

No Uncertain Terms

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Friends of Term Limits Defeat Florida Incumbent's Power Grab

by Phil Blumel

It happens all too often. Citizens pass a simple term limits law. Then recalcitrant incumbents tie up the courts and murder the English language in hopes of continuing to cling to power no matter what. Sometimes they'll force illegal elections and round up doublethink-spewing members of the local media and political establishment to come to their aid.

The battles are fierce and often exciting; but when the good guys finally win, victory seems almost anti-climactic. Well, *of course* the good guys won. The law was so clear...

Yet facts and justice are not always decisive. Somebody has to fight the good fight lest the bad guys win by default.

When rogue four-term Palm Beach Gardens Council



James D'Loughy



Sid Dinerstein

member David Levy flouted the retroactive term limits law passed by some 70% of his fellow citizens by running for a fifth term, City Clerk Patricia Snider and even the county's Supervisor of Elections Susan Bucher lawyered up and circled the wagons around him. Ignoring the unambiguous results of the 2014 election in favor of retroactive term limits, local media treated Levy's campaign as legitimate.

Levy made the novel claim that since he had resigned three months before the end of his most recent term, he was no longer an incumbent. To my knowledge, no court anywhere has permitted a politician avoid a term limits law by quitting his office a little early and then running for re-election. Obviously, if courts across the land were to routinely per-

(Continued on Page 3)

Presidential Candidates Johnson, Weld Sign Term Limits Pledge

Libertarian presidential candidates Governor Gary Johnson and Governor Bill Weld have each pledged, if elected, to support a constitutional amendment for term limits on members of Congress. Now that the primaries are over, the Johnson-Weld campaign is the only presidential campaign to have made this commitment to the 75 percent of Americans who want congressional term limits.

In an op-ed about why he and his running mate signed the pledge, Johnson cites the example of George Washington, who "knew that everything he did set a pattern for those who would follow. He served two terms in office, then stepped down. He declined all efforts to get him to stay...."

(Continued on Page 3)



Former Governors Gary Johnson and Bill Weld.



President's Corner

BY PHILIP BLUMEL

Ready for a surprise? A recent study named Chicago the most corrupt city in America and Illinois one of our most corrupt states.

One major fuel in the corruption fire here has always been the tenure and power of the state's politicians. For example, for 43 of the last 60 years, either Richard Daley or his son were serving as mayor of Chicago. And the current Speaker of Illinois's House of Representatives, Michael Madigan, has been clinging to that position for 31 years.

So it's no surprise at all to see a bipartisan term limits movement is rising in the state.

Bruce Rauner, the Republican Governor of Illinois, and now Pat Quinn, the Democratic former governor that Rauner defeated, have become the state's two biggest champions of term limits.

Rauner's focus is on term-limiting the state's General Assembly, where Madigan has ruled with an iron fist since 1983. A whopping 78 percent of Illinois voters back term limits on the Assembly. The governor has pledged "very aggressive electioneering" to defeat those who have been blocking his term-limits-focused "turnaround agenda."

For his part, former Governor Quinn is focusing on the mayoralty of Chicago, having launched a "Take Charge Chicago" campaign to slap a two-term (eight year) limit on the mayor. Quinn, who worked with U.S. Term Limits on ballot drives in the 1990s, is quick to note that Chicago is the only one of America's ten largest cities without any term limits. Although his team was unable to collect the 53,000 signatures from registered voters they needed to submit before August 8, they are gearing up for a petition drive to place a question on the 2018 ballot.

These grassroots efforts led by Quinn and Rauner are remarkable. Once rivals in a bitterly contested election, they are now both members of Team Term Limits. It just goes to show that few issues in America can bring Republicans and Democrats together like this one.

Visit Phil Blumel's blog at pblumel.blogspot.com.

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*

Johnson, Weld Pledge (Cont'd from page 1)

“Hence, George Washington established a de facto framework of term limits for those holding elective office. And this framework demonstrates a widely respected principle in American politics. It’s from the Declaration of Independence: Governments derive their just powers from the consent of the governed.

