

Sen. **Wayne Allard**, R-Colo., who said in January he will not seek a third term next year, opening the way for a battle for his seat. Sen. **Tom Coburn**, R-Okla., who term-limited himself in the House, has promised not to serve more than two terms in the Senate.

The term limits movement got momentum in the early 1990s and within a few years 21 states had imposed term limits on their state or national legislators through either initiatives or state legislative action.

But in 1994, a federal district judge ruled that Washington state's law limiting congressional term limits was unconstitutional, and in 1995, the Supreme Court ruled that states did not have the authority to limit congressional terms.

Since then, according to the National Conference of State Legislatures, supreme courts in Massachusetts, Oregon, Washington and Wyoming have struck down term limits on state legislators. Idaho and Utah legislatures repealed their limits, leaving only 15 states with term limits on state lawmakers.

In Congress, moves to impose term limits through a constitutional amendment have fizzled and there seems to be little interest in stirring up the issue again, especially with Democrats now back in charge.

In 1994, term limits were a part of the Republican "Contract with America" credited with helping them break the Democratic stranglehold on the House, but that was one provision that was never approved.

About 22 House members agreed at the time to self-imposed term limits. While nearly all were Republicans, Rep. **Martin Meehan**, D-Mass., made the pledge but is only now leaving July 1, to become chancellor of the University of Massachusetts Lowell.

Term limits have not caught fire simply because there has been no national consensus for a constitutional amendment, according to Associate Senate Historian Donald Ritchie.

"You need a constitutional amendment and that is very hard to get, and you need a national consensus," he said. "Everybody wants to limit other states' representatives' terms, not their own."

John Samples, director of the Center For Responsive Government at the Cato Institute, echoed Ritchie by saying an amendment "would be very difficult to get." He said "frustration" led to the start of the movement but the drive "really peaked with the 1995 Supreme Court decision" prohibiting state legislative moves on term limits.

"Once that happened, Republicans [the main movers behind term limits] lost their hook on term limits," Samples added.

In the 110th Congress, two lawmakers -- Sen. **David Vitter**, R-La., and Rep. **Todd Platts**, R-Pa., are still holding out hope for some action on a constitutional amendment. Vitter, in his first term, and Platts, who is in his fourth term, propose six terms for House members and two terms for senators. *By Michael Posner*

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#### TELECOMMUNICATIONS

### Watchdogs Oppose \$3.1B DoubleClick, Google Merger Plan

Watchdog groups opposed to the planned \$3.1 billion merger of the online advertising firm DoubleClick and Google stepped up their opposition Wednesday with a fresh complaint to the FTC and requests for Senate hearings.

The Center for Digital Democracy, Electronic Privacy

Information Center, and U.S. Public Interest Research Group are leading the charge to block the deal or impose conditions on it, over worries about its privacy implications.

They are particularly concerned that the new entity would record, analyze, track and profile the Web-surfing habits of online users in ways that are personally identifiable.

Amina Fazlullah, a staff attorney for U.S. PIRG, said the groups also have questions about the security of the information collected. "We all understand how terrible data breaches can be," she said.

Fazlullah warned that if further consolidation occurs, only one or two online advertisers would control the sector. "There [are] no rules or regulations to protect the use of that data," she said.

But Google insists the complaints are unfounded and that the company takes privacy protection seriously.

"EPIC and other critics have so far failed to identify any practice that does not comply with accepted privacy standards, and their complaints are unsupported by the facts and the law," Google spokesman Adam Kovacevich said in a statement. "Google aggressively protects user privacy, and user trust is central to Google's values and essential to the success of our products."

The three groups, which complained to the FTC in April about the deal, held a news conference Wednesday to discuss their opposition. Sources said representatives of the organizations met with two FTC regulators: independent Pamela Jones Harbour and Democrat John Leibowitz.

Additional meetings are being held this week with aides to Senate Judiciary Antitrust Subcommittee Chairman **Herb Kohl**, D-Wis., and Sen. **Orrin Hatch**, R-Utah. The consumer advocates previously have briefed the office of **Judiciary Chairman Leahy** about the issue.

Congressional sources said Kohl is concerned about the privacy ramifications of the deal and is exploring whether to hold a hearing, but no decisions have been made.

If he holds a hearing, it likely would focus on the Google merger while also examining similar acquisitions recently announced by Microsoft, Yahoo and other firms.

"I can't rule it out," a Leahy spokeswoman added of the potential for hearings.

In a statement, the consumer advocates noted that on May 9, the New York Consumer Protection Board recommended that the FTC block the deal, citing the risk that detailed user profiles might be shared with third parties.

On May 16, European Union officials announced that they are investigating Google's privacy practices, and on May 29, Google revealed in an SEC filing that the FTC has issued a "second request" for data about its transaction. Google said the request is routine for such a large deal. *By David Hatch. From National Journal's Technology Daily*

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## ENERGY

### Rahall Faces Dem Concerns On Coal Provisions In Drilling Bill

House Natural Resources Chairman **Rahall** faced not only strong Republican opposition at a Wednesday markup to his legislation to slow oil and gas development on federal lands but concerns from Democrats over attempts to promote coal production in the bill.

After six hours and 27 amendments debated, Rahall postponed the conclusion of the markup until today.

This includes consideration of at least two Republican

