

No Uncertain Terms

THE NEWSLETTER OF THE TERM LIMITS MOVEMENT • JULY/AUGUST • VOLUME 27 • No. 4

Tomboulides at First Term Limits Hearing in Two Decades: “We the People demand term limits for members of Congress.”

“I want you to imagine for a moment that you are an employer and you’ve got some problems with your employees,” said U.S. Term Limits Executive Director Nick Tomboulides in testimony this June before the U.S. Senate Judiciary Committee.

“When you hired these employees, they promised they would do exactly what you asked of them. But once they got the job, they became a nightmare. They stopped listening to you and started using the job to line their own pockets. They took the company credit card and racked up more debt than you could afford to pay back. They became so obsessed with keeping their jobs that they forgot to do their jobs. And after all that failure, all that disappointment and all that incompetence, your employees came to you and said: ‘We deserve a raise.’ If you’re a reasonable person, that should make your blood boil.

“And yet that is exactly what it feels like to be an American taxpayer.



“The first three words in our onstitution are ‘We the people.’ It’s written larger than anything else because the framers of that document, the architects of our republic, wanted to remind you at all times who’s in charge. We the people, we are your employers; and you have an obligation to listen to us.

(Continued on Page 7)

Democratic Candidates for President Who Support Congressional Term Limits

During his campaign of 2016, President Donald Trump — expected to be renominated by the GOP in 2020 — was among the candidates who voiced support for congressional term limits. Although he has not made congressional term limits a major theme of his presidency, he has reiterated his support on several occasions.

Democratic presidential candidates in the large field have also expressed support for congressional term limits. We know this in large part because of the efforts of USTL’s northern regional director, Ken Quinn — “more machine than man,” as Executive Director Nick Tomboulides puts it. Nick’s article

We can go around Congress. p.6

at the U.S. Term Limits site (bit.ly/2O7V26z) lists both the friends and the foes of term limits among the major Democratic candidates. Here we name only those who have spoken in favor of congressional term limits.

Corey Booker. U.S. Senator Booker supports congressional term limits but adds that a congressional term limits amendment would not be among “the first four or five [constitutional amendments] that I would fight for” as president.

Julián Castro. The former mayor of San Antonio and former U.S. Secretary of Housing and Urban Development thinks that he could support congressional term



(Continued on Page 3)



President's Corner

BY PHILIP BLUMEL

Term limits have always been popular, and the appeal has always been bipartisan. We also observe this bipartisan appeal in legislative bodies where we've successfully fought for term limits proposals.

Examples include the votes we've had for resolutions calling for a Article V Term Limits Convention in state legislatures. USTL Executive Director Nick Tomboulides reminded us in a recent No Uncertain Terms Podcast that in Florida, it was a Democrat, State Senator Geraldine Thompson, who saved the resolution in committee so that it could then be unanimously endorsed by both chambers of the state legislature.

In the Utah house, a higher percentage of Democrats than Republicans voted for the Term Limits Convention. In Jacksonville, FL, it was two Democrats, Tommy Hazouri and John Crescimbeni, who saved municipal term limits from an attack initiated by a Republican.

On the other hand, at the federal level — in Congress — term limits are often regarded as a specifically GOP issue. Yet, for many reasons, term limits should appeal to the Democrats at every level of government. Term limits are about fairness and about giving citizens leverage against entrenched elites.

Term limits are no respecter of privilege. They've resulted in greater diversity in the legislatures, in everything from race and gender to occupational background. Term limits also limit the power of corporate lobbyists. So there are a host of reasons that Democrats should be running on this issue. Two new Democratic cosponsors of the U.S. Term Limits Amendment bill recognize this: Joe Cunningham of South Carolina and Lori Trahan of Massachusetts. So do several of the presidential candidates (see page 1). Their fellow Democrats should follow suit.

