

# RIPON FORUM

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ON CONGRESS

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## POLITICS: Kansas

### DEMOCRATS TARGET GOVERNOR BENNETT

Kansas broke the Watergate trend in 1974 when it reelected Sen. Bob Dole, recaptured the governorship with Robert Bennett and maintained its control of the state legislature.

With Sen. Dole on the national ticket in 1976, however, the Kansas GOP again reversed the national trend. U.S. Rep. Garner Shriver was virtually the only Republican House incumbent to be ousted from office. And while in other states, the GOP seemed to stabilize its earlier losses, the Kansas GOP lost 12 seats in the lower house and five in the upper house.

In the aftermath of the election losses, Gov. Bennett said, "Sometimes you need a little jolt to wake you up. We've had the jolt and we're wide awake." Dole suggested the party needed to shift its image from "a party of political 'againters,' a party that cares for the rich and not the poor, the businessman and not the consumer, the industrialist and not the environmentalist, those who can help themselves and not those who need the help."

Ironically, both men who led the state GOP ticket in 1974 were partly blamed by some Kansas Republicans for the party's difficulties. Both are seen as potentially vulnerable---both at the polls and to criticism that they have been too negative in their public comments. While Dole has shifted his rhetoric, Bennett has engaged in a running fight with the Kansas legislature, now partly controlled by Democrats.

Bennett's disagreements---particularly on construction of a new state prison and an increase in the state income tax exemption---have been with fellow Republicans as well as Democrats, however. State GOP Chairman Jack Ransom seems to be one of the few Kansas Republicans who

is confident about Bennett's reelection chances in 1978.

Although Bennett has a strong record on the substance of his tenure as governor, he is damaged by his public image. His "arrogance" and contentiousness in dealing with the legislature is compounded by his Jefferson County origins. Coming from metropolitan Kansas City has fostered an "Eastern aristocrat" image which grates on more rural voters in central and western Kansas.

Bennett will probably again face the state's attorney general in his reelection race. In 1974, Bennett beat Vern Miller, a law and order showman who has returned to his previous job as Sedgewick County district attorney. He was giving a speech in his current crusade against pornography earlier this year when two streakers raced across the stage. Miller tackled one of them.

The current attorney general, Curt Schneider, is less flamboyant than Miller but has an equally strong drive to generate publicity. Although he appears to be the frontrunner for the Democratic nomination, Schneider's public negativism does not present a marked contrast with Bennett's image. Potentially stronger Democratic candidates like former U.S. Rep. Bill Roy or Topeka businessman Robert Brock appear unlikely to enter the contest. A primary fight between a representative of the Roy-Brock wing of the party and the Schneider-former Gov. Robert Docking-former Democratic Chairman Norbert Dreiling wing would boost Bennett's election chances.

In contrast to Bennett, Sen. James Pearson(R) seems to have scared away the potential opposition. Docking and Roy are considered more likely opponents to Dole in 1980 while rumors of a possible GOP primary have evaporated. The progressive Republican seems stronger than ever. ■

## RIPON: Update

**LOUISIANA** A complicated scenario is shaping up for the race to replace U.S. Rep. Richard A. Tonry (D), whose October 2, 1976 primary victory was riddled with fraud. A state district judge found the election to be "fraudulent." Tonry has been indicted in connection with his election and now has resigned from Congress. While Tonry is seeking reelection, however, his Democratic primary opponent, New Orleans City Councilman James Moreau, has switched from the Democratic to the Republican Party. Moreau's surprise move upsets the political balance. Moreau may pull the rabid right wing vote into the GOP primary and thus upset Bob Livingston, the rational conservative who nearly upset Tonry last November. Should Livingston survive the primary, he would stand a good chance to win the seat. He is, after all, half the age of the 63-year-old Moreau. The frontrunner in the race is now State Rep. Ronald A. Faucheux, who may pick up the Democratic machine vote deserted by Moreau.

