

VIRGINIA

CAPITOL CONNECTIONS

Q U A R T E R L Y M A G A Z I N E



Winter 2005

And, Once Again: Should the Governor Serve Two Consecutive Terms of Office?

A Letter From George Allen

The Honorable Steven R. Landes
Chairman
HJR 13 Joint Subcommittee
P.O. Box 42
Weyers Cave, Virginia 24488

Dear Mr. Chairman:

Thank you for the opportunity to present my point of view on the question of whether Virginia's Constitution should be amended to allow a governor to succeed himself or herself.

In my judgment, the most important factors to having a productive term as governor are to have a strong, clear and principled set of goals and issues to accomplish for the four years you will serve. It is important to set priorities based on promises and principles, and then assemble support from people and legislators on a bi-partisan basis. The governor of Virginia can either accomplish much or very little in a four-year term.

During our four years in the governor's office, working with a Democratic Party-controlled legislature, we abolished the lenient, dishonest system of parole and reformed an outdated juvenile justice system. We developed and put into place the highest academic standards in any public schools in the nation, and overhauled our failed welfare system to bring independence to thousands of Virginians that had been dependent on the government. We also re-prioritized state government spending to direct more resources to education and public safety, instituted nationally-acclaimed levels of customer service by the Department of Motor Vehicles and other State programs. We made sure the world knew "Virginia is Open for Business!" with changes in tax and regulatory policies as well as personal attention to prospective job creators. The result was the creation of over 300,000 net new jobs for Virginians in every part of the Commonwealth and unprecedented new investment.

Virginia governors are accorded much authority to accomplish their goals. Virginia governors have among the strongest and most extensive appointment powers, budget, legislative and regulatory authority and administrative control of any in the nation.

During the time that I served as governor, I observed that many of my fellow governors who faced the possibility of a second term were focused a great deal on winning re-election. In contrast, I was free to focus on making Virginia a better place to live, learn, work and raise a family, without the distraction or political posturing of a looming campaign.


Listening to the people of Virginia, I have not heard that this is their priority concern, compared to jobs, taxes, law enforcement, public schools for education, the cost of college education for their family, transportation and traffic congestion, health care access and cost as well as larger concerns regarding the War on Terror and Homeland Security.

Therefore, I do not believe that it is necessary to amend Virginia's Constitution to allow a governor to run for consecutive terms and believe Virginians have been well served by the present approach. There has been no shortage of qualified aspirants to this high office and humbling heritage from the days of Patrick Henry and Thomas Jefferson through the Byrd, Godwin and other exceptional administrations.

Virginians can and will learn from the past, whether good or bad, and continue to innovate, adapt and improve opportunities for all Virginians to compete and succeed in our blessed Commonwealth.

I appreciate the opportunity to present my views and hope they are helpful to the members of your subcommittee. Please let me know if I can be of further help with this or any other matter.

With warm regards, I remain

Sincerely,
George Allen 

A University Professor Looks at Two-Term Question

By Nelson Wikstrom

My dear friend and fine political science colleague, the late Professor Albert Sturm, who taught at Virginia Polytechnic Institute and State University, noted to me upon my arrival in Virginia somewhat more than three decades ago that a perennial issue that annually found its way into the halls of the General Assembly was whether or not the State Constitution should be amended to allow the governor to serve two consecutive terms in office. This issue is peculiar to Virginia since it is the only state in the nation that does not allow the governor to seek an immediate second term. Professor Sturm took a special interest in this issue, due to his well-respected expertise in state government and, more particularly, in his passionate interest in the politics surrounding the drafting and revision of state constitutions.

Partisans on both sides of this issue have sallied forth with their multifaceted rationale for advocating and defending their stance. Advocates for allowing the governor to seek an immediate second term of office have argued that since we reside in a democratic polity, the voters, through the electoral process, should be given the fundamental democratic right of deciding whether or not the governor should be privileged to serve a consecutive four more



Continued on next page

Virginia Political Commentary



Live Political Shows from 7:30 to 8:00 p.m. on the following dates:

January 27th March 24th
February 10th April 7th
February 24th

The Richmond TV Network serves over 250,000 households in the Greater Richmond Area

Stations: Richmond area cable channels 7 & 8

Live on CapitolConnections.tv-on our WEB site; later for On-Demand Video

What Some Members of the Study Committee are Saying

"I support a constitutional amendment to give Virginia governors the chance to serve a second term, and, more importantly, giving citizens the opportunity to vote on the amendment on the November, 2005, ballot."