Democrats could point out that in the 1990s, the GOP under the leadership of Newt Gingrich made term limits a central issue in the Republicans' Contract with America, a list of promises of what the Republicans would do if they gained a majority in the U.S. House in 1994. The GOP gained that majority and then — somehow never took effectual action on term limits. "Hey, look, these Republicans promised you the term limits that you want, and they didn't deliver. We will."

How about it, congressional Democrats?



Listen to Phil Blumel and Nick Tomboulides every week on the No Uncertain Terms podcast; sign up at termlimits.com/podcast. Visit our Facebook page at on.fb.me/U0blkG. Visit termlimits.com/petition to sign up for email updates about U.S. Term Limits.

JULY/AUGUST 2019

A publication of

US TERM LIMITS FOUNDATION

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

For the latest developments on term limits across America, visit our web site on the Internet at www.termlimits.org

No Uncertain Terms is published bimonthly. Third class postage paid, Washington, DC.

POSTMASTER:
Send address changes to:
U.S. Term Limits Foundation
1250 Connecticut Avenue NW
Suite 200
Washington, DC 20036

“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*

Democrats on Term Limits (Cont'd from page 1)

limits that permit “a good amount of time” in which congressmen could learn to do their jobs, maybe eight to 12 years. “But not if it’s too short. It would depend on the amount of time.”

John Delaney. The former congressman says that he “Yes. Absolutely” supports congressional term limits. He advocates a maximum of two six-year terms in the U.S. Senate and six two-year terms in the U.S. House of Representatives. His advocacy of congressional term limits goes back at least to his 2012 campaign to win a seat in the U.S. House.



Kirsten Gillibrand. “I think there’s so much corruption in Washington,” the U.S. Senator told Ken Quinn when asked about whether she supports congressional term limits. “Everyone here knows Washington is broken. We all know it. The voters know it. It’s why we don’t have as high of a voter turnout as we should. Because people say things like, ‘My vote doesn’t matter. Everyone’s corrupt anyway. They’re all the same.’ ... I don’t know exactly what [length of] term limits is the best one. I don’t know if you should let Senators be there for 12 maybe and House members be there for 12 years maybe.... But it’s something we could look at, study, and figure out, and make a proposal.”



John Hickenlooper. The former Colorado governor endorses congressional term limits and supports the proposal for an Article V Term Limits Convention to term-limit Congress. “Term limits make sense at all levels of government. There are pros and cons, but I come down on the side of thinking that term limits are generally a good idea.”



Seth Moulton. Representative Moulton says that although term limits is a “very controversial” reform, “at the end of the day, I think it would probably make Congress better. Because if you went to Congress knowing that you had a certain period of time to get things done and to do the right thing for the country, and that was going to be your legacy — not just how many times you could get reelected — then maybe you would make better deci-



sions.... Congress isn’t working right now.... We need to change the system.... [Term limits] would make Congress stronger and better.”

Robert (“Beto”) O’Rourke. The former congressman stated during his campaign for U.S. Senate in 2018 that he had limited his own tenure in Congress in order to avoid becoming a jerk (the word he used was stronger). “I haven’t met somebody in this line of work who doesn’t...think that they are so important that only they can do it.” A signer of the U.S. Term Limits Pledge, O’Rourke is also a cofounder (with Republican Congressman Rod Blum) of the Term Limits Caucus.



Tom Steyer. A late entrant in the race, the billionaire hedge fund manager states on his Facebook page that he supports congressional term limits “of 12 total years in the House and Senate. A seat in Congress isn’t supposed to be a lifetime position. We must ensure there’s room for new voices and faces, to make progress on the issues that matter most to Americans.”



Andrew Yang. The businessman and lawyer doesn’t want incumbents to be “crouching in DC for decades” but doesn’t want term limits to be too short either. At his web site (bit.ly/32KjJt1), he argues that “the best balance...is a 12-year term limit that wou



Visit termlimits.com/2020-presidential-candidates-on-term-limits for links to videos in which Democratic presidential candidates express their views on term limits, including YouTube videos produced by U.S. Term Limits (bit.ly/32BSMId).



