

# No Uncertain Terms

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## Citizen Legislators More Frugal

### **Self-Limited Members of Congress More Likely to Stay True to Their Convictions, According to National Taxpayers Union**

It seems that politicians are always looking for more ways to spend money. Our taxes rise continually higher while more and more of our hard-earned pay is siphoned into wasteful government programs. For most Washington politicians, this is standard operating procedure. But a new study from the National Taxpayers Union shows that members of Congress who have limited their own terms are also more likely to vote for lower spending and smaller government.

Citing such self-limiters as Reps. Helen Chenoweth (R-ID), Tom Coburn (R-OK), Jack Metcalf (R-WA), Matt Salmon (R-AZ), and Mark Sanford (R-SC), the study found that "the five members first elected in 1994 who did promise to limit their tenure in office ended their first term in Congress with an agenda that would, if enacted in its entirety, cut spending by \$17.3 billion annually. At the end of the 105th Congress, the average agenda of these would-be cutters remained intact, at \$17.3 billion per year."

Contrast this with the record of their colleagues: "The 64 members from Congress' Freshman class of 1994 who did not voluntarily pledge to cap their service proposed an average of \$6.8 billion in annual spending increases during the 104th Congress. By the 105th Congress, however, the typical non-limiter's agenda had quadrupled to \$29.1 billion."

Why the disparity? Politicians trying to build a career in Congress soon discover that they have to play the game of large-scale compromise in order to keep their districts satisfied with federal pork. And it's tough to get others to vote for your own wasteful projects unless you vote for theirs. In an issue brief on the self-limiter study, NTU Foundation President John Berthoud wrote: "[W]hen politicians plan to make a career in Washington, they will change their behavior. In this case, many have perhaps been captured by the forces inside the Beltway advocating bigger spending and a larger federal government. Lawmakers who keep their pledge to limit their own terms of office appear to keep other promises as well — those of lower spending and less government."

None of this should surprise term limits advocates, who have known for years that term limits would make lawmakers more effective in sticking to their original goals. Not only do self-limiters have an incentive to make a difference as quickly as possible, they also provide an earmark for integrity. Those who keep their promises to leave attractive political careers will be more likely to keep their word when it comes to other issues. Eric O'Keefe, in his book *Who Rules America*, wrote this about self-limiters: "Politicians who claim to support term limits for others, but won't live by them, are insincere. Term limits are virtuous, and virtue begins at home."

In a recent U.S. Term Limits press release on the NTU study, National Director Paul Jacob commented, "Self-limiters come to Washington to make a difference, not to

promulgate their political careers. Increasing taxes and adding wasteful government spending to the budget don't mesh with the principles of being a citizen legislator." He noted that self-limiter Rep. Tom Coburn is an example of a citizen legislator "who's really setting the pace this Congress."

This was never more evident than last May, when Coburn almost single-handedly halted passage of the budget-busting agriculture appropriations bill by proposing over 100 amendments — a scene worthy of *Mr. Smith Goes to Washington*. Although this kind of integrity doesn't endear him to party leaders, Coburn isn't in Washington to make friends. After he was singled out for criticism by Majority Leader Dick Arme (R-TX), Coburn told *The Hill*, "Yeah, it hurts a little bit. I know I create headaches for him and the Speaker, but he knew it was coming. I'm willing to pay the price if, in fact, it means we live up to our word."

And Coburn isn't the only one. When the NTU compared 1998's congressional spending votes, self-limiters Sanford, Salmon and Bob Schaffer (R-CO) were top-rated for fiscal prudence, even above Coburn, who came in fourth.

Limiting their time in office has given these legislators the freedom to act according to their consciences, despite pressure from party leadership to do otherwise.

"Many politicians have trouble putting their money where their mouths are," said Berthoud in an NTU release. "But lawmakers who've promised to limit their service in Congress are a clear exception. They've shown that bucking the political establishment can often mean bucking the fiscal establishment as well."

#### Innovations

### **Common Sense Commentaries Available in Audio on the Web**

In a continuing effort to make term limits information more readily available to the public in a variety of formats, we have converted all of the term limits movement's [Common Sense](#) commentaries into [Real-Audio](#) format.

[RealAudio](#) is a streaming format that allows web site visitors to begin listening to Common Sense almost immediately, without waiting for a large file to download first.