“Those who would be elected leaders — as we were as governors of New Mexico and Massachusetts—must recognize their time-limited role.” (For more of Governor Johnson’s perspective on term limits, see page 6.)

USTL President Philip Blumel says, “We applaud Gary Johnson and Bill Weld for making congressional term limits a central issue of their campaign. Their support for term limits shows they are committed to preventing career politicians and restoring the founders’ idea of a citizen legislature.”

The presidential-candidate version of the U.S. Term Limits Amendment Pledge reads: “I, as a candidate for President of the United States, pledge to support congressional passage and state ratification of an amendment to the U.S. Constitution that would set term limits on service in the U.S. Senate and U.S. House as there are term limits on the

President, as enacted by the 22nd amendment.”

The Supreme Court ruled in the 1995 case *U.S. Term*

Limits v. Thornton that congressional term limits can be achieved only by constitutional amendment. Although the president has neither a vote nor a veto in the process, he can of course use the bully pulpit to promote passage of the amendment.

Johnson and Weld have a track record of supporting term limits. Johnson has called the reform “a silver bullet” that

would make it easier for incumbents to “do the right thing as opposed to whatever it takes to get re-elected.” As governor of Massa-

chusetts, Weld served as national co-chairman of U.S. Term Limits and honored his promise not to seek a third term as governor.

Both Hillary Clinton and Donald Trump have refused to sign the Pledge.

U.S. Term Limits Amendment Pledge

**U.S.
TERM
LIMITS**

I, Gary Johnson, as a candidate for President of the United States, pledge to support congressional passage and state ratification of an amendment to the U.S. Constitution that would set term limits on service in the U.S. Senate and U.S. House as there are term limits on the President, as enacted by the 22nd Amendment.

Gary E. Johnson
(Candidate Signature, Date) 5/27/16

GARY E. JOHNSON
(Candidate name printed)

U.S. Term Limits/ 3270 Suntree Blvd, S
Pledges can be faxed to (248)232-7948 or e

U.S. Term Limits Amendment Pledge

**U.S.
TERM
LIMITS**

I, Bill Weld, as a candidate for Vice President of the United States, pledge to support congressional passage and state ratification of an amendment to the U.S. Constitution that would set term limits on service in the U.S. Senate and U.S. House as there are term limits on the President, as enacted by the 22nd Amendment.

Bill Weld
(Candidate Signature, Date) 5/27/16

Bill Weld
(Candidate name printed)

Scott T. Hines
(Witnessed)

Scott T. Hines
(Witness name printed)

U.S. Term Limits/ 3270 Suntree Blvd, Suite 201 / Melbourne, Fla. 32940
Pledges can be faxed to (248)232-7948 or emailed to PRESS@TermLimits.org

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mit such a ploy, their doing so would make hash of all term limits laws.

The lower courts, too timid to enforce the law in this political environment, allowed the Palm Beach Gardens election to proceed and then, after it ended in a runoff, tried to broker a compromise between the local political establishment and the town’s citizens.

The political bullies came close to winning a partial victory, one that would have allowed Levy to run for office for a fifth term despite the term limits law. But, thankfully, two citizen-heroes, lawyer James D’Loughy and plaintiff Sid Dinerstein, refused to let him get away with it. They took the case to the Fourth District Court of Appeals. On June 24, the court ruled that — surprise! — the voters had indeed overwhelmingly approved term limits and made them

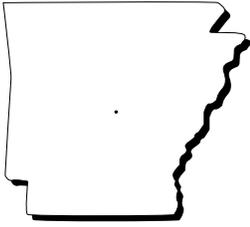
retroactive, so that four-term incumbents like David Levy were ineligible to run unless they first sat out a term.

Yes, the law was clear. It was very clear. But this victory for the citizens was by no means preordained. They won only because D’Loughy and Dinerstein insisted on fighting the corrupt local power until the citizens got 100% of what they had voted for.