**CALIFORNIA** GOP National Committeeman Mike Curb, a prominent Reagan backer, has set his 1978 sights on the Republican nomination for lieutenant governor. Curb, 32, is president of Warner/Curb records and was cochairman of Citizens for Reagan in California last year before helping organize the Ford campaign. Progressive State Assemblyman Dixon Arnett is one of several Republicans interested in the nomination for lieutenant governor, but Curb's connections with Reagan's financial backers make him the frontrunner... and a potential candidate for governor in 1982. Curb dropped out of college after selling "You Meet the Nicest People on a Honda" to an ad agency at age 20. His musical clients range from the Osmond Brothers to Lou Rawls and Sammy Davis, Jr.

**NEW YORK CITY** Gov. Hugh Carey's decision to intercede in New York's mayoral race---or sort of intercede---may come to haunt him in 1978. Carey's own lack of accomplishment in office has been matched only by his lack of working relations within his own party, which is financially bankrupt. Carey originally intervened in the New York City race to keep progressive State Sen. Roy Goodman (R) from getting the Liberal Party endorsement for may-

or. Threatened with a cutoff of gubernatorial patronage, the Liberals instead swung to Carey's designated choice, Secretary of State Mario Cuomo. Carey's handling of Cuomo's entry into the contest has become a mixed blessing for Cuomo---and Carey. Despite Carey's backing, Cuomo is considered to rank behind Mayor Abraham Beame and former U.S. Rep. Bella Abzug in the mayoral contest. In order to solidify the backing of the Liberals---who don't want to appear on the November ballot with a "dead" candidate---Carey indicated he would support Cuomo through November even if he lost the primary. This raised a storm and Carey backed off---even hedging on whether Cuomo was his "choice." Pushed into a corner at a press conference on whether he would back the Democratic primary victor, Carey said: "Yes, because I'm not ---I expect---yes, because I'm not going to indulge in a premise and a hypothesis based upon a predicate. I expect the winner to be that person who comes forward, speaks to the issues, has courage, determination, ability, and right now among those who are announced or unannounced or potential Mr. Cuomo is that person. Wrote the New York Daily News' Sam Roberts: "All the obfuscating quips, contradictions and double talk are characteristic of Carey's style---invoking democracy and Democrats when they are convenient." Should Cuomo lose the primary and Abzug win a runoff with Beame, Carey would be in a further mess. Given Abzug's reputation as an intolerable employer, New York City would probably not have to worry about firing employees if she was elected mayor. She'd probably alienate them in droves. In the long run, Carey's decision to intercede in New York City---which was begun strictly to avoid election of a Republican mayor---may be the GOP's biggest asset in the 1978 gubernatorial campaign. Conceding Carey's strength, the Daily News' Sam Roberts wrote: "His attack on terrorism in Ireland has doubled the turnout at rallies by IRA sympathizers here. His weeks of waffling over capital punishment infuriated liberals and his ultimate rejection of the death penalty cost his conservatives. He has been deserted by all but a few loyalists in labor. And he has provoked fellow Democrats to the point where some are seriously considering pushing First Deputy Mayor John Zuccotti, Westchester County Executive Alfred DelBello or even Assembly Speaker Stanley Steingut to challenge him for reelection."

## COMMENTARY: Congress

THE CASE FOR LIMITED TERMS

by William A. Barnstead

The new congressional finance rules and stringent codes of ethics, whatever their faults may be, will hopefully have a long-range, beneficial impact on the nation. At the very least, they represent a much needed step in the right direction--an enlightened approach to "cleaning up Congress." However, as well meaning as these measures are, they fail to reach the root of the problem: availability of unlimited incumbency in Congress.

This single fact of political life spawns a host of negative conditions, which, when added up, create a stultifying effect on Capitol Hill. The seniority system, pressures from lobbyists and interest groups; alienation from American mainstream; the "buddy system;" and frequent votes aimed solely at reelection--all these produce an atmosphere of stagnation. They are based upon a system which allows members of Congress to become career politicians.

Sen. James D. Abourezk (D-South Dakota), who is stepping down next year after a single term, observed that national political reform will come only "when you have people who want to make a contribution rather than a career--once you start worrying about staying, you start cutting corners." There is one, simple way to ensure that members of Congress do make that contribution and not a career: by placing a limit on congressional terms of office.

Such a limitation has been discussed before and even seriously proposed as legislation. Until now, however, it was never given a chance of surviving the necessary congressional hurdles. But the time may be ripe for passage of such a sweeping law.

