

*Federal judge hears term limits debate United Press International January 11, 1994,
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HEADLINE: Federal judge hears term limits debate

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BODY:

Opponents of term limits told a federal judge in Seattle Tuesday that states cannot discriminate against the poor, minorities, convicted felons or successful politicians.

Federal District Court Judge William Dwyer heard oral arguments today in House Speaker Tom Foley's challenge to Washington State's voter-approved term limits initiative. A ruling is expected within five weeks.

"The state cannot use ballot access to discriminate against a disfavored class, not the poor, not minority parties, not convicted felons," said former Carter administration chief legal counsel Lloyd Cutler.

"If you can't disqualify convicted felons," Culter said. "You can't discriminate against a party who made a lesser offense, winning successive terms in office."

A slim majority of Washington voters approved the initiative in 1992. It denies ballot access to incumbents who have served three terms in the U.S. House of Representatives or two terms in the Senate. Incumbents could still run as write-in candidates.

Foley, a Democrat from Spokane, Wash., who is serving his 14th term in Congress, sued the state but did not attend the hearing.

Arguing for the limits, former U.S. Attorney General Griffin Bell said the case "boils down to the power of the people."

"If Speaker Foley was dissatisfied with what the people in the state of Washington had

done," Bell said, "he could have introduced a bill to change it."

Both Bell and Cutler declined to speculate on how they fared in the four-hour hearing.

"The court should find that the state's interests outweigh the incumbent's interest in perpetual re-election," argued Deborah LaFetra, counsel for Pacific Legal Foundation representing Citizens for Term Limits.

At least one citizen among the standing room only crowd smiled broadly at the conclusion. Bob Stewart, a retired civil servant from Seattle, had knocked on doors, passed out handbills and helped get voters to polls to help pass the term limit initiative.

"I feel good about it," Stewart said. "The judge asked the right questions. People who have been in office a long time become masters and not servants."

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