

No Uncertain Terms

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Arizona House Passes Resolution Calling for Term Limits Convention; Same Resolution Is Blocked in WV House

On March 5, by a vote of 32-26 the Arizona house of representatives passed a resolution (HCR2022, bit.ly/3dC7DYy) calling for an Article V convention “to propose an amendment to the United States Constitution to set term limits for members of Congress.” A corresponding resolution, SCR1014, has been filed in the senate.

The primary sponsor in the Arizona house is Representative Kelly Townsend, who says that it’s “high time that the people and the states take advantage of Article V of the U.S. Constitution and bring our Congress back under control.”

In 2018, McLaughlin & Associates had conducted a poll of American voters (bit.ly/3dEmkuc) which concluded that “An overwhelming 82% of voters approve of a constitutional amendment that will place term limits on members of Congress.”

Although the Arizona state legislature had been scheduled to be in session from January 13 through April 25, it has suspended the session from March 24 to at least April 13 because of the COVID-19 pandemic. The fate of much pending legislation is uncertain.

West Virginia. Members of the West Virginia house did not act to bring their resolution on the Term Limits Convention to a floor vote until the very end of the session. They then bogged it down with parliamentary maneuvering that effectively killed it.

such a marvelous job working the state,” U.S. Term Limits Executive Director Nick Tomboulides said on the March 9 installment of our podcast (Episode 81, termlimits.com/podcast). “They have gone everywhere. They have attended grassroots events. They’ve developed relationships with these legislators. They have done educational campaigns to explain the Article V process, explain congressional term limits. They basically left no stone unturned.... It’s the politicians who let everyone down here.

“Shanna and Aaron had gotten 46 pledges out of the West Virginia state legislature, which is a huge percentage of the legislature, maybe the highest percentage we have out of any state in the country. And yet, we had folks in the legislature who signed the pledge to support this bill and then reneged on their commitment and decided they would now be voting no.”

Other states. In addition to Arizona and West Virginia, resolutions to hold an Article V convention to propose a congressional term limits amendment were introduced in the state legislatures

of Maryland, Vermont, Minnesota, and Wisconsin during the 2020 sessions.

So far, three state legislatures — Florida, Alabama, and Missouri — have formally called for a single-subject Term Limits Convention to product a congressional term limits amendment. Once such a convention has produced an amendment, it must be sent to the states for ratification. (A map at termlimits.com/progress shows which states have acted so far to call a convention in which a congressional term limits amendment would be considered.)

Three fourths or 38 of the 50 states must ratify the amendment before it can become a part of the Constitution.



Ways to kill presidential term limits while simulating respect for the rule of law. See page 3.

“Our team out there, Shanna Chamblee and Aaron Dukette, have done



President's Corner

BY PHILIP BLUMEL

This year two young men, West Virginian teenagers Trevor Morris and Nicholas Young, just starting out in life, are running as Republicans for the West Virginia House of Delegates. Morris is still in high school. Young has a job at Walmart. Both endorse term limits.

“After years and years in the legislature, you just become stagnant and you run out of ideas,” Morris explains. Young says his “entire candidacy is [about] holding people accountable, which is what we need here in West Virginia.”

At the other end of the spectrum we have former Senator Bob Corker, with the major part of his political career now behind him. He declined to run for a third term after having served “only” two terms in the U.S. Senate (2007-2019) because he had told voters that he would serve no more than two terms.

“I think our country would be much better off if there were a constitutional amendment” to limit congressional terms, Corker believes. “Everybody said, ‘Well, you’d lose all that institutional knowledge.’... I don’t think so. I find when people have been around there a long time, a lot of them, not every one of them, most of them, they lose that edge.... Candidly, many of them are just taking up space.”

These are difficult times. The prospects for term limits probably aren’t the top concern of many of us as we all read one story after another about rising infection rates and falling employment rates, and as we struggle to protect ourselves and our loved ones and to prepare for the uncertainties of tomorrow. Yet even in the middle of this crisis, in which one could hope that typical political scrambling and abuses would be at least slightly moderated if not entirely set aside, the antics of our nation’s career politicians remind us of why term limits are so important. Nick Tomboulides and I offer our thoughts about the politics of pandemic in the April 2 episode of the No Uncertain Terms Podcast (Episode 83, archived at termlimits.com/podcast).

