

No Uncertain Terms

THE NEWSLETTER OF THE TERM LIMITS MOVEMENT • SPECIAL ELECTION RESULTS EDITION

Victory in California!

Californians Reject Latest Tricky Term Limits Extension

On February 5, California voters defeated the latest all-out effort by politicians and special-interest allies to trash state legislative term limits.

The vote was 46.4% Yes, 53.6% No.

Early polling had YES at 58% which its defenders persistently and deviously promoted as a “cut” in “overall” maximum tenure in the Assembly-plus-Senate. Proponents—and the officially approved ballot summary itself—carefully glossed over the fact that Proposition 93 would have increased Senate term limits from 8 years to 12, and Assembly term limits from 6 years to 12.

In addition, a generous “transition period” would have allowed up to 42 incumbents now facing ouster to cling to office for years beyond the “overall” 12-year alleged maximum. Senate President Don Perata and Assembly Speaker Fabian Núñez, who spearheaded the initiative drive, were the particular beneficiaries of this provision.

In early November, the campaign to expose Proposition 93 received a big leg up when Insurance Commissioner Steve Poizner, the only statewide elected Republican besides the governor, joined the pro-term-limits team and agreed to tap his own fortune to help spread

the word. He contributed \$2.5 million to the cause.

Poizner came out of the gate swinging, noting that Prop 93 was “a naked power grab” intended “to fool voters into thinking it will actually tighten term limits, when [it] will do exactly the opposite for the vast majority” of state lawmakers. The commissioner may have to pay more than dollars for his temerity in going against the political establishment. He told the Sacramento Bee of threats he had gotten from legislative leaders “about what they might do to my Department of Insurance because of my active involvement with the No on 93 campaign.”

Effective television commercials also spread the word. In the weeks before the election, the Alliance for California’s Renewal aired two ads entitled “Power Politics” and “Louie Louie” (which you can watch online at stopprop93.com and youtube). One ad explained: “Proposition 93 is a fraud, created by two politicians. One under investigation for misusing campaign funds for lavish shopping sprees, the other whose house was raided by the FBI in an ongoing corruption scandal.” The hero of another commercial wanted to know: “But Louie, ain’t 12 years longer than six?”



USTL-sponsored Trojan Horse, symbol of incumbents bearing the “gift” of Proposition 93.

Then there was the Trojan Horse.

In the mythology of ancient Greece, the Trojan Horse is a giant wooden statue that was given as a gesture of seeming good will by the Greeks to the residents of Troy...a city to which the Greeks had been laying siege for many years. Once the horse made it past the city gates, the Greek troops hidden within emerged to at last conquer their enemy. Hence the familiar adage, “Beware of Greeks bearing gifts and political incumbents bearing ‘cuts’ in term limits.”

The Trojan Horse being the perfect symbol of the scheming behind Prop 93, U.S. Term Limits began hauling a 12-foot-high Trojan Horse around the Golden State as a way of vividly alerting voters to the danger. The colossal attention-getter irritated proponents of 93 (“cheap political stunt,” they called it). And their annoyance was justified, for the steed quickly trotted its way into state and national media.

(Continued on Page 3)

Lies, Broken Promises, and the Prop 93 Campaign

For the record, here's an overview of some of the biggest of the Big Lies and Busted Vows that characterized the politicians' push for Proposition 93 in California.

Give us Proposition 93, and we'll stop gerrymandering. Early on in their campaign, Assembly Speaker Fabian Núñez and Senate President Pro Tem Don Perata promised to link term limits "reform" to a reform to end partisan rigging of state legislative and congressional districts. The power to remap districts would instead be delegated to an independent commission.

The commitment to redistricting reform soon met opposition from U.S. House Speaker Nancy Pelosi and other California congressmen, who pledged to spend millions to oppose any reform of congressional redistricting. Pelosi wanted a "national" fix of the process instead—as if the 50 state legislatures regularly convene as one body to impose universally-binding reform on themselves. (They don't.) Sacramento lawmakers seemed to defer to Pelosi at first, then to retract that deference, then to retract the retraction. Further gestures in the direction of redistricting reform proved fleeting. As the chance to enact such reform receded and the California primary loomed, a new spin became popular. Namely, the doctrine that...

My support as governor for Proposition 93 hinges on whether it is accompanied by genuine redistricting reform. Governor Arnold Schwarzenegger's pledge never made much sense to friends of term limits. Why help weaken a political reform that is doing what it's supposed to do, as the price for supporting a reform that might also do good—if only it were enacted? Constitutional term limits are one of the rare institutional checks on abuses of incumbency which can't be unilaterally overturned by the incumbents themselves.

In any case, as February 5 drew near, the governor repudiated his pledge, thereby squandering credibility that might have come in handy for future political battles he might wish to fight, if any. In a January 15 op-ed for the Los Angeles Times, Schwarzenegger declared: "When Proposition 93 was first introduced, I said I would not support it without a companion redistricting measure. Though some progress was made last year on that issue, we have not been able to agree on a redistricting measure in the Legislature.... But Proposition 93 is good public policy irrespective of redistricting...."

