

No Uncertain Terms

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Cruz and Rooney Submit Congressional Term Limits Amendment as USTL Launches 2019 Strategy to Advance Term Limits Convention in the States

“For too long, members of Congress have abused their power and ignored the will of the American people,” said Senator Ted Cruz on January 3, as the 116th Congress began its work. “Term limits on members of Congress offer a solution to the brokenness we see in Washington, D.C.”

The occasion was Cruz’s introduction of Senate Joint Resolution 1 in the U.S. Senate to propose a congressional term limits amendment. Representative Francis Rooney introduced a companion resolution in the U.S. House.

The constitutional amendment would limit U.S. Senators to a maximum of two six-year terms and U.S. House Members to a maximum of three two-year terms. A partial term longer than half a standard term would count as one term. The clock would start ticking upon ratification by the states, with terms served prior to ratification not being counted toward the term limit.

The proposed amendment would limit terms as specified in the U.S. Term Limits Pledge.

During the 2018 election season, 136 of the 379 candi-



Senator Ted Cruz and Representative Francis Rooney.

dates who had signed the Pledge made it to the general-election ballot. Fifty-one (51) signers won election to the House and five to the Senate (joining ten incumbents not up for reelection in 2018). The honor roll of 66 incumbent signatories is posted on the U.S. Term Limits site (see bit.ly/2DBaO9a).

The U.S. Constitution requires that two thirds of each

(Continued on Page 3)

What Happened to Term Limits for Democratic Leaders in the U.S. House?

On January 3, Nancy Pelosi was elected to a new term as speaker of the U.S. House of Representatives, now controlled by the Democrats.

We have heard no word of any formal enactment of term limits on the three top Democratic leaders. Yet term limits for at least top leaders was reportedly a major demand by the cadre of renegade Democrats who had been opposed to a new Pelosi term but who indicated after the November elections that they might yet vote for her if term limits on leadership were part of the deal.

As for term limits on committee chairmen...somehow, by the time negotiations culminated, the question

of keeping those GOP-imposed term limits had dropped out of the discussion. In fact, on January 9, Steny Hoyer introduced House Resolution 6 (bit.ly/2Uh86VC) to adopt the House rules of the previous session with a few minor and one major amendment. The major change was to eliminate term limits on committee chairman. The resolution passed on party lines: 192 Republicans voted no and only 3 voted yes; 232 Democrats voted yes and not a single one voted no.

The GOP had imposed term limits on committee chairs since 1994, when Newt Gingrich was speaker. The party’s 1994 rules also term-limited the speaker, although not also other top Republican leaders in addition to committee chairmen. However, in 2003, the term limit on the speaker was lifted to enable Speaker Dennis Hastert to serve more than four terms.

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The term limits comeback in Peru
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President's Corner

BY PHILIP BLUMEL

On the January 14 episode of the No Uncertain Terms podcast, we had a chance to talk to Robert G. Natelson, a widely published scholar on the process of amending the U.S. Constitution.

We let Mr. Natelson know how crucial his scholarship has been in inspiring U.S. Term Limits to pursue an Article V convention of states as a means of advancing a congressional term limits amendment. His well-organized, well-documented tome *The Law of Article V: State Initiation of Constitutional Amendments* is practically a handbook for both lawmakers and activists.

One thing we discussed is the school of thought according to which such a convention would have extravagant power to do all sorts of wild things to upend the Constitution. But there can be no "runaway convention." The Article V process necessarily entails a lot of deliberation and consensus. Just like constitutional amendments originating in Congress, a convention-produced term limits amendment cannot be enacted casually (nor casually dispensed with once a ratified amendment has become part of the Constitution).

Natelson suggests that unreasonable fears about a convention of states are beginning to subside as people learn more about how it really functions.

His work also refutes the frequent claim that we have no judicial precedents to consult regarding implementation of Article V. As he tells our listeners, "there are about 50 different Article V cases and there is an enormous quantity of precedents that the book references.... There are guidelines out there."

The viability of an Article V Term Limits Convention is a major reason I'm so optimistic about the prospects for achieving congressional term limits. Congress may yet preempt the states and pass a term limits amendment of their own, in hopes of securing more liberal terms for their term limits. We're not counting on it. But I do think that this possibility is more likely now that advocates of congressional term limits have gotten the ball rolling with state applications for a Term Limits Convention.