Moral of the story: Yes, we can fight City Hall. D’Loughy and Dinerstein have proved it once again. So if this happens in your town, you know what to do.

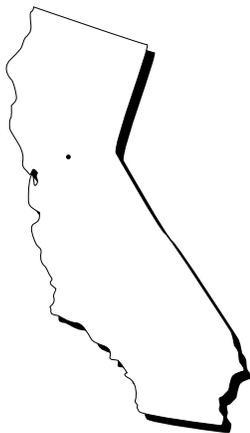
Phil Blumel is president of U.S. Term Limits. Visit the Florida Term Limits Blog (flatermlimits.blogspot.com) for more about this story.

Term Limits



ARKANSAS

The petition drive led by Restore Arkansas Term Limits for a ballot measure to reduce maximum tenure in the state legislature from 16 years to ten years has been suspended for this election cycle; not enough signatures were being collected by the July 8 deadline. But the group is already preparing for a new petition drive to place the same question on the 2018 ballot. The wording of this ballot question has already been approved by Arkansas Attorney General Leslie Rutledge. If the measure is posted and approved by voters, in addition to limiting overall legislative tenure to ten years, the tenure of state house members would be limited to three two-year terms and the tenure of state senators would be limited to two four-year terms.



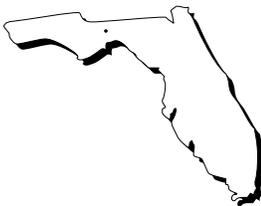
CALIFORNIA

Brea, CA. Councilman Steven Vargas is leading a petition to impose a two-term lifetime limit on local councilmen. It would explicitly count any partial term as a full term — no wiggle room. Section 2 of the initiative states: “To broaden opportunities for public service and to encourage elected officials to be responsive to their constituents, an ordinance shall be adopted providing that no person shall serve more than a total of two (2) terms as a member of the Brea City Council, whether served consecutively or non-consecutively, with any portion of a term whether elected or appointed, counting as a full term.” Vargas is working with the Jon Fleischman’s California Term Limits PAC.

Orange County, CA. In late July, Orange County Supervisor Shawn Nelson withdrew a ballot measure he had been floating to gut term limits on county board members; his measure, if passed, would have weakened the term limits from two terms to three. But as the public learned that he was trying to ram the gut-term-limits proposal onto the ballot with scant public deliberation, Nelson withdrew his proposal.

California term limits Jon Fleischman comments that the legal history of term limits is such that, often, “when existing term limits are modified, the ‘clock’ is reset for incumbents — and their previous and current terms in office no longer count against the new limits. Thus, if approved by voters, Nelson’s measure would have allowed every incumbent supervisor, including himself, to serve three more full terms in office.” Since the ballot measure has now been scuttled, we can’t know for sure whether all that term-padding would indeed have come to pass. Let’s hope that we and the citizens of Orange County will never know.

Fleischman has been a tireless campaigner against the gut-term-limits proposal from the beginning. It is thanks to his energy and determination that Orange County voters were able to nip the gambit in the bud so definitively.



FLORIDA

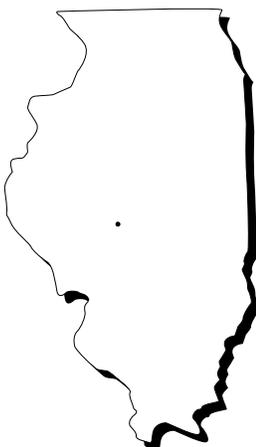
North Port, FL. North Port voters will decide in November whether to endorse a charter amendment to impose a lifetime limit on city commissioners of two four-year terms. Commissioners are currently limited to two consecutive terms. After a former commissioner decided to run for a third term under the existing law, others on the board agreed to invite voters to tighten the language. “We want term limits,” says Vice Mayor Rhonda DiFranco. “Two terms, that’s it, you’re out. Let’s stop convoluting the motions.” If only all incumbents shared DiFranco’s perspective on the question.

in the News



GEORGIA

In late July, 94-year-old Georgian lawmaker John Yates lost his bid for the right to run in the general election as a Republican. He had two more years of work to do, he had said; then he'd have no problem giving up his state house seat. "I'm not doing it to hold a job forever," he assured voters. Karen Mathiak, the woman who successfully challenged him in a primary runoff, countered, "I do believe in term limits. And twenty plus years is a long time to be in office. How stale do we get after that many years?" Yates is a newbie compared to some incumbents, though. Born in 1921, he has been a fixture in the Georgia House of Representatives since only 1993.



