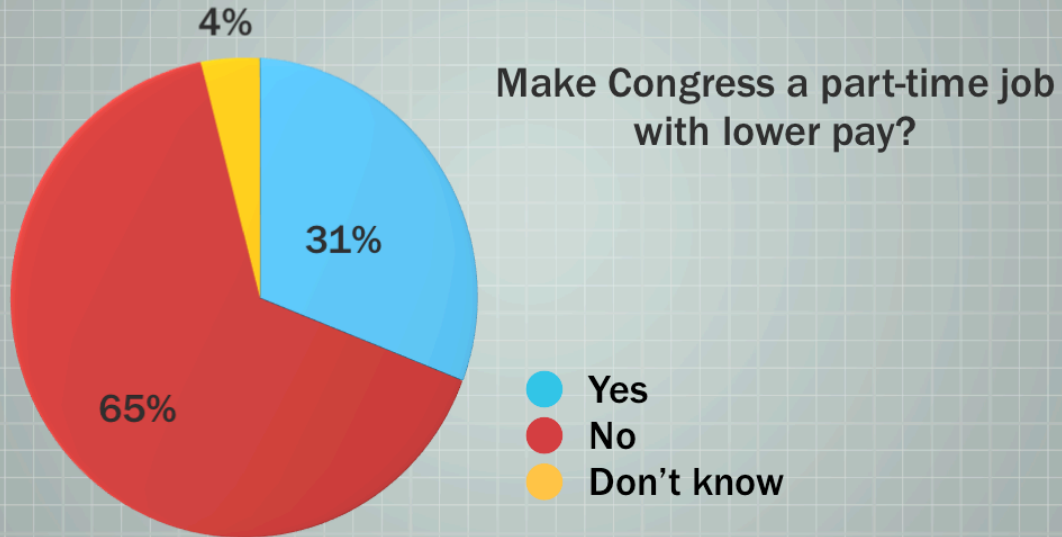


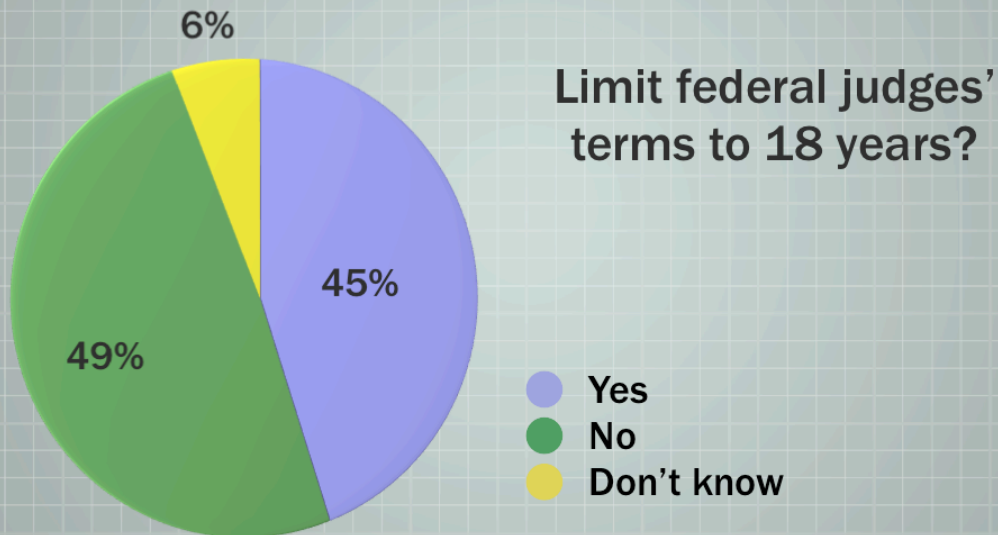
“INSIDE” INTELLIGENCE

*The Texas Weekly/Texas Tribune insider's poll
for the week of November 21.*

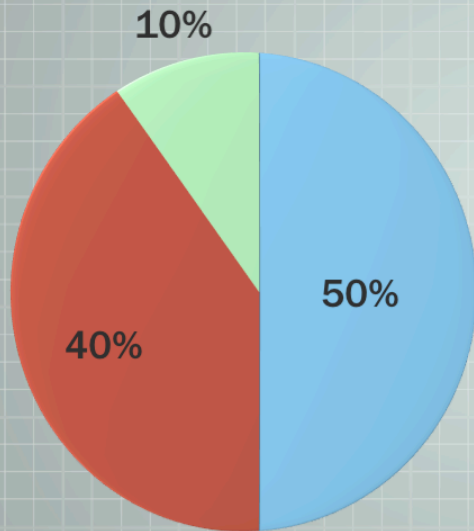
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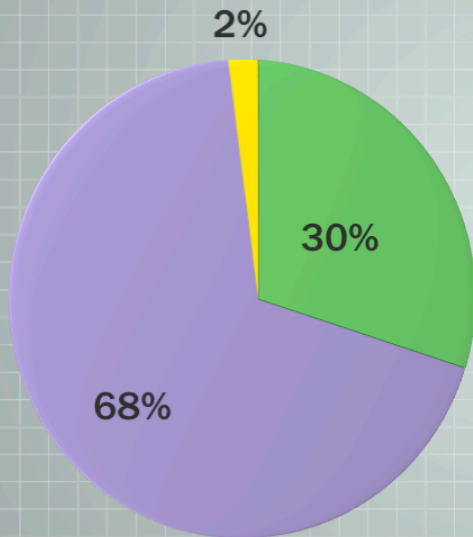
INSIDE INTELLIGENCE



Replace Texas judicial elections with appointments?

- Yes
- No
- Don't know

INSIDE INTELLIGENCE



Make the Texas Legislature a full-time job with higher pay?

- Yes
- No
- Don't know

Gov. Rick Perry has proposed making Congress a part-time job, halving congressional pay, and allowing members of Congress to keep their private-sector jobs after they're elected. Is that a good idea?

- "Being an MC is a full time job plus some. And . . . the pay at present is less than exorbitant given the need to maintain two residences."
- "Great idea from a man who's been receiving a salary, house, etc. for over a decade."
- "NO way. Too many members of the Texas Legislature make their living off of what they do inside the pink building... they only get away with it because most turn a blind eye to it."
- "I've come to believe that the less time Washington spends making laws and drafting budgets, the better off we all are."
- "Part of this proposal has merit...the part about getting Congressional members out of D.C. a little more often and back to their Districts. However, if one looks closely at the Texas Legislature you will find: insurance agents doing the bidding for insurance industry; lawyers carrying water for their part of the legal profession; Doctors going over the top to deal with self interested matters; etc. Does anyone really want to see a Gary Elkins 'payday loan' type speech on the floor of Congress?"