U.S. Term Limits wants you! We need your help with social media, research, event coordinating, getting candidates and incumbents to sign a Term Limits Pledge. We rely on the dedication of our volunteers to make term limits on Congress (and elsewhere) a reality. Visit www.termlimits.com/volunteer to sign up.

Term Limits

ARKANSAS

The chairman of Arkansas Term Limits Ballot Question Committee, Tom Steele, has announced a new name for a citizen initiative ballot question to restore tough state legislative term limits. His op-ed about the matter in the *Arkansas Democrat-Gazette* (“Not a Lifetime Job. Bring Back Stricter Term Limits”) has been reprinted at the U.S. Term Limits web site (bit.ly/2MatlC4). Steele writes that the career politicians in Arkansas have co-opted the name Arkansas Term Limits Amendment (used in 2018 for a citizen-initiated ballot measure to *strengthen* state legislative term limits) for an incumbent-backed 2020 ballot measure to further weaken state legislative term limits, “perhaps trying to confuse voters into thinking theirs is the citizens’ proposal. I suggested that the legislators call theirs the Lifetime Politician Amendment. Arkansas Term Limits will seek volunteers and sponsor a real term limits amendment for the 2020 ballot; and, yes, we will change our popular name to The Arkansas Citizens Term Limits Amendment.”

ILLINOIS

In late June, the *Chicago Law Bulletin* reported that former Illinois Governor Pat Quinn has lost his appeal to get the votes counted for a citizen-initiated measure on last November’s ballot for term limits of the Chicago mayor. The question had gained enough signatures to make it to ballot last November, along with another legally challenged measure championed by Quinn, about creating a city consumer advocate. But an anti-initiative state law limits the number of ballot measures to a total of three (the so-called “Rule of Three”), and the Chicago city council stuffed the ballot with three other ballot questions in order to block the citizen-initiated questions. In recent months, the status of both measures was in legal limbo as Quinn pressed his case that the votes be counted. But with the recent decision going against him, it seems that Chicago’s career politicians have won, for now.

HAWAII

Kiowa, HI. Until recently, the Kiowa city charter has not been consistent with city ordinances on term limits for council members. To resolve the matter, in late May the Kiowa City Council approved Charter Ordinance 19-019 by a vote of 6 to 1 to impose consecutive limits of two four-year terms. These term limits are now explicitly part of the charter.

LOUISIANA

The West Baton Rouge Parish Council may give residents a chance to vote on term limits (three four-year terms) for the parish president. If it goes to the voters and passes, it would take effect in 2024. The current parish president, Riley Berthelot, thinks the measure is directed at him, although it would not affect him. Berthelot is currently serving a third term and plans to run for a fourth term that would be completed by 2024; after that, he says, he will retire.

MICHIGAN

Michigan Senate Majority Leader Mike Shirkey is mulling a ballot measure in 2021 or 2022 to expand or, as he prefers, to repeal state legislative term limits. He says: “Personally, I’d like to see an elimination of term limits, but I’m not sure we can accomplish that.” House Speaker Lee Chatfield observes that a repeal measure would be defeated “faster than a 45-cent gas tax” unless paired with popular reforms, a frank admission that successfully undermining term limits at the ballot box would require conning Michigan voters or bribing them or both.

To publicize the threat to state legislative term limits, USTL Deputy Field Director Jeff Tillman enlisted the venerable Citizen Calvary wooden horse, which has also seen duty in other term limits battles. “This is straight from the horse’s mouth,” said USTL National Field Director Scott Tillman, who, like his father, resides in Michigan. “We want politicians like Mike Shirkey to know the people of Michigan love our term limits. Term limits were introduced by citizens, not politicians, and politicians have no business meddling with the people’s term limits.”

