

# No Uncertain Terms

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## As Election Nears, Even Critics of Term Limits Taken Aback by Antics of California's Self-Serving Incumbents

On February 5, the date of their presidential primaries, California voters decide whether to give legislators of the Golden State a golden escape hatch from the term limits law passed in 1990.

The law caps tenure in the state Assembly at six years and in the state Senate at eight years. Proposition 93 would increase maximum Assembly tenure to 12 years and maximum Senate tenure to 12 years.

As in other states, most voters here support robust term limits when asked in plain words. So the success of Proposition 93 will hinge on how many believe the widely promulgated fiction that Prop 93 constitutes a “cut” rather

than a lengthening of term limits.

The ballot summary approved by the office of California Attorney General Jerry Brown states that the goal of the measure is to reduce “permissible state legislative service to 12 years.” The summary goes on to note that those dozen years may be served in one house, and also that current office-holders may serve a full 12 years in their current house “regardless of prior legislative service.”

In other words, it is not even true that the tenure in both chambers taken together would now be capped at 12 years. Indeed, during



*Fabian Nuñez and Don Perata, proponents of the Cling to Power Act, a.k.a. Proposition 93.*

this “transition period,” some incumbents would be able to serve up to 16 years in their current office. And there can be little doubt that if incumbents succeed in the Prop 93 gambit, further unraveling of the

(Continued on Page 3)

## NYC Council Prez Won't Try to Kill Term Limits

Council President Christine Quinn, for a long time publicly ambivalent about whether to support a renewed push to unravel term limits on the New York City council and mayor's office, recently announced that she will not support such an effort.

In early December Quinn issued a statement to say that “overruling the will of New Yorkers—who have voted twice in favor of term limits—would be anti-democratic

and anti-reform.” She didn't want the council to “be distracted by a political debate over term limits—a matter that has already been settled by the voters.”

Comments the New York Daily News: “How quaint, politicians bowing to the will of voters. In fact, Gotham voters not once but twice, first in 1993, then in 1996, overwhelmingly endorsed term limits of two four-year terms for council members and the mayor...

“While a few babies may go out with the bath water, term limits inject something into the system most hidebound lifers are capable of providing: change, fresh energy and enthusiasm, more diverse points of view and opportunity for a new generation of lawmakers to make their mark.

“We don't believe it is any accident that the recent renaissance

(Continued on Page 6)



## President's Corner

BY PHILIP BLUMEL

Steve Poizner, the California insurance commissioner, spoke truly in a recent online debate when he said there's a "simple reason why the issue of changing term limits just for state legislators—and not the governor or other statewide elected officials—keeps coming up. That's because state legislators keep bringing it up. Many legislators refuse to accept the will of the electorate and keep trying to find ways to 'reform' term limits so they can remain in power." (For more of the debate, see p. 4.)

Poizner is informed by his experience with California politicians, currently supporting a deceptive ballot measure to gut legislative term limits (see p. 1). But of course their attitude is ubiquitous among term-limited state legislators. Again and again we hear of lawmakers who suddenly "no longer" support term limits, who "now realize" term limits are a mistake, who lament anew all the "institutional experience" being periodically lost along with all the electoral advantages of incumbency.

In Michigan, politicians are especially on the warpath against term limits right now. Why the fresh onslaught?

Because Michigan voters have a particularly dim view of their state legislature these days.

In a recent statewide poll, only 15% of the electorate gave the legislature a positive rating. And if things are going that badly in the statehouse, obviously it must be the fault of—no, no, not the governor and/or legislators, what gave you that idea? — no, it must be the fault of term limits.

For example, there was that controversial new Michigan sales tax rushed into law to help break a budget deadlock, which then had to be hastily repealed on the very day it was to go into effect when almost everybody raised hell over it. What could Mr. Term Limits have been thinking?

State Representative Gino Polidori says, "Everybody here has good intentions.... It's just the damn parties. It's because of term limits. It's all about numbers on the board, who has the numbers is in control." Presumably, there were never any partisan politics in the days before term limits. (Perhaps Polidori could go on a field trip to the nation's capital?)

We can't dispute what Michigan voter Chuck Fellows had to say in a letter to the editor on the theory that term limits eliminate experience crucial to effective lawmaking: "Hogwash!... Most politicians have a great deal of life experience. Although dealing with moneyed lobbyists in private conversations in public hallways, and accepting campaign cash, don't require much experience. Individuals end up selling their 'experience' to special interests.... Blaming term limits for our malaise is an excuse to revive old politics."

