

No Uncertain Terms

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Voters Win

Ballot Measure Passes Judicial Muster in Mississippi All Systems Go for Vote on Term Limits

"I'm elated. I'm walking on air," said state Representative Gene Saucier (R-Hattiesburg), a supporter of voter rights.

On July 12, a U.S. District Court struck down a retroactive ban on signatures gathered to place a term limit initiative on the ballot this November. If passed, the initiative would limit state legislators to two consecutive terms in office.

Judge William Balfour Jr. ruled that new requirements for the Mississippi initiative process cannot erase an outcome achieved under less burdensome rules.

"It is evident that the provision targets the term-limits initiative," Judge Balfour said. "It is the only initiative affected by the provision. This amounts to content-based discrimination against a particular political viewpoint."

Activists had piled up 155,000 signatures in support of a ballot measure to limit state legislators to two terms in office — far more than the 98,336 certified signatures required to get a measure on the ballot. On May 16, 1998, the Mississippi Secretary of State confirmed that the signatures were valid and sufficient.

Then enemies of democracy in the legislature tried to muzzle the voters by voting to throw out the signatures.

Career politicians in Mississippi have struggled for years to hobble the initiative process. In 1996, legislators passed a similar ban on "foreign" signature gatherers that, along with other restrictions, was subsequently overturned in court.

Governor Kirk Fordice, a consistent supporter of term limits, commented that "this kind of legislative arrogance is exactly what demands term limits in our country. It's a basic right of the people to initiate a law themselves if they are not satisfied with what the legislative body is doing..."

"The argument of many legislators that they are better informed than citizens — and should be allowed to solicit money from out-of-state sources, while citizens cannot be trusted to sign or refuse to sign petitions because the signature-gatherer may not be a Mississippi resident — is ludicrous and deeply insulting.

The court's new ruling clears a path for the Jackson legislature to join the ranks of the term-limited. It would become the 19th state legislature to be governed by democratic limits on time in office.

Term limits will "result in a more responsible and representative legislature and will ensure competitive races for all seats," Fordice argues.

"I think there's a good chance it will be defeated," says the long-time Speaker of the House and term limits foe, Tim Ford.

Ironically, Speaker Ford has benefited from term limits himself: in 1988, his predecessor was ousted by a two-term cap that Ford claimed to support. Upon his ascendancy, however, the term limit for the speakership was conveniently eliminated.

Activists plan a major effort to get the word out about the term-limit measure, which will be on this November's ballot.

Florida Follies.

Meanwhile, in citrus country, the Florida Supreme Court is deciding on a suit brought by career politicians against term limits about to kick in there. Last November a circuit court upheld the limits, known as "Eight is Enough," but careerists appealed.

The careerists allege that inasmuch as the Supreme Court has blocked term limits at the federal level, limits on state legislators are thereby not kosher either. State Senator John Grant, who supports the limits, notes that it's "hard to declare something unconstitutional when it's part of the Constitution."

Fresh-squeezed career politicians don't plan to surrender the field if the court rules in favor of voters. State Senator Jim Hargrett hints that if term limits aren't pulped, he'll use redistricting as an excuse to launch another Senate bid anyway. The notion behind the unlikely gambit being that once new district maps are sketched, nobody will be running for *re*-election; all the districts will be "new."

In 1992 Florida voters passed limits on the number of terms that state legislators could serve by a 77 percent majority. The initiative limited state senators to two four-year terms (eight years), and state representatives to four two-year terms (eight years).

Oregon Voters Win Reprieve.

Another assault by career politicians looking to undo democratically-enacted term limits has been turned back, this time in Oregon.

On July 16, the Oregon House voted 33-25 for a ballot measure to extend the term limit from six to twelve years in the House, and from eight to twelve years in the Senate. The proposal would have been posted on the 1999 rather than 2000 ballot, thus allowing more lawmakers to stand for reelection in the event of passage.

"I believe we need to make term limits work," said House Speaker Lynn Snodgrass (R-Boring), in support of the extension.

"How do we know this doesn't work?" countered freshman Representative Bill Witt (R-Portland). "There hasn't been an opportunity for this to work."

In the end, worried about seeming self-serving, the senate pulled back from endorsing the measure. "The arguments against it would be so compelling that it wouldn't have a chance," said Senator Rick Metsger (D-Welches).

Some lawmakers argued that sending the proposal to voters in 2000, instead of this year, would provide enough of a fig leaf to make the measure viable.

On July 23rd, however, the legislature passed up its final opportunity of the session to push a term-limit extension onto any ballot as the Senate voted 16-13 against the House plan.

Oregon's term limits, passed in 1992, opened up 24 seats to electoral competition last year. The limit restricts legislators to three two-year terms in the House and two four-year terms in the Senate, with no more than 12 years of legislative service overall.

Another 22 seats will become available in 2000.

Wallet Watch

Citizen Legislators Earn Top Grades for Fiscal Responsibility

Citizen Legislators are much more reluctant than their careerist colleagues to dip into the pockets of the taxpayer, according to a recent study of the National Taxpayers Union.

NTU plugged 146 spending votes from 1998 into its calculator and learned that the most fiscally prudent member of the House was Mark Sanford (R-SC), a Citizen Legislator now serving his third and last term.

Congressman Sanford earned a Taxpayer Score of 90 percent, followed closely by Matt Salmon (R-AZ), with a score of 82 percent; Bob Schaffer (R-CO), with the same 82 percent rating; and Tom Coburn (R-OK), with 78 percent.