We love term limits! No, really. During the campaign for Proposition 93, career politicians and special-interest allies advanced two contradictory arguments, which they pretended were complementary. The first argument was that term limits are bad; we already have term limits, they're called elections; term limits give too much power to lobbyists and special interests (the same personages who, oddly, also strongly oppose term limits); every lapse in leadership or common sense by an incumbent lawmaker is caused by term limits; etc.

Hey, Proposition 93 will actually cut "overall" legislative tenure! If you like term limits, you'll love this further "reduction" in maximum tenure. The proposed law would have trimmed the maximum possible stay in the California legislature as a whole (i.e., in both chambers taken together) to 14 years from 12 years. Proponents liked to stress this purported "reduction" as if this were the point of the measure. Of course, maximum tenure was to be increased by 50% in the Senate, from eight years to 12; and by 100% in the Assembly, from six years to 12. A "transition period" would have enabled dozens of sitting legislators to serve even more years than the alleged "maximum."

An analysis at the U.S. Term Limits web site (see "Legislative Longevity Limits," ustl.org/leglong.html) shows that the vast majority of lawmakers serve fewer than the 14 years they might conceivably serve under the current term limits law. It's not surprising. The advantages of incumbency accrue first and foremost to incumbents, i.e., office-holders seeking reelection, not termed-out politicians campaigning for a different office. That is why term limits laws in California and around the country, and at every level of government, limit the terms of individual offices, as opposed to some hypothetical combinations of offices.

The Aftermath:

Fabian Núñez: “I take full responsibility for Proposition 93 going down”

Sounds gracious, but it turns out that what California Assembly Speaker Fabian Núñez really means is, “I failed to work magic with the Republicans,” who would not agree to spurious redistricting reform that would leave the current system of gerrymandering essentially intact.

Almost two decades ago, voters passed California's term limits law in large part precisely because of the enormous advantages incumbents have crafted to squeeze out competitors. These include the power to draw up political districts so that the demographics enormously favor the incumbent's own political party, making it virtually impossible for any opposition-party candidate to run competitively in a district.

In 2007, Núñez, Perata and other lawmakers agreed to enact robust

redistricting reform—which could only mean turning the job over to a truly independent body—as the price they would pay to get their term limits extended (or “cut,” as they liked to put it; see p. 2). The legislative leaders did not deliver.

“I'm humbled by the result of that vote, I accept it wholeheartedly,” Núñez said in a public talk given shortly after the February 5 vote, “and I tell you what, I take full responsibility for Prop 93 going down. I don't blame anybody else in the legislature. I, myself, am prepared to take full responsibility. I made some mistakes along the way. Case in point: I thought we were going to be able to work out a redistricting deal with my Republican colleagues. But as I said to my Caucus, the one thing I will never do is to hand over power, even though I like my Republi-

CA Assembly Speaker Fabian Núñez says he screwed up.



can friends, but I'm not going to hand them the tools so that they can draw the district boundaries the way they want to draw them. I wanted a fair and objective process. I could never get that out of this place.”

The Machiavellian maneuvering and language-mangling of Núñez and company defy summary. Yet Núñez now proposes that his only lapse in the matter was a too-great innocent faith in the cooperative spirit of the folks across the aisle.

Didn't the dishonest and self-serving nature of the Prop 93 campaign have anything to do with its demise, Speaker Núñez?

Victory! (continued from page 1)

“[U.S. Term Limits] says the horse symbolizes the trickery behind Proposition 93,” reported the Wall Street Journal. “It looks as if their educational effort is working.”

It did work. As the election approached, support for the measure faded—despite the distraction of a suspenseful and closely watched presidential primary and the eleventh-hour support of the state's charismatic chief executive. Submitting to the badgering of desperate lawmakers, Governor Arnold Schwarzenegger backed the extension as he backed away from his commitment not do so unless lawmakers simultaneously ended their gerrymandering of political districts. (They never got around to it.)

“Instead of special interests having the upper hand, we can give the upper hand to the people,” Schwarzenegger explained, while flanked by Los Angeles Mayor Antonio Villaraigosa and former Governor Gray Davis.

The latter, with fitting irony, is the same gray career politician whom Schwarzenegger had accused of wreaking havoc on the state's economy during the movie star's first run for the governor's mansion. Schwarzenegger won office in the same recall election that expelled Davis.

With February 5 just around the corner, even the aggressively optimistic pro-Prop-93 California Progress Report felt obliged to

interrupt a steady stream of distortions of the term limits issue to acknowledge the likely outcome. “The trend line is unmistakable in the California Field Poll released today, which shows Proposition 93 losing 33% to 46%, with 21% undecided,” observed CPR publisher Frank Russo on February 4, a day before the vote. A late January poll done by Opinion Research Corp. had shown a more even split, with 50% supporting and 46% opposing; still a huge turnabout.

However many votes Governor Schwarzenegger's sudden reversal garnered for the anti-term-limits cause, they weren't enough. For now, at least, Californians need not suffer the contents of that Trojan Horse.

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Inside No Uncertain Terms...

**CALIFORNIANS DEFEAT
TERM LIMITS EXTENSION...1**

**THE POLITICIANS LIED,
PROP 93 DIED!...2**

A FABIAN FAIRY TALE...3



“[Proposition 93] smells so bad, even plugging your nose doesn’t eliminate the stench.”

—Ventura County Star

See p. 3