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"It is not the function of our Government to keep the citizen from falling into error; it is the function of the citizen to keep the Government from falling into error."

-- U.S. Supreme Court in *American Communications Association v. Douds*

# California's Self-Serving Politicos (continued from page 1)

state's term limits law will be the next item on the agenda.

Meanwhile, a promised end to the gerrymandering of political districts—which was supposed to render the proposed gutting of the term limits law more palatable to reform-minded folk—has not come to pass. Governor Arnold Schwarzenegger had tied his support of Prop 93 to districting reform. However, Assembly Speaker Fabian Nunez got his Democrat caucus to pass the governor's universal healthcare legislation which includes a tax increase so the governor is supporting YES on Prop 93.

The blatantly self-serving conduct of the politicians has not gone unnoticed. Even critics of term limits feel obliged to note how implausible the politicians are making the case for diluting term limits.

For example, Sacramento Bee commentator Peter Schrag, no friend of the current term limits law, notes that Prop 93 is being “sold as a reduction in term limits (which most voters presumably like) even as it would allow Nuñez, who otherwise would be termed out at the end of this year, to run for three more two-year terms in the Assembly and Perata (ditto) to run for another four-year term in the Senate.

That slippery quality, combined with Nuñez's lavish personal spending and the great gobs of special-interest money he's raised for the cause, has prompted virtually every newspaper editorial board and lots of others to rise in righteous wrath to denounce this measure.”

Schrag's reference to the “righteous wrath” of editorialists is ironical, but he doesn't claim the wrath is unwarranted.

Columnist Debra Saunders reports that just when she started “rethinking my support for term limits, Sacramento solons have come up with a scheme so arrogant, so greedy—and so ridiculous—that I have to rethink my rethinking of term limits.... Thanks to what the attorney general's office euphemistically calls a ‘transition period,’ Proposition 93 allows the clock to start anew for some 42 Sacramento incumbents. So while the AG's ballot summary says the measure ‘reduces the amount of time a person may serve in the state legislature from 14 years to 12 years,’ it actually would allow some lawmakers to serve as long as 16 years.”

Saunders notes that legislators connived to move up the presidential primary to February 5 in part so that incumbents who “are supposed to lose their seats this year could nonetheless qualify” for the ballot should Prop 93 pass.

She concludes: “It cannot be good policy to reward a dishonest scheme concocted by otherwise feckless politicians.... Why does it seem that the only time Sacramento leaders rush into action is when they choose to mislead the public in order to save their sorry seats?”

Associated Press reporter Samantha Young relates how Speaker Nuñez has exploited his position in ways that observers of all ideological stripes find hard to ignore.

“Nuñez has spent campaign money to stay at upscale hotels in Italy, Spain, Argentina and other

locations, dine at fine restaurants and shop in some of Europe's most exclusive boutiques.

“Campaign expenses show he spent \$8,745 at the Hotel Arts in Barcelona, Spain, and \$2,562 for ‘office expenses’ at Louis Vuitton, a Parisian store that specializes in leather goods, clothing, fashion accessories and jewelry....

“In addition to the campaign spending, Nuñez shares a luxury loft apartment in downtown Los Angeles with his chief fundraiser and owns a \$1.2 million home with his wife along the American River in Sacramento. His wife, Maria Robles, earns a six-figure salary from a health care foundation financed by interests that have business before the Legislature.

“The revelations have damaged his reputation as a champion of the working class and certainly have not helped supporters build the case for Proposition 93.”

Recounting a laundry list of legislative favors given to donors to the Proposition 93 campaign, the Los Angeles Times observes: “Not every contributor won a corresponding [legislative] victory, but you can be sure all of them will have favors to ask later.”

On Super Duper Tuesday, friends of term limits in the know will firmly vote No to Proposition 93. Until then, they can explain to friends and neighbors that the measure is about inflating tenure, not reducing it.

(Also see: “CA Proposition 93 Questions Answered,” p. 4.)

# CA Proposition 93 Questions Answered

*The Los Angeles Times published the answers of California Insurance Commissioner Steve Poizner to some common questions about Proposition 93. Poizner is heading up the opposition to this measure to weaken legislative term limits. The full text of Poizner's responses may be found at <http://tinyurl.com/3yvg5b>. Here are a few excerpts.*

## **"Term limits are supposed to prevent legislators from amassing too much power. Does allowing lawmakers to spend more time in one house of the Legislature—which Proposition 93 would do—conform to the spirit of term limits?"**

Steve Poizner: Unfortunately, Proposition 93 isn't a reform but a scam—a cynical attempt by powerful politicians to trick California's voters into sabotaging the existing term-limits law.

