

No Uncertain Terms

THE NEWSLETTER OF THE TERM LIMITS MOVEMENT • JANUARY/FEBRUARY 2014 • VOLUME 22 • No. 1

With 200,000+ Signatures, Illinois Term Limits Effort Speeds Along

Bruce Rauner: “You’re Out.”

That’s the message (and YouTube caption) of a new campaign commercial featuring Republican gubernatorial candidate and term-limits champion Bruce Rauner (see it at bit.ly/KygoET).

“Term limits should apply to all politicians,” Rauner says in the ad, “and not just when they go to jail. Every politician in Springfield: eight years, and you’re out. You’re done, you’re out...No more thirty years in power, no more millions on the side.”

The narrator of the commercial criticizes Pat Quinn as a career politician who “failed to deliver term limits” and



Businessman and candidate Bruce Rauner.

concludes by urging the viewer to “shake up Springfield.”

Rauner chairs the Committee for Legislative Reform and Term Limits, which last September launched a petition drive to post a ballot measure that would limit state lawmakers a maximum tenure of eight years in the General

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In the Name of “Ethics,” Arkansas Incumbents Offer Devil’s Bargain to Gut Term Limits

The anti-term limits amendment apparently headed to the November 2014 statewide ballot in Arkansas — which seeks to bloat maximum tenure from six to 16 years in the house and from 8 to 16 years in the senate — might not have begun as a scam.

But as it made its way through Little Rock, a Devil’s Bargain was made between aspiring career politicians and special interest groups that sunk any authentic effort to promote “ethics” in Arkansas government.

The “ethics” bill emerged from proposals offered by a citizens group called Regnat Populus, which had in turn emerged from the now-deflated Occupy Little Rock movement. The ostensible idea was to reduce corporate influence on legislators decisions via some mild reforms regulating direct corporate contributions and gifts from lobbyists.

Ordinarily, the plan would have had to qualify for the ballot via petition. But as Regnat Populus reports at its web

site, the group failed to gather enough signatures in its 2012 petition drive. Not to fear. Helpful legislators rushed to offer to refer it to the ballot for them, no signatures needed.

For a price.

That price was a plank to eviscerate Arkansas’s popular voter-approved term limits law, in direct contradiction to the measure’s alleged purpose.

Buried on page 16 of the final bill, the bloat-term-limits provision would increase the house term limit from 6 to 16 years and the senate limit from 8 to 16 years. This goal is not even honestly alluded to in the 159-word kitchen-sink title of the bill (bit.ly/1iAqtMY), which only in its last few words says something about “establishing” term limits for members of the legislature.

“Establishing”...?

The Arkansas Project’s Nic Horton attended a luncheon

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President's Corner

BY PHILIP BLUMEL

Every once in a while someone argues that the U.S. should make it easier for a president to be president-for-life. Thus, Jonathan Zimmerman's recent attack on presidential term limits in the *Washington Post*. (And others rebut. See page 7.)

Zimmerman makes a number of questionable assertions in advancing his case, but at least he and I can agree on some aspects of the "problem." For example, term limits make it harder for a president to become a dictator.

Okay, and...this is a bad thing because...?

I'm paraphrasing. The professor talks about obedience, not dictatorship. He favorably quotes U.S. Senator Harvey Kilgore, who, during the debate over the 22nd amendment in 1947, lamented that "no one will obey" the lame-duck executive if he is prohibited from a third term.

True enough. The costs of bucking the president do decrease if those bucking him know for sure that he is nearing the necessary end of his tenure, with no constitutional right to stand for reelection and therefore no chance of it.

To the extent that it's harder for a president to get his way in his legally last term, though, it's far from obvious that this is a bad thing, especially when what a president wants to do is further regiment our lives. What Zimmerman and Kilgore overlook is that, from the Founding on, Americans have typically regarded ourselves as obliged to obey not any sovereign, but the rule of law. Ideally, the United States, in the words of John Adams, is "a government of laws, and not of men."