ILLINOIS

Former Governor Pat Quinn, who lost the governor's mansion to a champion of state legislative term limits, current incumbent Bruce Rauner in 2014, has lately been fighting for mayoral term limits in Chicago. The question won't make it to the 2016 ballot, but he will push to get it before voters in 2018 instead.

Quinn had even camped out in front of City Hall to try to shame the current mayor, Rahm Emanuel, into signing a petition to term-limit his office. His letter to Emanuel states: "Most of our nation's Founding Fathers were term limits advocates in the American drive to win independence from King George III who reigned on the English throne for 59 years as monarch... "[B]y limiting yourself and future mayors to two consecutive elected four-year terms you would be in fine company: George Washington voluntarily limited himself to two elected four-year terms as the first President of the United States of America."

The Take Charge Chicago ballot question reads: "Shall Chicago adopt the following term limit for the office of Mayor effective for the mayoral election in 2019 and thereafter: No person may hold the office of Mayor for more than two consecutive elected 4-year terms (with all prior consecutive terms of the current officeholder counted in determining the term limit for that officeholder)?" More at the U.S. Term Limits web site ("Pat Quinn takes the fight to Rahm Emanuel's Post" by Stacey Selleck): bit.ly/2aCpLk8

Meanwhile, Governor Rauner has been renewing his call for state legislative term limits and urging Illinois voters to oust obstinately anti-term-limits incumbents this November.



MICHIGAN

Warren, MI. By a 53% majority, Warren voters have passed a measure to weaken mayoral term limits by lengthening them from three four-year terms to five four-year terms. Because primaries tend to be much more sparsely attended than general elections, the city council had referred the measure to the August 2 primary ballot in order to maximize chances that it would squeak through. The expedient worked, this time (it usually doesn't). Some local voters say they may pursue an initiative to post a new question on a general-election ballot. Meanwhile, the town's current mayor, Jim Fouts, has said he has "no plans" to run for reelection after his current, third term...but doesn't rule it out.



NEW YORK

The New York State Reform Party continues to insist that its support of candidates is contingent upon support for term limits. The party stipulates that it "will not consider granting ballot status to any candidate for state office in 2016 who does not demand a term limit vote on the floor of the New York State Assembly and the New York State Senate this year." If only the Democratic and Republican Parties would follow suit. Several term limits measures have been introduced in the 2016 session, but don't seem to be going anywhere.

WHAT THEY'RE SAYING

USTL Pledge Signer Gary Johnson: Let's Improve Congressional Politics and Policy Through Term Limits

"Imagine how different — and better — policy and politics in America would be if term limits applied to the United States Congress....

"Some politicians argue that term limits undercut political experience. The public doesn't buy it. Three-quarters want term limits. They know that term limits only cause problems for the career politicians.

"The last two decades have given our nation even more confidence in this gut belief. Term limits for state and local elective office are now more of the norm than not.

Indeed, 36 states limit governors to two terms in office, including New Mexico.

