

No Uncertain Terms

THE NEWSLETTER OF THE TERM LIMITS MOVEMENT • JANUARY/FEBRUARY 2009 • VOLUME 17 • No. 1

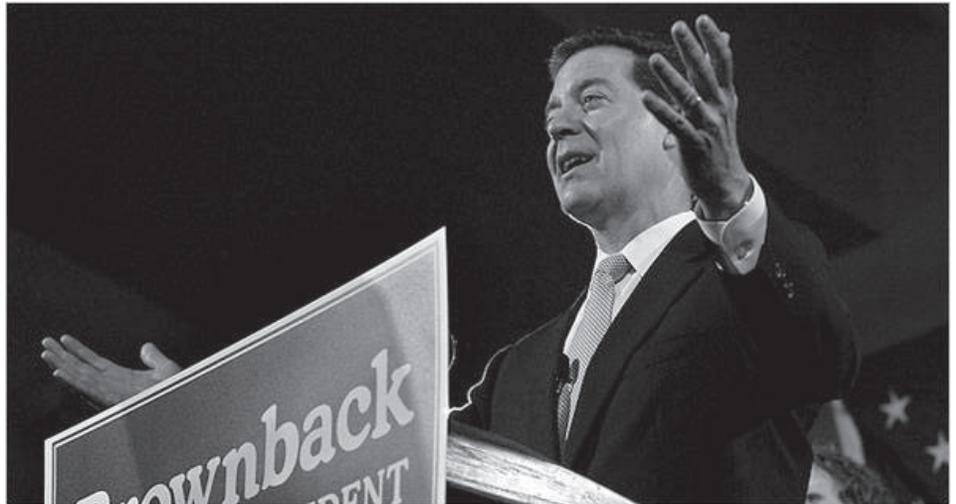
Senator Sam Brownback Keeps Term Limits Pledge

U.S. Senator Sam Brownback, a Kansas Republican, formally announced in December that he would not pursue a third term in the Senate. Not because of scandal, the approach of retirement age (which seems to be around 90 in the Congress), or weariness with legislative work, however. Senator Brownback is 52 and admits that he has “nothing of a desire to get out of it. I love the job.”

But in 1996, he signed the U.S. Term Limits pledge, making a formal commitment to serve no more than two full terms in the U.S. Senate, then step down. (He also served a partial term because of a special election he won to fill the vacated seat of Senator Bob Dole.)

Senator Brownback’s motive for keeping his word is simple: he gave it.

“As fellow Kansans know, your word is your bond,” he told report-



Sam Brownback in 2007, during his brief campaign for the presidency.

ers. “As a man recently said to me, ‘If a man breaks his word, it breaks the man.’”

He added that he still believes in “the term limits system.”

Brownback’s current term ends in early January of 2011.

The president of U.S. Term

Limits, Phil Blumel, traveled to Kansas to publicly congratulate Senator Brownback for keeping his pledge. Although willingness to abide by such a firm and public vow may seem unsurprising, Blumel noted that other congress-

(Continued on Page 6)

Dems Drop Committee Chair Term Limits

After letting term limits on congressional committee chairman remain during their first two years in the majority, for which friends of term limits were duly praised them at the time, House Democrats under Speaker Nancy Pelosi moved quickly in the 2009 session to repeal those term limits.

The Democratic leadership also

decided that Charles Rangel would remain as chairman of the House Ways and Means Committee, despite being under investigation by a house ethics panel for failing to report substantial income on his state and federal tax returns, and for alleged pay-for-play deals with an oil company and the insurance company American International

Group.

Rationalizing the term limits repeal, House Majority Leader Steny Hoyer said he understands that “our Republican colleagues once wrote term limits into the rules in an effort against entrenched power, but it is now clear that that effort

(Continued on Page 7)



President's Corner

BY PHILIP BLUMEL

We have recently witnessed a contrast between two kinds of elected officials—those determined to keep their word about accepting limits on their political tenure, and those determined to break it no matter the cost.

Senator Sam Brownback of Kansas, who signed the U.S. Term Limits pledge in 1996, has announced that he will not be standing for another term in office. He is stepping down even though he is still in his middle youth (52) and still loves his job, having “nothing of a desire to leave it.”

Explaining the decision to his constituents, Brownback says, “When I first ran for the U.S. Senate in 1996, I made a promise to the people of Kansas that if elected, I would only serve a maximum of two full terms in the Senate. I followed that with a pledge I signed in 1998. That promise comes due in 2010, and I am fulfilling that commitment.”