Dozens of freshmen legislators abound in the current reform-minded Congress. A reformist President pledge to return government to the people sits in the White House. More important, the people themselves appear to be keeping a watchful eye on Congress in light of Watergate the congressional pay raise, the Elizabeth Ray scandal, and the allegations of South Korean payoffs.

Quietly, with negligible media coverage, bills have been introduced this year in both houses. The Senate version, S.J.

28, was introduced February 24 by Senators John Danforth (R-Mo.), S.I. Hayakawa (R-Cal.), Harrison Schmitt (R-N.M.), Malcolm Wallop (R-Wyo.), and Dennis DeConcini (D-Ariz.). These men have proposed a constitutional amendment limiting senators to two, six-year terms and representatives to six, two-year terms.

The House version, H.J. 203, was proposed by U.S. Rep. Richard Schulze (R-Pa.), whose legislation would both extend the present term of representatives from two to three years and limit the total number of consecutive terms a person could serve in any House seat to five (a maximum of 15 years).

Both these bills are currently in committee--the Senate Judiciary Committee and the House Subcommittee on Civil and Constitutional Rights. If a compromise version were approved by both houses, the amendment would then have to be ratified by two-thirds of the states within seven years. As presently written, neither bill would markedly affect sitting members of Congress. (The exact number of terms is subject to debate; I personally favor a 12-year limit for senators but an eight-year limit for representatives.)

Such an amendment would have an immediate and beneficial impact upon the country's political life, and hence upon its entire spirit. In 1951, a law limiting the number of Presidential terms to two was written into the Constitution. It was done for the same reason that the bills affecting the Congress have now been proposed: to put a lid on service in order to prevent any President from becoming too powerful, and to allow a greater number of persons to reside at 1600 Pennsylvania Avenue than who might otherwise get that opportunity. As Sen. DeConcini says, "The 22nd Amendment removed an inherent contradiction in our system by limiting the terms a President can serve. The same contradiction persists in the unlimited terms of legislators."

With limited terms in Congress, senators and representatives would settle back into the mainstream of American life. They would return to their states and districts to live with what they did or did not accomplish while in office. With this sobering thought in mind, each congressman would be more in-

clined to keep his nose to the congressional grindstone rather than his eye on the next election. At present, far too many members of the House and Senate ---as election day draws near---vote aye or nay on bills with their own careers rather than the national interest in mind.

Returning year after year, these representatives become removed from the source of their strength and duty. U.S. Rep. Edward G. Biester (R-Pa.), who declined to seek reelection last year, attributed part of his decision to the fact that he "never sought this office as a permanent career. I believe Congress should get more blood transfusions than it does. There's a danger of becoming part of the Washington genre instead of remaining the fresh, young voice for your district."

Limited terms would minimize the impact of lobbyists and special interest groups. Certainly, these factions could still influence congressional actions, but they would be much less inclined to develop special rapport and favor with specific congressmen if at the end of a limited term the lobbyists would have to start anew with the replacement.

Limited terms would also provide congressmen with incentives to tackle long-range problems rather than concentrate on reelection efforts. As Sen. Danforth put it, S.J.28 would "minimize the human tendency to say 'yes' to every interest group that comes along so that our chances of surviving election after election are enhanced. The point of representative government is to reflect the interests of the totality of one's constituents. It is not simply to apply grease to the wheels that squeaks the loudest in the hope that support will be won for yet another election."

An indirect benefit of the proposed amendment would be a cutback in federal spending. Congressmen would not be eligible for the hefty pensions they're entitled to after lengthy service---as high as \$32,000 a year after 32 years of service. Furthermore, a man or woman in Congress may be less apt to vote for a pay raise which would primarily benefit the person filling the seat he or she would soon be vacating.

There is no doubt that the Founding Fathers believed in the concept of the citizen legislator who would quit his office to return to his community, provid-



ing a constant circulation of fresh blood through the halls of Congress. As James Madison espoused in the Federalist Papers, while discussing a congressman's dependence on the people who elected him: "Before the sentiments impressed on their minds by the mode of their elevation [to Congress] can be effaced by the exercise of power, they will be compelled to anticipate the moment when their power is to cease, when their exercise of it is to be reviewed." Until modern times, echoes Sen. Schmitt, "it has been customary for congressmen and senators to return to their constituencies regularly for long periods of time and even to continue in their chosen fields and professions while serving in Congress."