- "Better idea is to require real math on \$ cost of Congressional enactments and and go back to Senate members being elected by State Legislatures as in original Constitution."
- "Has anyone informed him yet that Congress would actually have to approve these changes?"
- "Congressmen would profit greatly by being in their districts with their constituents and absent from lobbyists."
- "Congress would then be like the Legislature, where most members know little about most issues, so are at the mercy of the Lobby."
- "We need a full-time congress that is subject to all the same laws that 'regular' citizens are subject to. In other words, IF congress could be cleanses of corruption, insider trading, influence pedaling, etc. - they could work full-time for the people. All of that I realize is wishful thinking."
- "Catch 22/six of one, half a dozen of the other. I think going back to 'citizens' in congress is generally a good idea. But I think you have to cut pay and start over fresh - not sure you can keep those enjoying the salaries and benefits you are seeing today honest. Less honest than they are that is."
- "No, but basic reforms are vastly more needed in Senate and House rules than anywhere else in the federal system. Republicans changed the names and some areas of oversight in a number of committees in '95, and the Dems integrated the budget writing system for both Houses twenty years earlier. So most rules predate those changes and some, like cloture and unanimous consent in the Senate have existed in essentially their present forms for more than half-century. Point is, Perry is playing TX primary politics again which will

produce nothing for him in votes but may scare away any decent hope for congressional reform because his views are perceived as goofy."

