

No Uncertain Terms

THE NEWSLETTER OF THE TERM LIMITS MOVEMENT

October 1999
Volume 7, Number 9

Voters Win

In 7-0 Decision, Florida Supreme Court Gives Thumbs Up to Term Limit Law; 40 Percent of Seats Up For Grabs in Next Election

"It's good news," says Governor Jeb Bush. "The people's will has been respected and it's the right thing to do."

On September 2, the Florida Supreme Court gave its final okay to the "Eight is Enough" term limits law which in 1992 Florida voters passed by a more than 3-to-1 majority. Two fifths of all legislative seats will now be open to new competition in 2000.

Careerists had brought suit against voters in an attempt to junk term limits through the back door. But they have been thwarted again and again, losing at every level of the judicial system.

The lieutenant governor and the cabinet will also be affected. Previously, a cabinet post often amounted to lifetime tenure, with one agriculture czar serving 37 years before finally going the way of all hay. Long-term entrenchment has also been the norm for legislative posts.

Already, competitive noises are being heard about the newly open seats. Rep. Rudy Bradley (R-St. Petersburg) said he'd been planning a re-election bid but will now look at pursuing the soon-to-be-vacant Senate seat of Jim Hargrett (D-Tampa). "I never would have run against Hargrett" in the absence of term limits, Bradley bluntly admits.

Other contenders are also gearing up.

"This is democracy," says Max Linn, President of Florida Citizens for Term Limits. He hailed the decision as the most definitive closure possible. "The people of Florida have spoken and it's time for new ideas. It's simply time for incumbents to take their experience and their leadership abilities and do something else."

House Speaker John Thrasher says the problem of "inexperience" of new legislators will be solved, as it has been in other states, simply by providing the appropriate training in legislative procedures. Start photocopying the rule book, in other words, instead of treating it as sacred text to be unveiled in hieroglyphic bits and pieces over the course of decades.

"New members are bright, energetic and hard-working. If they are willing to spend some time, they can be very effective very quickly," says Thrasher.

Some politicians are plotting to evade the caps by moving to another district and launching bids for "different" seats in the same chamber. Such power-grabbing hubris will also likely be slapped down in the courts.

At least one representative facing ouster, Jacksonville's Jim Fuller, is setting his sites on the U.S. Congress, specifically the congressional seat of one Tillie Fowler, who has hinted persistently that she may waltz on her 1992 pledge to step down from office in 2000.

"Tillie Fowler started the whole thing," says Fuller. "And now she's staying while the rest of us have eight-year term limits."

Citizens for Term Limits plans to set up forums across Florida to encourage citizens to throw their hats in the ring.

Coburn Good; Meehan Bad

In Era of Citizen Legislators, Career Politicians Find Rough Seas

Representative Marty Meehan (D-MA), dubbed the "liar from Lowell" in USTL-funded TV ads, has already racked up almost \$1.3 million in campaign funds for a year 2000 reelection run.

When Meehan first ran for office in 1992, he pledged to serve no more than eight years in the House. Now he's one of the top ten congressmen when it comes to bulging campaign coffers.

In tandem with a media campaign praising Tom Coburn (R-OK) for being true to his word, U.S. Term Limits has run a spot in the Massachusetts 5th District chastising Meehan for his hypocrisy. Entitled "Good Point," the ad features a 1992 knight-in-shining-armor version of Meehan who insists, "We have too many career politicians in Washington."

"Good point, Marty," acknowledges the announcer for the ad. "That's candidate Marty Meehan when he first ran for Congress. He gave his word that he'd only serve eight years.

"Congressman Meehan went even further. He wrote a letter to congressional officials saying he'd sooner resign than break his word. But now Marty Meehan's eight years are coming to a close and he's decided to break his word after all."

The ad for Tom Coburn tells a different story. "How did Coburn get the courage and the independence to fight the system, and even stand up to the leaders of his own party?

"The answer is term limits. Dr. Coburn took the term limits pledge when he first ran for office.

"Now he's keeping his word."

Another good point.

Nethercutt Update:

"Ask Not For Whom the Bell Tolls..."

Me and My Shadow. George Nethercutt (R-WA), dubbed the "weasel king" in an infamous "Doonesbury" cartoon, is now fated to be shadowed by a real live King Weasel, or at any rate a man in a weasel costume, as he runs for an illicit fourth congressional term in direct breach of an acknowledged term limit pledge.

PACKing it in. No controlling legal authority can say that George Nethercutt's promise never to accept "more than a third" of his campaign funds from PACs is relevant at any particular point in any particular reelection campaign. According to a mid-year FEC filing, some 91 percent of Nethercutt's campaign contributions originate with special-interest organizations. Only three individual donors actually live in Nethercutt's own district. *The Seattle Times* noted that in 1994, Nethercutt fetched only about 9 percent of his contributions for PACs and PAC-like groups. Nethercutt says the proportion of contributions from PACs will align with his long-standing promise at some undefined date in the eventual future.