All have voluntarily limited their terms.

Former Representative Bob Inglis (R-SC), a Citizen Legislator who left Congress at the end of last year, also garnered an A for his 76 percent score.

After reviewing every roll call vote affecting fiscal policy, NTU assigns a "Taxpayer Score" to each congressman, gauging his commitment to reducing or controlling federal spending, taxes, debt, and regulation. Votes are weighted with respect to their impact on the overall budget. For 1998, a total of 146 House and 137 Senate roll call votes were selected.

Although Citizen Legislators earned top grades, Congress as a whole did not. "In 1998, the average Taxpayer Score in the House of Representatives was 39 percent — down from 1997's mark of 43 percent," says NTU. "Averages also declined for the Senate, to 41 percent in 1998 versus 53 percent in 1997. . . . The high-water mark was reached in 1995, when House and Senate averages were 58 percent and 57 percent, respectively."

Bob Schaffer also distinguished himself in another NTU study, which found that in 1997, Schaffer spent less on mailings and office expenses than all other members. Schaffer returned almost 90 percent of his postal allowance.

"He feels he can be more frugal with the taxpayers' money," a spokesman said.

"If all Members had spent as little as Rep. Schaffer, House office spending could have been slashed by nearly one-third," the watchdog group estimated. House Members spent \$368 million on their offices in 1997, a figure that was initially underreported by some \$19 million.

NTU says staffers had to wade through some 12,000 pages of late "adjustments" to account for the \$19 million.

They are very tired.

Self-Limiter Spotlight: Matt Salmon (R-AZ)

"Rock of Gibraltar"

Matt Salmon has seen up close what can happen when a political career is pursued as an end in itself.

"I can't count the numbers of times people have said, well, Matt, I know you look at so-and-so as king of a squishy congressman, somebody that vacillates on the issues, but boy you should have known him back when he first got here. Boy, he was the Rock of Gibraltar."

And that's "exactly the point" of fighting for term limits, says Salmon, who entered his third and final term in the House with his convictions and intentions intact.

Before winning a seat in the U.S. House, Salmon served four years in the Arizona State Senate. For thirteen years he was a telecommunications executive with U.S. West Communications. He holds degrees in English Literature and Public Administration.

Salmon has been ranked fourth of all congressmen by the Council for Citizens Against Government Waste for his votes to cut wasteful government spending and corporate welfare. The National Taxpayers Union also gave him a high "A" rating for fiscal prudence.

The congressman's most important legislative goal is the passage of "Aimee's Law," which would encourage states to keep the most violent criminal offenders out of America's neighborhoods. The bill passed in the Senate with an 87-17 vote, and action is expected soon in the House.

His colleagues all "came for the right reasons," he says.

"They really have an intense sense of patriotism, of love for their country. . . . But something happens along the way. You kind of get in the position of having to go along to get along — you do.

"The fact is, people do cast their votes based on their political longevity. If you intend to be here 20 years, build up that pension, amke a career out of this place, it's a frightening thing to have your job on the line every two years. And it's much safer to do public opinion polls and figure out which way the winds are blowing and vote that way to stay in office.

"Well, being safe never changed the course of American politics.

"This is my last term. And I'll be damned if I'm going to come back here and just mark time. Come back to make a difference, that's the name of the game."

Term Limits and the Founders

The concept of term limits stretches back as far as the ancient Greeks. During America's Founding Era, term limits, or rotation in office, was regarded as an important check on the corrupting power of office. Following are a few samples of what Americans in the late 17th century had to say about these matters.

Rulers are the servants

"In free governments the rulers are the servants, and the people their superiors and sovereigns. For the former, therefore, to return among the latter is not to degrade, but to promote them."

—*Benjamin Franklin*

Like bubbles on the sea

"Like bubbles on the sea of matter borne, They rise, they break, and to that sea return.' This will teach [representatives] the great political virtues of humility, patience, and moderation, without which every man in power becomes a ravenous beast of prey."

—*John Adams*

Mix with the people

"[T]he Representatives ought to return home and mix with the people [so as not to] acquire the habits of the seat of government, which might differ from those of their Constituents."

—*Roger Sherman*

No pretext

"If the principle of rotation be a sound one . . . no pretext should ever be permitted to dispense with it, because there never will be a time when real difficulties will not exist and furnish a plausible pretext for dispensation."

—*Thomas Jefferson*

A greater number of men

"[Rotation] would give opportunity to bring forward a greater number of men to serve their country, and would return those, who had served, to their state, and afford them with the advantage of becoming better acquainted with the condition and politics of their constituents. . . . Every body acquainted with public affairs knows how difficult it is to remove from office a person who [has] long been in it. It is seldom done except in cases of gross misconduct."

—*Brutus*

Returning to the people

"Nothing so strongly impels a man to regard the interest of his constituents as the certainty of returning to the general mass of the people, from whence he was taken, where he must participate in their burdens."

—*George Mason*

Even good men

"Even good men in office, in time, imperceptibly lose sight of the people, and gradually fall into measures prejudicial to them."

—Richard Henry Lee

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The Promise of Term Limits

By Catherine Edwards, *Insight*

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Rep. Tom Coburn (R-Okla.): A proud, term-limited Okie from Muskogee keeps his party's feet to the fire

By Betsy Rothstein, *The Hill*

June 30, 1999