

No Uncertain Terms

THE NEWSLETTER OF THE TERM LIMITS MOVEMENT • JANUARY/FEBRUARY 2016 • VOLUME 24 • No. 1

We Go to the Lion's Den (a.k.a. ALEC) by Nick Tomboulides

Hundreds of state legislators came to the American Legislative Exchange Council (ALEC) Conference in Scottsdale, AZ to have a good time. You can only imagine their shock upon seeing a huge booth labeled TERM LIMITS smack dab in the middle of the floor, courtesy of U.S. Term Limits.

In December, USTL became the newest ALEC member, holding a private-sector membership in the Madison Circle. This means our team gets a voting seat on the group's Federalism Task Force, with access to nearly 1000 state lawmakers and the ability to advance Article V Term Limits Convention bills. These connections will be critical in our effort to harness the power of the states to term-limit Congress. ALEC also allows its members to submit "model policy" for the nation, which it publishes nationwide as a recommendation to states.

The Scottsdale event was a major success for us. First, it proved that many state legislators who oppose term limits

on themselves wouldn't mind if Congress were subjected to them. After USTL President Philip Blumel introduced the Term Limits Convention as model policy to the Federalism Task Force, many legislators and constitutional experts emerged to applaud both term limits and the decision to use a convention. Some, like Colorado State Sen. Kevin Lun-

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Article V in Florida

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U.S. Senate candidate Jonathan McConnell signs Term Limits Pledge

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Pledge Signer Rubio Joins Call for Article V Convention

At an Iowa town hall this January, U.S. Senator and presidential candidate Marco Rubio joined the call for a state-convoked Constitutional Convention to produce a constitutional amendment to term-limit Congress, saying that this is "the only way you are going to get term limits." Rubio also supports amendments to term-limit federal judges and to balance the federal budget that would be sent to the states for ratification by the same Article V procedure. Fellow GOP candidates John Kasich, Rand Paul, and Mike Huckabee, and former candidate Bobby Jindal, have also spoken in favor of the Article V route to getting term limits on Congress.

Rubio, who is also a signatory of the U.S. Term Limits Amendment Pledge (ustermLimitsamendment.org), says that on his "first day in office, I will announce that I am a



**THANK YOU,
Sen. Marco Rubio
for signing the
U.S. Term Limits
Presidential
Pledge.**

supporter; and as president I will put the weight of the presidency behind a Constitutional Convention of the States."

To see where all the candidates stand on term limits, visit U.S. Term Limits at bit.ly/1ZLwZJU for our roundup.



President's Corner

BY PHILIP BLUMEL

U.S. Term Limits is now doing everything we can to make an Article V Term Limits Convention a reality. But we also continue to press Congress to term-limit its membership directly by inviting congressional candidates to sign the U.S. Term Limits Congressional Pledge.

The double-strategy makes sense not only because we can't know for sure which approach will first succeed, but also because the two strategies reinforce each other.

Suppose a congressional candidate or other proponent of term limits who primarily champions the U.S. Term Limits Amendment — i.e., direct congressional action to put a Term limits Amendment before the country — happens to persuade some state legislators of the value of congressional term limits. Those state legislators may well find that they what they themselves can most productively do to advance the cause of a congressional term limit is craft and advocate legislation to call for an Article V Term Limits Convention. In such a case, pursuit of one strategy to advance a Term Limits Amendment has fostered expansion of the other, parallel strategy. The cross-fertilization can go in the other direction too, of course. A state lawmaker who has championed Article V legislation may decide to run for Congress and, as a candidate, to sign the U.S. Term Limits Amendment Pledge.

There's also a possibility that Congress will try to pre-empt the convention effort by proposing their own, weaker term limits amendment before we reach 34 states. If that happens, we'll need voting blocs in both the House and the Senate to prevent the flabby amendment from gaining traction

Moreover, it's not as if all the work done to directly advance one of these two strategies is "wasted" if the other is the one that proves most fruitful. We'd expect that as victory nears for the more successful strategy, many persons who had dedicated themselves to the other strategy will re-allocate their time and resources to help the surging one to get over the top.

Whichever alternative results in genuine congressional term limits as a permanent part of the U.S. Constitution is fine with us.

