

# No Uncertain Terms

THE NEWSLETTER OF THE TERM LIMITS MOVEMENT • MARCH/APRIL 2013 • VOLUME 21 • No. 2

## Vitter Reintroduces Term Limits Amendment

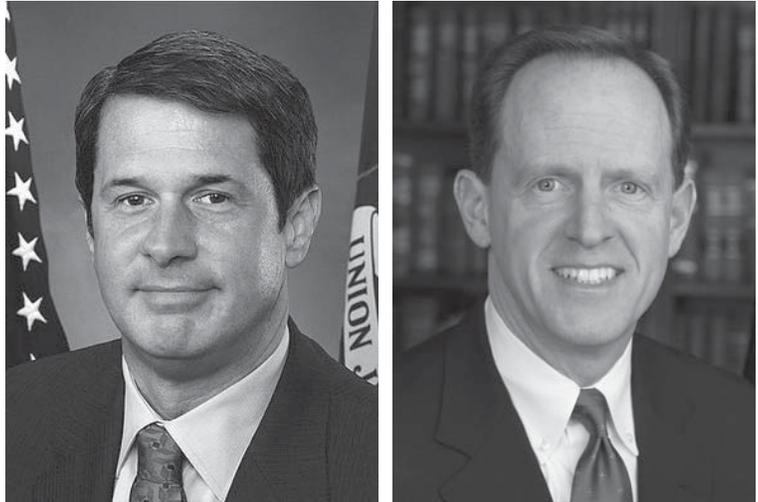
“Call it Potomac Fever or whatever you’d like, but the longer some folks are in Washington, the more taxpayer money they want to spend,” said Senator David Vitter.

The occasion was Vitter’s reintroduction in late January of a constitutional amendment that would limit tenure to three terms in the House of Representatives and two terms in the U.S. Senate. Vitter is a longtime proponent of term limits who as a Louisiana lawmaker in the early ‘90s led a successful drive

to term limit the state legislature.

Also sponsoring the reintroduced congressional term limits amendment is Senator Pat Toomey.

“Congress should not be a body of career politicians who have forgotten why they were sent to Washington in the first place,”



Senator David Vitter and Senator Pat Toomey

Toomey said. “We are here to do the people’s work, to solve the problems we face, and to leave to our children a stronger, safer, more prosperous nation. I kept my promise to serve just three terms in the House of Representatives. I

(Continued on Page 3)

## West Hollywood Voters Pass Council Limits

After a battle that received statewide attention, voters of the small town of West Hollywood, California this March imposed a maximum tenure of three four-year terms on their city council. The tally in favor of Measure C was 62%.

Since the limit is not retroactive, two council members who were returned to office in the same election (John Duran and Mayor Jeffrey Prang) will be able to serve up to twelve more years.

“The local leaders for term limits in West Hollywood should be proud of their successful efforts,” said



Jon Fleischman, President of California Term Limits. “Despite being outspent, Measure C passed by a wide margin, demonstrating yet again that if given the opportunity to place term limits on their elected officials,

(Continued on Page 3)

**See President’s Corner**

See page 2.



## President's Corner

BY PHILIP BLUMEL

When Senator Jim DeMint of South Carolina announced his retirement from the Senate, advocates of term limits were worried. After all, it was DeMint's name on the congressional term limits bill.

But in late January, Senator David Vitter of Louisiana introduced an amendment to the U.S. Constitution which would limit the number of terms a Congress member may serve to three in the House of Representatives and two in the Senate—in other words, the same bill.

A companion bill is expected in the House.

DeMint may not be done with term limits. He left Congress to helm the Heritage Foundation, where he can be enormously influential in advancing the reform. With the Cato Institute also firmly behind it, that would mean at least two policy powerhouses making the case for term limits.

Term limits for members of Congress was spotlighted when former Senator and Vice Presidential nominee Joe Lieberman announced on his way out that after reflecting on his 24 years in office, he now supports term limits. His statement was followed by a polls conducted by the Gallup Organization released in January showing that the American people would vote for congressional term limits by a 75-21 margin.

