

No Uncertain Terms

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By a Vote of 55-14, South Dakota House Sends Term Limits Repeal to Ballot

When term-limited lawmakers seek to shed their restraints, they often push for lengthening of term limits rather than outright repeal, disingenuously claiming that they merely want to “fix” the law.

It seems South Dakota career politicians are skipping the venerable “we-just-want-to-fix-’em” stage and going straight for the kill. In late February, a bill to repeal state legislative term limits passed in the South Dakota House by a large majority. The vote sends the repeal question, which had been introduced by State Senator Bill Napoli and approved by the Senate, to the November ballot.

South Dakota’s term limits law caps terms at eight years in both chambers: i.e., four terms in the House and two terms in

the Senate. Voters passed the law in 1992 with a 64% majority and it went into effect in 2000.

Senator Napoli says he was a “strong” supporter of term limits in 1992, but since then has come to realize it actually does limit terms. “It does away with our memory that goes back many years,” he says.

Governor Mike Rounds has lent his support to the repeal, dubbing term limits an “arbitrary” curb on tenure.

Voters will be asked to consider an amendment to Article



State Senator Bill Napoli (left) says he erred voting for term limits in 1992. State Senator Brock Greenfield (right) takes it “a little bit personally” when term limits are badmouthed.

III, Section 6 of the state constitution that would delete the second paragraph of that section. The provision to be eliminated reads: “No person may serve more than four consecutive terms or a total of eight consecutive years in the senate and

(Continued on Page 3)

Super Tuesday Sees Record Crowds in Finally Term-Limited Knox County, Tennessee

This has been a busy primary season, with surging turnout at presidential primaries all over the country thanks to the suspenseful Democratic contest.

But the long lines at Knox County ballot boxes on February 5 had at least as much to do with local as national politics. As the Associated Press reported, turnout was larger than in any other Ten-

nessee county. “The issue was county government, and the public was growing weary of business as usual in this eastern Tennessee county of 400,000.”

The county has been the site of repeated clashes between entrenched politicians and the citizens, who in 1994 passed term limits on county officials including county commissioners. To evade

the term limits, Knox County politicians had resorted to the expedient of simply ignoring them. In January of 2007, however, the Supreme

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**California Victory
See Page 2**



President's Corner

BY PHILIP BLUMEL

You can't relax in this business.

Even as voters rebuffed reactionary attempts to undermine term limits in Maine and California, a new assault was being hatched in South Dakota (see front page).

The recent electoral victories are gratifying, especially given the all-out war on term limits waged in California. In an attempt to keep themselves in power at all costs, the California Assembly and Senate promoted a deceitful ballot measure to stretch their tenure for many years beyond what's allowed by the current term limits law. Despite the claim (echoed in the official ballot summary) that maximum tenure in both chambers was being "cut" from 14 years to 12 years, many incumbents would have been able to serve much longer.

Early in the political season, the outlook seemed grim given the opinion polls. It went a little bit like this: The pollsters would read the misleadingly worded ballot summary over the phone, without any further explanation; and voters friendly to term limits would say, "Reduction in maximum tenure? Sure! Sign me up!"

But as the February 5 election drew near and the truth began to spread about the impact the measure would really have—not to further trim but in fact to lengthen the tenure of the vast majority of incumbents—the tide began to turn. The measure was seen for the self-serving snake oil that it was, and it failed 46% to 54%. This despite a \$16 million campaign to con the voters by special interests, numerous legislators, ultimately even Governor Schwarzenegger.

So instead of headlines about how career politicians in the golden state are staying firmly put, the news instead is all about surging electoral competition, as candidates who might have stayed on the sidelines eagerly toss their hats in the ring. Political reporter Dan Walters notes: "While the leadership shuffle is the most public manifestation of Prop. 93's rejection, it also will result in a shakeup in the Legislature this year as Núñez, Perata and Ackerman are joined by 23 other Assembly members and eight other senators being forced out of their seats."

Stories like that are commonplace in states with term-limited legislatures.

If a straightforward proposal to gut term limits got mauled in Maine, and a devious and dishonest proposal to gut term limits got clobbered in California, it seems unlikely that an overt attempt to kill term limits altogether will succeed in South Dakota.

But we're not going to relax...

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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*

South Dakota Pols Push Term Limits Repeal (cont'd from page 1)

more than four consecutive terms or a total of eight consecutive years in the house of representatives....”

Some South Dakota lawmakers boast that turnover is about the same now as it was before term limits went into effect, with about a third of legislative members changing with each election. But the existence of turnover in un-term-limited legislatures doesn't show that democracy trundles along just fine even without term limits. Without term limits, incumbents can easily serve for decades, never troubled by any serious electoral competition. Only a legal cap on

tenure can definitively counter the overwhelming advantages of incumbency.