Visit USTL's Facebook page at on.fb.me/U0blkG.

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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

MYTH BUSTING 101

“We already have term limits, they’re called elections”

Many wonder how voters who support term limits could keep re-electing the incumbents they don’t like. On the surface, it’s a paradox, but a closer examination of how elections work provides an explanation. The financial might of incumbents creates a system in which very few citizens can run for office. Even if they’re eminently qualified to serve, they don’t have the connections necessary to successfully challenge a sitting congressman.

This results in a class of challengers who are, for the most part, not biographically different from the incumbents they oppose. They hail from either big politics, big business or the corrupt nexus between the two. Voters are therefore given the “choice” between the devil they know and the devil they don’t. The lesser of two evils wins, but nothing really changes.

Enter term limits. Congressional term limits would honor the right of the people to establish conditions for government service. The 75% of Americans who support them are following in the tradition of those who worked to pass the 22nd amendment, which put term limits on the presidency.

Term limits break the stranglehold that incumbents have on congressional seats. When a long-term legislator goes home, he takes his special-interest bankroll with him. The result is more competitive, open-seat elections in which all candidates have a fair shot....

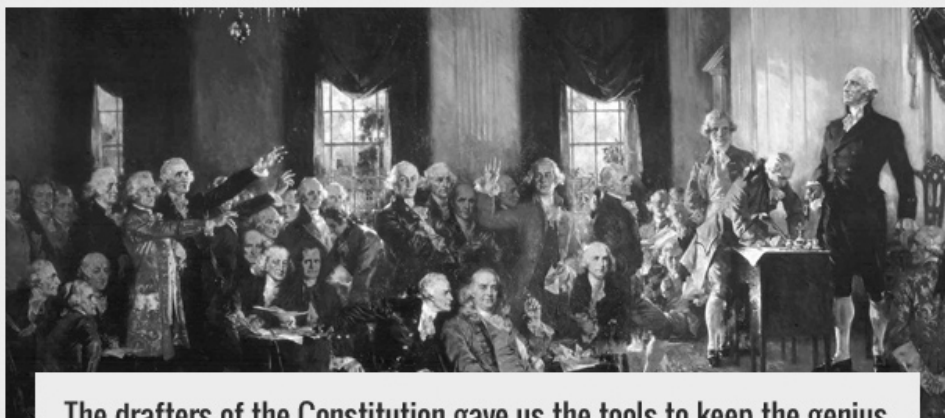
To answer the age-old question: no, elections are not term limits. They are a process that can be improved by term limits. Incumbents would be denied the chance to exploit the system for electoral invincibility. Quality challengers would be given real opportunity, without professional politicians and special interests blocking the door.

— Excerpted from “Are Elections Term Limits?”
by Nicolas Tomboulides, bit.ly/1AxTGhM

Article V Progress in Florida

The Term Limits Convention bills HM 417 and SM 630 cleared committee hurdles in the Florida legislature, and the house bill now has passed a floor vote as we go to press. Next stop: state senate. If it passes there too, Florida will be the first state to apply for an amendment convention that is limited to the issue of Congressional term limits. We’re getting the ball rolling in other states as well. Visit www.termlimits.org/florida and TermLimitsConvention.com for updates. If you’re not already on our email list, you can give us your info at termlimits.org/contact/

Lion’s Den (Cont’d from page 1)



The drafters of the Constitution gave us the tools to keep the genius of Federalism functioning, but we have to use those tools...

dberg, pledged to do whatever they could to help the Term Limits Convention pass in their state for 2016.

With input from USTL, the same task force also approved a new set of model rules and guidelines for Article

V Conventions, to ensure that the convention will run smoothly when it convenes.

To the ALEC members we met, there is no point in debating whether an Article V Convention will ever occur. The only questions are when it will happen and which issues will be covered. That is a very positive sign for the term limits movement.

Nick Tomboulides
is the executive
director of U.S.
Term Limits.



To sign up with or donate to our Term Limits Convention effort, visit TermLimitsConvention.com.