In fact, Proposition 93 is all about the Legislature's top leaders keeping the power they have and amassing even more. Proposition 93's primary sponsors are the also its primary beneficiaries—termed-out Assembly Speaker Fabian Nuñez who could keep that post until 2014, and termed-out Senate President Pro Tem Don Perata, who

could hang on to his position until 2012 if the measure passes.

So let's be clear about the fundamental change that Proposition 93 would make: lengthening terms for most legislators, not reducing them.

That's fine if you oppose term limits, but Proposition 93 is being marketed as a "reduction" in terms that would strengthen term limits. Nothing could be further from the truth.

Proposition 93 would double terms in the Assembly from six years to 12 years. The measure would increase state Senate terms

by 50%—from eight years to 12.

What's more, Proposition 93 has a special loophole that would benefit 42 incumbent politicians who are termed out by giving them more time in office....

Bottom line: Proposition 93 dramatically increases—not reduces—terms for legislators, and thus increases the potential for corruption and the influence of lobbyists. There's a reason why Proposition 93 is funded by millions of dollars from major special interests with business before the Legislature.

## **"California's term limits have been in full effect since 1998. Have they broken career politicians' power monopoly in Sacramento or just sped up the game of political musical chairs?"**

Steve Poizner: One can't help but find it dubious that the main proponents of Proposition 93—incumbent politicians and their special-interest lobbyist allies—make the argument that this initiative would somehow curb politicians from running for office and engaging in fundraising.

"Stop me before I run again," seems to be their cry. Too bad it isn't true.

The fact is that the current term limits law hasn't created a bunch of office-jumping politicians. It's done just the opposite.

According to a report on term

limits from the nonpartisan and independent Center for Governmental Studies, only 10% of California legislators serve both the maximum terms allowed in the state Assembly (three terms of two years each) and the maximum terms allowed in the state Senate (two terms of four years each).

Most legislators serve their time in one chamber and are then termed out. Proposition 93 would actually dramatically increase terms for most state legislators because it doubles the terms in the Assembly (from six years to 12) and increases by 50% the terms in the state Senate (from eight years to 12)....

Term-limits advocates and the analysis by the Center for Governmental Studies support the view that the longer a politician holds office, the greater the potential for abuses of power and ethical controversies.

One thing that term limits has done is open up the political system and create opportunities for new people—particularly women and minorities—with fresh ideas to seek and hold office in California. This is a healthy and positive dynamic for our state and for our Legislature. Passing Proposition 93 would be a major step backward.

**“Why shouldn’t the public be allowed to vote for whomever it wants, for as long as it wants? Why do most Californians favor a restriction on their rights as voters?”**

Steve Poizner: Once again, I am glad to see your strong praise for term limits and their positive impact on California and the Legislature. Unfortunately, your support for Proposition 93 is in direct conflict with those views....

The question asked by The Times today is, why shouldn't the public be allowed to vote for whomever it wants for as long as it wants?

The answer is that the ability of voters to choose in elections is restricted in California—not by term limits, but by the politicians' self-interested gerrymandering of legislative seats. Incumbents simply don't lose, and seats don't switch from one party to another, thanks to

**Prop 93 is...**

**"A scam—a cynical attempt by powerful politicians to trick California's voters into sabotaging the existing term-limits law."**

**—Steve Poizner**

these safely drawn districts.

Examine the numbers. Of the 459 possible elections for the Assembly, state Senate and Congress since the 2001 gerrymander of California's legislative districts,

**“How important is it—if at all—that redistricting reform accompanies any easing of term limits? Why didn’t such reform happen this time even though it was promised?”**

Steve Poizner: Senate President Pro Tem Don Perata and Assembly Speaker Fabian Nuñez—the powerful legislative leaders who are behind, and stand to benefit from, Proposition 93—have promised for years they would pass meaningful redistricting reform. In 2005, I fought hard for redistricting reform with Proposition 77. We lost, but because of that effort Perata and Nuñez personally pledged to pass redistricting reform.

As 2006 came and went without redistricting reform, these legislators pushed a new idea of combining changes to term limits with redistricting reform as a means to gain support for their effort to stay in office longer.