- "This is typical Perry showmanship. All PR, no real chance of success. It's all to show he's against Congress, which happens to be polling in single digits."
- "I generally like the idea but I am not sure of the implementation. If Congress is part-time, federal regulatory agencies will be more empowered...something I am not fond of."
- "Good idea that will not happen, ever."
- "What, and take the Texas model national? That's worked out real well - - shortfalls, budget crisis, education and welfare rankings."
- "Is the Texas Legislature a plausible model for the U.S. Congress? I don't think so!"
- "These are typically terrible ideas."
- "This will lead to a Texas-sized problem in which only the wealthy or those with spouses who have significant incomes can be members of Congress. It is not realistic for a member of Congress, who has to campaign every moment that he or she is not working for the Government, to have another job. The same goes for the Texas legislature, clearly."
- "There was abuse of employment opportunities when they made it a full time job and restricted income earnings. Why go back to a flawed

system. The problem is campaign finance, not congressional salary."

- "Running for Congress makes it a full time job. Serving in Congress is already a part-time job. More breaks than a bank has holidays."
- "It's the best idea Perry has proposed -- the logical next step after watching 'Mr. Smith Goes to Washington.' This move directly attacks the political class, which we all have reason to resent. Members of Congress are insulated from their communities and the marketplace -- Texas Congressmen make twice the average income of an average Texan. Their salaries and their insulation make it harder for them to empathize with regular people and they become even more manic about keeping their jobs. The longer they stay in Congress, the less likely they are to have a clue."
- "Stupid idea."
- "Sure has worked well here hasn't it? A Mike Toomey lobby home run ball. Members can come back and ratify Toomey's choices. Perry has more bad ideas based on the failure of the Texas system he inspires awe in the reach of his mischief."
- "There is no way this registers in the top 20 of issues voters want addressed. We're hiring a Commander in Chief, not a Panderer in Chief."
- "Conflicts of interest would be extremely pervasive if they are allowed to work in the private sector. It's bad enough now since insider trading does not apply to those holy ones!"

- "This was a great idea in the 90's and better now. Makes for better lawmaking when you have to vote on things that actually impact your employment."
- "Hey, if it keeps those bozos out of the state, then let DC keep'em!"
- "Instead req 5 day work wk, 3 wks 4th in district req they fall under laws they enact (no exemptions) not pd if can't enact budget"
- "There will be a greater number of conflicts and the public likely would question their congressional members ability to be 'independent'."
- "Governing well is actually work."
- "Because Texas is in such good shape from him running the show for 18 of every 24 months for the last 11 years?"
- "This idea is so bad I can remember all three reasons it's awful."
- "Representing people in Washington is a full-time job and it should be in Texas. Plus we don't need just the rich serving in Congress. We have too much of that now."
- "Good grief."
- "The Congressional process has reached the point where Members are completely insulated from the real world. Term limits and public financing aren't ideal solutions. Perhaps pushing more Members back into part-time public life would help."
- "More laws do not mean better government - states w/ part time legislatures work better and the freedom of their citizens is better protected"
- "Government by the corporations and for the corporations - with no pretense otherwise. Sound familiar?"
- "Could Congress do any worse? It's worth a try."
- "The current system isn't working, and the Texas system works well."
- "Forget everything else--making Congress a part-time job will result in fewer new laws. Period."
- "Like Texas legislators being lobbyists and getting court exceptions when in session? I don't think so"

Another proposal would limit the terms of federal judges, from the Supreme Court on down, to 18 years (most of those are currently lifetime appointments). Is that a good idea?