Term Limits

CALIFORNIA



Thousand Oaks and Conejo Valley, CA. One way to get rid of term limits on an elected position, or even any chance that the incumbent will be challenged, is to a) end the term limits, and b) fail “for nearly 20 years to even give members [of the public] a chance to apply” for said position, despite bylaws requiring that others be given that opportunity. *Thousand Oaks Acorn* reports that this is the situation with respect to a community representative position in the Conejo Open Space Conservation Agency, a joint product of Thousand Oaks and Conejo Valley. Four out of the five seats on its board are held by government officials, but one is open to the general public (at least theoretically). This last was term-limited from 1977, when the agency was created, until 1995, when the term limits were scrapped. As a result, the same “member of the public” has been serving in the once-rotating seat for over three decades.

FLORIDA



Florida State Representative Mark Pafford and State Senator Rene Garcia have filed companion bills to add 50% to the current maximum tenure allowed under the state’s eight-is-enough term limits. The *Treasure Coast Palm* thinks the effort is a non-starter. “Voters placed term limits in the state Constitution in 1992, on the strength of a resounding three-to-one margin. Sixty percent of the electorate would need to approve the latest proposal for it to become law — that is, if it appears on the ballot as a constitutional amendment. This isn’t likely to happen. Nor should it.”

Palm Beach Gardens, FL. Uh oh. An incumbent is trying to wriggle his way out of term limits! Palm Beach Gardens Vice Mayor David Levy is trying to use a several-month hiatus from office to pretend that he didn’t “really” serve two consecutive terms. The fact? He’s been elected to four consecutive terms. USTL President Phil Blumel is working to help thwart Levy’s ploy, and has been called as an expert witness for the plaintiffs who are suing the vice mayor. Another fact: In November of 2014, 79% of Palm Beach Gardens voters approved consecutive term limits of two terms for council members; the limits apply retroactively.

KENTUCKY



Two Bluegrass State lawmakers have filed legislation to term-limit all Kentucky lawmakers. But, unfortunately, they are the kind of slack proposals that would do relatively little to curb political entrenchment. Representative Jim DuPlessis’s bill would limit state senators to four terms (16 years) and state representatives to six terms (12 years). The proposal favored by Representative Kenny Imes is even soggier. It would limit members of each chamber to 16 years, and permit lawmakers to run for the same seat again two years after being termed out. If either bill makes it past lawmakers it then goes to voters.

NEW YORK



The conviction of former New York State Assembly Speaker Sheldon Silver, first elected in 1976, for accepting millions in bribes in exchange for political favors “stuns Albany,” in the words of a *Newsday* headline. The Associated Press concurs: the conviction “has shaken New York politics down to the granite foundations of the state Capital....” A *Newsday* editorial, however, takes the information in stride. Silver’s conviction was “just more evidence of Albany corruption.” Just add him “to the list of those convicted of wrongdoing while serving the people of New York. [Since 2000, more than 30 New York lawmakers have left office under a cloud.] While we’re at it, let’s add the entire culture of the State Legislature to that list.”

As a surefire means of curbing the potential for corruption among longtime officeholders, in New York and elsewhere, may we suggest term limits?

OREGON



Douglas County, OR. The Douglas County commissioner who sued to overthrow a two-term limit on the tenure of county commissioners has won a victory. In December, Judge Richard Barron ruled that the term limits are unconstitutional, and issued a writ of mandamus to compel the county clerk to place Susan Morgan’s name on the ballot. Morgan says she waged her battle to overthrow the term limits—which voters approved with a 70 percent majority in 2014 — out of fealty to constitutional rights. John Parker, a petitioner for the term limits measure, will appeal. His group Save Douglas County Term Limits has a Facebook page at [facebook.com/saveourtermlimits](https://www.facebook.com/saveourtermlimits), where Parker is soliciting donations to help fund the appeal.

in the News

Union County, OR. The Union County Citizens for Good Government reports good progress toward gathering the 627 signatures it needs to post a ballot measure limiting county commissioners to eight years. If the petition drive succeeds, the measure will appear on the May ballot.



TENNESSEE

Gallatin City, TN. By a 5-2 vote, the Gallatin City council approved an ordinance to limit the mayor and council members to a maximum tenure of two four-year terms. It must be approved by the Tennessee General Assembly before it can go to voters, in which case it would probably be added to the November 2016 ballot.