And there are so many ways, with your help, that we can keep up the pressure and intensify it.



Sign up for the No Uncertain Terms podcast at termlimits.com/podcast.

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*

Congress and States (Cont'd from page 1)

chamber of Congress “deem it necessary” to propose an amendment in order for it to then be sent to the states for ratification. Article V also empowers states to convene a convention for proposing constitutional amendments when two thirds of the states (34 states) call for such a convention, thereby bypassing Congress when necessary.

U.S. Term Limits is pursuing both methods of achieving congressional term limits. So far, three states—Florida, Alabama, Missouri — have formally called for a single-subject Term Limits Convention. As of January 2019, legislators have sponsored resolutions calling for the Term Limits Convention in Connecticut, Iowa, New Hampshire, Vermont, Maryland, Pennsylvania, South Carolina, and West Virginia. Sponsors are also ready to introduce resolutions in Arizona, Georgia, and Minnesota.

One example: on January 17 Delegate Jeffrey Pack and ten co-sponsors introduced House Joint Resolution 14 in the West Virginia legislature “to call a convention of the states...limited to proposing amendments to the Constitution of the United States and to limit the terms of office 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.” (See bit.ly/2Uj1N3V for the full text.)

“There is no better way to drain the swamp of career politicians than through term limits,” says Pack.

In the January 21 episode of the No Uncertain Terms Podcast, USTL Executive Director Nick Tomboulides notes that although we are working with activists in every state, “the five states that we are targeting with the most resources this year are Kentucky, West Virginia, Georgia, Arizona and Utah. These are the states where we’ve had the most success at recruiting candidates for the state legislature and incumbents to sign our Pledge committing themselves to the term limits resolution.

“In three of these states [Arizona, Georgia and Utah] we’ve already passed a single chamber — which means we’re halfway there. We just need to go to the second chamber and capitalize on it. So these are the five states where we have the strongest chances of passage in 2019 and where we’re putting the most resources.” (You can visit termlimits.com/podcast to listen to this episode, “No Shutdown for Term Limits.”)

By either method of amending the Constitution, enactment requires ratification of the amendment by three fourths or 38 of the states.

**Want to term-limit Congress?
To support our efforts, visit
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Democratic Leaders (Cont'd from page 1)

The term limits on chairmen were not chiseled in stone. Occasionally, the GOP granted a waiver to permit a Republican committee chairman to overstay his term limit. But use of the waiver has been rare. Thus, Republican House members knew that they could ascend in leadership much more quickly than Democrats.

In the last few months of 2018, Pelosi at first merely acknowledged the concerns of Democrats who wanted term limits, stressing that the Democratic caucus would ultimately decide whether to impose them. Then, more dramatically, she agreed to limit her own tenure as speaker to no more than two further terms. (Not a very dramatic gesture given her age of 78.)

Although at least one reporter has claimed that Majority Leader Steny Hoyer and Majority Whip James Clyburn have also agreed to voluntarily limit their tenure, they have not. In-

deed, during the weeks that Pelosi was rounding up votes after the November election, Hoyer crankily stressed his opposition

to term limits and declared that whatever Pelosi might be saying to secure support, she was not representing him in her negotiations.

“I’m not for term limits. Is anybody confused? I am not for term limits,” Hoyer said. And then he said it again. From such statements and his sponsorship of HR 9, we infer that he is not for term limits.

If Hoyer and Clyburn — let alone subsequent Democratic leaders and committee chairmen — are to be term-limited, there must be a formal change in the rules. Which doesn’t look very likely now that Pelosi has secured her post and HR

9 has passed with no dissent from any Democrats.

We’d love to be proven wrong here. Your move, Democrats.



Nancy Pelosi.

Term Limits

DELAWARE

In early January, State Representative Michael Ramone introduced an amendment to the state constitution (bit.ly/2U7bH8K) that, if it wins the approval of two thirds of each chamber, would “limit” senators and representatives to no more than 20 consecutive years within a chamber. (The Delaware General Assembly can amend the state constitution directly, without going to voters.) Terms served prior to 2022 would be excluded. So: non-retroactive, non-lifetime, non-robust, non-meaningful term limits.