- "I suppose so . . . term limits is a great idea until put into practice. Good to get rid of the nutcases with zero accountability, but sad when you lose good folks (see Bill Archer) in key positions."
- "We kinda figured out the value of lifetime appointments for federal judges centuries ago."
- "In later years of their term, Judges would be to tempted to rule in a

manner that may benefit their next job."

- "But I wish we could limit Perry's term in the public sector."
- "A federal judge can take your money, liberty and very life. Handing over that awesome power and responsibility to someone for life cannot be a good thing."
- "However, I would suggest 15 years on District and Circuit levels and 20 year appointments for Supremes. Plenty of time to figure out what you are doing and establish a solid record. Then they will ride off into private practice to make a fortune!"
- "18 years IS a lifetime. I'm guessing he wants to politicize the federal courts the way they are in Texas."
- "This would require a US Constitutional Amendment so the protections are in place. Campaign rhetoric is just the beginning. If the people want to limit terms, then the process is in place to do that."
- "Some definite term (whether 18 or whatever) on a court might be a good change incorporated in to a larger set of judicial reforms to reduce partisan rancor."
- "The whole point of an independent judiciary is that it is protected by lifetime appointments so that it can be independent."
- "No one should ever be unexpendable - it breeds complacency"
- "I believe the terms of federal appeals judges, including the high

court, could be limited but only if the Senate and House terms are also limited. However it is already hard to get a good lawyer to accept a nomination to a district bench, so I would not recommend that. Also, a better legislative reform would be passage of a constitutional amendment removing elected officials and party leaders at all levels (federal, state and local) from redistricting decision-making, and ignoring by law incumbency and residency in the drawing of lines, requiring that all districts be as close as possible to party-parity at least every ten years. This is the political consultant's prayer, of course, so it is important."

- "Again, even if it's a good idea, it would require a Constitutional Amendment that will never be passed. Another typical Perry show.... great defiance, no chance of actually occurring."
- "This is a great idea."
- "Judicial independence is a safeguard to be preserved."
- "Judicial independence would then be as much of a fiction for federal judges as it is for those on the Texas Supreme Court."
- "Our founding fathers wanted independence from politics. There is politics in judicial decision making now, unfortunately, but why make it worse?"
- "The Governor is not really a 'uproot your branches' kind of lawn guy. He's more of the 'use the leaf blower' type who pushes the stuff into the street gutter when no one is looking."

- "As much as I dislike federal judgeitis, the life time appointments do more good than not. It has worked okay for over 200 years."

- "Lifetime appointments... what were they thinking."

- "The idea is to insulate and provide security so rulings are less likely to be influenced by outside influences."

- "...And it's a good idea for state courts, too."

- "A federal judgeship is an honor and a privilege, but it shouldn't be a career."

- "But I have mixed feelings about it at the Supreme Court level. I do think it would be good at the federal district court level where some federal judges become such big personas that the

rule of law and precedent becomes lost on some issues."

- "Should be shorter."

- "That's probably a better idea than a part-time Congress, but can you imagine the tilt to decisions that would come in years 17 and 18 of a judge's term, in an attempt to curry favor for reappointment?"

- "Don't most judges either leave the bench to make more money in the private sector or retire well before 18 years on the bench? Also, the conservatives better think twice on this one; Reagan packed the courts with young appointees who could serve for a long time."

- "Good lord, that means you serve 18 years and cash out in the private sector?"

At the state level, some have proposed replacing judicial elections with appointments as a way of getting judges out of partisan electoral politics. Is that a good idea?

- "I think there should be some sort of judicial nominating commission, election by two-thirds of the legislature, and regular retention elections to replace the current system. But appointments without legislative input is a bad idea."

- "Other than those of us who are political nerds, and the lawyers who practice in front of these judges, who the heck pays attention to judicial races? It's a party driven process in the general."

- "Judicial races should be non-partisan though."

- "Appointments by partisans are partisan. Next."

- "Non partisan elections but not appointments"

- "It might be a good idea for some judicial positions but only with a very balanced, highly credentialed screening committee of lawyers."