—The Honorable Mamie E. Locke

"It is my hope that the study will recommend to move forward with a constitutional amendment for a two-term governor. In addition, it is also my hope that the members of the joint subcommittee will bring forward statutory and procedural changes to strengthen and

assure an appropriate balance of power between the legislative and executive branches of government. In my opinion, we can not have one without the other."

—The Honorable Steve Landes

There are four basic reasons we need to pass it [a "two-term governor" bill]: 1. Accountability: To make certain the man or woman who is governor is accountable to the people, in the form of having to stand before them for reelection. 2. Long-term planning: To allow a governor to be able to continue plan-

ning regarding transportation, education, budget, and literally to have a budget he will, indeed, be accountable for. 3. Continuity of programs: To help Virginia, particularly in economic development and job acquisition and job retention and long term planning efforts to help Virginia's job creation and any number of business initiatives and health care initiatives and education initiatives. 4. It is the people's right, really, to decide in referendum if they favor allowing a governor to serve two terms.

—The Honorable Bob Purkey



As I See It

By David Bailey

Whatever your point of view, everyone inside Richmond's Capitol Square knows it as the proposed constitutional amendment that will not go away—the one-term governor issue. Yes, it's back again in 2005 following a study conducted by six legislators and four citizens at large. Up front I disclose that I had the privilege of being one of the four citizens.

During the course of the past few months, I have wrestled with the following "most persuasive" arguments for/against changing Section 1 of Article V of the Constitution of Virginia.

Pro: Governors need more time to carry out their agendas.

Con: Governors would be running for re-election throughout the first term.

Pro: Governors need more time to work on economic development.

Con: One-term governors have not harmed Virginia's economy.

Pro: Virginia's one term governor is a "weak" governor.

Con: The balance of power between legislative and executive branches would be disrupted if the executive branch became more powerful.

The way I see it any fair-minded person can take either side of the two-term governor argument with a 50/50 chance of prevailing.

For me the least persuasive argument for change: "the people have the right to decide." I could lose the debate by opposing this populist position, but I would not abandon my preference for our representative democracy. Our General Assembly and governors do not take the "top hot issues" and place them on the November ballot. Yes, California, I'm proud to be a Virginian.

If Virginia's governors could influence you, the debate continues. The two outspoken proponents for changing the Constitution to permit a second term: Gilmore and Warner. Governor Gilmore appeared before the Joint Subcommittee and spoke quite vigorously on the subject. Governor Warner was represented by his Chief of Staff, Bill Leighty. Name five other issues where these two powerful governors



agree. Did I hear that we have weak governors? Also you may include Robb in the list of supporters. His letter states, "I have always been nominally supportive."

The strongest statement against change came from Allen, and we have printed it in its entirety.

What about the recommendation from Holton and Baliles? Governor Holton spoke to the Joint Subcommittee, indicating a preference for the one-term governor. In rebutting the argument that Virginia's governors are weak in relationship to the General Assembly, he recalled a cartoon that he kept on his office door during his last year. The words under the picture of a wounded duck and a fat goose were these: "This lame duck can still cook your goose."

Governor Baliles' written statement included: "Former Governor Holton and I both agree that if the Constitution is to be changed for the sake of 'good governance,' then a single six-year term of governing would be preferable to the current one-term system or the proposed two terms because it would 'combine the best of both worlds.'"

As we go to press the Joint Subcommittee to Study the Appropriate Balance of Power between the Legislative and Executive Branches to Support a Two-Term Governor in the Commonwealth, HJR 13, has not held its last meeting prior to the beginning of the 2005 Session. Perhaps its conclusions will promote closure, at least for now.

The Way I See It? It really does not matter. I'm the Virginian who supports representative democracy.