Zimmerman also kvetches that term limits fail to insulate the President from political criticism from within his own party. Although he criticizes such criticism as a defect (at least when an incumbent he's comfortable with is sitting in the Oval Office), I'd say it shows that term limits are working as intended.

Accountability is not a *bad* thing. Paving the way for dictatorships is not a *good* thing. Constitutional restraints on power — including term limits — are a *good* thing.

Visit Phil Blumel's blog at pblumel.blogspot.com.
Visit USTL's Facebook page at [on.fb.me/18fXE1](https://www.facebook.com/on.fb.me/18fXE1).

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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*

Arkansas (Cont'd from page 1)

also attended by State Representative David Meeks. Horton reports that, according to Meeks, lawmakers had no choice but to couple the term limits expansion with the other provisions of the measure inasmuch as the legislature can only refer three measures, max, to the ballot in a given legislative session. "As for why the ballot title doesn't explain that the amendment would extend term limits," writes Horton, "Meeks said that ultimately it's up to each voter to become informed and read the full [22-page] amendment personally."

Obviously, such rationalizations are trotted out only because lawmakers are trying to mislead voters, and are hoping that not 100% of all voters will be 100% well-informed despite that attempt.

Disestablishing the Arkansas term limits law has long been a top goal for lawmakers as well as a range of

special interests in Arkansas, and the latter have opened their wallets in hopes of preserving the relationships they have cultivated in Little Rock.

It is tough work. The last time legislators referred an anti-term limits amendment to the ballot was 2004. Voters hated it, with 70% voting No. On the other hand, many union and corporate special interests loved the measure. According to FollowTheMoney.org, nearly all the funds expended to promote the 2004 anti-term limits amendment came from organizations like the Arkansas Farm Bureau, Arkansas Education Association and National Education Association to the Arkansas Realtors Association, Wholesale Beer Distributors of Arkansas and McMath Woods.

Competitive elections and rotation in office raise the cost and reduce the value of the mutually beneficial



relationships that lobbyists must create to succeed in achieving their legislative goals. None of the puny "ethics" planks in the original 2013 bill packs the wallop in reducing the influence of special interests that term limits do.

But incumbents and their allies have also learned the hard way that a frontal assault on term limits is doomed at the ballot box. The 2004 measure lost only because voters knew what was it. So this time around, Arkansas lawmakers have gone all out to be as devious as possible — in the process, hoodwink-

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Illinois Term Limits (Cont'd from page 1)

Assembly, in addition to instituting other reforms.

Although the term limits and other proposals have been derided by some competitors in the race, that hasn't stopped voters from signing on: more than 200,000 by November, according to the Committee's December 23 update of the count. That's more than decent progress since the start of the drive in early September.

"Help Us Reach 298,399!" enjoins a banner at the termlimitsandreform.com web site, referring to the minimum of valid signatures needed to push the question to ballot.

Governor Pat Quinn, a Democrat and once conspicuous champion of term limits, says he still favors them, but he refuses to commit to any term limit for himself if reelected.

"One term at a time," says Quinn. "I'm not presuming anything. I've got to go out and convince a majority of people to vote for me. I believe in term limits, but when they're passed. I think that's the fair way to go. I'm running

to get re-elected. That'll be quite a battle in the coming year."

"No governor should be allowed to server for more than eight years, and the legislature should be term-limited as well," says Rauner at his Facebook page (on.fb.me/KunXM5). In conformity with that view, he has committed to serve no more than two terms if sent to the governor's mansion — regardless of whether the reform package makes it to ballot, is endorsed by voters, and survives any judicial challenge.

Early on in the petition drive, Rauner invited the governor serve as a co-chair of The Committee on Legislative Reform and Term Limits.

"Both you and Bill Daley have expressed support for term limits in the past,"

Rauner wrote in a public appeal to Quinn. "Mr. Daley told the *Chicago Tribune* in January that

term limits might be needed to shake up the Illinois political system. Unfortunately, in what is all too typical of politicians who like to sound good, but won't lift a finger when their actions could actually make a difference...Mr. Daley called term limits a 'gimmick' and rejected them.