At least one State Senator facing term limits, Brock Greenfield, is a strong advocate of them. “I'm one of the people who are here as a direct result of term limits. I take it a little bit personally when I hear [claims that term limits have damaged the legislature]. People of all ages have something to contribute.”

Prior to the final vote on SJ1, U.S. Term Limits President Phil Blumel penned a letter appealing to state lawmakers asking

them to respect the voters' decision on term limits. The letter warned that “citizens are in no mood to tolerate proposals to feather state legislators' nests at the voters' expense,” and noted the stinging defeats of recent attempts to gut term limits in Maine and California.

As the Mitchell, South Dakota Daily Republic notes, voters themselves have hardly been clamoring for term limits repeal. The paper also archly wonders “how many lawmakers received phone calls from constituents, urging them to give themselves a 33 percent raise.”

Record Turnout in Term-Limited Knox County, Tennessee (Cont'd from page 1)

Court upheld the term limits law and ordered a dozen office-holders, including eight members of the county commission, to exit their seats.

The lesson apparently didn't stick. In late January, the remaining commissioners, meeting behind closed doors, proceeded to fill the vacated seats with their own relatives and cronies, or with cronies of the ousted commissioners and other officials. These cronies then hired back their former bosses as if they hadn't actually been removed from power by the court.

The wheeling and dealing did not go unnoticed, and the citizens sued. More specifically, the Knoxville News Sentinel and nine concerned residents sued. Once again, the courts sided with the public and tossed out the whole slate of tainted appointments.

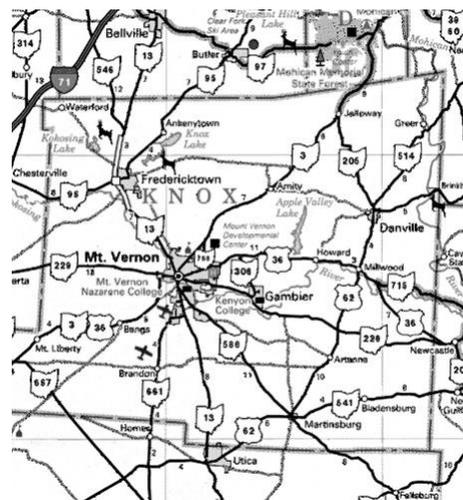
It was now up to the same discredited rump-commission to replace their own picks. But at least

their deliberations now took place under closer scrutiny. “This is a totally different process,” according to Interim Chairman Tank Strickland. “Everything was done in front of the eyes of the community.”

Come the primaries, disgusted voters rejected several officials associated with the controversial back-door dealings of 2007. In August, residents will finally be able to elect full-term commissioners to replace the interim appointments.

Also on the ballot may be an ambitious referendum to ban cronyism and nepotism. Kathy Hamilton, a former county finance director working for the referendum, says there's “a different environment right now. The best thing to come out of all this chaos is that voters in this community are very interested and are paying a great deal of attention to their local government.”

One of the new commis-



The school of hard Knox.

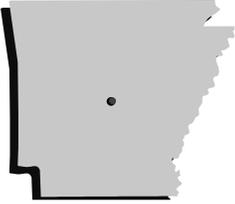
sioners, Richard Briggs, is a heart surgeon who has never run for office. He says: “This is a maybe once-in-a-hundred-years event, where you really do have a chance to change government. We have an opportunity, if we can just get it right.”

Term Limits



ALASKA

The Kenai Peninsula Borough wants a superior court here to throw out the term limits law that voters just passed in October. The Alaska borough claims the term limits are unconstitutional. Two ballot measures limited tenure on the borough assembly and the school board to two consecutive terms. But because the measures are both retroactive and also apply to members running for reelection in 2007, some incumbents were reelected in districts where majorities also supported the term limits.



ARKANSAS

For the third time, the state attorney general's office has rejected for the ballot a proposal that would term-limit city and county elected officials, saying the wording is too ambiguous. Frederick N. Scott says he will clarify the wording and resubmit. "A lot of the people in the state offices are quite frankly controlled to a great extent by the people in the local offices," Scott says. He believes term limits will combat the "undue influence based on the fact that they sit there forever."



CALIFORNIA

The mayor pro tem of Downy, California, Mario Guerra has been disabused of the notion that voters might want to relax the city's term limits, which cap council tenure at two four-year terms. Voters defeated the proposed change in the city charter by a majority of two-to-one, 12,597 No votes to 6,051 Yes votes, close to the margin by which voters passed the term limits in 1993. The loosening was opposed by a group called Citizens Against Senseless Reform, which is a good name.