To become part of the U.S. Constitution, the amendment must be passed by a two-thirds majority in each house of Congress, then be ratified by three quarters of the states, or 38 out of 50. This will not happen without pressure from us. Please sign U.S. Term Limit's online petition now.

Visit Phil Blumel's blog at [pblumel.blogspot.com](http://pblumel.blogspot.com).

To sign the congressional term limits petition,  
visit the [termlimits.org](http://termlimits.org) home page and click on the quill pen.  
(Or go straight to the petition page: [bit.ly/Y1jMYn](http://bit.ly/Y1jMYn).)

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9900 Main Street, Ste. 303  
Fairfax, VA 22031  
(703) 383-0907  
[info@ustl.org](mailto:info@ustl.org)

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“It is not the function of our Government to keep the citizen from falling into error; it is the function of the citizen to keep the Government from falling into error.”

-- U.S. Supreme Court in  
*American Communications Association v. Douds*

## West Hollywood (Cont'd from page 1)

voters will do so.”

West Hollywood activists leading the term limits effort acknowledged the role of Fleischman’s organization in getting the measure to ballot.

“We’re grateful for the support of California Term Limits to help us qualify our initiative for the ballot in West Hollywood,” said Scott Schmidt of West Hollywood Term Limits. “California Term Limits understands that whether it is in West Hollywood or Sacramento, elected officials need an expiration date, or else they lose their focus and ambition and become too cozy with donors and lobbyists.”

### Old boys’ network

Although most in the town’s political establishment firmly oppose term limits, Councilman John D’Amico and council candidate Sam Borelli came out in favor of Measure C.

In a public statement, Borelli stated that “the progressive idealist in me believes that each election is an opportunity for voters to choose their leadership” (i.e., “We already have term limits; they’re called elections”). But he went on to add that “after nearly 10 years serving

the community as a West Hollywood Public Safety commissioner, and now as a candidate for City Council, I have seen and experienced a very closed system to keep even the most qualified candidate from threatening the ‘old-boys network.’

“There are numerous unquestionably qualified commissioners, board members and other actively engaged residents who would make excellent council members. Unfortunately, the current system does nothing to encourage and, in too many cases, actively discourages many from even considering the aspiration of what should be a natural part of any progressive community.

“Especially upsetting to me was the intimidation of seniors in West Hollywood, not just during this election, but in the past too. This is unacceptable....”

After the election results came in, Hailey Branson-Potts of the *Los Angeles Times* asserted that “West Hollywood voters delivered a decidedly mixed message.... They approved a ballot measure establishing term limits for City Council members, while also decisively re-electing two longtime incumbents.”

### Practical support

The voters did not deliver a “mixed message.”

A voter who prefers an incumbent candidate to others is choosing only among persons running for office in the present election under present circumstances. There is no contradiction between making that choice, which may be affected by many considerations, and also seeking the greater electoral competition and wider participation in governance that would be fostered by term limits. One electoral decision has to do with selecting a person, the other with selecting a ground rule.

Nor do those who voted in favor of term limits support them only theoretically (as suggested by the title of Branson-Potts’s post: “West Hollywood backs term limits—in theory”). Voting Yes to a ballot measure is as practical as electoral support for a measure gets. And the Yes votes worked in this case; the measure passed.

(See page 7 for more about the battle over West Hollywood term limits.)

## Vitter (Cont'd from page 1)

am pleased to cosponsor a constitutional amendment to enact term limits for both the U.S. House of Representatives and the U.S. Senate, and I look forward to working with my colleagues on both sides of the aisle to see this through.”

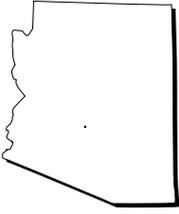
Another co-sponsor, Senator Tom Coburn, had also fulfilled a term-limit pledge as a House member

before going on to win a Senate seat. The three men have been joined by Senators Kelly Ayotte, Ted Cruz, Ron Johnson, Mike Lee, Rand Paul and Marco Rubio. All but Vitter and Coburn are freshmen.

USTL President Phil Blumel urged Congress to pass the amendment and send it to the states for

ratification. “The public clearly wants term limits, and it is the ultimate conflict of interest for federal elected officials to prevent the states from making the decision on whether their own terms should be limited.”

