

Shameless Powerlust



When, in its 1995 decision in *U. S. Term Limits v. Thornton*, the Supreme Court voted 5-4 to strike down the right of the states to limit the terms of their elected representatives, it did more than hand a victory to career politicians by ignoring the Tenth Amendment. It set in motion an accelerating process of audacious initiatives that have fundamentally undermined the integrity of American democracy. Overt efforts to overturn still-constitutional term limits on state legislators, enactment of incumbent-protect-

ing campaign finance restrictions, and shamelessly self-serving redistricting plans all reflect with increasing clarity the disdain in which legislators hold the voters.

Term Limits. Since the term limits movement started picking up momentum in the early 1990s, it has been evident that an overwhelming majority of Americans prefer citizen legislators to professional politicians. Any time citizens have an opportunity to vote on the issue, it passes with a huge majority. By 1994 the movement was so strong that Newt Gingrich, who, like the vast majority of politicians, opposed the idea, was compelled to include term limits as part of the Contract with America.

You could hear the champagne corks popping all over Washington the day the Supremes came through for the political class. But the legislatures in many states were still term limited. That hasn't stopped the politicians from fighting back. *U.S. Term Limits* now spends most of its resources combating efforts to repeal the clear intent of the voters. Legislatures in 11 of the 17 still term-limited states have recently considered repealing or weakening their term limit laws in some way. Idaho's overwhelmingly Republican legislature actually repealed a law the voters had overwhelmingly approved through the initiative process—twice. When Gov. Dirk Kempthorne vetoed the repeal, the legislature overturned the veto with a two-thirds vote in each house.

And in California longtime professional politician John Burton led an initiative that raised more than \$10 million from unions, politicians' PACs, and companies that do business with the state in an effort to gut term limits there. The voters defeated the effort by 58 percent to 42 percent. Still, everyone expects another attempt to break free from the limits. The attitude of the incumbents is expressed well by Rep. Carl Wilson of Oregon, who, in defending his support of suing the voters and repealing term limits, said: "I don't expect the voters to understand. But as you know, we are privy to things they are not. This hallowed

place [the legislature] is where we are, and we know it best."

Campaign Finance Restrictions. There is nothing in the recently enacted Bipartisan Campaign Reform Act that is not designed to protect incumbents from challengers. Incumbents regard the First Amendment as a campaign finance loophole. That law, which President Bush disingenuously signed after suggesting it was unconstitutional, goes a long way toward closing that "loophole." The three things that can threaten an incumbent are so-called soft dollars from national party coffers to provide significant support to a challenger; a wealthy, self-financed challenger; and outside "issue advocacy" efforts to educate voters on an incumbent's record.

BCRA addressed all three concerns. The 98.6 percent reelection rate for House incumbents in 2000 may actually go *up* in the future, as a result. Soft dollars were banned, so the threat of a challenger backed by national party spending is gone. Self-financed candidates now find that the hard-dollar contribution limit for incumbents (by definition self-financed candidates are challengers; no incumbent lacks for contributions) is tripled to \$6,000. So much for the "appearance of corruption" the \$2,000 limit is allegedly meant to address. As for issue advocacy, well, you can still do that, but you can't mention the name of a candidate for federal office in advertising for two months prior to an election. Ultimately, the campaign restriction folks want to ban all private political expression in campaigns by funding them through taxes.

Redistricting. Traditionally, following a census, redistricting has created more competitive House races than normal—somewhere around 100. This time the emboldened incumbents in virtually every state simply enhanced their own protection, regardless of how that might affect the political balance of power. According to Simon Rosenberg, executive director of the New Democrat Network, redistricting may have decreased competitive races this year to no more than 30. That's possible, says the Center for Voting and Democracy, because, "with increasingly sophisticated computer software, polling results, and demographic data, incumbent legislators quite literally choose the voters before the voters have a chance to choose them."

California politicians again set a bad example. Thirty of 32 incumbent Democratic representatives there have paid the legislatively appointed redistricting chief \$20,000 each to protect their seats. But, as California Democratic chairman Art Torres notes: "This really is a bipartisan effort. You maintain the 20 Republican seats." Which tells us something about Golden State Republicans. They'd rather hold on to their own fiefdoms than regain control of the legislature. Sadly, this is the norm in American politics today.

Lord Acton warned us that "power tends to corrupt, and absolute power corrupts absolutely." He was right. Incumbent politicians in America are so drunk with power that they don't even blink at undermining our democracy.

—Edward H. Crane