One of the ways of surviving and then emerging from this kind of prolonged crisis is to keep in mind what we will be returning to — a world where we keep fighting for what’s right and have the freedom to do so.

We will get through this, together, and we will continue our fight.

Listen to Phil Blumel and Nick Tomboulides every week on the No Uncertain Terms podcast, archived 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.



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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*

How to Fake Respect for Democracy and Constitutions While Shredding Presidential Term Limits

“A new generation of autocrats has perfected the art of looking democratic while pursuing authoritarian goals,” observes a March article in *The Atlantic* by Tim Horley, Anne Meng, and Mila Versteeg (“The World Is Experiencing a New Form of Autocracy,” bit.ly/38eooFb).

Globally, about a third of all term-limited presidents have tried to remain in power after the end of their maximum allowed tenure. Based on their study of attempts to evade presidential term limits over the last two decades, the authors find that heads of state have resorted to four main strategies to try to do so while complying (or seeming to comply) with legal and democratic forms.

Amending the constitution to lengthen or kill term limits is the most common gambit, deployed in some two thirds of cases. One example is Rwanda’s Paul Kagame, whose ruling party encouraged people to petition the parliament to give the president an additional term. At a certain point the parliament acceded to “popular demand” and referred a constitutional amendment to the ballot. Then a mysteriously high proportion of voters, 99%, endorsed this weakening of the term limit. The process may well be repeated as Kagame reaches the end of his new “term limit.” A similar approach was followed by China’s Xi Jinping a couple of years ago, except that Xi didn’t bother with a referendum. Getting the assent of a rubber-stamp legislature was enough.

Eight percent of term limits evaders resort to the “blank slate” strategy of scrapping the current constitution and replacing it with a constitution that lacks presidential term limits. “This was one of the methods employed by former Sudanese President Omar al-Bashir until his ouster last year: After taking power in 1989, he oversaw not one but two entirely new constitutions, and thus remained in power for decades without formally violating term limits; each time there was a new constitution, his term started all over again.”

Fifteen percent of term limits evaders challenge the legality of constitutional term limits in court. The strategy is particularly favored by Latin American countries. In Nicaragua, Daniel Ortega argued that term limits violated his constitutional rights. The court agreed. Latin American judges tend to play along with such specious challenges.

Another 15 percent of term limits evaders make use of a “faithful agent,” i.e., a successor whom the nominally ousted head of state can control. Russia’s Vladimir Putin is perhaps the best-known practitioner. In nominal obedience to the constitution’s consecutive presidential term limits, Putin stepped down from the presidency in 2008 and temporarily turned the reins



Vladimir Putin and “faithful agent” Dmitry Medvedev. Even when Medvedev was in the foreground, he was in the background.

over to Dmitry Medvedev, then snatched the reins back in 2012. Observers agree that Putin, not Medvedev, was calling the shots during that four-year interregnum. Putin’s current “term limit” ends in 2024, but he won’t be pretending to step down this time. Instead, he is backing a referendum to reset his term limits so that all his previous tenure is set aside and he can serve two more six-year terms (see page 6).

A fifth strategy, which does not count as pretending to conform to democratic principles, is to delay or cancel elections. But all of the “democratic” strategies can be and often are combined with overtly undemocratic methods like suppression of peaceful protests, intimidation of voters, and ballot-rigging.

A third of bids to bypass presidential term limits fail as a result of public backlash. The authors cite the example of Horacio Cartes in Paraguay, who had legislative support but not public support for removing his term limit. The opposition called for nationwide protests, and got them. Cartes eventually backed down.

Signers of USTL term limits pledges as of early April, 2020

As we go to press, 70 members of the U.S. Congress have pledged “to cosponsor and support the U.S. Term Limits amendment of three (3) House terms and two (2) Senate terms and no longer limit.” Over 130 candidates for Congress in the 2020 election cycle who are not also incumbents in Congress have signed the pledge as well. In addition, over 300 incumbent state legislators have pledged to “cosponsor, vote for, and defend the resolution applying for an Article V convention for the sole purpose of enacting term limits on Congress.” Over 300 non-incumbent candidates for state legislatures have signed the same pledge.