Yes, I did not tell you Wilder's perspective. Wish I knew it. Does he agree with (1) Robb/Gilmore/Warner, (2) Allen or (3) Baliles/Holton? Or maybe there's yet a fourth point of view!

A University Professor

from previous page

years in office. Second, in a more narrow sense, partisans of this persuasion remind us that under the present Constitutional arrangements, governors inevitably become political "lame ducks" and lose a measure of their "political clout," especially in regard to the General Assembly during their last year in office. This serves to undermine their ability to continue to provide strong political and policy leadership for the Commonwealth during their waning days in office. Finally, advocates of reform argue that a governor should be allowed to serve a con-

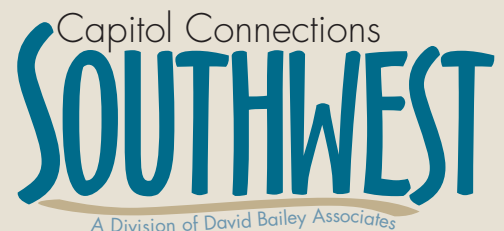
Continued on page 5

We're Your Connection to the Capitol.

Southwest Virginia has a new connection with the State Capitol!

Capitol Connections Southwest serves businesses and associations desiring representation and relationships with state government in Richmond.

Find out how we can connect you with Richmond by calling 800-789-3390.



Old City Hall • Suite 225 • 1001 East Broad Street • Richmond, VA 23219 • Phone: 800.789-3390 • Fax: 800.862-7333 • www.southwestva.com

Redistricting in Virginia—Is a Picture worth 1000 Words?

By Mark Rush

In a previous edition of *Virginia Capitol Connections Quarterly Magazine*, I discussed the confused state of redistricting law. Those now in charge of drawing legislative and congressional district lines must navigate a labyrinth of rules set forth by federal and state courts. In this article, I'll discuss the impact of the Byzantine state of voting rights law.

The 2001 round of redistricting in the Commonwealth led to acrimonious debates and partisan wrangling and cost countless man-hours. At the end of the day, however, one wonders whether a public interest really was served by all of the litigation, legal wrangling and partisan infighting.

This is not to condemn our elected legislators. They work long hours for the public good. But, as I demonstrate in this piece, when the debates and infighting boil down in many instances to discussions of cartographic aesthetics, one wonders if there is not a better way to redraw district lines.

The last round of redistricting was especially contentious because the districts drawn by the Republican majority forced many Democratic incumbents to run against one another. To an important extent, the lumping together of some incumbents was absolutely necessary. While the state's population grew throughout the 1990's, the Southwest did not grow as fast as Northern Virginia and the Norfolk area. As a result, incumbents in the less populated areas are bound to feel the pinch of redistricting. The problem of course, was that the Democrats suffered disproportionately in the redistricting process because the Republicans controlled it.

Now, fair is fair, and turnabout is fair play in politics. In fact, some of the challenges made by the Democrats were almost humorous because—the districts they challenged looked a lot like the ones they themselves drew in 1991.

Among the house districts challenged by the Democrats in *Wilkins v. West* (571 S.E. 2d 100, 111 (264 Va. 447) (2002)) were the 74th and 91st. The Democrats claimed that the shape of the 74th and 91st was so bizarre that they could be explained only on the basis of race—a violation of the spirit of the U. S. Supreme Court's voting rights and equal protection jurisprudence from the 1990's. Both districts were drawn to enhance minority representational opportunities—in compliance with the federal Voting Rights Act.

The problem, as the state Supreme Court noted (and as I demonstrate in figures 1 through 4), was that the 2001 versions of these two districts were not very different than the 1991 versions that the Democrats drew. Tides obviously made navigating the new 91st a different challenge than it had been in the old 91st.