- "You might get a better class of judge, but you would be removing the decision from the people to a select group that in one way or other would have a partisan or a philosophical bent."

- "But it can't be a product of the Gov. alone. The nomination and appointment process would have to have some real teeth."
- "Appointment process is merely another gaming the system approach so a Few can say who do the judging!"
- "Appointment would prevent the loss of good experienced judges."
- "The best accountability for judges is the ballot box. Corrupt systems are appointed systems."
- "Both have pros and cons"
- "A good way to avoid county-wide flips of the bench because Rs or Ds are in favor that year."
- "Electing/appointing - both processes too political."
- "Though we do have a lot of rotten judges from both parties, I believe the reason is that local courts are poorly compensated, leaving only lawyers with below-average practices as likely candidates. Also, Perry has proved how a Gov can manage to control most court actions by his scheme to have all GOP candidates to agree to resign before their last term ends so he can name most judges at all levels before they ever have to face a voter. Ever see a Perry friend lose a case at an appeals court?"
- "Two-thirds of Texas Supreme Court justices were appointed to that court by a single governor, as were two of nine Court of Criminal Appeals members. Those sitting on our other state appellate and district court benches surely include a large number appointed by that same governor. (No

doubt a few were even appointed by some other governor, but can anyone remember that far back?) These facts suggest that we already have a selective process that is--in large part--appointive. So, should we at last raise up judicial selection from the sleaze and squalor of mid- and down-ballot positions in partisan primary and general elections? Should we lift the process fully into the light where a beneficent god might smile upon some chosen jurist? Macht nichts, my grandmother would say. You get a few good ones and a lot of bad ones either way. The folks in the owners' box will be making most of the real choices--and their lawyers writing most of the decisions--regardless."

- "Too many candidates on the ballot. Nobody knows any of the judges.... all they know is party affiliation. Fewer people on the ballot would be beneficial."
- "But only if the judicial appointees run for re-election in a 'retention' election."
- "It's a good idea to appoint judges as long as I'm the one who gets to do the appointing."
- "Half the states use a variation this system, usually called the merit system or Missouri system."
- "Because there is no partisanship in an appointment process at all..."
- "It depends on who is doing the appointing."
- "But only if appointed by a nonpartisan panel, and then they stand for election/rejection after the first term."

- "Overall the people are collectively a better appointer than a governor. The problem is runaway campaign activities. The solution is getting special interest money out of the system. Why not treat the cause rather than the symptom."
- "Justice O'Conner is right. The transactional pay for play campaigning is better suited to gubernatorial elections than the bench."
- "Doesn't matter if its a good idea or not. Texans feel VERY strongly about electing judges. Might as well propose taking the big white star off the flag."
- "I can argue it both ways."
- "However, if they were to run in smaller districts in the big urban counties it might be a more manageable task and less partisan. Judicial districts might make some sense without being single member districts alone."
- "With minimum requirements and 2/3 approval? Sure."
- "For Texas this would be an near impossibility - compliance with the Voting Rights Act would make it difficult to go from elected positions to appointed positions."
- "It's still partisan because the person appointing them is elected. It just cuts the public out of the equation."
- "Great idea."
- "Whichever party is in control would more than likely appoint like-minded judges, so the election is the only way the public can have more of a say-so with who becomes a judge."
- "Partisan elections also warping judicial rulings several approaches have been offered vis phillips, Duncan et al politics are zero sum"
- "The appointment process would have to protect against partisan influence and create a method of selection based on experience and knowledge of the law."
- "With elections to retain or remove."
- "If there is anything the past 11 years has shown, it is that one guy having the appointment power is not a great thing. At some level, we already have this, given the huge number of sitting district judges (and Supremes) who were initially appointed to fill vacancies."
- "Crony courts? How is that a better idea?"
- "Not as long as that simpleton Perry is Governor and we continue electing corporate whores as Gov. It's bad enough now with what does get elected but at least locally we elect what people want."
- "On balance, it's better to elect them- but their races should be outside the partisan campaign finance system, ideally completely financed with public funds and with strict spending limits."
- "District judges should remain elected."
- "We have a modified version of that now with most Judges initially appointed to fill an unexpired term,

then running for re-election. Provides some opportunity to un-elect a bad pick, but of course also allows good picks to be defeated."