# Term Limi



## ARIZONA

This January, State Senator Steve Gallardo introduced a bill to clarify purportedly “ambiguous” constitutional language pertaining to the term limits governing Arizona’s governor and other state officials. If approved, the question would be posted to the 2014 ballot. The state constitution already clearly specifies whether any governor in Brewer’s position of having served a partial term plus a full term, consecutively, can run for another term. Gallardo’s amendment would add the elaboration that “a person who serves a portion of a term by election or appointment to that office is deemed to have served a full term and is eligible to serve only one additional term in that office.”



## GEORGIA

Having said during his campaign that he expected to introduce term limits, freshman lawmaker Mike Dugan confirmed the after the legislative session began. “What I’d like is a maximum of ten years, which is five terms.... My thought process is this can’t be more complicated than being president. If we limit that position then I think we can limit these others. There are also term limits on the Georgia governor.” The term limits would be consecutive in that a lawmaker would be able to run again for the relinquished seat after four years out of power.



## ILLINOIS

**Arlington Heights, IL.** Despite the popularity of term limits among their constituents, the Arlington Heights village board allowed a deadline to elapse for posting a term limits question to ballot. The city had rejected a successful petition to place term limits on the ballot, contending that the question was unclearly worded. Trustee Thomas Glasgow remarked, “I’m very uncomfortable about putting something on the ballot that voters may or may not want.” But if board members honestly believe that the proposed question is unclear, why didn’t they simply post a more clearly worded question? This is what one resident, Art Ellingsen, suggested at a board meeting; the remedy was not adopted. Clearly, what the board members are “uncomfortable with” is term limits as such.

**Tinley Park, IL.** Tinley Park voters were so enthusiastic about term limits in the November election, with 70% saying Yes to an advisory referendum on term limits, that village officials are going all-out to accommodate them. They have formed a seven-member committee to “explore” the issue. Mayor Ed Zabrocki, who hand-picked some of the committee members, says he isn’t sure whether he would drop his opposition to term limits if the committee offers a favorable report on them. “I see a lot of advantages to continuity,” says the 32-year incumbent.



## KANSAS

Several term limit bills have been introduced in the Kansas legislature: 1) to limit the tenure state lawmakers to eight years (SCR 1602); 2) to limit the secretary of state and the attorney general to two four-year terms (SCR 1610); 3) to limit the insurance commissioner and state treasurer to three four-year terms (SB 151); and 4) to limit members of the Kansas congressional delegation to twelve years. The last would seem to be dead on arrival, since in *U.S. Term Limits v. Thornton* (1995) the U.S. Supreme Court ruled that it is unconstitutional for states to independently term-limit federal lawmakers. This is why advocates of term limits have been seeking a constitutional amendment to impose congressional term limits. (The USTL-sponsored term limits pledge commits signatories to support term limits of twelve years in the Senate, six years in the House. See [ustermlimitsamendment.org](http://ustermlimitsamendment.org).)



## LOUISIANA

State Representative Simone Champagne has proposed to limit six statewide elected officials (lieutenant governor, attorney general, secretary of state, treasurer, and the commissioners of agriculture and insurance) to three consecutive four-year terms. The governor is already limited to two consecutive four-year terms. Champagne proposed similar measures in 2010 and 2012; but although each emerged from committee, they failed to get the two-thirds majority from each chamber required to post the measure to ballot.

**Monroe, IL.** The Monroe City Council has approved a term limits question for the November ballot. The measure would restrict tenure for the mayor and council members to three consecutive four-year terms. Councilman Kenneth Wilson says many voters told him of their desire for term limits during the campaign for his seat. On the other hand, Mayor James Mayo, who is opposed to the reform, says not a single person has ever asked him for term limits. He is serving his fourth term as mayor.



## MARYLAND

**Glenarden, MD.** Gazette.net reports that the Glenarden City Council lengthened an individual mayoral term from two years to four years while simultaneously limiting the mayor’s tenure to two four-year terms (eight years); before the change, mayoral tenure had been limited to three consecutive two-year terms (six years). But the council rejected a measure to lengthen the individual terms of council members (from two years to four years) without also limiting their tenure.