In the Clear? A Spokane radio talk show host, Richard Clear, who loudly supported George Nethercutt in 1994 against Tom Foley, is gearing up to oppose him in next year's Republican primary. Clear has been a fixture on Spokane radio stations for some two decades. "My campaign would be based on what George originally ran on, to be a citizen legislator who would go back, do a job and then return home to his profession," Clear said.

LA Daily News

Democrats Abashed by Term Proposal

by Terri Hardy and Dorothy Korber

For California voters, apparently, political term limits are like dental appointments: The shorter the better. As a result, politicians are terrified to tinker with the rules set in 1990, which limit Assembly members to six years and state senators to eight.

But one bold legislator, Assemblyman Lou Papan, D-Millbrae, tried last week to get the Assembly to OK a constitutional amendment that would extend the current tight time line.

Papan wanted to ask the voters to allow Assembly members and state senators to stay in office 12 years. This would encourage continuity and reduce continual campaigning, he argued.

Papan's measure never made it to the Assembly floor. He thought he had the 11 GOP votes he needed — but the Republicans called a quick caucus and decided to boycott the measure.

As a result, Papan's fellow Democrats implored him to pull the amendment from consideration. They begged him not to ask them to vote aye on a losing measure — a vote opponents would taunt them about for years.

By George

Terms unlimited; or, "a good and convincing explanation"

by George Will

In the 1936 campaign, after four years of increased federal spending, President Roosevelt was to campaign in Pittsburgh, where in the 1932 campaign he had called for reduced federal spending. FDR directed his speechwriter, Samuel Rosenman, to "see whether you can prepare a draft giving a good and convincing explanation" of his somersault. Rosenman read the 1932 speech and told FDR only one explanation would do: "The only thing you can say about that 1932 speech is to deny categorically that you ever made it."

Hard to Deny

Which brings us to the wee problem one Republican senator and some House members — all but one of them Republicans — are experiencing because of a promise each made when first elected. They promised to limit the number of terms they would serve. Now they regret that they cannot just deny having made them.

In 1988 Conrad Burns told Montanans he would seek only two Senate terms. Preparing his 2000 run, he says, "Circumstances have changed, and I have rethought my position." In 1992 Massachusetts Democrat Marty Meehan said he would seek only four House terms. Today: "I have come to realize over the past seven years that, with the failure of term-limits legislation nationally, to arbitrarily limit my own service puts the people I represent at a disadvantage."

In 1992 Tillie Fowler, a Florida Republican, ran for Congress (her slogan: "Eight is Enough!") promising to limit herself to four terms. She has filed papers enabling her to seek a fifth term.

Six House members who in 1994 committed to retire in 2000 are, quaintly, keeping their word. However, last week Washington state's George Nethercutt, who in 1994 used his promise to seek only three terms (and who benefited from spending by term-limits supporters) to defeat, narrowly, Speaker Tom Foley, said his promise was a "mistake." He is running.

Term limits movement stays the course

The term-limits movement tracked the trajectory of politics in the 1990s. The movement burgeoned early in the decade, as abuses of the House bank, and other scandals, focused dissatisfaction with a House controlled by one party since 1955. By 1995, 22 states had imposed term limits on their congressional delegations, and the Contract With America promised the first congressional vote on a term-limits constitutional amendment.

The amendment won a majority — 217 votes — but not nearly the two-thirds required. Eighty-two percent of Democrats voted against limits, 80 percent of Republicans voted for limits — some of them cheerful in their certainty that limits would not pass.

But in May 1995 the Supreme Court ruled, 5-4, against the constitutionality of state term limits on congressional delegations. So an idea favored by more than 70 percent of Americans — all regions, and virtually every demographic group except the political class — was stymied. At about that time, the churning of Congress by elections and retirements, and the balm of prosperity, began to calm political anger.

But in 1995 the term-limits idea achieved a signal success when the House Republican Conference modified its seniority policy, imposing six-year limits on committee chairmen. Republicans rightly crowed. This mattered because Congress' institutional sclerosis resulted less from the House rank and file, the average tenure of which was less than 10 years, than from the long-serving chairmen who blocked the upward mobility of fresh talent.

Apostasy minuet

But recently, just as Nethercutt was doing his version of the apostasy minuet, Speaker Dennis Hastert made an "interpretation" or "clarification" (words his spokesman used) that virtually vitiates the limits on chairmen. Hastert, according to *Roll Call*, the newspaper of Capitol Hill, "quietly informed" the chairmen, in effect, that their seniority is portable: They can swap chairmanships, or remain on the committees they have chaired and keep control of particularly succulent subcommittees.

