

No Uncertain Terms

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Missourians Encourage Lawmakers to Pass Resolution for Term Limits Convention by Nick Tomboulides

I had the pleasure this March of joining a group of Missouri citizens for a U.S. Term Limits Day at the Missouri Capitol in Jefferson City. The group had been brought together by USTL's Missouri State Director Carl Bearden, executive director of United for Missouri (unitedformissouri.org), based on their shared interest in getting a Term Limits Convention to end careerism in Washington, D.C.

Their mission: encourage state legislators to support HCR 10 (bit.ly/2oNtlcF) and SCR 14 (bit.ly/2oNtlcLV), the two resolutions Missouri lawmakers must pass to call for a convention of states for the purpose of imposing term limits on members of Congress.

So far we're about halfway there. On April 12, SCR 14 was read for a third time and passed the senate by a vote of 48 to 16.

The group included several military veterans who swelled with pride when discussing their love for our country, and who believe America deserves much better



Term limits activists meet with Missouri State Senator Denny Hoskins (fifth from left), sponsor of the Term Limits Convention resolution.

than the current crop of politicians in office.

We visited with many state legislators and had great discussions about the Term Limits Convention. It was impor-

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Movement to Directly Elect U.S. Senators as a Model for Securing a Congressional Term Limits Amendment

By early 2017, 48 members of Congress had either co-sponsored or pledged to cosponsor a constitutional amendment bill to limit U.S. House members to six years in office and senators to 12 years. Americans have a president and a House speaker who profess support for congressional term limits. (The Senate majority leader is not so obliging.)

This level of support for congressional term limits among those who can help make it happen is promising. But we can't rely on most incumbents to take the initiative to term-limit themselves. Many won't act to do so unless confronted by enormous political pressure.

We the people can exert such pressure. The forms it may take are many, but one that has already helped produce a constitutional amendment despite the antagonism of incumbents is the Article V strategy. Article V provides that a constitutional amendment may be proposed by a

convention if such a convention is called for by two thirds of the states. If the convention passes sends an amendment to the states, the procedure for passage is the same as if it had been sent to the states by Congress. Three quarters of the states must ratify if the amendment is to become part of the Constitution.

Calling for an amendment convention is not an untried approach; a little more than a century ago, such calls helped make the Seventeenth Amendment a reality.

The Seventeenth Amendment provides for popular election of U.S. Senators. As originally drafted, the U.S. Constitution provided that state legislatures, not the voters generally in a state, do the job of electing U.S. Senators. With respect to Congress, voters could elect only members of the U.S. House.

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**Anti-Term Limits,
Pro-Corruption**
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President's Corner

BY PHILIP BLUMEL

Every once in a while — well, continuously — politicians remind us of why we're fighting for term limits, including congressional term limits.

Not long ago, friends of term limits narrowly lost a battle for congressional term limits in Utah when the state senate killed our Term Limits Convention bill by just a few votes. Then, "coincidentally," Utah Senator Orin Hatch — first elected to the U.S. senate in 1976! — declared that he would be running for reelection. If reelected next year, he will be almost 90.

Another poster boy for term limits is Arkansas State Senator Jon Woods. In 2014, Woods scammed Arkansas voters into accepting a measure sold to voters as "establish[ing] term limits," when in fact the measure drastically weakened term limits in place for 20 years. The ballot package included a 150% percent pay hike for Arkansas lawmakers. Woods has now been indicted on 13 felony counts of bribery and fraud. Call him consistent.

The good news for Arkansas is that term limits activists in the state are gathering signatures to post a 2018 ballot measure that would re-impose even stricter state legislative term limits than the scamsters gutted in 2014.

Then there's U.S. Representative Markwayne Mullin, who recently chastised his Oklahoma constituents for daring to suggest that they (taxpayers) pay his salary. "That's bullcrap," he says, because what he has paid in taxes himself is more than enough to cover what he is takes home as a congressman. He then "clarified": "I'm just saying...this is a service for me, not a career...." Which makes it hard to explain why he has broken two separate term limit pledges by filing papers to run for a fourth term and by failing to support the Congressional Term Limits Amendment.