## MISSOURI

On March 8, Missouri House members approved a constitutional amendment to double term limits that lawmakers may serve, from eight years to 16 years. It must pass the senate before being sent to ballot. “I really emphasize that we’re not extending term limits,” said Representative Ron Neth, the amendment’s sponsor. One can only emphasize in reply that by doubling the maximum tenure that may be served in a single legislative seat, lengthening maximum tenure is exactly what the proposed amendment would do. Sixteen years is longer than eight years. Neth’s argument repeats a familiar fallacy: advocates claim that under such proposals, term limits would remain

# ts in the News

“the same,” merely permitting the (fictional) two-chamber term limit to be served all in one chamber. But the purpose of term limits has always been to limit tenure of a single office, not some prospective combination of offices a politician might win election to.



## MONTANA

Representative Bill McChesney has introduced a constitutional amendment (HB 277) to increase state legislative term limits from eight years maximum to 16 years maximum within a 24-year period. The 16 years could be served all in one chamber or divided between the two chambers. As noted in the Missouri news item above, a 16-year term limit on tenure is twice as long as an eight-year term limit, even if foes of term limits claim that two separate term limits on two separate offices mean the same thing as one twice-as-long term limit on both offices.



## NEW JERSEY

A candidate for mayor of Jersey City, Councilman Steve Fulop, has committed himself to serve no more than two full terms as mayor, and also to push for formal term limits on the mayor’s office and city council. “It’s time to end politics as usual,” he says. “Term limits will result in elected officials who are committed to serving Jersey City residents first and foremost. It will also bring fresh ideas and new energy to our governing body.”



## OHIO

A *Lima News* editorial argues that the outcome of “a spate of local ballot questions involving term limits for elected officials in ten communities...rendered a sad conclusion: Ohioans are still enamored with term limits....” It seems that voters are willing to sadden editorial writers if that is the price that must be paid for periodically interrupting political monopolies. “Experience now is valued in virtually every human endeavor except government,” the News complains. Critics of term limits too often imply that legislative newcomers must be in the same condition as newborns. But a person new to office can bring a wealth of relevant experience with him. And not all “experience” is equally valuable. An accountant with thirty years of experience adding budget numbers would be very useful in the U.S. Congress, even as a freshman, were it not for the fact that a great many congressional incumbents are extremely experienced—even masterful—in exercising the skill of ignoring inconvenient facts.



## RHODE ISLAND

Freshman Representative John Lombardi has proposed a constitutional amendment for the 2014 ballot that would limit state lawmakers to three four-year terms or 12 years. The bill has bipartisan support from a dozen co-sponsors. State lawmakers currently serve two-year terms but with no term limit. Last year, State Senator Dawson Hodgson proposed an eight-year term limit, but his bill was never subjected to a vote. In both cases, terms would not begin to be counted until 2015.



## TEXAS

Two different term limits proposals may get a hearing in the Texas legislature. One, offered by Senator Kevin Eltife, would impose limits of two consecutive terms on statewide officials. The other, offered by Representative Lyle Larson, would limit legislators to twelve years. Meanwhile, George Seay, founder and chairman of Annandale Capital, has founded Texans for Term Limits to promote a term limits amendment. He says: “Texans want to elect leaders that come to Austin, work hard, get the job done and then go home to live with the laws they’ve passed. They want leaders who are more in-touch with their neighbors and their local small business owners than with lobbyists and special interests.” In February of this year, Voter/Consumer Research found that 80% of Texas voters support term limits for lawmakers and statewide elected officials; 93% that voters should be able to decide term limits at the ballot box. “Just about everybody on God’s green earth is for this,” Seay observes.



## VIRGINIA

By 25-15, Virginia’s state senate has passed a bill to permit the governor to run for reelection. The governor is currently subject to a one-term limit. The proposed amendment must pass the house and then, unchanged, be passed again by both chambers after the next legislative election before the question can be considered by voters.