"You and I both know that the term limits proposal is a serious one that will help shift the balance of power in state government back toward the citizens of our state.

"That's why I would like you to officially join the Committee on Legislative Reform and Term Limits as a co-chair and have you champion the effort just like you did in 1994."

Quinn has not yet accepted the invitation.



Term Limi



CALIFORNIA

California's secretary of state, Debra Bowen, has authorized the collection of signatures for a ballot question term-limiting county officials. In order to post the question, petition organizers, led by Brilliant Manyere, must collect the valid signatures of 807,615 registered voters, i.e., 8% of the votes cast for governor in the last election. According to its official wording, the ballot question establishes "four-year terms of office for county assessors, district attorneys, and sheriffs. For charter counties, bars these officers from serving more than three consecutive terms. For general law counties, limits these officers to three terms total."

La Mesa, California. A petition drive led by bookstore owner Craig Maxwell is underway to limit council members and the mayor to three consecutive terms altogether (i.e., a termed-out council member could not then run for mayor). After four years out of office, a termed-out politician would be able to run again for the seat. The La Mesa Term Limits Committee must collect 3,306 valid signatures to send the question to the November 2014 ballot. One proponent of the measure, attorney Bill Baber, says: "We believe politicians do not improve with age like wine; they are more like milk. They start healthy and refreshing, but after too much time they turn sour."

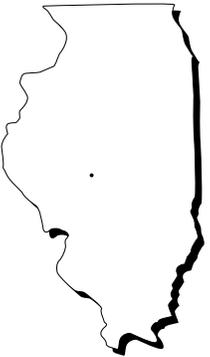
Marin County, CA. In December, the GOP in Marin County began a petition drive to place on the November 2014 ballot an amendment to term limit the board of supervisors to three four-year terms in office. Organizers had hoped to make the term limits retroactive, but state law declares that term limits "shall apply prospectively only." Petitioners have 180 days from December 10 to gather 11,418 valid signatures of registered voters. Thomas Montgomery, vice chairman of the Marin Republican Central Committee, says that until a web site is up, persons seeking more information or to volunteer can email info@marintermlimits.org.



FLORIDA

Palm Beach Gardens, FL. Palm Beach Garden activists led by a former city council candidate, James D'Loughy, have begun a petition drive to place term limits of six years (two three-year terms) on the mayor and council members. Actually, the group is seeking to post two separate charter amendments on the November 2014 ballot: one to limit tenure to six years, the other to make this term limit retroactive. The full text of the ballot questions is available at the pbgtermlimits.com web site (bit.ly/1aiP1ol).

Port Canaveral, FL. A Florida state legislator, John Tobia, objects to term limits for port commissioners that are imposed by the commission rather than by voters, regarding it as "infringing on rights of voters," and says he will work to block them in the state legislature. Tobia is one of six state legislators in a local delegation who voted 5-1 (Tobia dissenting) in favor of the proposal. Under current rules, the term limit will be considered by the Florida state legislature in 2014 (previously, the dissent of one delegate member would have simply blocked a proposal from being considered by the state legislature).



ILLINOIS

Plainsfield, IL. The Plainsfield board of commissioners has agreed by a 3-to-2 vote to send an advisory referendum on commission term limits of two six-year terms to the March 2014 ballot. Board president Peter Hurtado says he supports term limits "at all levels of government.... If you can't accomplish things in two terms, how long's it going to take?" Another commissioner, Mary Ludemann, says that it's up to the voters to impose term limits; i.e., the commission should not impose term limits on itself upon the advice of voters but should let the voters impose them. "You're silencing the voice of the voters" otherwise. Well, no time like the present. Why not skip the temporizing "advisory" phase and put a term limits amendment on the ballot?



LOUISIANA

Monroe, LA. On November 17, Monroe voters passed term limits of three consecutive terms on the mayor and city council. Says Council Vice Chairman Ray Armstrong: "Term limits pass almost every time. The public has spoken and demanded honest and integrity from our elected officials. Term limits are another check we have on power."