This spring, Colorado citizens packed the state capitol in a rally for term limits on Congress. Democrats and Republicans stood side by side to campaign for the Term Limits Convention, then surged into the capitol building itself to bring a pro-term limits message directly to their representatives. Meanwhile, Term Limits Convention bills have been moving forward in Alabama, Alaska, Georgia, Missouri, Tennessee, Texas, and Carolina.

Perhaps we should thank incumbents at all levels of government for repeatedly reminding us why this fight is so necessary. A fight we can and must win.

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

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

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U.S. Term Limits – DC Office
1250 Connecticut Avenue NW
Suite 200

Washington, DC 20036
(202) 261-3532 – Phone

info@ustl.org – Email
www.termlimits.org – Web

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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*

Activist Missourians (Cont'd from page 1)

tant to make clear to these officials that Congress is unlikely to pass term limits on themselves. So it is the obligation of the states to use the Article V Convention to bypass Congress and make term limits a reality. In fact, the Founders created the ability to call convention precisely so that the people, through their state representatives, could rein in abuses coming from Washington.

The call for a convention cannot happen unless Missouri votes for both HCR 10 and SCR 14. With passage by the senate, it's now up to the house, where the resolution has also cleared a committee but not yet the full chamber.

In addition to Missouri, this year U.S. Term Limits has been focusing on the legislatures of Alabama, Alaska, Arizona, Colorado (where we held a pro-Convention rally in Denver), Georgia, Tennessee, Texas and Utah to push for a Term Limits Convention. We have already succeeded in Florida. For this session the Term Limits Convention bill is dead in Utah (but that's this session — don't let your reps forget you're there, Utah supporters of congressional term limits!). Contact us if you want to lend a hand in your state.

In the coming weeks, both the Missouri house and other state legislatures with pending convention resolutions must decide whether to allow business as usual in Washington — or, instead, takes a stand and listen to the overwhelming majority of Americans, including 86 percent of Missourians, who want congressional term limits.

NOW THEREFORE BE IT RESOLVED that the members of the House of Representatives, Ninety-ninth General Assembly, First Regular Session, the Senate concurring therein, hereby make an application to Congress, as provided by Article V of the Constitution of the United States of America, to call a convention limited to proposing an amendment to the Constitution of the United States of America to set a limit on the number of terms that a person may be elected as a member of the United States House of Representatives and to set a limit on the number of terms that a person may be elected as a member of the United States Senate

— from Missouri House Concurrent Resolution No. 10 (on.mo.gov/2oNM25J)

Article V Worked Before (Cont'd from page 1)

But over the course of the nineteenth century, criticism of indirect election grew. Critics pointed to instances of political corruption in legislatures and to electoral deadlocks as two major problems caused by indirect election. By the turn of the century, support for popular election of Senators had grown substantially.

Some state legislatures issued Article V resolutions calling for a constitutional convention to issue the amendment that would become the Seventeenth Amendment. For example, in 1897, Utah passed “A memorial to Congress asking that it submit to the legislators of the several states a proposition to amend Section 3, Article 1, of the Constitution of the United States so as to provide for the election of United States Senators by direct vote of the people.” Some legislatures urged their state's Senators to support a direct-election amendment.

In the culture at large, the push for popular election included a 1906 campaign by newspaper publisher William Randolph Hearst assailing “The Treason of the Senate” and public resolutions in favor of popular election issued by organizations like the State Grange of Illinois.

In the 1890s, the U.S. House kept passing a constitutional amendment on the subject, and the U.S. Senate kept ignoring it. But in the end, the Senate acceded to the growing political pressure and cooperated with the House to send the Seventeenth Amendment to the states. By 1913, three quarters of the states had ratified it and the amendment became the law of the land.

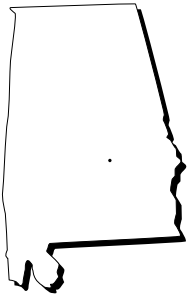
Part of the influence state legislatures had on Congress prior to 1913 was derived precisely from the fact that they directly elected U.S. Senators themselves. As some legislatures became convinced of the value of direct election, they sought to “instruct” the Senators they had elected to support the appropriate constitutional amendment. Today, with U.S. Senators being popularly elected throughout the land, no state legislature would feel entitled to “instruct” the Senators of its state in this way. Nor would Senators feel obliged to defer to such instructions. As Jay Bybee of the University of Nevada has argued in a study of the Seventeenth Amendment (bit.ly/2oOjSYj), the success of the Seventeenth Amendment effectively removed that form of influence on Senators by state legislatures.