Warren, MI. In June, the Michigan Supreme Court ruled unanimously that four members of the Warren city council



In The News

who had been termed out of office may not run again for the city council and that their names cannot appear on the city's August primary ballot. Supporters of the term-limited councilmen quickly filed a federal lawsuit to try to overturn the supreme court's decision, but the effort failed.

Each of the four Warren councilman seeking to run again had already served three four-year terms. But in their lawsuit, they argued that the term limits clock starts anew for incumbents who switch from running for at-large seats to running for district-level seats (or vice versa). An appeals court, reversing a lower decision to enforce the term limits, accepted the claim that at-large seats and district seats were "distinct offices." But in June, the state supreme court ruled that the city's election commission "had a clear legal duty to perform the ministerial act of removing the names of the challenged contestants from the ballot" in light of the fact that there is "a single class of City Council members, subject to the term limits of the greater of three complete terms or 12 years in that office."

Section 4.4 (d) of the city charter (bit.ly/2O5INsn) states: "A person shall not be eligible to hold the position of city council, city clerk or city treasurer for more than the greater of three (3) complete terms or twelve (12) years in that particular office." The charter makes no distinction between two kinds of council seat to be term-limited separately. *Macomb Daily* reporter Norb France notes that although a city attorney opined in 2014 that the city council is "bicameral," since then the council "has never approved or amended ordinances, awarded contracts or tackled budgets in bicameral fashion." The shenanigans in Warren exemplify the extent to which some career politicians will go in order to evade plain and unambiguous term limits.

NEW YORK

Queens Library has helped the Campaign Finance Board of NYC to recruit candidates for city council by hosting one of its training sessions. The CFB is making the effort because in 2021, the end of the third term will finally arrive for council members who were allowed to serve three terms after New Yorkers voted in 2010 to restore two-term limits on city officials. The 2010 measure that the council sent to ballot included a clause exempting incumbents. Thus, despite passage of the measure, they would be able to serve three terms instead of having to step down after two terms. Council members first elected in 2009 (one year before the referendum vote) could serve until 2021.

The Queens Library web site notes that "Across the five boroughs, the 2021 election will be the largest election cycle the CFB has seen in its 30-year history, with two citywide offices, mayor and public advocate, all five borough presidencies, and 35 City Council districts currently held by incumbents who will be term-limited out of office."

UTAH

The new United Utah Party (formed in 2017) announced in July that it is launching a citizen initiative petition to impose consecutive term limits of 12 years for state senators and state representatives, two four-year terms on Utah's governor, lieutenant governor, treasurer, auditor, and attorney general. Visit unite4termlimits.org to see the ballot question as currently worded and other details about the effort. United Utah has until mid-February of 2020 to collect enough signatures to place the question on the 2020 ballot. Utah voters enacted 12-year legislative term limits in 1994, but the legislature repealed that term limits law in 2003.

UNITED STATES

The Democratic Party has a new policy requiring businesses that work on political campaigns to abstain from helping primary challengers of incumbent Democrats or else be blacklisted by the Democratic Party. Most of the top campaign firms have reportedly accepted the demand. The *New York Times* seems to think (nyti.ms/2MdCLCx) that it is bad to deprive primary challengers of these professional resources especially because of the harm done to aspiring female and minority candidates. In fact, the policy is bad because it will hurt challengers of any sex or hue. It's bad because it is yet another addition to the incumbency protection racket.

MAURITANIA

Writing about Mauritania's "first ever peaceful transfer of power since independence," Quartz Africa notes: "Abdel Aziz's decision to respect term limits and step down from office is uncommon among African strongmen rulers, especially those who came into power through coups" (bit.ly/2M9DViQ). Quartz cites Egypt and Uganda as examples of countries where presidential term limits are being undermined. There are also many other examples of African countries whose heads of state have tried (not always successfully) to shrug off term limits. (See also: China, Russia, Latin America...) Aziz seized power in a 2008 coup, after which he won two five-year terms in elections. His successor, Mohamed Ould Ghazouani, won a June 22 election with 52% of the vote. Ghazouani is a member of the same ruling party as Aziz, and opposition parties have disputed the election results. At the very least, though, Aziz's willingness to accept presidential term limits establishes an important precedent.