Term Limits

CALIFORNIA

Danville, CA. The group Danville Term Limits had to gather about 3,000 valid signatures by March 30 in order to post a ballot question about imposing a lifetime limit of two four-year terms on city council members. “Term limits will decisively put an end to 30-year incumbents and usher in new, vibrant leadership,” according to the danvilletermlimits.com site. But when the job had almost been accomplished, signature-gathering efforts were interrupted by California’s shelter-in-place orders. A representative of Danville Term Limits, Nasser Mirzai, told *East Bay Times* reporter Jon Kawamoto that a request to extend the filing deadline had been denied. But he added that the term limits campaign is not over, just postponed. “Issues like term limits can be handled once we get back to ‘normal.’”

Indian Wells, CA. By a 62% majority, on March 3 Indian Wells voters passed Measure J to replace the current limit of two consecutive four-year terms on city council members with a lifetime limit of two terms.

Oxnard, CA. As we reported in our last issue, the Oxnard City Council adopted a relatively tough term limits measure (two consecutive four-year terms) that was the subject of a citizen initiative only so that the council could place a weaker term limits measure on the ballot, Measure B (three consecutive four-year terms). If voters were to endorse the weaker measure, the tougher limit, “enacted” only to prevent it from providing competition on the ballot, would be overridden. Measure B indeed passed on March 3 (the primary date) with 80% of the vote.

However, term limits activist Aaron Starr argued in a March 3 commentary (bit.ly/2v5ytGZ) that it was illegal for the council to preemptively enact the citizen-initiative measure instead of placing it on the ballot. The reason is that the initiative measure, like the council’s weaker Measure B, lengthens the individual term of the mayor from two years to four years. And the current two-year mayoral term had been enacted by Oxnard voters in 1973 as a result of a citizen initiative. According to California Elections Code Section 9217: “No ordinance that is either proposed by initiative petition and adopted by the vote of the legislative body of the city without submission to the voters, or adopted by the voters, *shall be repealed or amended except by a vote of the people* [emphasis added], unless provision is otherwise made in the original ordinance.” This stricture was violated by the council’s preemptive adoption of the stronger term limits measure that they expected to be displaced by weaker Measure B.

Starr expects to seek a court order recognizing that the council’s action violated the law and ordering the council “to place our measure on the November 2020 ballot.”

FLORIDA

This session, the Florida house passed a resolution to post a ballot measure that would have imposed eight-year term limits on county school boards (HJR 157). But in the end, the senate did not follow suit. Although the proposed measure did successfully run the gauntlet of committees required to attain a floor vote, the floor vote was never held.

Representative Anthony Sabatini said during debate that “after the president, the governor, the cabinet, the state senate, the state house... arguably the most important and powerful position, that’s not term-limited, is our school boards.... The school boards actually control over \$20 billion mandated for education our state.... So I think it’s very important in such a powerful position that we have new people rotating through.”

A bill to limit the state’s Public Counsel — a kind of consumer advocate with oversight of the utility industry — to three-four year terms also died as the legislative session ended.

Loxahatchee Groves, FL. On March 17, by 83% to 17% voters here approved a measure to limit council members to two consecutive three-year terms and to limit a council member’s service as mayor to two consecutive one-year terms.

South Pasadena, FL. On March 17, South Pasadena voters decided the fate of two questions related to tenure in office. By 50.75% to 49.25%, they passed the No. 1 Charter Amendment to change the length of an individual term for city commissioners from three years to four years. By 73% to 27%, voters passed the No. 2 Charter Amendment to create a separate term limits for the mayor and commissioners, which means that a commissioner who has reached his term limit can then run for mayor.

HAWAII

Honolulu, HI. A corruption scandal involving Honolulu’s city prosecutor, Keith Kaneshiro, is a major reason for a proposal to term-limit that office. Kaneshiro is in his fifth term in office (though also on paid leave for more than a year because of the scandal, long-term paid vacation being the going penalty for abuse of power). In late January, the Honolulu city council unanimously referred a measure to the November ballot asking voters to limit the office to two consecutive four-year terms, which is the same term limit to which the mayor and city council members are subject.