What remains, however, is the ability of states to apply for a constitutional convention that, per Article V, Congress “shall” call “for proposing amendments” once two thirds of the states have made such applications.

Thus, by 1913, combined with other forms of political pressure, the states' applications for a constitutional convention had brought about direct election of U.S. Senators even though no constitutional convention had been held. The growing support for direct election among congressmen eventually smashed through the reluctance of incumbent congressmen to submit to the growing support for popular election.

In the same way, with the help of many of the same strategies, the growing support for congressional term limits can smash through the reluctance of today's incumbents to accept the fact that their days in office are numbered, and should be.

Term Limits

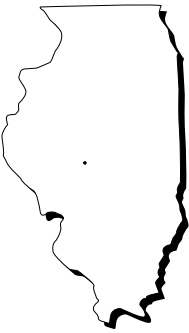


ALABAMA

Three term limits bills have been proposed in the 2017 session of the Alabama legislature; all would impose a relatively slack three-term (12-year) limit on the tenures of house and senate members. Representative Paul Beckman says of long-term incumbents: “They become a legend in their own mind.... [M]y position was that we always need fresh and young ideas as far as the term limits are concerned, and this gives everyone a chance.” We’re with you, Representative Beckman. But try your chances with an eight-year maximum.

ILLINOIS

Hazel Crest, IL. In early April, by 64% to 36%, voters passed term limits of two consecutive four-year terms on local elected officials, specifically “village president, village clerk, or village trustee.” The limit applies to all terms served after the April 4, 2017 election.



FLORIDA

After a 73-46 vote in the house (narrowly meeting the three-fifths requirement for passage), a proposed constitutional amendment to limit the tenure of Florida Supreme Court justices and appeals court judges to two six-year terms is now being considered by the state senate. If that chamber also approves the amendment, it must be accepted by at least 60 percent of Florida voters to become part of the state constitution.

Florida House Speaker Richard Corcoran, who strongly supports the judicial term limit, observed after the vote that “all the special interest groups have lined up against term limits. That tells you we are doing what is right. And neither special interest hand-wringing nor political influence will stop the House from doing what is right. It boils down to this. We believe that no government job should be for life.”

Corcoran has received the Champion of Term Limits Award from U.S. Term Limits for his support of legislative as well as judicial term limits. Other lawmakers recognized by U.S. Term Limits for championing the reform include Utah State Representative Timothy Hawkes and Florida State Representative Frank Artiles.



LOUISIANA

St. Martin Parish, LA. The town council here had been thinking about posting a proposition to repeal term limits that did not even mention the phrase “term limits.” (“Shall Subsection E of Section 2-01 of the St. Martin Parish Home Rule Charter be repealed in its entirety?”) But local voters caught wind of the scam and voiced their objections at an April 4 council meeting, after which the council narrowly voted against proceeding with the repeal. Said resident Ron Miller: “There’s a reason they put these term limits in place. People get power, and power corrupts. These limits should not be discarded.”



MISSOURI

A constitutional amendment proposed by Missouri State Senator Jason Holsman to reduce the size of the house of representatives by 43 members and increase the size of the senate by six members would also lengthen maximum tenure from eight years to 16 years in one chamber. Technically, the maximum tenure would be 16 years in both chambers combined, but in any proportion the two chambers. Everybody knows, however, that in most cases this would mean 16 years in one chamber.

On the other hand, State Senator Will Kraus’s proposed term limits amendment would limit statewide officials — lieutenant governor, attorney general, secretary of state, state auditor — to two four-year terms.

Jefferson City, MO. On August 8, Jefferson City voters will have an unlooked-for opportunity to gut the term limits on city council members. If the measure passes, the current lifetime limit of two terms or eight years would be converted to a consecutive limit of four terms or 16 years, which is the length of time it takes for an infant to become a 16-year-old. After a two-year hiatus, a termed-out officeholder would be able run for election to the same seat and try for another 16-year stint..