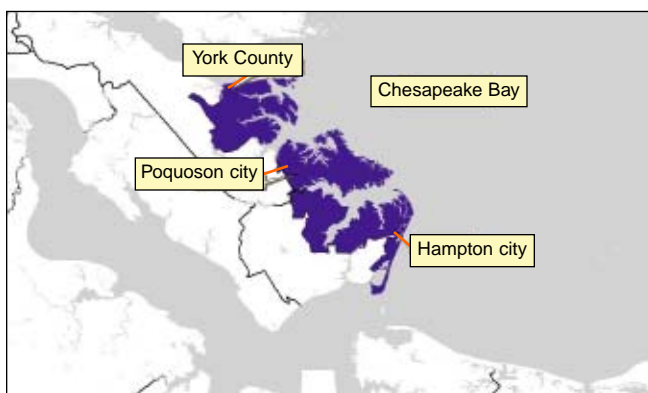


Figure 1. 91st House District—2001 (challenged by the Democrats)

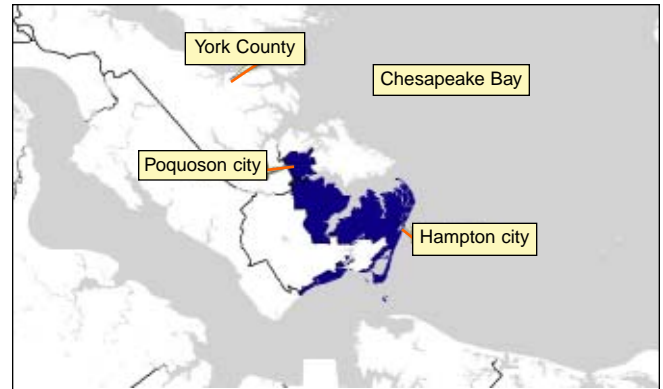


Figure 2. 91st House District 1991 (created by the Democrats)

As well, one might argue that the “hatchet” district (the nickname for the 74th) had lost a piece of its head. Still, the Republican version of the district was remarkably similar to its Democratic predecessor.

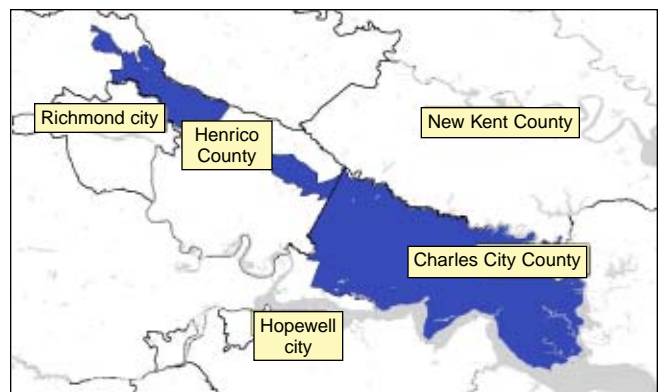


Figure 3. 74th House District 1991 (Created by the Democrats)

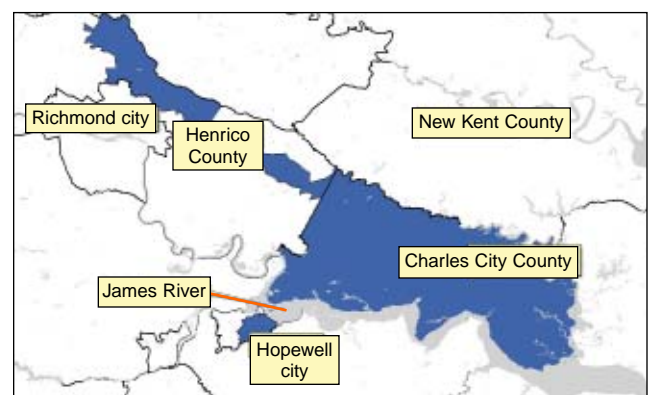


Figure 4. 74th House District 2001 (Challenged by the Democrats)

The Shape of Things to Come?

The Democrats' complaint also addressed simply the shape of districts such as the second and sixth senate districts. No one would deny that the extent to which these districts cross waterways strains the aesthetic sense of even the least discriminating observer. Still, their shapes were drawn in part to accommodate the fact that there is a lot of water in the eastern part of the state. Districts must, therefore, cross bodies of water in order to contain enough people to comply with the one person, one vote rule.