FreedomFest Lesson: Article V of the Constitution Means We Don't Have to Wait for Congress to Act to Get Congressional Term Limits

While attending the FreedomFest Conference in Las Vegas (July 13 to July 16), USTL's Phil Blumel and Nick Tomboulides learned that although attendees like the idea of congressional term limits, they have their doubts about whether Congress will ever voluntarily limit themselves.

"We haven't heard lot of skepticism [about term limits as such]," says Nick, "but when a skeptic does come up to the table it's always usually the same objection: 'I love term limits. I would love to see this happen. It's long overdue. We have to stop the career politicians. But, you know what, guys, Congress is never going to vote for it.'"

"I get to tell them: 'Actually, we don't need Congress at all. We can go around Congress. The states can do this on their own. Nobody in Washington can stand up and object to it.' When you tell them that, when you explain the way the Term Limits Convention works, their eyes light up and they get excited. They want to volunteer." (For more of Nick and Phil's on-site reporting at FreedomFest, visit termlimits.com/podcast and listen to Episode 49, the July 22 episode.)

So far, three states — Florida, Alabama, and Missouri — have passed resolutions calling for a single-subject Term Limits Convention. Thirty-four states in all must pass similar resolutions in order for a Term Limits Convention to be convened. The convention can then prepare a congressional term limits amendment to send to the states for ratification. After three fourths of the states (38) ratify the amendment, it becomes part of the U.S. Constitution.

To achieve enactment of congressional term limits, U.S. Term Limits enlists the support of both congressmen and state legislators. If congressmen preempt an Article V Term Limits Convention by sending a congressional term limits amendment to the states themselves, we'll get a congressional term limits amendment that way. If the states beat them to the punch, we'll do it that way.

At present, 67 members of the U.S. Congress have signed the U.S. Term Limits Congressional Pledge committing themselves as members of 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."

A total of 63 congressmen are sponsors and cosponsors of resolutions SJR 1 and HJR 20 to send a congressional term limits amendment to the states. (The categories of signer and sponsor overlap. Not all sponsors of the Term Limits Amendment have signed our Pledge, and not all Pledge signers are also sponsors.)

So far, 32 candidates for Congress in the 2020 elections who are not currently incumbents in Congress have signed the Pledge. As well, two winners of GOP primaries for special elections to Congress — Gregory Murphy and Dan Bishop, both running in North Carolina — are Pledge signers. Both special elections will be decided on September 10.

We also ask state legislators and candidates for state legislatures to sign an allied Term Limits Convention Pledge "as a member of the state legislature [to] cosponsor, vote for, and defend the resolution applying for an Article V convention for the sole purpose of enacting term limits on Congress."

Of current state legislative incumbents, 187 have signed this Pledge. In campaigns for 2019 and 2020 elections to state legislatures, 135 candidates (including incumbents running for reelection) have signed the Pledge. The number of non-incumbent candidates who have signed is 93.



Rigging the Game

"The Congress we see today is not a product of democratic norms, but of incumbents using monopoly behavior to shape and manipulate the electorate."

— "How term limits enrich democracy," Nick Tomboulides, The Fulcrum, June 17, 2019, thefulcrum.us/term-limits

We The People (Cont'd from page 1)

“So I come to you with a message from the American people: We demand term limits for members of Congress.”

The occasion was a hearing conducted on June 18 by Senator Ted Cruz on a congressional term limits resolution (SJR 1), “A joint resolution proposing an amendment to the Constitution of the United States relative to limiting the number of terms that a Member of Congress may serve... a constitutional amendment limiting Members of the House of Representatives to three terms and Members of the Senate to two terms.”