In The News

ILLINOIS

Elk Grove, IL. A referendum to retroactively term limit village trustees, including the mayor, to two consecutive four-year terms has been killed by a unanimous state supreme court decision. The decision reverses a lower-court ruling that a state law prohibiting municipalities from imposing retroactive term limits is unconstitutional. Although the measure could not be removed in time from at least some printed ballots, votes for it will be ignored. Elk Grove Mayor Johnson's campaign fund had donated \$40,000 to the anti-term-limits campaign.

Calumet Park, IL. On March 17, 2020, 87% of Calumet Park voters approved an advisory question to limit local officeholders to three consecutive four-year terms. Mayor Ronald Denson placed the question on the ballot in order, he said, to see how voters would respond. Denson says he supports a maximum of three terms "for anybody, any position, anywhere," but asking the voters a merely advisory term limits question can only be a delaying tactic. A vote on a binding question would certainly also succeed in eliciting information about what voters want.

Lynwood, IL. On March 17, 2020, 81% of voters approved a ballot question limiting local officials to two consecutive four-year terms.

Rolling Meadows, IL. On March 17, 2020, 80% of voters approved a ballot question tightening term limits on local aldermen. Aldermen had been limited to three consecutive four-year terms; now they may serve no more than two consecutive four-year terms.

MICHIGAN

As Jeff Tillman toured Michigan with a giant Don't Touch Term Limits pig to call attention to assaults on term limits by the state's political class, the *Toledo Blade* criticized a recent lawsuit filed by lobbyists and former lawmakers to overthrow term limits. "Whatever one thinks of their argument about the value to good government of extending lawmakers' service in Lansing, the ex-officials' lawsuit is an insult to Michigan's voters. Fifty-nine percent of them voted to add those limits to the state constitution in the 1992 general election. A federal judge should not be asked to interfere in that decision" (bit.ly/2TFuWJ7).

Among candidates for the Michigan state house who have signed the U.S. Term Limits State Pledge "to take no action that would aid or abet the abolition or lengthening of term limits to which elected officials in my state are subject" are Bill Colovos and Richard Steenland.

Visit Facebook.com/SaveMichiganTermLimits for updates about efforts to defend term limits in Michigan.

MISSOURI

A term limits question passed by the legislature last year will be on the November ballot. The constitutional amendment being submitted to voters specifies that "No person shall be elected governor, lieutenant governor, secretary of state, state auditor, state treasurer, or attorney general more than twice...." (bit.ly/2vRB4op). A partial term of two years or more would count as one term toward the term limit.

NEW YORK

New York, NY. During his brief presidential campaign, former Mayor Michael Bloomberg was reluctant to admit how hard he had fought in 2008 to undermine term limits while serving as the Big Apple's top executive. When asked by *MSNBC* about it, he urged the interviewer to "Keep in mind it was my city council that did it. I just signed the bill." Presumably, the mayor was just minding his own business when suddenly someone thrust a bill at him to lengthen his maximum tenure from two terms to three terms and his hand accidentally scribbled a signature.

"It was a questionable description for those familiar with the term limits fight in New York," *Politico* (politi.co/2IvQIsp) observes with scrupulous understatement. "Instead, they recall a pitched battle in which Bloomberg lobbied fiercely for a chance to serve a third term, getting city council members to back his plan to reverse the well-established two-term ceiling for elected officials, and wooing business and media leaders in the effort." This was all extensively reported back when it was happening in 2008.

In Episode 79 of the **No Uncertain Terms** podcast, USTL Executive Director Nick Tomboulides recalled that Bloomberg "spent \$74 million to become the mayor in 2001, \$85 million to get reelected, and then \$100 million to get reelected second time in 2009. He outspent his opponent 16 to one and he barely won the election because people were really angry about this attack on term limits."

(Continued on next page.)

More Term Limits In The News

USTL President Phil Blumel added: “He couldn’t put it back on the ballot, he already knew what the result was going to be. So he went to the city council and made a deal with them and said, ‘Look, give me a third term and we can add in a third term on for you as well,’ because the council was also term-limited. Naturally, they went along with that. He got the votes he needed, they got the term limits weakened, and he got another term in office.”

Fishkill, NY. On March 18, Fishkill’s town board passed term limits of two four-year terms on itself and the town supervisor. Elected officials had not previously been subject to term limits.