The commentaries, and [a link to the required software](#), can be found on our web site:

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#### Getting Results

### **So Much Politics, So Little Time**

by Charles Mahtesian

For most of the past two decades, if you wanted to pass a bill that had anything to do with hunting or fishing in Maine, Paul Jacques was the man to see. During his 18 years in the Maine House, the last several of them as chairman of the fish and wildlife committee, Jacques outlasted three governors, five agency heads and

dozens of his legislative colleagues to become the single most influential lawmaker on hook-and-gun issues. If an idea met with his approval, it was reasonably sure to win smooth enactment into law. "In the legislature," he once stated without exaggerating, "I am the fish and wildlife department."

Term limits forced Jacques from office in 1996, but it wasn't until this past May, when a relatively simple piece of hunting legislation tied the entire House in knots, that his presence was truly missed.

The idea behind the bill seemed straightforward enough. Because the best time to hunt deer is either at dawn or sunset, sportsmen wanted to extend the hunting day for up to 15 minutes after sundown. They insisted it would give hunters a better chance of bagging a deer. Opponents contended that twilight hunting jeopardized hunter safety. Both sides offered solid arguments, but those who favored the time extension prevailed easily in the Inland Fisheries and Wildlife Committee.

When the bill reached the House floor, however, it ran up against an assault from an unlikely source: the Fisheries and Wildlife chairman, 34-year-old Matthew Dunlap. Heading a major House committee after only one term in public office, Dunlap refused to follow the standard procedure of accepting his committee's decision. He staged a noisy floor fight that forced 15 time-consuming roll-call votes and exhausted the patience of the entire institution. Then he tried unsuccessfully to persuade the governor, independent Angus King, to veto the measure. "This was a dangerous bill," says Dunlap. "I told them in committee that I'd fight this bill with every last drop of blood in me."

In the days when Jacques controlled the same panel, such a dispute would have been unheard of. Back then, committee chairs worked hard to win unanimous backing for any bill sent to the House floor. Even if all the committee members were not aboard for the final version, you weren't likely to find them squabbling about it with the chairman in front of all their colleagues. Nowadays, however, the idea of compromise — or even legislative efficiency — doesn't always enter into the picture. And the number of lawmakers with the political presence to enforce any meaningful discipline is quickly dwindling.

Depending on where you stand on the issue of term limits, the saga of the twilight hunting bill represents either the triumph of the concept or its folly. There are those who argue that the episode is exactly what voters had in mind when they passed term limits in 1993 — that is, the new system enables a principled neophyte, untroubled by convention, to battle the legislative establishment without regard for the consequences. On the other hand, there are plenty of people who insist that the 15-vote sideshow on the House floor was symptomatic of the low state of the legislative art in the era of term limits. In their view, the legislature is turning into a mob of inexperienced newcomers, out of their depth in positions of power, driving the whole process toward chaos.

It has now been 30 months since the Maine term limit law took effect, restricting all legislators to eight consecutive years in office. In those 30 months, the law has unquestionably touched and altered nearly every aspect of legislative life, from the kinds of people who are elected to the way they perform once they arrive. But if the effects have been profound, the process of balancing the gains and losses is a subtle one.

The stranglehold on leadership posts and committee chairmanships has indeed been broken. The statehouse seems invigorated by scores of eager new members with fresh ideas, but their enthusiasm, as in Matthew Dunlap's case, is making the process more chaotic than ever before. Power is no longer concentrated in the hands of a few well-connected legislators.

Something similar is happening in the five other states — Arkansas, California, Colorado, Michigan and Oregon — where term limits have also kicked in. But the changes are most evident in Maine, the first place where the term limits clock began to tick in both chambers. By the end of next year in Maine, not a single legislator who was present at the birth of term limits in 1993 will still be serving in the same office. At that time, the House will elect its fourth speaker in five years, in addition to achieving the odd distinction of turning out Representative Kathleen Stevens before she reaches her 30th birthday.

Of course, the impact of term limits will vary widely among the 18 states that have enacted them, because the precise rules differ from state to state. But there are reasons to suspect that, if anything, Maine's changes are more modest than other places will experience. Maine, unlike other states, was already accustomed to dealing with relatively high rates of turnover even before term limits were implemented. And in Maine, legislators who sit out a term can return to their old jobs — which a few have already done. Other states, such as California and Michigan, don't permit that.

The current Maine House speaker, Steven Rowe, climbed to the top in a hurry. A West Point graduate and a lawyer, Rowe won election to the legislature in 1992, made committee chair in 1994, and after just six years in elected office of any kind, captured the speakership in 1998.