MARYLAND

Delegate Michael Hough has introduced legislation to limit tenures in Maryland's House of Delegates to three four-year terms. That's one term too many by our reckoning, but such is not the complaint of the *Baltimore Sun's* editorial writers. The paper concedes that first-time legislators may be "well-suited for the job" and "better than their predecessors in many cases," but complains that term limits make it

ts in the News

harder to learn and master the process of legislating (quick, somebody invent the Internet, manuals, and clerks). “Even more concerning, term limits would mean fewer incumbents would be running, which puts more power in the hands of political parties with their fundraising and organizational resources....” Is the *Sun* referring here to party resources that, in the absence of term limits, typically favor *incumbents*, as do all the other advantages of incumbency that favor incumbents?



MICHIGAN

The latest blundering scheme by Michigan incumbents to disencumber themselves of term limits is presented by State Senate Majority Leader Randy Richardville. As reported by Lansing’s WKZO in late December, his plan is to let members elected in the future evade the state legislative term limits law — which limits members to two four-year terms in the senate, three two-year terms in the house — if an about-to-be-termed-out incumbent can collect the same number of petition signatures as are needed to recall an incumbent.

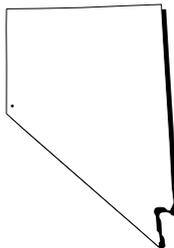
But why is Richardville beating around the bush here? Surely he can draft a ballot measure to let officeholders escape term limits if and only if they prove their re-electability in a primary and general election. Then, if the incumbent *is* reelected, “Voila! He passed the test, he can stay!” But the point of term limits, of course, is that the incumbent *steps down* at the end of the maximum-allowed tenure.

Michicanpolicy.com reports that between 2000 and 2011, “over fifty pieces of legislation attempting to repeal, extend, or otherwise alter term limits” were introduced in one or the other chamber. Sounds about right. (They all failed. Which doesn’t mean there won’t be sequels....)



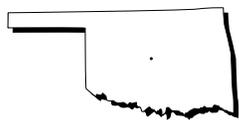
MISSOURI

The second regular session of Missouri’s 97th General Assembly convened on January 8, and State Representative Myron Neth wasted no time floating the idea of changing the state legislative term limits law so that instead of serving a maximum of eight years in each chamber, lawmakers will in future be able to serve 16 years in the legislature as a whole, however divided between the two chambers — even all 16 years in the same legislative seat! This idea is not new. The state’s lawmakers are copying it from the lawmakers in other states who have copied it. “Lobbyists have become much more powerful...,” Neth says (not explaining why lobbyists always lobby to weaken or kill term limits).



NEVADA

Because of Reno mayoral candidate George Lawton’s lawsuit to prevent termed-out council members from running for mayor, Nevada’s supreme court is soliciting opinions from cities around the state on whether city council limits preclude running for mayor (when the mayor’s seat is also a council seat) after having been termed out of the council. The dispute pertains to whether the office of mayor is distinct from the office of city council member even if the mayor is a city council member. The question apparently was not dealt with explicitly enough in Reno’s original ballot measure.



OKLAHOMA

A constitutional amendment to term-limit tenure on the Oklahoma Supreme Court to twenty years, which passed the state senate in the last session but not the house, seems to remain a live issue. Speaker of the House T.W. Shannon has called for judicial reform in a speech at East Central University, and opined in the *Tulsa World*: “Both the Legislature and the governor are bound by term limits, and this ensures that fresh minds are present to address modern issues. By imposing such limits on the courts, this might allow Oklahoma to shake archaic mindsets that hinder our state.”

Oklahoma City, OK. At his No Uncertain Terms blog, USTL President Phil Blumel comments (bit.ly/1hgOg4e) on a drive to term limit Oklahoma City’s mayor and city council to a maximum of two four-year terms in office. “The effort needs 6,000 signatures...to place the idea on the March 4 citywide ballot.... If Oklahoma’s history, current polling and the experience of other municipalities across the country are any indication, victory is nearly certain if the will exists to get the proposal to the ballot.” Residents who wish to help will find contact info and other information at OkcTLnow.com. Petition drive leader Bob Dani says, “We need 6,000 [signatures], but we’re going after 10,000.”