"We can't put one on the bal-

lot without the other," Nuñez told reporters in 2006.

But they did. This year they broke their promise and failed—once again—to pass redistricting reform.

The need for redistricting reform to restore legislative accountability is clear. Of the 459 possible elections for state Assembly, state Senate and Congress since the 2001 gerrymander of California's legislative districts, only a single seat changed partisan hands. In those same 459 elections, only a single incumbent lost.

If Proposition 93 passes, it would weaken term limits—the one check on legislators that currently exists. It would also damage any

only a single seat changed partisan hands. In those same 459 elections, only a single incumbent lost. That was a seat in Congress—not the Legislature....

Today, the only way politicians ever leave office in California is because of our existing term-limits law.

Term limits are actually responsible for what choices voters do have. They create open seats and, therefore, competitive elections, at least in primaries. Term limits provide opportunities for new people with fresh ideas and different backgrounds to run for office....

The real impact of Proposition 93 would be increased terms. The longer politicians are in office, the more power they accumulate and the harder it is to unseat them—even without gerrymandered districts.

hope for real redistricting reform....

Currently, Perata and Nuñez are set to be termed out. If Proposition 93 passes, Nuñez could remain as speaker until 2014—near the end of the next governor's first term in office—and Perata could be in charge of the Senate until 2012. Proposition 93 is simply an arrogant power grab by these politicians.

The cynical politicians behind Proposition 93 don't deserve to be rewarded with more time in office. Real political and legislative reform means defeating the self-serving Proposition 93 and pursuing meaningful redistricting reform.

(Continued on Page 6)

# Prop. 93 Questions (continued from page 5)

**"Terminating Terms: Why does the focus on easing term limits often involve only legislators? Why shouldn't the governor or insurance commissioner get more than eight years in office?"**

Steve Poizner: The voters first demonstrated their support for term limits by passing Proposition 140 in 1990.

The voters reaffirmed their support for term limits in 2002 when they overwhelmingly defeated Proposition 45, the most recent effort by state legislators to weaken term limits and retain their positions of power.

Now the politicians have come up with the most cynical and dishonest scheme yet to weaken term limits so they can hang on to power. They are trying to trick the voters into thinking Proposition 93 would strengthen term limits and reduce terms when, in fact, it would loosen term limits and actually lengthen terms for most politicians by a significant amount.

Steve, with all due respect, your statement that Proposition 93 "doesn't mean that legislators could stay in office longer" is simply not the case. Credible third parties have evaluated that claim and found it

inaccurate.

Proposition 93 would double the overall term in the Assembly from six years to 12 and increase the total length of Senate terms by 50%—from eight years to 12.

The politicians behind Proposi-

**"The voters of California should reject Proposition 93 because it is an arrogant, self-serving and dishonest power grab."**

**—Steve Poizner**

tion 93 claim it would reduce terms by lowering the maximum time of service possible from the current 14 years—if a legislator serves all three two-year Assembly terms and two four-year Senate terms—to 12 years. However, all of those 12 years could be served in a single chamber.

But according to the nonpartisan

# NYC Council Prez (continued from page 1)

in New York City almost exactly coincided with the new era of term limits, inaugurated more than a decade ago. Could term limits have a salutary effect on what is nationally derided as the most dysfunctional Legislature in the land, all those too familiar faces in Albany? We think so. Alas, it falls to the inmates to reform the asylum. Iron-fisted leadership will be loath to relinquish its stranglehold on a system that

protects them from the electorate and rewards longevity with power and influence."

In New York City, Council President Quinn's throwing in of the towel ends the matter for now.

But the issue will come up again soon enough. Councilman Joseph Addabbo Jr., of Howard Beach, allegedly in favor of term limits, says Quinn's decision not to attempt any legislative revision of term limits

Center for Governmental Studies, only 10% of legislators serve the full 14 years allowed.

That's why, by increasing the terms for each legislative chamber, Proposition 93's real effect would be to dramatically increase terms for current and future legislators. An analysis by U.S. Term Limits [see [ustl.org/leglong.html](http://ustl.org/leglong.html)] found that Proposition 93 would dramatically increase terms for 80% of legislators....

Proposition 93—written by the politicians for the politicians and funded by the major special interests with business before the Legislature—is an example of why we need term limits.

The voters of California should reject Proposition 93 because it is an arrogant, self-serving and dishonest power grab by incumbent politicians and their special-interest allies.