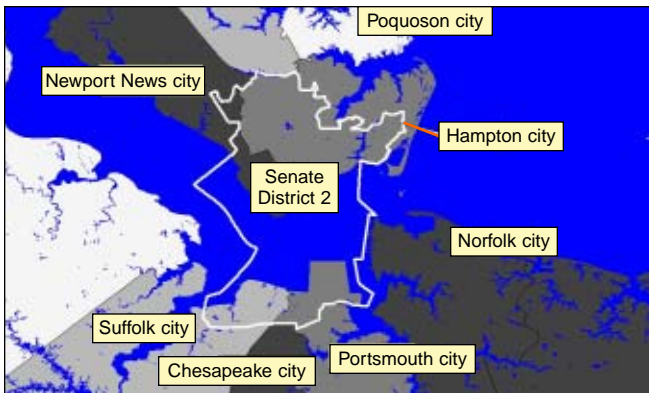


Figure 5. Virginia Senate District 2

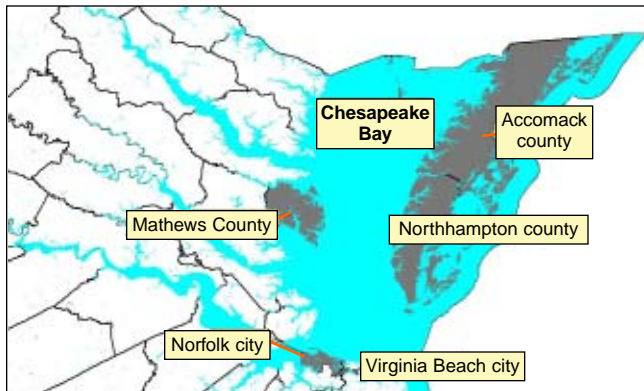


Figure 6. Virginia Sixth Senate District

The Supreme Court rejected the trial court’s assertion that districts should be drawn to ensure physical access from one point to any other point in the district. In doing so, however, the Supreme Court made an astonishing statement. It said that “such physical access is not necessary for exercising the right to vote, does not impact otherwise intact communities of interest, and, *in today’s world of mass media and technology, is not necessary for communication among the residents of the district or between such residents and their elected representative*” (my emphasis).

A University Professor from page 3

secutive term, if the voters should mandate their approval, in order that the governor can fully realize his or her public policy and programmatic goals. Partisans of this mind-set remind us that the state democratic process, indeed any democratic process, is usually slow, somewhat cantankerous, and full of “political minefields and potholes,” and that a governor simply cannot realize her or his “full plate” of policy ambitions in a mere single office term of four years.

Those who stand “tall and firm” against amending the Constitution to allow the governor to serve another consecutive term of office have simply pointed out that governors in the Commonwealth, since the adoption of our present Constitution by the voters in 1971, have usually provided strong and resourceful political leadership for dealing with and effectively responding to a myriad array of challenges. So, as the old familiar saying goes: Why fix something that is not broken? Second, partisans of this ilk have argued that since Virginia already is noted as having a “strong” governor, blessed with wide-sweeping administrative, budget, and personnel powers, allowing the governor to potentially hold an additional consecutive term of office would unduly upset the fine and delicate balance of power presently in-place between the executive and legislative branches of state government. And, finally, those who defend the Constitutional barrier forbidding the governor to seek an additional

Does District Shape Matter Anymore?

This passage should cause the reader to pause. If physical contiguity is no longer necessary to ensure the representative function of the government, then virtually *any* district boundary is potentially fair game. Interpreted literally, the Supreme Court’s ruling would seem to invite the legislature to draw districts with even *more* bizarre shapes. If districts don’t need to be contiguous, then their shape would not really seem to matter.

On the other hand, the Supreme Court actually gives us reason to reconsider the necessity of single-member districts. Advances in technology now make campaigning and constituency communication cheaper than ever before. Instead of being a basis for even more bizarre districts, the Supreme Court’s decision just might give us a reason to get rid of single member districts altogether—and replace them with multimember districts.

Such a change would have many appealing aspects. First, if we used multimember districts, we would have fewer lines to draw. As a result, there would be less to fight about. Second, multimember districts would spare us the trouble of having to split Richmond, the coastal areas around Norfolk, and Northern Virginia. As a result, districts would not have to be drawn with bizarre boundaries.