Just how unrepresentative our Congress has become is evident from a simple glance at the seniority system. It places in the hands of a select minority of veteran politicians the power to influence legislation which benefits their particular district or state, rather than a region or the nation as a whole. Sen. DeConcini maintains that the seniority systems tends to "diminish the equal representation of individuals and states." Committee chairmen, for instance, are ensured that their constituents "will receive benefits out of a purely regional allocation of federal resources."

Opponents to the proposed amendment feel that citizens should be free to make a career of any livelihood, politics included. But congressional officeholders, especially those who have served the longest, wield tremendous power. As

James Madison observed in the Federalist Papers, "It is a received and well-founded maxim, that where no other circumstances affect the case, the greater the power is, the shorter ought to be its duration."

As Sen. Schmitt notes, "people are starting to feel isolated from their elected representatives in many respects." Election to Congress is no longer viewed as a chance to serve for a period and then return to one's profession within the community. In short, the magnificent thoughts of Benjamin Franklin have long been ignored: "...in free governments the rulers are the servants, and the people their superiors and sovereigns. For the former therefore to return among the latter was not to degrade but to promote them."

Similarly, those opposed to limited terms for Congress say that it is the fault of the voters themselves if they have allowed their senator or representative to serve an excessive length of time. But nowadays, many people---if they vote at all---are swayed by name recognition. An incumbent with a decade or more of service has a name instantly familiar to his constituents. Name rather than record counts.

Limited terms might have the healthy secondary effect of forcing the average voter to more frequently examine the issues---at least on those occasions when two brand new aspirants rather than one contender and one incumbent were vying for the job. This, in turn, would probably help dispel much of the voter apathy which disgracefully impelled only 51 percent of the registered voters to cast ballots in last year's Presidential election.

Another argument against limited terms is based strictly on hindsight: the country would have been deprived of the wise and beneficial counsel of great and distinguished figures who have already come and gone. Sen. Wallop, while conceding this point, counters with the equally forceful contention that "we will lose some significant talent either way we choose to go. There is no question that men of extraordinary talent would not be here for 20, 24, or 36 years, but there is also no question that men of extraordinary talent who would never have gotten here might well arrive."

America has a wealth of talent, and it is by no means headquartered in Wash-

ington, D.C. Novel approaches to the country's problems and fresh prescriptions for federal ailments do not really come with lengthy congressional incumbency. Sen. Schmitt feels that S.J. 28 would "broaden knowledge, expertise, experience and background in the U.S. Congress" by allowing men and women established in their fields to enter the political arena "for a limited period of time, essentially being on loan from the private sector of the government."

Sen. Danforth calls it bridging "the gulf now separating the people from the government." Sen. Wallop wants to give a message to congressmen: "Go home, go live with what you've done, live with to whom you have done it and with their judgments...and add your wisdom to the conversation of politics as it goes on through the course of time." As Thomas Jefferson put it when assessing the original Constitution nearly 200 years ago: "I dislike...the abandonment in every instance of the necessity of rotation in office."

The nation which he helped to found now has a chance to embark on a path of fundamental, grass roots political change. A ceiling on congressional terms of office---like that for Presidents---is a ceiling on power, and a basis for real reform. Limited terms would provide a refreshing turnover of men and women in the halls of Congress, a constant flow of citizen-legislators with fresh approaches to America's problems, whose work would be tempered by an absolute limitation on their government service and maximum freedom from external pressure.

And the flow itself would naturally dispel the political stagnation inherent in the present system. A constitutional amendment limiting congressional terms of office would be the most profound and salutary piece of legislation enacted in America's third century. ■

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The debate over the adoption of federal financing for congressional elections has generally centered around three major issues. Though important, the three debating points neglect a fourth item: the opportunity for restoration of a competitive two-party system.

The first point of controversy has been cost. The proponents of governmentally-financed elections for Congress have argued that the costs are not excessive, especially when compared to the benefits to be derived. The opponents of federal financing have traditionally called it a raid on the public treasury.