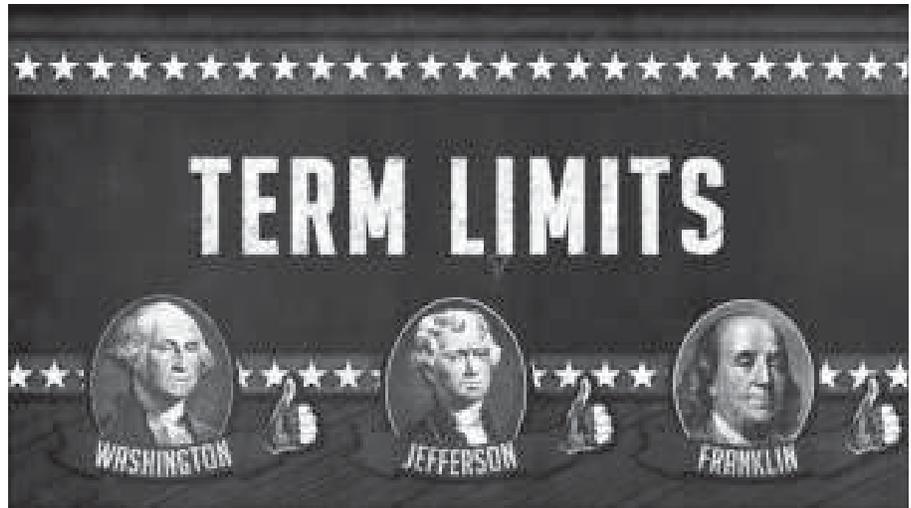
"Also, about one third of states place term limits on their legislatures. Those of you who live in those states know that, in general, legislators are more open and more willing to talk with everyday citizens. It's only natural that citizens feel more connected to their elected officials if they are citizen-legislators.

"Governing with term limits, I saw politicians do the right things for the right reasons — instead of whatever it took to get re-elected. Term limits gave me the freedom to use my best judgment as governor.

"Term limits are reassuring for citizens. They know that they minimize the opportunity for corruption and centralization of power within a single individual. That's not the American way. We believe in the rule of law, not the rule of a strongman or -woman.

"This is why Bill Weld and I were proud to sign the pledge by U.S. Term Limits, a leading national organization seeking to limit terms for elected officials, that we will support a constitutional amendment for term limits on members of Congress."

— Gary Johnson, "The Common Sense of Term Limits for Congress," *Washington Times*, June 28, 2016, bit.ly/2annloX



Limits: Three Terms in U.S. House, Two in U.S. Senate

"The only way to change Washington is to change the system and fight for a solution. Arizonans also tell me it's time for term limits. Those two words horrify the career politicians in Washington, but I don't know what they're so afraid of.

"I've won and lost elections. My life wasn't over when I lost—I ran on what I believed in, not what the party bosses, my donors or my fear of losing dictated to me. And today, I'm running for the U.S. Senate [against John McCain, who has spent the last 33 years in Washington].

"I support limiting service in the U.S. House of Representatives to three terms and limiting service in the Senate to two terms, limits endorsed by members of both parties."

— Ann Kirkpatrick, U.S. Senate candidate, "How do we solve congressional gridlock? Term limits," *The Arizona Republic*, July 13, 2016, bit.ly/2aNWrwh

As Long as We're Making a Fresh Start...

"[T]he new city [that is merging Fairfield, CA with Suisun City, CA] should incorporate as a charter city. It can then write its own policies and rules.... Among the changes should be single four-year terms for council member....

"Why term limits? We've observed over many years, most people run for office with the best intentions—improving government and representing the voters. They do their best and get re-elected. Then they get tired of being the oddballs, of being on the short end of 3-2 and 4-1 votes. Being popular becomes important. They join the 'team' of the city manager or mayor. Loyalty shifts to the city team instead of the public. That's why new blood is necessary."

— "John Takeuchi, "A few ideas for a better city," *Fairfield-Suisun, CA Daily Republic*, June 17, 2016, bit.ly/2aUBRKu

Will Illinois Voters Oust Obstructionist Incumbents?

“Arrogant politicians are gambling that, come November, Illinois voters who usually vote for familiar names won’t rebel against incumbent legislators. But given how shabbily majority Democrats once again have treated the citizens who pay their salaries, we wonder if many of the incumbents risk being replaced.