Granted, a return to multimember districts (Virginia used them not too long ago) would take some getting used to. But, if they resulted in a less contentious, less time-consuming and less costly redistricting process, they are certainly worth considering.

Of course, if the redistricting process remains in the hands of the legislative majority party, it will still be contentious—even though the districts may not be drawn with bizarre outlines. This is only logical, because, as recent history has shown, everyone in the redistricting process pursues his or her self-interest.

Perhaps this is the best reason to turn the process over to a non-partisan districting commission such as those used in numerous other states like Iowa. No commission can remove the politics from the redistricting process—and no one should expect that this ever could occur. But, nonpartisan commissions could, at least, remove the element of self-interest and electoral self-preservation that currently pervades the districting process. Maybe then the districts would not appear to be so bizarre.

Mark Rush is a Professor of Politics at Washington and Lee University.



consecutive term remind us that the Constitution does not prohibit a politically ambitious individual from serving two or more terms as governor as long as these terms are not in a consecutive sequence. In this regard, we are reminded that Miles Godwin presided over the Commonwealth as a Democratic governor in the 1960s and resurrected his political stature by serving as a Republican governor in the 1970s.

Dr. Nelson Wikstrom is a professor of Political Science and Public Administration at L. Douglas Wilder School of Government and Public Affairs, Virginia Commonwealth University.

Statewide
Political
Events Calendar

at www.DavidBaileyAssociates.com

Virginia Council on Economic Education

“An Investment in Futures”

The Virginia Council on Economic Education (VCEE) is the premier advocacy and educational organization for economics education in the Commonwealth. Since its founding in 1969, VCEE has been located at Virginia Commonwealth University. Affiliated with the National Council on Economic Education (NCEE), VCEE is a non-profit corporation whose principal mission is to foster greater economic and financial literacy among Virginia's students in grades K-12. Teacher training is the Council's primary means of reaching students. Program coordinators at VCEE's 13 centers for economic education reach more than 5000 teachers each year, ensuring that each has the background, the curriculum, and the materials to deliver effectively the essentials of economic and personal finance today's students need to operate in the increasingly complex global economy they will soon command. Other programs such as the Economics Challenge, the Mini Economy, and the Stock Market Game Program engage students directly, and provide them their first hand experience with our free market economy.

The need for economic and financial literacy education in grades K-12 has never been greater. Studies and surveys of student knowledge in these subjects demonstrate a troubling lack of understanding of even basic concepts. Although Virginia has no course requirement in economics, the history and social studies standards of learning include economics. Professional development opportunities for K-12 teachers are scarce. VCEE conducts more than 250 training sessions for more than 5000 teachers each year. An active, influential Board of Directors is determined to expand those efforts until each teacher and student in the Commonwealth has adequate opportunity to master the essentials of economics and personal finance. The teacher training model emphasized by VCEE is a highly efficient and effective means of reaching the maximum number of students with any given level of resources.

VCEE operates through university-based Centers for Economic Education at the University of Virginia, Lynchburg College, University of Virginia's College at Wise, Radford University, Virginia Tech, James Madison University, Shenandoah University, George Mason University, Longwood University, Virginia Commonwealth University, Virginia State University, Christopher Newport University, and Old Dominion University. With 13 Centers for Economic Education, VCEE has one of the most active and diverse state networks in the country. Among VCEE's partners in the promotion of economic understanding, are the Federal Reserve Bank of Richmond, the Virginia Housing Development Authority, the Virginia Bankers Association, and the Virginia Association of Realtors, the Department of Education, and Virginia Council for the Social Studies.

Since 1969, VCEE has operated primarily with private funding and university support bringing together the resources of the Commonwealth's higher education system and the state's private and corporate citizens. More recently, public funds have supplemented private in support of VCEE efforts to align teacher proficiency and the demands of Virginia's Standards of Learning. There is strong evidence that our programs have helped schools across the state improve SOL scores.