*California Insurance Commissioner Steve Poizner*

was a "smart move." But he'd like to see a referendum on term limits.

"I think it's absolutely healthy to throw a referendum on [the ballot], to give all people an opportunity to vote" on term limits, he says. Yet both Quinn and Addabbo know that the recent drive to dilute term limits was dropped precisely because there is so little public support for it.

# Termed-Out Houston Councilmembers to Voters: “We Wuz Robbed!”

Late last year the Houston Chronicle reported that departing city council members were not too happy about departing. “I think communities get shortchanged,” says Councilwoman Carol Alvarado, obliged to step down after six years representing an east side district. “We lose talented people.”

Deprived of easy re-election to the council, she has decided to pursue a seat in the state legislature.

Councilwoman Ada Edwards says she too would run again for council but for term limits. Alas, instead she’ll be stuck working for the mayor as a deputy chief of staff for \$80,000 a year, about \$27,000 more a year than the councilpersons earn. Edwards says term limits “[assume] the community doesn’t know what the hell they’re doing.”

We could take issue with Alvarado and Edwards but prefer to turn the floor over to the citizens of Houston. Here are few choice passages from letters to the editor

published in response to the Chronicle’s report:

Says Says Frank Henshall: “[Carol Alvarado and Ada Edwards] argue that their talent will be lost to us and will be replaced by inexperienced people who will be unduly influenced by the bureaucracy and lobbyists. As a Houston taxpayer, I eagerly look forward to new talent entering the political stage and putting a stop to [having] only career politicians in local government. Neither Alvarado nor Edwards, it seems, will suffer, as it appears they will return to Houston politics in other guises.”

Says Scott Liebling: “So Carol Alvarado and Ada Edwards say talent is being lost because of City Council’s term limits. While it’s hard to argue that there is truth in that, politicians can only blame themselves.... All too often, ‘tenure’ ultimately leads to abuse as politicians gain power and feather their beds. I wish we could term limit

our Washington Congressional bureaucrats.”

Says Eric Johnson: “The whining of bargain-basement politicians never ceases to amaze me. Poor Carol Alvarado and Ada Edwards just don’t get it. If it weren’t for term limits on City Council, we’d still be looking at Ben Reyes!”

Reyes is a character who accepted the offer of a \$50,000 bribe in an FBI sting operation and ended up going to jail for nine years; he was released in December of 2006. So maybe Johnson is not strictly correct that Reyes could have held onto his seat but for term limits. On the other hand, sans term limits, it usually does take retirement, scandal or death to unseat an incumbent. And sometimes even these aren’t quite sufficient.

If Johnson is wrong, then, he’s not wrong by very much.

## Term Limits on Venezuela’s Chavez Remain...for Now

On December 2, Venezuelan strong man Hugo Chavez narrowly lost a referendum seeking public approval to overhaul the constitution with 69 proposed amendments to enhance his growing dictatorial power over Venezuelan society. After weeks of competing demonstrations, the plebiscite was defeated 51% to 49%.

In addition to formally declaring Venezuela to be a socialist state and giving Chavez even greater power over the economy, the grab-bag of revisions would have scuttled presidential term limits—a cumber-

some restriction on any would-be lifetime dictator. Under Venezuela’s present constitution, Chavez is due to step down in 2013.

The attempt to trash presidential term limits was seen as a particularly odious power grab by many voters. For all his successes to date, Chavez is not yet the 100% dictator he’d like to be. His populism appeals to many poorer Venezuelans, but others bitterly oppose him. And some who originally supported him have become disenfranchised.

On the one hand, there are citi-

zens like Francis Veracierta, treasurer of a local communal council. “The whole proposal is marvelous,” Veracierta gushes. “The power is for us in the community.”

On the other hand, foes of the referendum include former Defense Minister Raúl Baduel, who has likened the referendum to a “coup.” Many students protested the measure for being anti-democratic.

“I’m sick and tired of his rhetoric and speech, there’s no dialogue, no substance,” said one critic, Leticia De Luna.

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## Inside No Uncertain Terms...

**THOSE CRAZY CALIFORNIA  
INCUMBENTS...1**

**NYC COUNCIL PREZ WON'T  
GO AFTER TERM LIMITS...1**

**PROP 93 QUESTIONS ANSWERED...4**

**TERM LIMITS IN  
TEXAS, VENEZUELA...7**



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**See p. 1**