“After legislators ended a five-month session with state finances in shambles and even school openings uncertain, here’s a logical calculation for many voters represented by the Democrats:

“We like our state rep and senator. Good people, good intentions. They’re at every pancake breakfast and Main Street parade. But sending them back to Springfield just entrenches House Speaker Michael Madigan and Senate President John Cullerton. Those two have had 84 years in power and just look at this mess. Illinois needs to change. So do our votes.

“Many of those had-enough voters also will blame Gov. Bruce Rauner and his Republicans for what’s wrong with Illinois. But Rauner isn’t on the ballot. And not one Republican voted for Madigan’s unbalanced budget, with its \$7 billion in dishonest promises to struggling social service agencies and public schools.”

— Editorial, “The Madigan-Cullerton factor: Will Illinois voters clip their clout?,”
Chicago Tribune, June 5, 2016, trib.in/2aKlKHt

“Do Not Vote For Me”

“When David Morgan ran for re-election he said ‘I believe in term limits from the top of my head to the soles of my feet. If I go stupid and run for a third term do not vote for me, do not vote for me.... Because you need to cycle people out of these positions.’

“That seemed to be a sincerely held belief. He also said ‘You lose touch with reality when you’re spending other people’s money. So that’s why I’m a big advocate of term limits.’

“Now he says term limits don’t matter because the other candidates are unworthy; so he has a duty to run....

“As something of an outsider, Sheriff Morgan liked term limits. Now, winding up a second term, he is an insider — a member of the establishment. He has abandoned what seemed to be his own heartfelt belief in term limits. Was it heartfelt, or was he just saying what he thought voters wanted to hear? Was he lying then? Is he lying now?”

— Glenn Niblock, letter to the editor, *Pensacola (FL) News Journal*, June 29, 2016, on pnj.com/2aBOXGV



Term Limits Over There Should Also Be Over Here

“Leaders seeking to extend their hold on power are generating controversy and conflict around the globe. Several foreign presidents have recently sought to remain in office beyond formal limits. Washington has condemned these term extensions as undemocratic and corrupt.... [But the] absence of term limits for over 1,000 members of all three of the U.S. government’s branches as well as for hundreds of officials at the state and local levels underscores the degree to which critical offices in the United States can often be held for life.

“While the Obama administration is correct to express concern over the corrupting influence and stagnating impact of long-held power, the United States should also examine its own policies on official tenures. Some U.S. leaders have recently tried — sometimes successfully — to change the rules in the middle of the game, exactly what the Obama administration denounced in Rwanda and Burundi. For example, in 2008, the majority of New York City Council members voted to extend term limits for all elected city officials, including themselves....

“So far, the Obama administration has not articulated why, despite the president’s concern over the need for ‘new blood and new ideas’ abroad, lifetime appointments and unlimited re-election are acceptable at home.”

— Zachary D. Kaufman, “Term Limits at Home and Abroad,” *Belfer Center for Science and International Affairs*, Harvard University, June 30, 2016, bit.ly/2aKrC8A

Dynasties, Not Democracy

“In their dogged fight against term limits, Illinois’s elected officials have provided the perfect case study as to why the state should limit politicians’ tenures. The consolidation of power into the hands of a chosen few is the direct result of a state where politicians deal in terms of eras, not elections. In dynasties, not democracy.”

— Austin Berg, “Mapping a way to term limits,” *Chicago Tribune*, July 29, 2016, trib.in/2anoFxW

Cure-Something Need Not Be Cure-All

“Term limits are not a cure-all, but there is no question that they would change the political culture in Illinois. Term limits would empower new voices and lead to the implementation of new ideas. In short, term limits would take away power from political insiders and special-interest groups and return power to the people.”

— David McSweeney, “Term limits are key to moving Illinois forward,” *Chicago Tribune*, August 1, 2016, trib.in/2aYRduC

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“I’ve won and lost elections. My life wasn’t over when I lost — I ran on what I believed in, not what the party bosses, my donors or my fear of losing dictated to me.”

**— Ann Kirkpatrick, candidate for U.S. Senate in Arizona
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