Programs offered by the 13 VCEE centers include *Professional Development for Teachers* K-12, as well as workshops on the SOLs by grade level and/or subject area. The annual *Teacher Awards Program* recognizes and rewards elementary and secondary teachers from around the Commonwealth who

demonstrate outstanding creativity and commitment to the instruction of economics in the classroom. The VCEE is currently celebrating the 26th year of bringing Wall Street to Virginia's classrooms through the *Stock Market Game Program*. Over 12,000 students research stocks, study how the financial markets work, choose their portfolios, and manage budgets during the ten-week program. The *SMG* (grades 4-12) is one of the largest programs in the state. *Personal Finance Economic Workshops* (K-12) deal with the choices involved in spending, saving, investing, and borrowing. The *Economics Challenge* (grades 9-12), gives high school students an opportunity to increase their understanding of important economic concepts in an academic competition. *Environmental Economics* (K-12) programs analyze public policy issues generated by efforts to conserve our natural resources and protect our environment. In *The Mini-Economy* (grades 4 & 5) students participate in a classroom economy which simulates real world economic activity. The goal of the program is to motivate students by allowing them to become active participants and decision makers in an economic system that is real to them. Using the coloring book called *Dragons Decide*, the result of a partnership between VCEE and the Virginia Housing Development Authority, K-3 children have been learning about decision making, money management, spending, saving, and home ownership. Students across the Commonwealth have received over 100,000 copies of *Dragons Decide*.



Thirty-two high school teams from 22 schools faced off on April 1 at the 2004 VCEE / SUPERVALU Economics Challenge, this largest field ever took over much of VCU's Stuart C. Siegel Center to display their command of economics. Winning teams advanced to the regional competition in Baltimore, MD.

We have made great strides in increasing economics awareness and understanding, but much remains to be done. If we are to maintain a competitive advantage in the rapidly changing global markets, and possess the entrepreneurial spirit to develop the technology of the future, our children must understand the markets in which they will make their choices. They must have the analytical skills to recognize the choices, evaluate the costs, and seek the greatest benefits. Anything less is unacceptable.

Contact VCEE:

Kemper W. Baker, Jr., President

Website: www.vcee.org

Virginia Council on Economic Education

PO Box 844000 • Richmond, VA 23284-4000

Phone: 804/828-1627 • Fax: 804/828-7215 • kwbaker@vcu.edu ✓

The complete collection of *Virginia Capitol Connections Quarterly Magazine* (QM) will be available soon on one CD. All issues from 1995 through 2004 are included in high resolution, printable format. Order yours for \$29.95 each (+ sales tax). Special discounted price of \$19.95 (+ sales tax) for orders received by March 1, 2005.

Order online at www.DavidBaileyAssociates.com. Contact Ashley@capitolsquare.com when purchasing more than one copy.

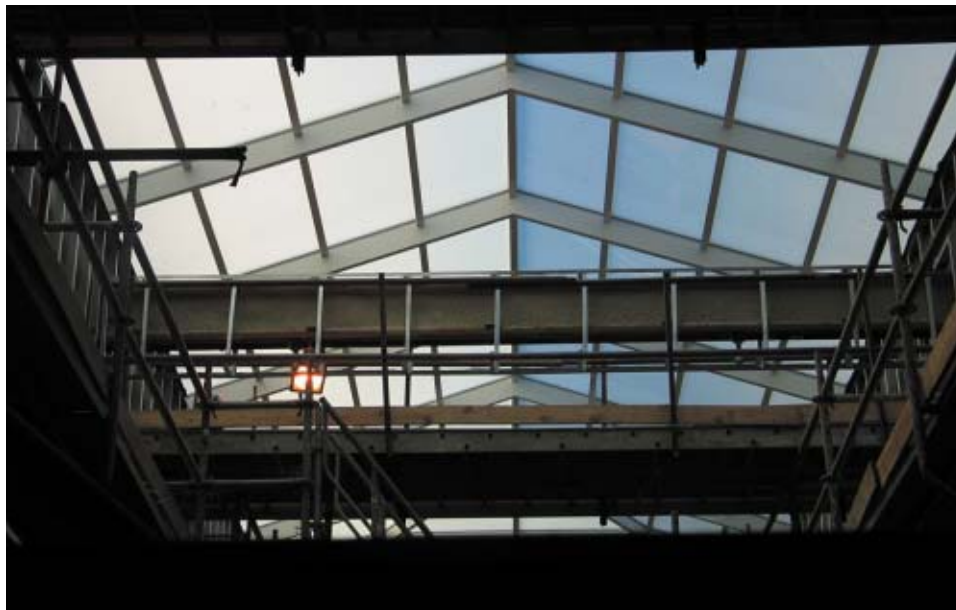
New Role for the Old State Library Building