PENNSYLVANIA

Phil Blumel has published an op-ed in the central Pennsylvania *Patriot-News* urging the Harrisburg city council to pass an eight-year term limit for the mayor. He disputes the contention of Councilman Brad Koplinski “that voters need to weigh in before term limits can be implemented. Calling for a ref-

erendum is a common tactic politicians use to delay term limits. Koplinski has undoubtedly seen the polling which shows that 75 percent of Pennsylvanians support term limits; he already knows which way the issue would go if put to voters.” (Read the whole thing at pennlive.com: bit.ly/1akfKE3.)



UNITED STATES

Term-limited legislatures send a higher proportion of former state legislative members to Congress than do non-term-limited legislatures — 57% on average in the 15 term-limited legislatures versus 48% on average in non-term-limited legislatures. The data are drawn from a survey of former state lawmakers serving in the 113th Congress published in *State Legislatures* magazine. Karl Kurtz of the Thicket of State Legislatures Blog recalls that in 2009, observing the same differential, he had concluded that lawmakers in term-limited states “who want to continue a political career will constantly watch opportunities to run for other offices and will be more willing to take risks (giving up their term-limited legislative seat) than will legislators in non-term-limited states. For those of us who think that service in state legislatures is valuable training for Congress, this is an unexpected benefit of state legislative term limits.”

NICARAGUA

In late November, a parliamentary committee approved 4-to-3 the constitutional removal of presidential term limits (the committee consists of seven members, four of which are Sandinistas). In December came the full vote, with the legislature’s Sandinista majority, as expected, voting to kill the term limit. Nicaragua President Daniel Ortega is thus free to seek power yet again without worrying about the constitutional restraint that had been imposed when he was sidelined in the 1990s.

Given the recent push among some American thought-molders to scuttle U.S. presidential term limits (see pages 2 and 7), it may be worth noting that the U.S. Government, as represented by State Department spokesman Jan Psaki, has entered an objection to the Sandinistas’ power grab: “We are concerned that steps that concentrate power and undermine checks and balances will be harmful to democracy and could hurt the long-term economic development so important to the Nicaraguan people.”

MEXICO

Mexico is “edging toward” eliminating some term limits on political offices, according to the *Wall Street Journal* (“Ending the prohibition on re-election would be a milestone in Mexico”) in one of the few stories that we can find about this looming event (and its behind a pay wall). However, NPR’s Carrie Kahn discusses what seems to be going down in a December interview with Steve Inskeep (transcribed at n.pr/L5Npsq).

“INSKEEP: So what is the Mexican congress talking about doing about this?”

“KAHN: Well, what the law would do is the mayors could now serve — if this all passes — two three-year terms, so that would be six in total, legislators and senators [could now] serve up to 12 years. But this does not affect current lawmakers.... It also allows for more power for independent parties and it creates a new national electoral body that would have more power over determining voter roles, electoral districts.”

Kahn says that weakening the constitutional term limits has long been a goal of Mexico’s National Action Party (PAN), which may receive the support of the ruling party in exchange for PAN’s support for economic reforms favored by President Enrique Peña Nieto.

More Arkansas (Cont’d from page 3)

ing and/or co-opting the noble idealists of Regnat Populus. (A name that means, ironically, “the people rule”).

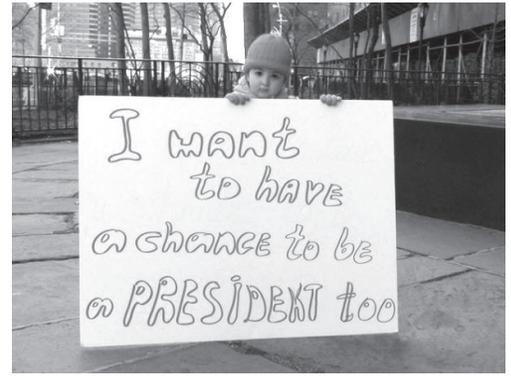
Arkansans are already catching on to the scam. There is still time for the Arkansas legislature to take the amendment off the ballot. If they do, the issue will fade and be forgotten as the 2014 election season gets underway.