But by the end of next year, Rowe's rapid rise will come to an abrupt halt due to term limits. He is no fan of the idea, yet he is willing to concede that without term limits, he might not be the most powerful man in the House today. "Term limits did open leadership opportunities. It has opened committee chairmanships also," he says. "Is that good or bad? Certainly if you are in leadership, it's been good."

What's less certain, however, is whether it's been good for leadership in the institutional scene, as opposed to being merely advantageous for ambitious individuals like Rowe. His job of presiding over a body of short-timers is undeniably more difficult than in a more stable chamber, primarily because term-limited leaders lack the traditional leverage to enforce legislative discipline. After all, there's no easy way to threaten a member who will soon be out of office anyway, or who knows that you yourself are on the way out.

For those who aspire to House leadership positions, the path is also considerably different than in years past. Starting in 2001, no future House speaker will ever have more than three consecutive terms of experience.

That is as true in other states as it is in Maine. California has seen six House speakers since 1995, and two Republican minority leaders this year alone. The first one, two-term GOP Representative Rod Pacheco, was forced to beat back a challenge within his own caucus even before his staff had settled into its new offices. This spring, less than a year after capturing the post, he was ousted for good by his colleagues.

At the committee level, there has been another form of striking change. Six years ago, roughly 90 percent of the bills reported out of committee in Maine carried unanimous backing. By 1998, almost 30 percent of the votes were divided. "There's been a total breakdown," says lobbyist George Smith. "Committee votes are irrelevant. Now it's all 7-5 or 11-1 and that one person makes a federal case out of it."

Excerpted from *Governing*

#### **Ballot Battle**

### **Term Limits Faces Setback in Mississippi**

On November 2, Mississippi citizens narrowly defeated an initiative that would have limited the terms of state legislators.

Mississippi has always been a tough state for term limits. In 1995, Mississippians voted against limiting the terms of their national legislators by a similar margin.

Although the Mississippi legislature term-limited the governor and lieutenant governor over 12 years ago, legislators have fought tooth and nail to keep their own terms from being limited. They even went so far as to invalidate over 100,000 citizen signatures in an effort to keep the term limits initiative from reaching the ballot on election day. This astonishing maneuver was later overturned in court.

Although opinion polls initially predicted a favorable outcome for term limits, the initiative faced a strong opposition campaign, funded with hundreds of thousands of dollars from lobbyists and special interest groups like the Mississippi Farm Bureau, which turned the tide of public opinion before election day.

#### **The Last Word**

### **Political Silence Treatment**

by Jeff Jacoby

Imagine:

It is September 2000. The election is less than two months away, and campaign finance "reform" has been the law of the land since January.

You never really followed the campaign-finance debates. Your issue is term limits. You believe that most of what's wrong with Washington is congressional careerism — the fact that incumbents are nearly impossible to dislodge and are obsessed with getting reelected. That's why you joined Term Limits for Congress, an activist group that works on this issue.

As it happens, your congressman is none other than Martin Meehan, the Massachusetts Democrat who, with Republican Chris Shays of Connecticut, co-authored the campaign finance bill that passed the U.S. House in September 1999

on a 252-177 vote. And on this morning a year later, you are reading a column in the *Boston Globe*.

"Meehan is a decent guy who turned into a conniving pol once he tasted power," the columnist writes. "When he first ran for Congress in 1992, he ardently championed term limits and promised to abide by them. 'I favor limiting members of Congress to four terms,' Mr. Meehan said then, 'and I commit to serve no longer than that even if term-limit legislation is not enacted.' Time and again, he repeated that vow. In 1995, after his first re-election, he even sent a letter to the clerk of the U.S. House saying he would rather resign than break his word and run in 2000. But he lied. He's on the ballot again, running for the fifth term he swore he'd never pursue."

Great stuff, you're thinking. You know all about Mr. Meehan's deception, of course, and it makes your blood boil. Your very own congressman, a term-limits turncoat.

It turns out that your friends at Term Limits for Congress have read the column too, and have come up with an idea. They realize Mr. Meehan is going to be re-elected, but they at least want him to know his betrayal isn't forgotten. The TLC plan is to air a 60-second commercial on local radio stations quoting some choice passages from the newspaper column. "All of us lose when politicians break their word," the announcer will say at the end. "Marty Meehan, you let us down."

The commercial debuts on a Monday. On Wednesday, the radio stations inform you and your friends that the spot is being pulled. Mr. Meehan, it turns out, has filed a complaint with the Federal Election Commission, accusing TLC of violating the Shays-Meehan Campaign Finance Reform Act. You protest to the station manager that everything in your ad is true, that it doesn't even call for Mr. Meehan's defeat.