COLORADO

State Representative Alice Borodkin plans to introduce legislation to extend term limits to 12 years, citing the expected exit next year of 17 incumbents. Colorado House members are currently limited to four consecutive two-year terms, Senators to two four-year terms. A Denver Post story about Borodkin's plan observes that, "In Arkansas and Montana, voters in 2004 rejected efforts to extend term limits, as did voters in Maine in 2007." And now, California.

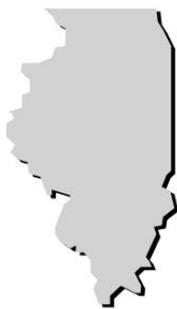


FLORIDA

We hear that Palm Beach County Republican Party chair Sid Dinerstein has published a book, *ADULTS ONLY*, (available at Amazon) making the case for term limits, among other reforms. A sample: "Today's incentives are perverse. The people we elect, bright-eyed bushy-tailed Congressmen, Senators and Presidents, go off to Washington and they find heaven. They find good money, staff, perks, power and people kissing their ring on a daily basis. Between the cocktail parties, golf outings, foreign travel and media interviews, the first priority of the newbie is to get a lifetime ticket. Enter the lobbyists...line them up, hold your fundraisers, and you're on the way to a 40-year, very cool gig...."

"That's the thing about term limits. The 40-year guys don't need to show up.... With term limits we ask citizens to come for a brief period to solve specific problems for which their career accomplishments have prepared them."

in the News



ILLINOIS

In Urbana, Illinois, two candidates for the county board are described as having similar stances on issues. The exception: term limits. Ken Goodchild argues the county board should be term-limited “to allow for new members with fresh ideas.” Long-time incumbent Stanley O’Connor begs to differ. In his view we already have term limits: “That’s what the voting booth is for.”



MICHIGAN

Justice Elizabeth Weaver, who plans to retire from the Michigan Supreme Court this year, wants to limit the terms of justices. Rationales for two proposed constitutional amendments are offered at her web site, justiceweaver.com. “These reforms will reduce the Justices’ terms to one 8-year term, the same length of time as the Governor’s two 4-year terms; prevent the Governor from making unchecked appointments to fill vacancies on the Court; remove the political parties’ controlling involvement in what are purportedly nonpartisan elections; and eliminate the huge amounts of money

expended in recent campaigns for election as a Justice on the Michigan Supreme Court.”

This is a mixed bag. Banning voluntary financial support of judicial campaigns and replacing it with “public funding”—i.e., forcing taxpayers to support candidates whether they want to or not—is an illiberal and anti-democratic notion. And partisanship can’t be banned from elections unless you also ban persons from them. But the term limits—yes, go for it.



MISSOURI

After only one term, Missouri Governor Matthew Blunt is voluntarily stepping down from power, stunning political observers. His tenure has seen controversy, but not of the sort that would stop most incumbents from standing for reelection. He’s gotten in some hot water over Medicaid benefit cuts, and there’s been a brouhaha over deletion of emails in the governor’s mansion that weren’t supposed to be deleted. The governor says he’s accomplished what he set out to accomplish in the job. In any case, several new GOP candidates instantly emerged—including Republican House Speaker Rod Jetton, who is about to be termed out of office.

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Term Limits in the News (cont'd from page 5)



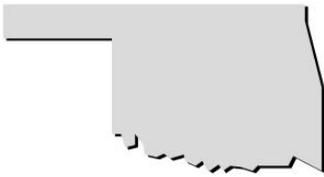
NEW YORK

Much electoral competition is expected in the 2009 council elections, now that incumbents including the council president have given up trying to weaken term limits. Thirty-six council members will be termed out. The New York Sun reports that at least 45 New Yorkers “already are amassing campaign war chests to run for council seats and many more are expected to enter races in the coming months. One political consultant who is advising council candidates says he has identified more than 300 candidates he expects to run in 2009.”



OKLAHOMA

Yes on Term Limits submitted arguments to 10th U.S. Circuit Court of Appeals in January on why Oklahoma’s prohibiting of “non-resident” petition circulators is unconstitutional. The group contends that the ban violates the First Amendment, among other provisions of the Constitution. The outcome of the case may affect the fate of three persons involved in a 2005 petition drive, including former U.S. Term Limits president Paul Jacob, who have been indicted by Oklahoma Attorney General Drew Edmondson for “willfully” violating this law, despite good-faith efforts to comply with it. (See Paul Jacob’s “Full Statement” at freepauljacob.com.)



