’t” used for such purposes. One flips the money one had been spending on non-political stuff to the political stuff, and applies the federal money to the non-political budget.

Longtime career politicians in the Congress have attacked any attempts at reform by smearing them as assaults on free speech. In 1994, they were opposed even to holding hearings about the matter. A freshman, Representative David McIntosh, announced that America would be “shocked” to learn of “one of Washington’s best kept little secrets — welfare for lobbyists.”

Various politicians, “both those on the subcommittee and those appearing ex officio, denounced McIntosh with all the fury that self-satisfied insiders can muster for a young heretic. Henry Waxman (D-CA) declared himself ‘deeply offended’ by the very idea of such hearings. Cardiss Collins

(D-IL) charged that McIntosh and the freshmen Republicans were trying ‘to silence the voices of their political opposition.’”

Nonprofit outfits, including ostensibly charities, are hardly meek and neutral bystanders in all this.

Among the organizations Bennett reports on are the highly partisan League of Women Voters, teacher unions, various “green” organizations that scramble for the green, and health organizations like the American Lung Association, the American Heart Association, and the American Cancer Society. The leaders of the “Big Three” health organizations sometimes even advocate that government stop competing charities from being allowed to compete.

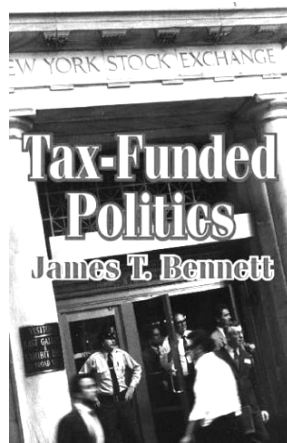
“So zealous are the Big Three to protect their favored status among health charities that

they have testified at congressional hearings urging that other charities targeting the same illnesses be subject to federal sanction,” reports Bennett.

“Then-chairman Keith A. Greiner of the American Cancer Society told [a subcommittee]: ‘fund-raising by the look-alike organizations . . . ought to be stopped. The best interests of the public are not being served by what look-alikes do, and therefore, some legislation ought to be in order.’ Greiner was incensed that other charities were using the word ‘cancer’ to raise monies. . . .” Thomas DiLorenzo, a sometime co-author with Bennett, has dubbed these antics “non-profit sector protectionism.”

What is the solution? Bennett proposes a flat ban on lobbying or political advocacy by any organizations that receive public funds. This sounds a lot like campaign finance reform. You’ll create more problems than you “solve” by trying to stop assaults on taxpayer wallets by restricting a fundamental American liberty like freedom of speech. The ultimate solution is to let private political organizations raise funds for themselves, and let citizens decide voluntarily who is most worthy of their support. It’s the public funding of the non-profit sector that must be banned.

Meantime, it wouldn’t hurt to term-limit the tenures of the politicians willing to go along with this kind of tax-funded politics. If you have to be new to office to realize something is wrong here, then we need a lot more people who are new to office. And we need them often. ■



Foul-Weather Friends Of Term Limits?

They say politics makes strange bedfellows.

In a recent *Hill* story (“Wrangling over Intel term limits,” April 28), Alexander Bolton reports that members of the Senate Intelligence Committee want to get rid of the committee’s term limits on service.

This isn’t exactly shocking. That politicians are gearing up once again to try to scuttle a term limit is news in the way that a rain forecast is news.

According to Bolton’s report, committee members are suggesting that if they’re not allowed to monopolize the Intelligence Committee we won’t get proper oversight of the intelligence community and won’t avoid another September 11. The argument doesn’t seem to extend beyond the bare assertion. But this is the standard polemical fare of career politicians seeking to protect their monopolies against “too much” democracy. Arguing substantively runs the risk of exposing crater-sized potholes in the “logic” of the argument.

Bolton also reports that anti-term-limit Senator Tom Daschle is now apparently a friend of term limits. Now this would be a surprise indeed, if it were true in any but the most superficial and temporary way.

Daschle would disappoint if he did not continue to bear the hypocritical standard of the exploitative career politician to which others of his ilk might repair. So far his sensibilities and antics have been arch-typical.

For example, his wife Linda is a lobbyist for Boeing and American Airlines and Centennial Airport and other companies related to the airline industry. She stipulates that she doesn’t lobby her husband. But the Senator hasn’t exactly recused himself from congressional deliberations pertaining to the airline industry.