You can't visit Virginia's Capitol Square without noticing the major construction and renovation projects taking place. The Capitol is currently undergoing an exterior renovation, the Finance building is being expanded and renovated, and the Old State Library and Archives building's renovation is almost complete. Each building in and around Capitol Square has its own place in history, but it is the Old State Library and Archives building that will be written about in history books as the temporary location of the 2006 General Assembly session.

"This building is the linchpin in our Capitol Square renovation projects," said James T. Roberts, Director of the Department of General Services. "Without it there would not be a venue big enough in Capitol Square for all the legislators to meet." After the 2005 General Assembly session, legislative employees and their staffs will temporarily relocate their offices to the Old State Library. While the Capitol is vacant it will be undergoing an interior renovation. In 2006 the Old State Library & Archives building will serve as the temporary location for the General Assembly. What were once grand reading rooms located on the east and west sides of the building, in 2006 these rooms will serve as the House and Senate Chambers. In late 2006, once the interior renovation is complete at the Capitol, the legislative employees and their staffs will move their offices back to the Capitol. The Capitol renovation and extension will be completed in time for the 2007 General Assembly session.

The Old State Library building located on the north side of the Capitol just beyond the fence is the first building in this series of renovations to be completed. Often overlooked, but a historic building in its own right, it was built in 1939 as one of 34,000 projects funded through the Public Works Administration. The building was originally constructed to house the Virginia State Library and the Supreme Court of Virginia. With the Supreme Court vacating the building in the 1980s and the Library of Virginia relocating to its new building in 1996 the future role this building would serve was uncertain.

Renovation of historic buildings present many design challenges and the renovation of the Old State Library was no different. Originally designed in an art deco motif, the building with its many floors of stacks needed to be reconfigured. There were four major



New skylight will provide natural light to the interior offices.



The Old State Library and Archives building has quotes inscribed on the outside near the top of the building. The exterior is being preserved and the quotes will remain. They are as follows:

North Side—(Broad Street)

"The Judicial department comes home in its effects to every man's fireside: it passes [judgment] on his property, his reputation, his life, his all."
Chief Justice John Marshall

West Side—(Old City Hall)

"A knowledge of books is the basis upon which other knowledge is to be built."
George Washington

South Side—(Governor's Mansion)

"Reason and free inquiry are the only effectual agents against error. They are the natural enemies of error and of error only."
Thomas Jefferson

East Side—(Governor Street)

"Liberty and learning: both best supported when leaning each on the other."
James Madison

design goals: 1) provide natural light; 2) maximize space; 3) create easy traffic flow patterns; and 4) reuse the former stacks areas. Bringing natural light into office areas was a significant challenge. With the installation of an opaque glass skylight in an atrium located in the center of the building, natural light will be provided to the interior offices and hallways. As with any renovation changing the use of the building is challenging, but the Department of General Services had to go one step further and plan and design for use beyond the temporary occupancy of the general assembly. In addition, maintaining the integrity of the exterior of the building, while creating useful interior floor layouts has been also been challenging.

Overall this \$32 million renovation includes replacing all office mechanical and electrical building systems, repairing the exterior part of the masonry, installing new elevators, restoring the windows, replacing the roof, installing fire alarms and sprinkler systems, and making it handicap accessible. Renovation began March 2003, once completed, it will be used for the Governor's working office, Cabinet Secretaries and will house the Virginia Department of Planning and Budget along with some offices for the Department of General Services.

In the spring of 2005, restored to its original grandeur, this historic building will officially be open for business. Providing much needed state office space and serving as temporary location for the 2006 General Assembly session, the Old State Library and Archives building will once again be a vital part of Virginia's historic Capitol Square.

For more information about the renovation projects log on to www.DGS.virginia.gov and click on Capitol Square Improvements. 