OHIO

Reporters say that the efforts of a group called Ohioans for Legislative Terms to post a ballot measure letting lawmakers serve up to 16 years in a single seat represent a determination to “close a loophole that’s allowed multiple legislators to jump back and forth” between legislative chambers. The only loophole here is that the term limits are consecutive rather than lifetime. If you don’t want a termed-out house member to return to the house after being termed out of the senate, toughen term limits tougher by making them lifetime limits. That’s all you need to do. The notion that doubling the maximum allowed tenure in a single seat is “closing a loophole” is spin intended to disguise the actual goal: to *weaken* term limits and make it *easier* for incumbent lawmakers to monopolize a seat.

To qualify the question on the November ballot, petitioners must gather more than 400,000 signatures by July 1.

UNITED STATES

Former Senator Tom Coburn, a staunch term limits supporter, friend of U.S. Term Limits, and lead sponsor of the constitutional amendment to term-limit members of Congress, died March 28 at the age of 72. In his piece at *National Review Online* (bit.ly/3at9CfS), John Fund recalls that Dr. Coburn battled cancer, which he had to contend with more than once in his lifetime, “the same way that he battled big spenders and spineless politicians in Washington: with cheerful, unrelenting persistence.”

After building a career as a medical doctor, Coburn ran for Congress in 1994, formally pledging to serve no more than three terms in the U.S. House if he won. He did win, and he did keep his promise, stepping down in 2000. (Not all who take the same pledge abide by it.) He then won two terms in the U.S. Senate, although a diagnosis of prostate cancer prevented him from completing his second term. “Power is like morphine,” Coburn once said. “It dulls the senses, impairs judgment, and leads politicians to make choices that damage their own character and the machinery of democracy.” Hence the necessity and virtue of such curbs on political power as term limits.

We are also keeping in our thoughts another staunch champion of term limits, U.S. Senator Rand Paul, who announced in March that he was infected with the COVID-19 virus. Get well soon, Senator Paul.

* * *

A Wyoming businessman, professor, and former U.S. Senate candidate named Dave Dodson has a web site promoting term limits (DaveDodson.com). We agree with observations like this: “It’s been said that we have term limits; they’re called elections. But 82 percent of Americans support term limits for Congress because we know the political establishment has its thumb on the scale.”

RUSSIA

In the last issue of this newsletter, we predicted that it would probably be a few more years before we knew exactly how Vladimir Putin, de facto head of state of Russia since 1999, would again seek to evade the presidential term limits that would otherwise eject him from power in 2024. But Putin has now publicly backed a “term limits freeze” that would allow him to run again in 2024, and his previous suggestion about weakening the presidency and reshaping other government departments seems to have slipped to the bottom of the slush pile.

According to an *Associated Press* report, 83-year-old lawmaker Valentina Tereshkova, “revered in Russia as the first woman to fly in space,” has proposed “either scrapping Russia’s two-term limit for presidents or stopping the clock so the law wouldn’t apply to Putin’s time in office.” These are two ways of saying the same thing.

The president and the lower house of the parliament “quickly endorsed the proposal.” Although Putin nominally opposes an explicit end to presidential term limits, he says he’s fine with restarting his term-limits clock in 2024 — as long as Russia’s high court approves (it has approved). Because of the pandemic, however, a proposed referendum to secure public support for the move to add 12 years (two more six-year terms) to his presidential tenure may be delayed. The referendum was originally scheduled for April 22.

Although critics of Putin’s gambit are not entirely muted, “the often-boisterous opposition movement called off protests in Moscow and Saint Petersburg,” reports a *Quartz* article on how the COVID-19 pandemic “has crippled global protest movements” (bit.ly/2JAhtM4).

Top Eight Reasons Lobbyists Hate Term Limits

by Philip Blumel

Why do lobbyists hate term limits? Which they do, although we often hear assertions to the contrary.

Politicians often say that they oppose term limits not because they want to keep their jobs but because term limits supposedly empower lobbyists. They say that inexperienced legislators naturally turn to lobbyists, who take the naïve and otherwise rudderless legislators under their wing and steer them to do the will of the lobbyists.