## WYOMING

On February 1, the Wyoming Supreme Court struck down term limits on state elected officials, announcing in line with a previous ruling that qualifications for elective office cannot be changed by statute, only by constitutional amendment. It has taken the court twenty years since voters passed term limits in 1992, and nine years since it scuttled term limits on state lawmakers, to arrive at the new conclusion. The ruling was occasioned by a lawsuit brought by Wyoming Secretary of State Max Maxfield. The decision does not treat the question of whether gubernatorial term limits are constitutional. That determination awaits an incumbent governor’s lawsuit, perhaps.



## UNITED STATES

The turnover of GOP committee chairmen in Congress has in turn caused a shakeup in the staffing of committees. “There’s a bloodbath of sorts on Capitol Hill among Senate Republican staffers,” writes Emily Heil at the *Washington Post*, “stemming from a big turnover in committee leadership. Of 21 Senate committees, 13 have new ranking Republicans. According to an estimate compiled for the Loop by Legistorm, those committees with new GOP leaders employ some 236 GOP staffers who could be looking for work.” Heil notes that there is much less “churn” among Democratic chairmen, though without noting explicitly that Democratic chairmen are not term-limited.

# THEY SAID IT: “Elders need to be shown respect”

Yoweri Museveni first won the presidency of Uganda in 1986 by force, after a successful rebellion. He won his ballot-sanctioned first term in office in 1996, the year after a new constitution provided for elections and a two-term presidential limit. But in 2001, after winning his second democratic (albeit disputed) election, he and his allies worked to get the term limit dropped, something the national legislature could do directly.

Although Museveni succeeded in shucking his term limit, lawmakers and others in public life in Uganda have periodically called for its restoration. These advocates of term limits have in turn been chastised by defenders of Museveni’s political monopoly on such grounds as failure to show respect for their elders, the superfluity of term limits (a la “we already have term limits, they’re called elections”), and the indispensability of the Great Leader.

## Aggressive opposition

Thus, a recent commentary by Josepha Jabo (“Tinkasimire’s confrontation was uncalled for,” published in the Uganda paper *New*

USTL is recruiting volunteer coordinators from around the country to promote term limits. To join the fight where you live, visit the web page for your state accessible from the [ustl.org](http://ustl.org) home page. States with coordinators are listed near the top of the left column, just below the navigation options. If your state is not yet listed, email [ray@ustl.org](mailto:ray@ustl.org) to get involved.

*Vision*, [bit.ly/13Q7jhg](http://bit.ly/13Q7jhg)) laments the “aggressive manner” in which MP Barnabas Tinkasimire “confronted President Museveni on the first day of the NRM Party Retreat at Kyankwanzi over term limits.”

“Elders need to be shown respect. If President Museveni’s longevity is an enigma to Tinkasimire then he should stand in awe of the man.... After all, Museveni is not like Idi Amin who declared himself, ‘President for Life’ in 1975!”

(Museveni has ruled Uganda since 1986.)

“The Americans have a saying, ‘If it ain’t broke, don’t fix it.’.... The 2005 amendment of the 1995 Constitution was carried out legally through a parliamentary process.”

Jabo forgets Museveni’s harassment of political opposition, including the arrest of two opposition MPs in the Forum for Democratic Change party who had accused of Museveni of bribing parliament members to vote to rescind presidential term limits. He also forgets Museveni’s own promise, since broken, to abide by constitutional two-term limits.

## Divine right

Jabo further contends that it’s “not Tinkasimire’s place to determine when the president is ‘tired’ or should ‘retire.’ Authority comes from God (Romans 13:1) and this authority must be revered, for the sake of peace and stability....

“The same electoral process, operating under a democratic multi-party system, which elected Tinkasimire as Member of Parliament of Buyaga County is the same electoral process that has kept the president in office to date.”

Jabo adds a few twists to the anti-term-limits arguments that we hear in the United States. But like



**Yoweri Museveni, sugar-coated.**

many of the American critics, Jabo doesn’t care whether incumbency as such confers electoral advantages on officeholders at the expense of a competitive electoral process, or whether long-term incumbency tends to corrupt officeholders.

A different view is provided by the *Kenyan Star* editorial “East Africa: Leaders Must Respect Term Limits” ([bit.ly/11aMU5w](http://bit.ly/11aMU5w)).