If the proposal remains on the ballot, though, politicians can expect to see volunteers and financial contributions diverted to fight the anti-term-limits amendment that would

otherwise go to candidates’ campaigns. They can expect dissension in their party ranks and dwindling morale and enthusiasm for their campaigns. They can expect to lose the respect of the people. And they can expect to lose at the ballot box as the ballot measure is exposed for the scam that it is.

The rumbling among voters has already begun. Will the Arkansas legislature listen?

THEY SAID IT U.S. Presidential Term Limits: We Think We'll Keep 'Em



“It’s hard for a political humorist to keep up with the real-life absurdities of the Obama crowd. To illustrate the point, along comes Jonathan Zimmerman, a historian at New York University, with an op-ed in the *Washington Post* arguing that we need to repeal the 22nd Amendment....

“Zimmerman doesn’t argue that Obama deserves a third term to continue his great success, only that ‘Barack Obama should be allowed to stand for re-election [again]’ and that ‘citizens should be allowed to vote for — or against — him.’ Where it gets funny is in Zimmerman’s resort to the 22nd Amendment as an excuse for the failures of Obama’s first and second terms....

“‘[T]he scariest problem of all,’ Zimmerman claims, is that Obama does not ‘have to fear the voters,’ so that ‘if he chooses, he could simply ignore their will.’....

“All we can say is he must’ve been out of the country in 2010 when ObamaCare was passed. It is preposterous to suggest that so willful a president would be more responsive if only he had the legal possibility of being president for life. Further, it is difficult to deny that the requirements of re-election in 2012 were behind the administration’s abuse of the Internal Revenue Service, the Benghazi cover-up, and the fraudulent claim that ‘if you like your [health care] plan you can keep it.’ Does anyone think the prospect of a third Nixon term in 1976 would have averted Watergate?”

— **James Taranto, “No Uncertain Terms: You’ll never believe the latest excuse for Obama,” Best of the Web Today, Wall Street Journal, November 29, 2013, on.wsj.com/1eFq02 (behind a pay wall)**

“Thanks to years of expansion, president’s enjoy substantial power that often allows them to undermine Congress and enact laws through executive or regulatory fiat. Though President George W. Bush greatly expanded executive power, President Obama has taken it a step further, frequently blurring constitutional lines between the legislative and executive branches.... Restoring constitutional boundaries should be the first priority of Congress, rather than ensuring that one man can be endlessly re-elected.

“It’s a simplistic view to say, ‘Well, President Obama would be so ineffective if he could stand for re-election again.’ Governing was never meant to be easy, and the presidency was never supposed to be a type of royalty....”

— **Jason Pye, “No, we shouldn’t end presidential term limits,” unitedliberty.org, December 2, 2013, bit.ly/1eFg2H4**

“I would probably vote for Obama a third time over [any] of the likely Republicans, but I would not vote to repeal the 22nd. Term limits do a great deal to ensure the peaceful transition of power that has been the hallmark of the American Republic.”

— **“conare,” a reader quoted by Rachel Manteuffel, “PostScript: Zimmerman on Lifting Term Limits,” *Washington Post*, November 29, 2013, wapo.st/L6HWBp**

“Zimmerman is untroubled by the prospect that long-term control of executive apparatus, along with the natural advantages of incumbency, might smooth the way for continuing rule by a president regardless of genuine will. The Obama Internal Revenue Service targeted the president’s political enemies before the 2012 election. The history of presidents for life in other nations shows ever-growing popular votes for the incumbent that in most cases masked widespread popular discontent....

“Zimmerman blames a ‘large Republican majority’ that ‘took over Congress’ in 1947 for the passage of the 22nd Amendment in 1951. In fact an amendment to the U.S. Constitution must be approved by the legislatures in three fourths of the states.”

— **Tim Cavanaugh, “Washington Post op-ed: Repeal presidential term limits,” *The Daily Caller*, bit.ly/1kzfqln**



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— Philip Blumel

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