An analysis of the cost estimates of the various bills currently under consideration suggest that the appropriations would be minimal in the context of a multi-billion dollar budget. It has been estimated that H.R. 5157 would cost \$20-25 million per House of Representatives elections. H.R. 5116 would cost \$93.1 million per election with about two-thirds going for House primary and general elections. S. 926 has been estimated at a cost of \$38 million per Senate election year. The major undisclosed costs, however, may be associated with the increased bureaucratic machinery established to regulate the programs.

The second issue deals with the need to restore the public's confidence in the congressional branch of government. The proponents of campaign financing argue that it is necessary to eliminate the public perception of a Congress under the excessive influence of special interests. The opponents point to a First Amendment problem. Federal financing would interfere, they say, with the rights of citizens to voice their opinions about politics and influence others to vote for a member of Congress who shares their opinions.

A second prong to the "influence" argument revolves around its differential impact on interest groups. The AFL-CIO's Committee on Political Education, for example, provides a good portion of its aid in terms of "voter education" and registration projects and in providing

paid staff to coordinate their get-out-the vote efforts. These efforts are exempt from the limits placed on financial aid from interest groups. COPE's counterparts in the business community tend not to perform these jobs.

The third question centers around whether Congress is attempting to perpetuate its own existence. The opponents of the measure point to the fact that Congress is legislating the upper limit on what can be spent to unseat them. The bipartisan H.R. 5157, sponsored by Morris Udall, John Anderson, and others, has a ceiling of \$150,000 for general election races for the House. On the other hand, H.R. 5116 sponsored by Matthew McHugh and Andrew McGure, both Democrats, sets an \$80,000 limit for both primary and general election races for the House and an eight-cent-per-voting-age-constituent for Senate primaries and 12-cent ceiling for Senate general elections. The bipartisan Senate bill, (S. 926) sponsored by Edward Kennedy, Alan Cranston, Charles McC. Mathias, and Richard Schweiker, sets a 15-cent limit per voter or \$225,000, whichever is greater, for Senate primary campaigns and a 20-cent or \$300,000 limit for the general election.

The second aspect of federal financing which assists incumbents is that there is no differential which compensates the challenger for the material advantages which the incumbent possesses. Each congressman has a large public payroll to provide service for constituents and research and staff support for his public appearances. The incumbent, moreover, is able to draw his salary while campaigning while most challengers are forced to take leaves of absence at no salary to campaign. Name recognition and easier access to media also aid the incumbent. Campaign funds generally flow quicker to incumbents whose positions on congressional committees can influence legislation of concern to special interests.

One provision of H.R. 5157 has been criticized in particular as benefitting incumbents. The Udall-Anderson bill restricts federal aid to general elections. The Washington Post's David Broder has argued that this section cripples the most dangerous threat to incumbent congressmen---"the challenge



of an ambitious young state legislator or a mayor of his own party." According to Broder, "The general election has been less of a challenge to the incumbent," pointing out that only 37 of the 435 House seats were won by a margin of less than 10 percentage points in the 1976 elections.

Furthermore, argues U.S.Rep. Bill Frenzel (R-Minn.), the federal financing of campaigns will ensure a permanent minority status for the Republican Party in Congress. I would take exception to Broder and Frenzel and argue that federal financing of elections under the provisions of H.R.5157 would tend to aid the revitalization of the Republican Party. The crucial provision, in my opinion, is the restriction of federal financing to general elections.

Twenty-two years ago, V.O.Key, Jr., pointed out that the direct primary was one of the major causes of the decline of importance of party organization in general and the minority party in particular. The minority party lost its monopoly over effective opposition to the incumbent. In many cases it has become easier for a challenger to take on the incumbent in the primary where he/she can select the issues on which to raise the challenge and can base the campaign on personalities rather than have to attract adherents across party lines. The "out" party becomes weaker because the action is in the majority party's primary and most rational voters would register with that party to get a piece of the action.

H.R.5157 offers an opportunity to break this tradition by radically changing the calculations made by bright, ambitious "future" representatives as to which political party to join. The deck will no longer be stacked against the minority party. Its nomination would be worth \$50,000 as well as the party's core supporters. An attempt to challenge an incumbent in the primary would not have similar benefits.