- "Since when is political patronage a good idea?"

- "Most judges are appointed anyway. Making the elections non-partisan would be a better solution."

- "It depends on how an appointment system would be structured."

- "Appointed Judges should have retention elections after a given term."

And finally, there have been proposals to replace the part-time Texas Legislature with a full-time legislature and paying lawmakers full professional salaries. Is that a good idea?

- "It is an excellent idea if you limit the outside employment and ethics rules."

- "While conflicting with the first question, let's not do a full time Texas Leg . . . please . . . but \$600 a month is stupid, and keeps lots of folks from participating in the process."

- "We don't want those people paid full time to stir up trouble."

- "No, the last thing we need is a full-time legislature micromanaging the bureaucracy and directing the state's business be done with said legislator's buddies, pals and family members (oh, we have that already!)"

- "Yes to paying them more no to a full time lege. They would only spend their time expanding government."

- "Better salary but not full time. They need to make there living at home and not live out of their office holders account (slush fund)"

- "It would only give them more time for contemplating bad things."

- "Not just no, but hell no."

- "Have you seen the junk they pass in only 140 days every odd numbered year? We don't need and can't afford their 'good ideas' year round every year!"

- "Next worse idea to 'ballot initiative' --- look at California to see how these two work."

- "Texans would never go for that. We like a part-time legislature."

- "Texans, nor their money is safe as long as the legislature is in session."

- "A jump from the current amateur legislature to a professional one is likely too much for most Texans at the present time. A more realistic approach would be to move to a semi-professional legislature with slightly longer annual sessions and reasonable, but not professional, salaries."

- "They're already here enough anyway. So really, what answer to this question did you expect from 'insiders'?"

- "Or maybe just a half-time Legislature that meets annually."

- "Assuming 'corruption free' conditions in # 1, yes full-time public servants would be good for Texans."
- "God-awful!!! Perhaps annual sessions that alternate between budget and revenue work one session and other matters the following year."
- "The current occupants certainly haven't demonstrated that they've earned a raise."
- "At the moment, the part-time Legislature is not an adequate check on the Perry machine. But it would be adequate in more normal times, after Perry is out."
- "Yes because a person must be rich in order to serve in the Texas Legislature...for the most part. This limits the caliber of person who can run for the legislature."
- "No, please God, no."
- "Part-time legislatures are far superior to full-time. See how well Washington does with a full-time Congress?"
- "Texas is the only state of the 25 most populous states to use a biennial legislative system."
- "As Gideon Tucker once observed, no man's life, liberty or property is safe when the legislature is in session."
- "This would save the state money by reducing the pork voted in by lobbyist-supported members. Would more than make up for the increased cost of their salaries."
- "It would work if you restricted income and outside work and made the legislature meet annually rather than every two years."
- "One day every 140 years is a better move."
- "Paying legislators full-time pay does not make them more independent -- it makes them more insulated and narcissistic (if that's possible). Look at Congress. Look at California. Does their Legislature perform better than ours? No. Look at New York. Their Legislature is paid over \$100K a year and it is rife with corruption. Full-time legislators in other states don't stop making money from other sources -- its just not as transparent. The same forces that have 'go to players' in our legislature -- big business, big industry, trade associations and trial lawyers -- have 'go to players' in those legislatures where the members are paid full time --"
- "A full-time, high-paid Texas Legislature is an awful idea. Legislators should be citizens first (not professional full-time politicians). They should spend as much time as possible with their constituents and families (not with Austin lobbyists). In other words, don't emulate Congress."
- "Anything to improve the quality of the Legislature."
- "In the end it makes sense especially if we add a budget session in addition to a regular session."
- "Part of the problem in DC is the lack of a sense of urgency and attention deficit disorder with the

electorate. The 140-day session helps focus all involved."