FLORIDA

Despite a bad court decision last year kicking school board term limits off the state ballot, Floridians may yet have a chance to term-limit county school boards. Lawmakers have filed legislation for the 2019 session to refer a constitutional amendment to the 2020 ballot. If ultimately approved by voters, the ballot measure would limit the tenure of school board members to two consecutive terms.

Brevard County, FL. County commissioners have taken the first steps toward imposing limits of two consecutive four-year terms on the Brevard Council Tourist Development Council. Commissioners are also considering whether to term-limit other county boards, of which there are 53.

Orange County, FL. In early January, the Florida Supreme Court ruled on whether Orange County may conduct non-partisan elections for six constitutional posts (sheriff, comptroller, clerk of the court, tax collector, property appraiser) and whether the posts may be term-limited. The court decided in favor of both the nonpartisanship and the (weak) term limits, a maximum of four four-year terms for each office. The legal battle stems from a November 2014 ballot measure on the proposed changes, which voters passed by a 71% majority, and a lawsuit challenging the propriety of nonpartisan elections.

GEORGIA

Representative Michael Caldwell has again proposed an amendment to Georgia’s constitution (bit.ly/2DoGacQ) to impose limits of four two-year terms on lawmakers if approved by voters. Caldwell says that “the main issue for me is the advantages of incumbency. It’s very challenging to beat an incumbent because of all the built-in advantages.” Caldwell has introduced a similar amendment in previous sessions, but lawmakers never sent it to ballot.

Whitfield County, GA. Commission Chairman Lynn Laughter was “blindsided” by a resident’s proposal to eliminate term limits on commissioners, a proposal the commissioners voted on immediately. The other four members of the five-member board voted Yes. Members are currently limited to three consecutive four-year terms. Repeal is not a done deal, though. The state legislature must make the change; the commissioners merely approved asking it to. Among those attending the council meeting was resident Beau Patton: “Why is this being rushed? This needs to go to the people for a vote.”

ILLINOIS

Last November, the Illinois house of representatives passed a bill (HB 5698) to undermine municipal term limits by retroactively rescinding all local term limits laws that are retroactive. The legislation would apply “to all term limits imposed by a municipality by referendum, ordinance, or otherwise passed on or after November 8, 2016.” It would provide “that the imposition of term limits by referendum, ordinance, or otherwise must be prospective” and that “elective office held prior to the effective date of any term limit imposed by a municipality shall not prohibit a person otherwise eligible from running for or holding elective office in that municipality.”

Fortunately, the assault failed in the state senate last year. But now we have a new legislative session. Vincent Caruso of Illinois Policy Institute (IllinoisPolicy.org) notes that the bill “would create a new barrier for voters, in addition to ballot access issues. Incumbents have many advantages over challengers, including fundraising leverage and name recognition. Freeing incumbent politicians from the constraints of term limits would allow failed or corrupt leaders to continue holding office well into the future.... If Springfield wishes to begin 2019 with a renewed commitment to the interests of voters, lawmakers should keep HB 5698 off the table” (bit.ly/2U15SJP).

Orland Park, IL. The board of trustees here voted 4 to 3 to refer a term limits question to the November 2020 ballot. The measure would impose term limits of three four-year terms on local officials.

LOUISIANA

The Louisiana state legislature is in the news because of high turnover, owing in part to term limits. *Houma Today*

In The News

reports: “If the unprecedented turnover [from other causes] weren’t enough, there are another 47 legislators slated to move on after this term due to term limits. In the Senate, term limits will force a 41 percent turnover next term, or 16 out of 39 senators. In the House, the number is closer to 29 percent, or 31 out of 105 reps.”

MICHIGAN

The Michigan state senate is in the news because it “will see more turnover than any legislative chamber in America next year because of a term-limit law that prevented 25 of 38 members from competing for re-election this month,” according to the *Detroit News*. State Senator Curtis Hertel Jr., a Democrat, thinks the turnover is fine even though he is “not a big fan” of term limits. “Obviously, there’s a learning curve when you get into the senate. But I think these are really good, smart people who will bring more everyday life experience.”

MISSOURI

Freshman State Senator Tony Luetkemeyer, a signer of the U.S. Term Limits Convention Pledge — as well as a separate U.S. Term Limits pledge “to take no action that would aid or abet the abolition or lengthening of term limits to which elected officials in Missouri are subject” — is proposing two-term limits on statewide officials. The bill is Senate Joint Resolution 14 (bit.ly/2Dr9bV5).