OKLAHOMA

Oklahoma Representative Jason Murphy argues in a recent op-ed that earmarks may well become a thing of the past in the state legislature. “I am confident in predicting that the window on legislative earmarks is shrinking.” The reason? Term limits. “Those of us who are fighting to put an end to earmarks face the likelihood of success, due in part to the fact that there are many new legislators who have taken office in the past few years. Many of these individuals have not been corrupted by the political process.

“As a result of the term limits law, the Legislature is very different from just a few years ago. Gone are many of the old guard power bosses who tightly maintained the status-quo. These politicians held powerful committee chairmanships where they would bottle up reform-minded legislation. They have been replaced by a group of energetic professionals, many of whom wish to enact pro-growth policies such as cutting taxes to change Oklahoma for the better. And, should some succumb to the temptation to become part of the status quo, they inevitably will be replaced by term limits.”



TEXAS

Houston Chronicle columnist Roy R. Reynolds has responded to an attack on term limits by an outgoing council member. “Alvarado undercuts her own argument by pointing out that concerned citizens need not be on the City Council in order to make a difference. Alvarado began the project [a bridge project she favored] as a precinct judge, continued through her tenure as an aide to former Mayor Lee Brown and then her time on council. It sounds as though she was pretty connected the entire time. And that really has nothing to do with the city’s term limits.”

Science Fiction Writer Ben Bova on Term Limits

The following is excerpted from an op-ed piece by prolific science fiction novelist Ben Bova, "It's up to us to put limits on Congress," which appeared in the Naples Daily News. Bova is the author of Mars, The Aftermath, and many other works. He also novelized an early film by George Lucas, "THX 1138."

There was an interesting little item in the newspaper a few Sundays ago: Nearly half the members of the U.S. Senate are 65 years old or older.

Sen. Robert Byrd of West Virginia leads the gerontocracy, at age 90. He was first elected to the Senate in 1958, when Dwight D. Eisenhower was president.

Within three years, fully half the Senate—50 senators—could be 65 or more. While the average age of Americans in general is 37, no senator is in his or her thirties. Eighty-seven senators were born before 1955: before Sputnik, before the civil rights movement, before women's liberation, before the Vietnam War, before the White House was occupied by John F. Kennedy, Lyndon Johnson, Richard Nixon, Gerald Ford, Jimmy Carter, Ronald Reagan, George H.W. Bush, Bill Clinton or George W. Bush.

Can these old folks deal with the problems and opportunities of the modern world? How many of them can use a computer? How many of them can program a cell phone?

These are not trivial or frivolous questions. The U.S. Senate has to deal with the most complicated questions facing our nation. Senators should be aware of more than the cloakroom rules and inside politics of Capitol Hill.

Now, I don't agree with Mark Twain, who called the Senate, "That grand old retirement

home for the feeble-minded and criminally insane." Far from it. But I do think the Senate, and the rest of Washington's power machinery, could use some new, fresh blood.

Why do people keep re-electing senators for term after term after term? Mainly because it's devilishly difficult—and expensive—to unseat an incumbent. Once you get elected to the Senate (or the House of Representatives, for that matter), you can usually stay as long as you want, barring scandal or criminal behavior. And we've all seen cases where scandal or even crime hasn't been enough to get a senator or representative booted out of the Congress.

Is this important? Do we really want to get rid of experienced, knowledgeable office-holders and bring in neophytes? Well, it's those experienced, knowledgeable office-holders who have failed miserably to straighten out the finances of our Social Security and Medicare programs, who have ducked issues such as illegal immigration, energy and environmental policy, who regularly support pork-barrel appropriations that spend our tax dollars needlessly and run up tremendous federal budget deficits.

It's those wise old heads who spend more time playing partisan politics and throwing spitballs at each other than solving the problems that desperately need solutions....

[W]e need term limits for our senators and representatives,



Ben Bova

just as we have a term limit for the president. But to get term limits on our congresspersons, we need to get those very same members of Congress to vote limits on themselves. That's like asking the fox to guard the henhouse.

But perhaps there is a way. After all, the voters have the real power in American politics. The pity is that they use that power so seldom. In 1974 the voters forced Richard Nixon to resign the presidency. The power is theirs, if and when they choose to use it.

Perhaps if the people bring enough pressure to bear, the current members of Congress could be persuaded to vote for a constitutional amendment that imposes term limits on future members of Congress, not those already in office.

It could work. But only if we, the voters, stop re-electing incumbents and stir ourselves to action.

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—Oklahoma Representative Jason Murphy

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