"Sorry, fellas," the station manager says. "I agree with you about Meehan, but lawyer trouble is one thing I don't need."

You turn to your own lawyer. Can the government really censor a group of citizens who want to buy some radio time to talk about a candidate's record? It can, he reports. Under Section 201(b) of the Shays-Meehan law, Congress has barred any organization from making a "communication" that refers "to one or more clearly identified candidates in a paid advertisement that is transmitted through radio or television within 60 calendar days preceding the date of an election." In other words, Congress has made it illegal for any interest group, within two months of Election Day, to so much as mention a candidate's name in a commercial.

You're floored. You thought Shays-Meehan was supposed to *reform* politics, not strangle it. Whatever happened to the First Amendment? "Congress shall make no law . . . abridging freedom of speech." Why is that columnist in the *Boston Globe* allowed to vent his opinion of Mr. Meehan when TLC isn't? Is it only journalists who have freedom of speech in this country?

The scenario is fiction, but only because Shays-Meehan has not become law. If it ever is enacted, its effect will be not to clean up campaigns, but to make them even less democratic and competitive than they already are.

Shays-Meehan (and its Senate counterpart, McCain-Feingold) is about far more than banning "soft money." It is about banning criticism. The bill would smother the political speech of grass-roots advocacy groups in red tape. It would make it almost impossible for interest groups to issue voter guides to their members. It would

sharply expand the instances in which a citizen's independent expenditure in support of a candidate — say, printing and distributing bumper stickers at his own expense — would be presumed to have been coordinated with the candidate, and thus count as a campaign "contribution." (Independent expenditures are unregulated; contributions are limited to \$1,000.)

As much as campaign finance "reformers" may wish it were otherwise, the Constitution does not permit the government to control the quantity or tone of political debate. Shays, Meehan & Co. denounce "attack ads" and "negative campaigning," but the First Amendment knows no such sins. One voter's attack ad is another voter's simple truth.

In America, citizens and groups have the right to influence elections by communicating their views. Because communication costs money, to limit what Americans can spend on political speech is to limit what they can say. Mr. Shays and Mr. Meehan may see nothing wrong with silencing their critics. Luckily for their critics, the Constitution does.

Reprinted from the *Washington Times*.  
Jeff Jacoby is a columnist for the *Boston Globe*

## They Said It

"[Self-limited Reps.] Salmon, Sanford, and Coburn remain among the most outspoken and independent members of the Class of '94."

—*The American Spectator*

### **Kiss Seniority Politics Goodbye**

"As legislative [term limits] kick in, seniority matters little, new members move into important positions quickly and key areas such as the budget process become more open. 'Whether you like them or hate them, term limits are going to have an enormous impact on state government,' said Rep. Ted Farnen, D-Mexico [Missouri], the committee's co-chairman."

—*St. Louis Post-Dispatch*

### **Term Limits Breed Courage**

"[Sen. Jim Horne, R-Orange Park] contends that legislators, with their tenure now limited to eight years because of term limits, will be less worried about hurting their political careers. 'Term limits will potentially breed more courage,' Horne said."

—*Florida Times-Union*

### **Real Experience Needed, Not Political Experience**

"[Florida] term limits will force 53 state House members and 11 state senators out of office next year. The Legislature that meets after the 2000 elections also will be one of the least-experienced in decades, which could force lawmakers to downsize their agenda."

—*St. Petersburg Times*

### **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*

### **Restoring Political Competition**

"Mr. Miller argues that one of the most effective ways to restore political competition is term limits. Such limits would create more open seats and limit the advantages of incumbents, as they would have less time and less clout in building up and utilizing those advantages."

—*The Washington Times*

Review of Jim Miller's new book, *Monopoly Politics*

### **Citizens Make Better Legislators**

"Term limits work against the seniority system and empire building in the Legislature, which is healthy. We have little doubt that good, qualified people will continue to step forward in South Dakota."

—*The Daily Republic* (Mitchell, SD)

### **Missing the Point**

"[With] term limits forcing scores of legislators out of office next year, many are shopping around for a new political office to hold. Victory 2000 will look like an open-air market — with candidates working the convention-center hallways, political forums and buffet lines pitching themselves for next year's campaigns."

—*The Orlando Sentinel*

## **Also in this issue:**

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### **A Tale of Two Houses**

By Paul Jacob

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### **The 13th Month**

By Paul Jacob

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