We’ve all heard how President Clinton rented out the White House to raise campaign cash. A few years ago, Senator Tom Daschle of South Dakota held a fundraising event on top of Mt. Rushmore. Daschle not only used his connections to get on top of the national monument — where

other visitors are not allowed — he also used his unfair special access to give lobbyists and large donors unfair special access.

Members of the Senate Intelligence Committee want to get rid of the committee’s term limits on service. This isn’t exactly shocking. That politicians are gearing up once again to try to scuttle a term limit is news in the way that a rain forecast is news.

The senator can also be counted on to play the demagogue whenever a serious issue could possibly be exploited for short-term political gain. He’s not a big fan of political dissent, either. “What happens when Rush Limbaugh attacks those of us in public life is that people aren’t satisfied just to listen,” he once said. “They want to act because they get emotionally invested. And so the threats to us in public life go up dramatically.”

Rhetoric becomes shrill and then more shrill still. “And pretty soon it’s a foment that becomes physical in addition to just verbal. And that’s happening in this country.” So, if only left-wing Democrats were allowed to be polemical, there would be no more political violence, or something.

This is the same guy who is now a big fan of term limits?

But Daschle does not disappoint.

He does indeed seem to be merely scrambling for political advantage.

Congressional sources tell *The Hill* that Daschle would like to “get rid of current Intelligence Committee Chairman Pat Roberts (R-Kan.), who has had a rocky relationship with Democrats on the panel this Congress.” Under the current term limits, Roberts is scheduled to leave the committee in 2005. Daschle’s aides deny the motive. But they also say the Senator does agree that Congress should grapple with the issues of term limits “as part of a broader effort to reform U.S. intelligence-gathering and congressional oversight of that process.”

To us this sounds a lot like “let’s kill the committee’s term limits later, when it’s more convenient.” A lot like the typical politics of the typical career politician: the politics that treats fundamental issues as mere tactics of turf-protection.

You’re on track, Senator. ■

RIPPING THE RUG OUT

‘Emergency’ Lawsuit Ambushes Wyoming Term Limits

Two years ago, two career politicians in Montana — a Democratic senator and a Republican senator — filed an “emergency” lawsuit against Montana’s term limits law — ten years after voters had passed it. In a candid moment their lawyer admitted why the pair had waited so long to sue: his clients “were not terminated until now.”

The Montana lawsuit failed, but if there’s one principle that career politicians hew to with a passion, it’s “If at first you don’t succeed in underhandedly thwarting the unambiguous pro-democratic vote of the people, try and try again.”

Thus, on May 5, the Wyoming Supreme Court ruled 5-0 to outlaw the statutory term limits which Wyoming voters had passed in 1992 by a 77 percent majority.

As in Montana, the Wyoming lawsuit had been filed by two state legislators, a Democrat and a Republican, about to be termed out of office. Hence their bipartisan motive to press a claim of “unconstitutionality” against the voters’ perfectly constitutional exercise of the right of citizen initiative, exercised as it was supposed to be exercised —

as a check on the arrogance and excess of officeholders refusing to listen to their own constituents.

The court’s action confirmed that a constitutional amendment is a better way for voters to enact term limits — even though term limits laws are per se pro-democratic and consistent with constitutional provisions for the right of citizen initiative.

In states where term limits have been passed by constitutional amendment, judges are deprived of even the most thread-bare rationalization for overturning the legitimately enacted initiatives. Politicians in such states are not able to talk about how ripping the rug out from under the voters “preserves the power of the people under the constitution,” as one Wyoming state legislator gloated in the wake of the decision.

Fortunately, not all of the state’s representatives are so cynical. After the decision, Representative Becket Hinckley of Cheyenne immediately advocated a constitutional amendment to impose term limits. If passed, such an amendment could not be unilaterally weakened by the career politicians

(who stretched a six-year limit to a 12-year limit), or unilaterally revoked by an anti-democratic supreme court.

Jack Adsit, who led the original fight for term limits back in 1992, and has worked relentlessly to defend the law against one onslaught after another in the years since, says that Representative Hinckley is on the right track. But he notes that such a constitutional amendment would first have to be approved by the legislature itself before it could reach the ballot to be assessed by voters.

“It’s a mighty sad day for Wyoming when people lose the value of their vote,” Adsit told the Associated Press. “I’ve always felt that no elected official should serve in any one position for too long. If they stay there too long they learn how to connive and manipulate the system.”

One good thing about the Wyoming Supreme Court’s decision: it leaves intact the term limits on other elected state officials, including the governor, who has voiced support for term limits. There are no signs that any of these other term-limited officials are also planning to sue for endless tenure. ■