## Quagmire

“President Yoweri Museveni [served Uganda] as president for two terms under the 1996 constitution and was supposed to step down in 2006. Instead he allowed the constitution to be amended so that presidential term limits were removed.

“Since then Uganda politics have become a quagmire for him. Last week he was reduced to threatening rebel MPs of his own NRM party that the army could take over again if they did not cooperate with him.

“Without presidential term limits, there is no longer a clear handover mechanism. Sycophants fight to keep the incumbent president in power. Opposition is criminalised rather than institutionalised.”



## THEY SAID IT: Lautenberg at 88

“Sen. Frank Lautenberg of New Jersey is considering running for re-election. He is almost 89 years old. Strom Thurmond of South Carolina served in the Senate until he was over 100. Senator Robert Byrd of West Virginia was still in office when he died at the age of 92. Pictures of Senator Byrd in his final years showed

an extremely frail man, but he was still one of the most influential power brokers in the country. Currently, ten U.S. senators are over the age of 75. Nine members of the House of Representatives are over 80.

“I don’t think it’s being disrespectful of the elderly to wonder what is going on here. At some point, is it not reasonable for an octogenarian to retire gracefully and make way for a younger generation? Is Frank Lautenberg so irreplaceable? New Jersey does have nine million residents.”

—Ray Perry, letter to the editor, “If no term limits, then age limit for lawmakers,” January 22, 2013, *The Intelligencer*, phillyburbs.com



Lautenberg.

## THEY SAID IT: Paper versus paper

“The *Los Angeles Times* ran a piece ([lat.ms/ZRr5Ds](http://lat.ms/ZRr5Ds)) about West Hollywood terms limits today. It’s filled with the usual, and very simplified, arguments by City Council members John Heilman and Jeff Prang about why terms limits are bad.

“The people in West Hollywood are smart enough to know that if there’s a council member they don’t like,’ Prang told the *Times*, ‘they don’t have to vote for them.’

“But the 2010 *L.A. Weekly* cover story ‘West Follywood’ (<http://bit.ly/bVpU5R>) goes into more detail about why terms limits could be a good thing for that small, world-famous city.

“In essence, the *Weekly* found that with council members staying on the job for so long—ev-

eryone except for newcomer John D’Amico has served more than a decade—they have created an entrenched political establishment that makes it nearly impossible for worthy challenging candidates to win and bring new ideas to the city.

“Only two incumbents have been voted out of office in the 28-year history of West Hollywood...

“The council members control who sits on the city’s commissions and advisory groups, they hold the purse strings for various city projects that involve developers and non-profits, they make the laws that can make or break businesses. Take the controversial outdoor smoking ban at the city’s nightlife spots or the upcoming ban on fur sales.

“[Council members] hold all the power and money in the city,

and few people—from real estate developers who contribute to their political campaigns to non-profits who need city funding to commission members who want to keep their seats—are willing to challenge them and risk losing something.

“If anything, the developers and crew give the council members all the money and resources needed to win their re-election campaigns....

“With West Hollywood’s liberal political establishment now threatened, it’s not surprising that the Los Angeles County Democratic political establishment recently backed them up and voted to oppose term limits.”

—Patrick Range McDonald, January 14, 2013, [blogs.laweekly.com](http://blogs.laweekly.com)

## THEY SAID IT: Birds of a feather

“President Chavez was a controversial leader. But at his core he was a man who came from very little and used his unique talents and gifts to try to lift up the people and the communities that reflected his impoverished roots. He believed that the government of the country should be used to empower the masses, not the few. He understood democracy and basic human desires for a dignified life. His legacy in his nation, and in the hemisphere, will be assured as the people he inspired continue to strive for a better life for the poor and downtrodden.”

—U.S. Representative Jose E. Serrano, who has repeatedly sponsored a constitutional amendment to eliminate U.S. presidential term limits, eulogizing the autocrat who eliminated Venezuelan presidential term limits, March 5, 2013, press release

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**“If President Museveni’s longevity [in power] is an enigma to Tinkasimire then he should stand in awe of the man.”**

**— Josepha Jabo, “Tinkasimire’s confrontation was uncalled for,” *New Vision***

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