In The News



NORTH CAROLINA

State Representative Harry Warren has introduced House Bill 193 to impose three-term limits on house and senate members. The legislation would also lengthen individual terms from two years to four years. He also is sponsoring House Bill 182 to impose term limits on the house speaker and the speaker pro tempore. A similar bill to term-limit leadership was passed in the house in the 2013-2014 legislative session but failed in the senate.



TEXAS

The Texas senate approved a call for a constitutional convention in which delegates would consider only amendments pertaining to fiscal limits on the federal government, limits on the power of the federal government, and limits on congressmen. The Texas state house is considering a similar resolution calling for a convention of states. USTL prefers single-subject resolutions calling for a convention limited to the subject of term limits, like the Term Limits Convention resolutions introduced by State Senator Don Huffines and State Representative Brisco Cain in late February. But the popularity of allied calls to restrain federal power is further evidence of the potential for a term limits amendment. Of all the proposed reforms to be accomplished by constitutional amendment, term limits enjoys the widest bipartisan support.



WASHINGTON

Monroe County, WA. In 2011, about 76% of voters approved an advisory term limits referendum that asked whether a two-term limit on council members would be a good idea. The following January, the council voted to impose the limit. So far so good. But now that the limit is about to eject two council members, the council has just as easily repealed the term limits. This is the problem with advisory votes: they can be ignored by incumbents at will.

Tacoma, WA. The Tacoma group Save Tacoma Water is collecting signatures for the November ballot to toughen of the city's existing term limits law. If passed, Initiative 8 would impose a term limit on council members of two consecutive four-year terms, and no more than ten years (i.e., including any partial term). Termed-out lawmakers would have to wait eight years before running again for the council seat, and they would also be prohibited from circumventing the term limit by changing residency in the county to run for a different council seat.



HONDURAS

In 2009, the Honduras military — with the approval of the supreme court and the congress — executed an alleged “coup” to unseat its sitting president, Manuel Zelaya, after he moved to violate the constitutional term limit of a single term on the presidency. The ouster was constitutional, however, for the constitution itself stipulated that any president who even advocates altering the term limit be immediately dismissed. Presidents who are dismissed from office don't always want to go, and Zelaya didn't. But his removal was done in accord with the constitution. In 2015, however, at the behest of another former president, the Honduran supreme court suspended the constitutional ban on presidential reelection; so much for that. Now the current incumbent, Juan Orlando Hernández, is taking advantage of the 2015 ruling by running for reelection. The Economist reports that two thirds of Hondurans oppose his reelection. If Hernández nonetheless manages to extract a second term, he may not stop there.



PARAGUAY

After an appeal by Pope Francis for peace, Paraguay President Horacio Cartes has agreed not to run for a second consecutive term in office. Doing so would have required a change in Paraguay's constitution, and the attempt to push the revision through the congress had sparked violence — to the extent that in March some people set fire to the parliament building in protest. Although the president's political party, the Colorado Party, never withdrew its proposed constitutional amendment, the congress voted unanimously on April 26 to reject it.

WHAT WE'RE SAYING

Breach of Trust

“Former Congressman Tom Coburn spelled out the collusion and fraud of the Congress in his book *Breach of Trust: How Washington Turns Outsiders Into Insiders*. Dr. Coburn, a Republican, was elected in a majority Democrat district in Oklahoma on his promise to serve no more than three terms while trying to make D.C. work for the American people. At the end of his third term he left D.C. realizing that it was broken and that the fix was impossible because longevity in office creates riches and power.

“Peter Schweizer’s books *Extortion* and *Throw Them All Out* agree with Dr. Coburn. A study published by Princeton and Northwestern universities concluded that our representative republic has morphed into an oligarchy through the control of federal legislation by big money donors.

“The unscrupulous environment of Washington will only end with a constitutional amendment for term limits passed through an article V Convention of States. It will take 34 states to call for the Convention of States and 38 states to approve the amendment.”

— **Constitutional amendment only way to change D.C.,” letter to the editor, James Troxler, *Bradenton Herald*, March 3, 2017, bit.ly/2m2gTt4**

What the Founding Fathers Were Trying to Avoid

“When America’s Founding Fathers envisioned our system of government, they recalled the values they fought for during the American Revolution. They were tired of being governed by a king and parliament that ignored their pleas and took away their liberty. Instead of a monarchy, they created three separate branches of government, with a legislative branch consisting of citizen legislators elected by the people to represent them. They would put the interests of their constituents in front of their own and would be ready to work together to help improve their districts, states and country.