The out party would no longer become the haven of ideological purists because no one had an incentive to challenge them for control of the party. A moderate would eagerly seek out the minority party as a vehicle for his/her electoral success, thus making its primary and organization interesting enough for it to retain its "natural constituency."

As a consequence, federal financing of only congressional general election campaigns has the potentiality of being a great asset to rebuilding a strong, progressive Republican Party in particular and a strong two-party system in general. ■

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● At the annual meeting of the Ripon Society's National Governing Board May 14, Ripon reelected Glenn S. Gerstell as president and Peter V. Baugher as NGB chairman. Gerstell, 25, is a graduate of Columbia Law School who is now with a Wall Street law firm. He has been involved in numerous Republican campaigns and directed Ripon's activity at the 1976 Republican National Convention in Kansas City. Baugher, 28, is an attorney with a major Chicago law firm and a former president of Ripon's Illinois chapter. A graduate of Yale Law School and Princeton University, he has served as a law clerk to a U.S. Court of Appeals judge and has been active in various campaigns, including that of Gov. James Thompson (R-Ill.) Also elected to a one-year term was Allan Schimmel of Washington, D.C. as vice chairman of the NGB, a newly-created post. Elected executive vice presidents of the Society were Chicago attorney Jared Kaplan (administration); Jackie Parsinen of Minnesota (finance); and Washington, D.C. attorney John Topping (policy). Newly-elected vice presidents include Kathy McDonald of Washington, D.C. (chapter development); university administrator Edward D. Goldberg of New Jersey (financial administration); banker Russell Pennoyer of New York City (financial development); Paul Taylor of Minnesota (financial development); railroad official William J. Ehrig, Jr. of Virginia (political development); governmental affairs researcher Berna Gorenstein of New York City (public information); financial analyst L. Scott Miller of New York City (research); Washington, D.C. attorney Samuel Sherer (research), and Washington, D.C. attorney Frederic R. Kellogg (financial coordination). Denver attorney John Head was elected treasurer and New York City corporation financial officer Daniel C. Cochran was elected secretary.

● The Ripon Society has maintained a long-time interest in the correspondence between former U.S. Rep. Jerome Waldie (D-Cal.) and Nestle J. Frobish, chairman of the World Fair Play for Frogs Committee. Said correspondence is being published in book form for

pondside reading by Harcourt Brace and Jovanovich.

● Senate Minority Leader Howard Baker, Jr. (R-Tenn.) was the main speaker at the Ripon Society's annual dinner in New York City May 14. Commenting on the bruised body of the GOP, Baker said, "Although both parties are smaller than they ever were, they are more important than they ever were," citing both federal funding of conventions and presidential campaigns. Urging the GOP to think about the next "cause" to be faced by the political system, Baker suggested it would be "the continuing growth of the intrusion of government into the lives of individuals. The GOP's big problem is translating that theory into attractive political language." The GOP has an opportunity in the energy crisis to make proposals for use of the free market for solutions. Baker expressed optimism about the Republican Party's future and said it is "remarkable that we continue to operate as an effective political unit." Said Baker, "The greatness of the GOP is still before us." State Sen. Roy Goodman, the GOP's candidate for mayor of New York City told the group that "incredible fat, incredible inefficiency" still exists in the city's government. "The accordion of city services must be contracted," said Goodman. The third speaker was Arch Gil- lies, GOP candidate for councilman-at-large from Manhattan.

● Steve Brown of the Memphis Police Association and Julia Howell of the Memphis Rape Crisis Center were speakers at the April and May meetings of the Memphis Ripon Society. Chapter member Susan Whitten was recently elected president of Republican Career Women and chapter officers Linda Miller and Bill Gibbons were guests on a local TV show, "Conversations in Black and Whites" on April 10.

● The Ripon Society of New Jersey endorsed three progressive Republican candidates for governor primary to the June primary there. One of the candidates, former Bergen County Prosecutor Joseph C. Woodcok, later dropped out of the race. Candidates Raymond H. Bateman and Thomas H. Kean were cited by the chapter as signs the Jersey GOP "has unmistakable potential for regeneration."

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