If this straightforward follow-through seems perplexing and even astonishing to some, it is only because it is all too rare in today's political world—especially in Washington DC—for an office-holder to set aside immediate political self-interest for the sake of maintaining his integrity and character.

On the other side of the ethical aisle, we may observe the spectacle of Mayor Michael Bloomberg of New York City, once so stout in stating his agreement with the city's mandatory two-term limit on the tenure of city officials. New Yorkers passed the law in 1993 and affirmed it in 1996. Years ago, Bloomberg unequivocally opposed any attempt by the city council to circumvent the voters' decision. Indeed, in 2005 he declared that “it would be an absolute disgrace to go around the public will” vis-à-vis term limits, words he must surely rue today.

There are no mandatory term limits on U.S. Senate service. It would have been lamentable, albeit not a flouting of an established voter-approved law, had Senator Brownback gone back on his word. Mayor Bloomberg, however, has not only retreated from his publicly stated support for term limits, but has also colluded with the city council to sweep aside the unambiguous results of a democratic vote on term limits.

Although Bloomberg's coup d'electorate has just been rubber-stamped in federal court, his power grab may yet be thwarted, given a pending appeal of the decision. If the appeal does not prevail, though, Bloomberg will still have lost that other battle. The one to avoid being corrupted by the lure of power.

P. Blumel

January/February
2009

A publication of
US TERM LIMITS
FOUNDATION

73 Spring Street, Suite 408
New York, NY 10012
(703) 383-0907
info@ustl.org

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

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

POSTMASTER: Send address changes to:
U.S. Term Limits Foundation, 73
Spring Street, Suite 408, New York,
NY 10012

“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*

Court Says It's Legal for NYC Politicians to Trash Term Limits; Pro-Democracy Side Appeals

A federal judge has dismissed a lawsuit seeking to stop Mayor Michael Bloomberg and members of the New York City council from running for a third term in office after they unilaterally revised the city's term limits law.

Voters passed the law in a 1993 referendum and reaffirmed it in the 1996 election. Under the term limits law, the mayor and city council members may serve only two full terms at most before being obliged to step down.

An attorney representing the plaintiffs, Randy Maestro, has filed an appeal in the case.

Mayor Bloomberg is currently serving his second term. After a brief flirtation with a presidential run in 2007, he apparently began mulling how best to pave the way for a third term.

Opinion polls showed that voters would not support a loosening of the term limits law, so he decided not to bring the question to ballot, instead asking the council to water down the law unilaterally. On October 23, 2008, they did so, by a vote of 29 to 22.

On January 13, 2009, U.S. District Judge Charles Sifton ruled that the plaintiffs bringing the suit—which included several council members, the public advocate, and other citizens, as well as U.S. Term Limits—had failed to show that citizens' First Amendment rights had been "directly or indirectly curtailed" by the Bloomberg power grab.

Although Judge Sifton claimed that the actions of the city council and mayor had not actually nulli-

fied the results of the referendum passing term limits, it is hard to see how else their unilateral action could be interpreted. If the term limits law as passed by voters were still intact, no city official would be legally able to run for a third term. If voters had been duly consulted about whether to revise the law, a referendum would have been held. No referendum was held.

One of the opponents of the mayor's anti-democratic maneuver, Comptroller William Thompson Jr., expected to make a run for mayor himself, predicted that there would be an appeal.

"The court's decision today is certainly disappointing in upholding the notion that the mayor and a majority of the City Council, acting solely in their own self-interest, can overturn the will of the people," Thompson said.

In oral argument before the court, attorney Randy M. Mastro made a strong case that voters' rights had been ignored and violated by the unilateral watering down of the city's term limits, disputing the notion of the attorney for the defense that "this is not an election law case."

He noted that the plaintiffs and many voters "would find it shocking to hear that this legislation, which at the eleventh hour has so altered the electoral landscape, is not an election law case, is not a Voting Rights Act case. It is at its very core...."

Mastro noted that "once the law permits referenda, First Amendment and due process rights attach to that legal right. The First

Amendment applies with full force, and due process applies with full force to both the ability to vote on referenda and place them on the ballot once they're legally permitted and on the denial of that right....

"[I]t comes down to this: A term-limited mayor and a term-limited council majority took it upon themselves to overturn the twice voter-ratified two-term limit and award themselves the prospect of a third term in office, and they did that even though...there was more than ample time last fall and there remains time to this day to have put that question back to the voters to decide had those term-limited elected officials had the will or even the inclination to do so. But...they wanted the certainty for themselves as term-limited officials to be sure that they got that third term opportunity that otherwise was denied them under existing local law twice ratified by the voters."

"They had to have the certainty that they were getting their third-term opportunity. So they made a conscious choice out of naked self-perpetuation, naked incumbent protection...."