Here's another theory. Lobbyists derive their power from establishing relationships with legislators over time. Term limits continually sever those relationships and therefore reduce the power of lobbyists. They have to keep making their case anew. Tedious!

Both explanations can't be true. Lobbyists being experts on lobbying, they know which it is, and they typically hate term limits. Why?

One. I have already stated the primary reason. Lobbyists derive their power from establishing relationships with legislators over time. Term limits disrupt these relationships. Relationships are the stock-in-trade of lobbyists. When political offices are term-limited, their Rolodexes are also term-limited.

Two. New legislators are often more independent of lobbyists. The newcomers are not infants. They have experience in whatever profession they have been involved in, often including political experience at a lower level. They enter office with attitudes and ideas of their own that lobbyists must contend with. Sure, freshman legislators, just like veteran ones, will turn to lobbyists for information. In fact, providing information is one of the positive functions of lobbyists. But new legislators have not yet established those long, mutually profitable relationships greased with campaign contributions that make it so hard to say no to lobbyists and special interests.

Three. In term-limited legislatures, the incentive for new legislators to sell out to lobbyists is greatly reduced. The booty just isn't big enough. You can't stay in the legislature for 30 years and retire with a big state pension. So, again, the influence of lobbyists is reduced. They have less to offer the incumbent.

Four. Because term-limited legislatures have less to offer to political careerists, people running for office are less likely to be political careerists; and, therefore, less likely to be attracted to the self-dealing treats that lobbyists dangle in front of them.

Five. Something that really bugs termed-out lawmakers turned lobbyist is that they face so much competition — because so many politicians are always getting the boot in a term-limited legislature. Lobbying firms love to hire former politicians because of all those government connec-

tions they have. But with term limits, there's a lot of former legislators and only so many lobbying jobs. Consequently, many more politicians lose out in the post-legislature game of musical chairs.

Six. At election time, term limits create monster headaches for lobbyists. They hate competitive elections. In an un-term-limited legislature, like Congress, it's easy. You just keep funding incumbents, since you know that they have a 94% chance of winning. Just by doing this, you maintain most of your relationships. Then you can focus on the few open seats where the incumbent has retired or died or been indicted. But if every seat comes open every six or eight years because of term limits? Ouch. You have to spread your money over many more competitive races. And you aren't simply maintaining relationships. You're betting on relative unknowns. We see this in the data. In term-limited states, less is spent on individual races.

Seven. Lobbyists also have to spend more, not just more widely, when electoral races are regularly competitive because of term limits. They must raise more money overall even as their influence declines.

Eight. Term limits shrink the stature of lobbyists. If you have decades-long relationships with senior legislators who run all the major committees, play golf with them every Sunday, etc., you enjoy the glow of being an inspiring pillar of power and influ-



ence in your own right. Absent term limits, lobbyists are one of the bulwarks of the ingrained structure of political capital, personages to be mightily deferred to. That all changes in the scramble of a rotating legislature. These glad-handers and backslappers now must constantly prove their value anew to new legislators. So term limits not only encourage merit-based promotion in the legislature among politicians; they also encourage merit-based promotion among lobbyists.

Term limits make lobbyists work much harder in order to exercise much less influence. That's why most of them hate term limits.

Philip Blumel is the president of U.S. Term Limits and a big fan of term limits.

This commentary is adapted from the December 9, 2019 episode of the No Uncertain Terms Podcast (termlimits.com/podcast).

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Inside No Uncertain Terms...

**ACTION AND INACTION ON RESOLUTIONS TO CALL FOR A TERM
LIMITS CONVENTION...1**

TERM LIMITS ARE A UNITER...2

FAKE RESPECT FOR DEMOCRACY AND CONSTITUTIONALITY...3

**AS NYC MAYOR, WAS MICHAEL BLOOMBERG A HAPLESS VICTIM
OF MYSTERIOUS DARK FORCES SEEKING TO WEAKEN MAYORAL
TERM LIMITS, ALL UNBEKNOWNST TO HIMSELF?...4**

**UNVEILED: PUTIN'S PLAN FOR ONCE AGAIN EVADING RUSSIA'S
PRESIDENTIAL TERM LIMITS...6**

WHY SO MANY LOBBYISTS HATE TERM LIMITS...7



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**— former U.S. Senator Bob Corker
see p. 2**