Senator Cruz is the main sponsor of the resolution in the U.S. Senate, where it has 15 cosponsors.

After outlining a few of the reasons that Americans are less than enchanted by Congress’s track record — the \$22 trillion in debt, labyrinthine tax code, etc. — Nick observed that “elections alone cannot fix this problem, not because voters like you guys so much, but due to the nearly unbreakable power of incumbency.... Congressional incumbents have a 98% reelection rate.... So term limits is a check on arrogance, it’s a check on incumbency, and it’s a check on power.”

The committee also heard testimony from, among others, former U.S. Senator Jim DeMint, who concluded that the practical case for term limits “is not a close call.”

“We do not have to speculate, as the Founders did, that the prospect of permanent tenure in Congress might tempt Senators and Representatives toward self-interested, short-term thinking,” said Senator DeMint. “We know for a fact that, especially in recent decades when control of Congress has been constantly up for grabs, this short-term thinking has become Congress’s defining defect.

“For individual members, short-term-ism warps incentives toward fundraising — and the special interests who can deliver it. Members spend less time legislating and more time raising money — both for their own re-elections and for the political action committees specifically designed to finance their careerist ambitions.

“As individual members have retreated from their legislative responsibilities, party leaders have, however poorly, filled that gap. Given their incentives, leaders now use the House and Senate not as legislative institutions but as arms of their party campaign committees. The Senate, in particular, no longer functions as a legislative body at all. Leaders of both parties have shut down deliberative floor debate and amendment votes for the sole purpose of shielding Senators from political controversial votes—thereby denying the American people’s right to an accountable legislature.

“Members who criticize this dysfunctional, shirts-versus-skins approach are chastised for not being ‘team players,’ and threatened with being cut off from their party leaders’ special-interest fundraising gravy train. Conscience-twinging Senators and Representatives are reassured that this process, however imperfect, is simply how they make their way in Washington; in truth, it’s how Washington makes its way into them. Lifelong tenure incentivizes members to prioritize the next election over the next generation, and partisanship over statesmanship. It realigns their interests away from the American people, and with The Swamp. The consequences are all around us....

“Term limits would not solve all of these problems by themselves. But they would significantly change incentives throughout the political system.”

The testimony of Nick and others at the hearing is excerpted in Episodes 45 (June 24) and 46 (July 1) of the No Uncertain Terms Podcast (termlimits.com/podcast). Transcripts of witness testimony can be downloaded from the judiciary.senate.gov web page about the hearing (bit.ly/32Kvn7u). You can also watch USTL’s YouTube video (bit.ly/2Obqlxz), mildly entitled “WOW! Watch Term Limits Advocate SHRED Congress!” Nick discusses the responses he’s gotten to it in the July 15 episode of the podcast (Episode 48). It is USTL’s most popular video ever.



Now, Therefore, Be It Resolved that I do hereby support a Term Limits Convention to enact a constitutional amendment for term limits on members of the U.S. Senate and on members of the U.S. House of Representatives.

Make your voice heard. Sign the petition demanding an Article V Term Limits Convention to term-limit the U.S. Congress. Visit termlimits.com/petition.

No Uncertain Terms

The Newsletter of the Term Limits Movement

A Publication of the U.S. Term Limits Foundation

1250 Connecticut Avenue NW
Suite 200
Washington, DC 20036

Inside No Uncertain Terms...

TOMBOULIDES TESTIFIES...1

**DEMOCRATIC CANDIDATES FOR PRESIDENT
FOR CONGRESSIONAL TERM LIMITS...1**

MULTI-PARTISAN APPEAL...2

TERM LIMITS IN THE NEWS...4

CITIZEN CALVARY HORSE RETURNS...4

“WE CAN GO AROUND CONGRESS” ...6

SIGN THE PETITION...7



“I come to you with a message from the American people: We demand term limits for members of Congress.”

**— USTL Executive Director Nick Tomboulides
see p. 1**