- "While I don't believe they need to be full time, I would support increasing pay in order to provide a more fair representation of Texans in the Leg. No need for full time, but it is far more than part time."
- "HELL NO! It's bad enough getting shook down for six out of twenty four months."
- "More pay and annual budget sessions but not a full time legislature"
- "That won't solve any problems, but may create more."
- "We're in an interim right now, so what would we be paying them to do? Write a newsletter? Order calendars?"
- "But need off yr session and tighter ethics laws, campaign finance reforms that are enforceable"

• "It would allow a greater number of people to consider running for the state legislature."

• "Don't know if we'd end up with a better Lege, but we'd sure wind up with fewer attorneys."

• "They are de facto full-time anyway. Check the committee hearing schedule. Keeping up the charade of part-time only serves to keep some legislators out of key interim conversations and to create unfair expectations on the part of constituents and lawmakers' friends and families."

• "I'm fine with increasing their pay - maybe \$25k per year."

• "I'll quit my job if they go full-time."

• "Como se dice 'HELL NO'"

• "No, but make part time public service and remove conflicts"

• "Obviously a trick question."

Our thanks to this week's participants: Cathie Adams, Brandon Aghamalian, Clyde Alexander, George Allen, Jay Arnold, Louis Bacarisse, Charles Bailey, Tom Banning, Reggie Bashur, Walt Baum, Leland Beatty, Dave Beckwith, Luke Bellsnyder, Andrew Biar, Allen Blakemore, Tom Blanton, Hugh Brady, Steve Bresnen, Chris Britton, Andy Brown, Jay Brown, Lydia Camarillo, Kerry Cammack, Snapper Carr, Corbin Casteel, William Chapman, George Cofer, Rick Cofer, Lawrence Collins, John Colyandro, Hector De Leon, Tom Duffy, Richard Dyer, Jeff Eller, Alan Erwin, John Esparza, Jon Fisher, Terry Frakes, Neftali Garcia, Dominic Giarratani, Bruce Gibson, Eric Glenn, Kinnan Golemon, Daniel Gonzalez, Thomas Graham, John Greytok, Michael Grimes, Anthony Haley, Bill Hammond, Sandy Haverlah, Albert Hawkins, Adam Haynes, Jim Henson, Ken Hodges, Billy Howe, Laura Huffman, Shanna Igo, Deborah Ingersoll, Cal Jillson, Jason Johnson, Mark Jones, Robert Kepple, Richard Khouri, Tom Kleinworth, Sandy Kress, Nick Lampson, Pete Laney, Dick Lavine, James LeBas, Donald Lee, Luke Legate, Ruben Longoria, Homero Lucero, Vilma Luna, Matt Mackowiak, Matt Matthews, Dan McClung, Scott McCown, Robert Miller, Lynn Moak, Bee

Moorhead, Craig Murphy, Keir Murray, Keats Norfleet, Pat Nugent, Sylvia Nugent, Todd Olsen, Gardner Pate, Bill Pewitt, Tom Phillips, Wayne Pierce, Royce Poinsett, Kraege Polan, Jay Propes, Ted Melina Raab, Bill Ratliff, Tim Reeves, Kim Ross, Jason Sabo, Luis Saenz, Mark Sanders, Andy Sansom, Jim Sartwelle, Stan Schlueter, Bruce Scott, Steve Scurlock, Christopher Shields, Dee Simpson, Ed Small, Martha Smiley, Todd Smith, Larry Soward, Dennis Speight, Jason Stanford, Bob Strauser, Colin Strother, Michael Quinn Sullivan, Sherry Sylvester, Russ Tidwell, Bruce Todd, Trent Townsend, Trey Trainor, John Weaver, Ware Wendell, Ken Whalen, Ellen Williams, Seth Winick, Lee Woods, Peck Young, Angelo Zottarelli.