Jefferson City, MO. On January 14, city council members voted 8 to 1 to send Proposition B to the April 2 ballot to weaken the eight-year lifetime term limits on council members (four two-year terms) and the mayor (two four-year terms). If the measure passes, the term limits would be converted from lifetime limits of eight years to consecutive term limits of eight years.

NEW JERSEY

Ocean City, NJ. In late December, the council here voted 5 to 0 to scrap term limits for municipal boards and commissions. Ocean City Councilmen say that term limits are being eliminated because of the risk that recently vacated board seats would go unfilled under term limits. But Donna Moore, a resident who attended the final vote, said people have told her that their applications for a board seat have been denied because of an alleged excess of applicants.

NEW YORK

Ulster County, NY. To our pleasant surprise, on December 18 the legislature of Ulster County overrode County Executive Michael Hein’s veto of a ballot measure to let voters decide whether to limit local officials, including county legislators and the county executive, to 12 years in office. The vote was 16 to 5. The bill had been adopted in September by a 14 to 8 vote, not a large enough majority to override. On December 18, two lawmakers flipped from No to Yes. Hein is considering legal action to thwart voters. He claims that only lawmakers, not voters, have the authority to impose term limits.

SOUTH DAKOTA

Republican House Majority Leader Lee Qualm and others have filed Senate Joint Resolution 1 (bit.ly/2DnOs4L) to lengthen individual legislative terms in either house from two years to four years. If the proposed ballot question is approved by voters, lawmakers would also be simultaneously restricted to two consecutive terms instead of four terms, leaving the current term limit intact with respect to total consecutive years of incumbency.

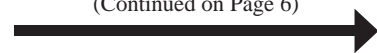
UNITED STATES

In an interview with Chris Wallace last November, President Trump stressed his support for presidential term limits, disputing the notion that he would ever seek a third term as president. “I think the eight-year limit is a good thing, not a bad thing.” Some people had wondered whether Trump truly supported term limits given his ill-advised jocular words at a fundraiser early last year, words that had seemed to support the elimination of presidential term limits in China.

BOLIVIA

Bolivian President Evo Morales’s assault on presidential term limits is anatomized by Francisco Toro in the January 4 *Washington Post* (wapo.st/2Dpq6Y8). Now in his third term, Morales wants to escape term limits in order to run for a fourth. He started with a 2016 referendum asking voters to kill term limits; he

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Term Limits In The News (con't)

lost. But then a crony-packed Constitutional Tribunal declared the referendum void.

“It’s hard to overstate the cynicism of Morales’s argument,” writes Toro. “He cited provisions of the inter-American charter designed to prevent authoritarian governments from picking who can challenge them and jujitsued them into an argument against term limits. In one especially egregious passage, Morales cited Inter-American Court of Human Rights rulings in favor of Leopoldo López, the high-profile Venezuelan political prisoner, in support for his bid to become a Venezuelan-style dictator.” Morales may be thwarted by that same Inter-American Court, where the case is now being considered.

EGYPT

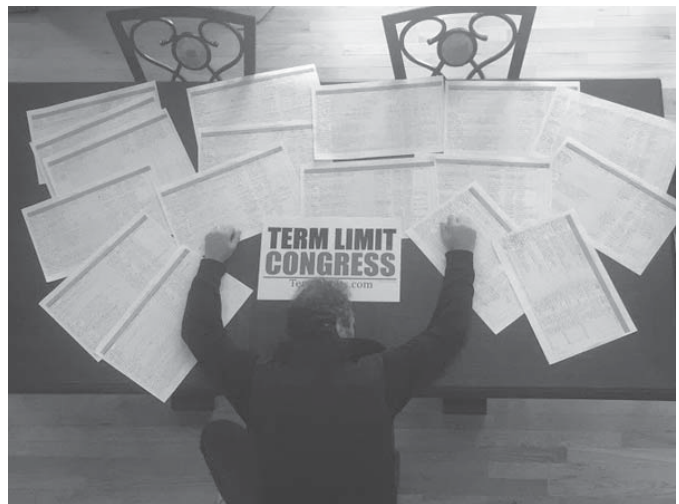
The rumbling is getting louder. On December 29, Yasser Rizk, a former speechwriter for President Abdel Fattah al-Sisi, published an op-ed arguing that his former boss should have more time in office. Then Salah Hasaballah, spokesman for the Egyptian house of representatives, asserted that lengthening al-Sisi’s tenure “is a must now, given the huge challenges facing our country.” These voices join what *The Arab Weekly* calls a “growing chorus of Sisi supporters.” The current constitution, approved by voters in 2014, limits the president to two four-year terms. Voters must also approve any amendment.