“Today, Congress has drifted away from that vision. Many congressmen are career politicians who have been in office for decades. Instead of fighting for their constituents, they fight for their own personal interests and vote for legislation that grows government while reducing liberty.

“Thankfully, the Founding Fathers gave the people ways to solve some of these problems from outside Washington, D.C. One way is through an Article V Convention on term limits.”

— **“Congressional term limits needed,” letter to the editor, Brendan Steinhauer, *The Monitor, Date*, 2017, bit.ly/2IWF6Ra**

Anti-Article V, Anti-Constitution

“My belief is that those who oppose an Article V Convention of States called for the purpose of limiting the reach of the federal government must like the unconstitutional way in which the U.S. is now being run. For the most part those who do like it are progressives, from Theodore Roosevelt and Woodrow Wilson to Barack Obama. They have all sought in ways small and large to go against the Constitution. They have been aided and abetted by the Supreme Court and have succeeded in creating a fourth, and most dangerous, branch: the administrative state. It is not an Article V Convention that is dangerous; rather, the danger is the status quo.”

— **Online comment, Paul Robberson, *Waco Tribune-Herald*, March 3, 2017, bit.ly/2m6zYgU**

We Can All Get Along

“Term limits is the rare issue that unifies Americans of all ages, genders, races, religions and political ideologies. It gives us the chance to stand shoulder to shoulder for once instead of at each other’s throats.

“Some have claimed congressional term limits cannot be achieved without getting Congress to limit its own power. Thankfully, America’s Founding Fathers made sure that wasn’t the case.

“The founders inserted a provision into the Constitution — known as the Article V convention — that allows states to obtain constitutional amendments without needing approval from Congress....

“In 2016, the Florida Legislature became the first to call for the term limits convention. Others are fol-

lowing suit now.

“If they’re successful in getting term limits, democracy will receive a shot in the arm like it hasn’t gotten in years. Noncompetitive elections controlled by incumbents will be replaced by open seat races, where real choice and competition takes place.”

— **“Term limits is the rare issue that unifies,” Nick Tomboulides, *Ocala StarBanner*, February 26, 2017, bit.ly/2m6qhz6**

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Drain the Swamp

“The American voter sent one clear message in November. They are tired of their government acting as master instead of servant. It’s time for real and lasting change.

“To restore constitutional balance, we must bring the career politicians home and replace them with patriots ready to make the hard choices and not support the status quo.

“Please join me in this effort and let’s drain the swamp!”

— **“Term limits are key to draining the swamp in Washington and Montgomery,” Perry O. Hooper Jr., Alabama State Co-Chair for the Trump campaign and former state representative, Alabama Media Group, March 8, 2017, bit.ly/2n9e1PK**

Time for Term Limits

“Elected every two years in the House or six years in the Senate, congresspersons often rack up longer tenure than do justices appointed for life. The longest serving justice in our history was William O. Douglas, who spent nearly 37 years on the High Court. But if Douglas had spent that epoch in Congress, he wouldn’t place first, but 80th. In fact, three Judiciary Committee members — Senators Patrick Leahy, Chuck Grassley and Orrin Hatch — have already served longer than any High Court justice in American history.

“Interestingly, of the 20 longest serving justices, half served before 1900. Conversely, all of the 20 longest continuously serving members of Congress served after 1900.

“Careerism in Congress beats lifetime tenure.

“It’s time for term limits.”

— **“Lifetime Tenure — Or Longer?,” Paul Jacob, *Townhall.com*, March 26, 2017, bit.ly/2oRoZa2**

Summing It Up

“In short, term limits are a good thing. They cut out chances for corruption, remove stagnancy, bring diverse perspectives, add new ideas, infuse fresh energy, and create more opportunities for the betterment of all in a society.”

— **“Why Not Limit Terms for Elected Offices?,” Mazie Hironaka, *The Morning Express*, March 8, 2017, bit.ly/2n1Ygu9**

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Suite 200
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