TEXAS

Houston County, TX. A 3-2 majority of Houston County commissioners believe that county regulations mandating term limits on members of the planning commission are more of a suggestion. Although other members have been obliged to step down in obedience to term limits in force since 2013, the county commissioners reappointed Glenn Kruse, who has been serving continuously on the planning commission since 1996. The term limits rule stipulates a maximum of “three (3) year terms for a maximum of three consecutive terms” on the planning board. The only leeway was granted to incumbents serving in 2013 who had already accumulated more than nine years of consecutive tenure; these would “be allowed to finish their current term.” Dissenting County Commissioner Dana Kjome calls the appointment process “a travesty.”



WISCONSIN

Wisconsin State Representatives Bob Gannon and Romaine Quinn and State Senator Ducey Stroebel are proposing a constitutional amendment to limit Wisconsin’s governor and lieutenant governor to eight years and state lawmakers to 12 years. Quinn says: “We have to set up incentives to make sure that all of us are more focused on doing the people’s work rather than simply saving our seats.” Gannon agrees: “This is truly a case where the citizens want [term limits] done, but the Legislature hasn’t gotten it done.”



BURKINA FASO

A year after former President Blaise Compaore was ousted for ignoring his term limit in an effort to prolong the 27 years in which he had already been in power — and a month after an abortive coup caused a delay in the election — voters in Burkina Faso peacefully chose their first new president in decades. Said one voter, Ousmane Ouedraogo: “I am proud to have accomplished my duty as a citizen.... It’s the first time that I can be really sure that we won’t end up with Blaise Compaore.” According to *The New York Times*, “Voters flocked to polling places, eager to have a say in what were the most democratic and competitive elections in decades, choosing from among more than a dozen candidates for president. The voters had reason to celebrate: After 27 years under the same president, they finally had a chance to choose from a wide slate.” In short, the sequel in Burkina Faso is an extreme example of how electoral competition can flourish when an incumbent is termed out of office (one way or another), contrary to the claims of term limits critics who say that term limits “limit voter choice.”



RWANDA

After farcical country-wide petition to hold a referendum to permit President Kagame to run for a third term — a petition said to have been signed by three million or more eager Rwandans — the hurriedly conducted December referendum yielded a vote of 98% Rwanda voters in favor of scuttling the constitutional curb on executive power. “You requested me to lead the country again after 2017,” Kagame disingenuously said after the vote. “Given the importance and consideration you attach to this, I can only accept.” Although many news stories report these happenings without a hint of skepticism, a few note that some Rwandans have reported being bullied into signing the petition and that Kagame’s regime routinely represses political opposition. “It was not a free signature,” says African Studies Center director Timothy Longman, also a professor at Boston University. “The petition tells us nothing about Rwandan public opinion.”

U.S. Senate Candidate Jonathan McConnell Signs Term Limits Pledge, Tweaks Incumbent Shelby

Former Marine and present-day advocate of term limits Jonathan McConnell is taking on five-term incumbent U.S. Senator Richard Shelby in the 2016 Alabama campaign for U.S. Senate.

McConnell stresses the fact that “half of Alabamians weren’t even born” when the incumbent moved to DC and began his congressional career. Shelby served three terms as a U.S. House member before winning election the U.S. Senate in 1986.

McConnell’s campaign web site proudly displays the copy he signed of the U.S. Term Limits Amendment Pledge, which commits the signatory, should he reach Congress, to “cosponsor and vote for the U.S. Term Limits Amendment of three (3) House terms and two (2) Senate terms and no longer limit.”

The site declares that McConnell signed the Pledge to “commemorate the 37th anniversary” of Shelby’s moving to Washington, D.C., and pointedly observes that the Senator not only failed to sign the same pledge, but also “has actually voted against implementing congressional term limits.”

McConnell says that over the course of his 37 years in Washington, “Richard Shelby has become engrained in the stereotypical Washington culture that values money and power over representing constituents’ interests.”



Jonathan McConnell.

Lord Acton to Bishop Creighton: “Power corrupts, and...”

“I cannot accept your canon that we are to judge Pope and King unlike other men, with a favourable presumption that they did no wrong. If there is any presumption it is the other way against holders of power, increasing as the power increases. Historic responsibility has to make up for the want of legal responsibility. Power tends to corrupt and absolute power corrupts absolutely. Great men are almost always bad men, even when they exercise influence and not authority: still more when you superadd the tendency or the certainty of corruption by authority. There is no worse heresy than that the office sanctifies the holder of it.”