PERU

Peruvians have restored term limits on their national legislature. In a December 9 referendum, they were offered a slate of anti-corruption measures, one of them a ban on immediate reelection of national lawmakers. Voters passed three of the four proposals, including the term limits, which won with an 85% majority. Many say that a sustained jump in the president’s popularity owes much to his sponsorship of the reforms. For several months, surveys have reported his approval rating to be 60% or more.

SUDAN

In early December, a majority of Sudan’s parliament — 294 out of 581 members — voted for a constitutional amendment to let President Omar al-Bashir run for a third term in 2020. Members of opposition parties say that if al-Bashir runs for reelection, they will boycott the 2020 election. Bashir is wanted for genocide by the International Criminal Court. His security forces have killed dozens of protesters and detained and beaten many more (nyti.ms/2U38AOU).



To the left, Larry in Connecticut. To the right, Ken Quinn in Maine.

Ken and Larry were among many volunteers who collected the signup info of term limits supporters for U.S. Term Limits on Election Day 2018.

Ken, our Northern Regional Director, organized the drive. Thank you all!



NO Uncertain TERMS

The Podcast of the Term Limits Movement

Recent Episodes

Episode 21, December 31, 2018. USTL President Phil Blumel and Executive Director Nick Tomboulides compare the (now faded) push to term-limit Democrat leadership in Congress to the push to limit top leadership in Cuba. In each case, junior players are “jockeying for power within an undemocratic situation.” Also discussed is the conduct of entrenched incumbents in Bolivia, Togo, New York State and Arlington, Texas. In the New York State legislature, incumbents are getting a \$50,000 raise even as the state under their governance has become “number one at losing residents to other states.” The episode includes an excerpt from New York State Senator Joseph Griff’s press conference calling for legislative term limits.

Episode 22, January 7, 2019. The U.S. Term Limits Constitutional Amendment has been filed in Congress (more on page 1). Why it’s important to ask your representatives to support SJR 1, the Senate version of the resolution; and HJR 20, the House version. (Visit termlimits.com/legislators to learn the track record of your congressmen on term limits and to contact them through our site.) The episode includes an interview with politically savvy Cliff Mahoney of Young Americans for Liberty (YALiberty.org), excerpts from comments on Article V delivered in 2013 by Laurence Lessig in the Boston state legislature, and an explanation of why pessimism about the chances for congressional term limits is mistaken.

Episode 23, January 14, 2019. Nick and Phil wonder why the Term Limits Amendment resolution just introduced in Congress has been getting so much attention — more than when introduced in previous sessions. “It’s so funny,” says Nick. “I had so many people contact me and say, ‘Hey, did you see this term limits bill? Did you see this?’ I’m like, ‘Of course I saw it, we’re behind this.’” The episode includes audio of an interview with Congressman Francis Rooney, the resolution’s sponsor in the U.S. House, as well as our own interview with Robert Natelson (ArticleVInfoCenter.com), author of *The Law of Article V: State Initiation of Constitutional Amendments*.



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How Can I Help Term-Limit Congress?

BY STACEY SELLECK

- Sign the term limits petition at termlimits.com/petition and give us your email address there. Then you’ll get our regular email updates.
- Ask your congressmen and your state lawmaker to sign the U.S. Term Limits Congressional Pledge or U.S. Term Limits Convention Pledge, respectively, at termlimits.com/pledge. Signed Pledges may be emailed to press@termlimits.com.
- Ask your state legislator to sponsor a resolution using the language of our model application (at bit.ly/2TOC4A0) to call for an Article V Term Limits Convention.
- Answer our calls to action: to email and call your legislator, attend a local term limits event, form a local term limits group, invite your association to publicly support our term limits resolution, or submit a letter to the editor advocating term limits to your local paper.



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“The main issue for me is the advantages of incumbency. It’s very challenging to beat an incumbent because of all the built-in advantages.”

— Georgia State Representative Michael Caldwell
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