So, for example, Bud Shuster of Pennsylvania, chairman of the Transportation and Infrastructure Committee, can take a small step down to chair the ground transportation subcommittee, which deals with highway, roads and infrastructure spending. And also railroad spending, now that it has been given — how convenient — to that subcommittee.

One probable reason for Hastert's "clarification" is to give the most senior members a reason not to retire. So House Republicans, yesterday's "revolutionaries," are today's opponents of the term-limits principle.

Sow's ear from a silk purse

One close observer of Congress, who prefers anonymity for this assessment, says that by caving in to the demands of the senior members, Hastert seems determined to be "the weakest speaker in the modern history of the House," which is good for the reputation of Carl Albert." Hastert's "interpretation" completes the process by which, regarding term limits, Republicans have made a sow's ear from a silk purse.

George Will is a syndicated columnist.

Puffed up to an unnatural size

"Men, when they first enter into magistracy, have often their former condition before their eyes. They remember what they themselves suffered with their fellow subjects from the abuse of power, and how much they blamed it; so their first purposes are to be humble, modest and just; and, probably, for some time, they continue to do so.

"But the possession of power soon alters and vitiates their hearts, which are at the same time sure to have leavened and puffed up to an unnatural size, by the

deceitful incense of false friends and by the prostrate submission of parasites. First they grow indifferent to all their good designs, then drop them. Next, they lose their moderation. Afterwards, they renounce all measures with their old acquaintances and old principles, and seeing themselves in magnifying glasses, grow in conceit, a different species from their fellow subjects."

— John Trenchard and Thomas Gordon, *Cato's Letters*, No. 61

The Last Word

Do You Care? Then Support Term Limits

by Gail H. Ewing

"Voters just don't care," reports *The (Baltimore) Sun* in its July 7 edition.

Well, I'm a voter and I care. That's why I promised Montgomery County voters in 1990 that I'd serve on the County Council for no more than two terms (eight years) and then move on. That's exactly what I did. I am a strong believer in term limits.

In many areas of the nation, support for term limits has been a litmus test for election. An example: U.S. Rep. George Nethercutt, a Republican from Washington state, defeated 30-year Rep. Tom Foley after making term limits a major issue. Foley, a Democrat, adamantly opposed term limits and Nethercutt, a strong supporter, pledged to serve for no more than three terms (six years).

Now, as the end of Nethercutt's pledged term limit gets closer, he has reneged on his promise. He has told the media, "I've changed my mind. I made a mistake when I chose to set a limit on my service."

According to *The Sun*, of the 10 members of the House of Representatives who promised to leave at the end of this term, three have changed their minds and another is leaning in that direction.

If you don't support term limits, you probably empathize with these promise breakers. I, however, see them and those who stay in office for more than a decade as the elected problem-solvers who have now become the problem.

On one level, I can understand the reluctance to go — because the pressure to stay in office is relentless. It's really hard not to believe you are indispensable when hundreds of people urge you to stay.

"We can't afford to lose you," they say.

Add to that the reality of thousands of people having told you for years how great you are and how thankful they are you were there for them. (Whoever said, "Politics is a thankless job" — didn't know politics.)

Most of the appreciation is genuine. But you also experience mountains of the "butter 'em up and they'll be more likely to help you" appreciation. Mind you, I'd much rather be buttered up than dressed down, stalked or intimidated to try to gain

my attention. (I've experienced all three. The great irony is that I always tried to help everyone, regardless of how they asked.)

The reality is that the political environment feeds the ego to such an extent that a hefty number of politicians think they are so good they could walk on water if they wanted to.

Big-head syndrome is a way of life, and the men with the bloated egos are the ones who decide your fate. How different would you be in such an environment for so many years? The best way to bring your representatives down to earth is to limit their time in office.

Today's politicians are surrounded on all sides by special interests, including the professional civic activists and lobbyists. I've been both. There are many, many good people, groups and causes.

However, the overall impact on the political process is mostly negative when you have largely the same people, same groups, over and over, year after year trying to mold public policy their way.

Unfortunately, doing what is "right" for these groups is not necessarily what's right for most constituents. The priorities that come to the surface are not always what the general public cares about or thinks they need.

Want to deflate special-interest influence? Ideally, more members of the general public would participate in the democratic process. One step in the right direction is to institute term limits.

The hard part is getting them when the very people asked to change the law are the ones you're trying to move out.

The courts have made the term-limit effort more difficult, but it can be done. It starts by making term limits a campaign issue and holding those elected accountable for their promises.

The media need to ask the public, not the elected and ex-elected officials, what *they* want. And *you* need to *tell* them.

Reprinted from the *Montgomery (Rockville, MD) Journal*.
Democrat Gail H. Ewing served in the Montgomery County Council
from 1990 to 1998.

Also in this issue:

[Link](#) **Give Me a Break, Marty!**
By Paul Jacob
Common Sense #61

[Link](#) **Fiscal Child Abuse**
By Paul Jacob
Common Sense #67