— *From the correspondence of Lord Acton, 1887, oll.libertyfund.org/quote/214*

WHAT THEY'RE SAYING

Fixing Albany requires new leaders and term limits

“Two dozen elected officials have been convicted or forced to resign in the past five years. Did all of them run for office to commit crimes? Of course not. But long tenures in an organization that’s insular, arrogant and unresponsive to its customers’ needs led to a blatant disconnect between constituents and their public servants.

“Cultural change at failed organizations is hard, but it can be done. What does it require?

“First, it’s almost impossible to fix a broken culture without new leadership. Term limits, for all statewide and legislative offices and committee chairmanships, will force turnover and allow more fresh blood. To fill those spots, we need to attract principled reformers willing to take on the challenge of fixing Albany.”

— **“What it will take to clean up New York politics,” Harry Wilson, *New York Post*, December 13, 2015, nyp.st/1QfrNc4**



An even more pressing problem than Trump or Clinton

“Everyone is so up in arms about Donald Trump or Hillary Clinton or Bernie Sanders or Ted Cruz or Ben Carson. I have my opinions, but they are not the most pressing problem this country has. It is Congress.

“Many members have been there for 30-plus years. They are ignoring ‘we the people’ because they are getting funding from lobbyists and doing what the lobbyists want and not even worrying about what is good for America.

“In 1947, Congress voted to put term limits on the office of president because too much power is a threat to our freedom. The same should apply to Congress. There is a grass-roots effort to bring forth an Article V constitutional convention with one objective: Limit the terms of U.S. Congress. Congress cannot do anything to stop this effort or override it.”

— **“It’s time for term limits,” Catherine Sandor, letter to the editor, *Orlando Sentinel*, January 25, 2016, bit.ly/1Ulrgna**

The 43 unopposed

“Once elected to the Legislature, a new legislator essentially has earned an eight-year term—and not a two- or four-year one — because neither his or her own party nor the opposing one looks very hard to find a challenger. When qualifying ended in June 2014, almost five months before Election Day, 43 percent of the seats in the 160-member Legislature were considered decided because candidates ran unopposed or faced token opposition from minor party candidates or write-ins. Last year 123 incumbents sought re-election; all but six of them, or 95 percent, won. We gripe so much now about the job they do, why would we want to automatically extend their time in Tallahassee by 50 percent?”

— **“8 was enough, and still is,” editorial, *The Ledger* (Lakeland, FL), December 2, 2015, bit.ly/10cQsrj**

WHAT WE'RE SAYING

Getting Congressional term limits: “Keep up the pressure!”

“The USTL team has been working very hard in our initiative to bring about an Article V convention for congressional term limits. We are targeting 12 state legislatures this year to call for the convention, but we thought this would be a good time to take a moment and see just how far we have come at the state level.

“The U.S. has 15 state legislatures with term limits. In nearly every case, the voters passed these laws in a landslide: Arizona 74.2%; Arkansas 59.9%; California 52.5%; Colorado 71%; Florida 76.8%; Louisiana 76%; Maine 67.6%; Michigan 58.8%; Missouri 75%; Montana 67%; Nebraska 56%; Nevada 70.4%; Ohio 68.4%; Oklahoma 67.3%; South Dakota 63.5%.

“These numbers go to show that, when citizens get to decide on term limits, the answer is a resounding YES. Anytime a term limits law has been weakened or repealed, it has always been the handiwork of self-interested legislators or judges. We need to look no further than when Idaho (2002) and Utah (2003) repealed their state term limits.

“We know that people want term limits for Congress. The last major poll on this issue was conducted by Gallup and they were able to show that 75% of the American public want term limits on Congress. We have the support of the American people; we just need to keep up the pressure to get it done!”

— **“People Say YES to Term Limits,” Alannah NicPhaidin, *U.S. Term Limits*, December 10, 2015, termlimits.org/people-say-yes-to-term-limits/**

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“There is no worse heresy than that the office sanctifies the holder of it.”

— Lord Acton

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