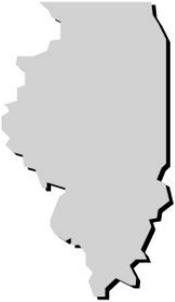
If the appeal does not succeed, Bloomberg's ambition may yet be thwarted in the state legislature, where Assemblyman Hakeem Jeffries and Senator Kevin Parker have drafted bills to prohibit any change in municipal term limits unless accomplished by referendum. Jeffries calls the bill "the last stand in favor of democracy...."

Term Limits



CALIFORNIA

The endless battle to kill California's state legislative term limits seems to be latent at the moment. But we hear that arch-enemy of term limits Fabian Nunez, former speaker of the assembly, will now become a lobbyist. "Known for a youthful charm, Nunez's ability to build those relationships led to legislative successes and made him a prodigious fundraiser," the Los Angeles Times reports. "But he was criticized for using poor judgment in spending tens of thousands of dollars in campaign money on foreign travel, fine wines, expensive meals and luxurious hotel stays."



ILLINOIS

If seat-selling Illinois Governor Blagojevich is ousted, the current lieutenant governor, Pat Quinn, will take over the top job. Quinn "made a career campaigning against the political bosses and run against the state's power structure," and has been an advocate of term limits, according to reporter Tom Kacich, who hails the "sweet irony" of his imminent ascendancy. We'll reserve judgment until Pat Quinn becomes governor; at which he may or may not do something to advance the cause of term limits.



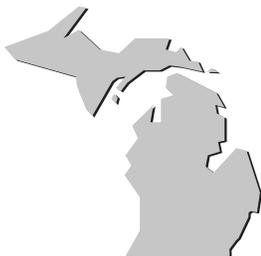
LOUISIANA

The president of St. Tammany Parish, Louisiana, had been toying with the idea of asking voters to let him serve a fourth term despite the city's term limits law (he's got projects he wants to finish, he's indispensable, etc.). But, apparently having gotten an earful from constituents about how lousy is this notion, Kevin Davis has decided to drop it. He's a little slow; just a year ago, voters definitely rejected a proposal to elongate his tenure. A charter amendment to lift term limits on his office was defeated by 65 percent in 2007—even as voters reelected Davis to a third term by 71 percent.



MASSACHUSETTS

City Councilor John Tobin has proposed a 12-year term limit on Boston's mayor and city council. Mayor Thomas Menino is currently serving his fourth term, and he is expected to run for a fifth (he could collect up to 12 more years in office under Tobin's plan, since it's not retroactive). Says Tobin: "Speaking honestly as one of the entrenched incumbents with a lot of money in the bank, it's tough to beat one of us." He adds that term limits impart a sense of urgency to get the job done. Tobin's proposal, and another to eliminate earmarks, have been inspired in part by a recent spate of corruption scandals in Massachusetts.



MICHIGAN

Political activist Allan Schmid, co-author of Michigan term limits amendment (and of a 1978 amendment to cap property taxes), has died at age 79. He was the chairman of one of the state's first organizations devoted to promoting tax cuts, Taxpayers United Federation. "He was a tough-minded, super-talented lawyer," his son Greg Schmid recalls. "He trusted the will of the people, and that's the reason he engaged in initiative politics. His whole life was his political philosophy, which came from his moral philosophy."

in the News



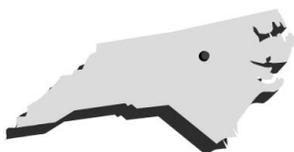
MISSOURI

Term Limits for Missouri has submitted an initiative petition for a measure that would subject several statewide offices to term limits: lieutenant governor, secretary of state, auditor, attorney general. Of six statewide officers, only the governor and state treasurer are currently term-limited. The group is also lobbying lawmakers to post an amendment directly in hopes that a petition drive can be avoided. If either the appeal or the petition effort succeeds, the amendment will be posted on the November 2010 ballot. The state's attorney general, Jay Nixon, has been in office for 16 years.



NEVADA

We are seeing yet another push in Nevada to get rid of the state's generous 12-year term limits, just now finally taking effect. State Senator Maurice Washington has submitted a bill to post a repeal measure on the 2012 ballot. "We have something called 'term limits'—it's the vote," Washington explains. His next year in office would be his last under the current law.



NORTH CAROLINA

Clayton, North Carolina town council member Alex Harding is proposing a two-term (eight-year) limit on council service. "If you can't get the job done in eight years and make a difference for the town then, you know, you shouldn't be there." Councilman Bob Satterfield and Mayor Pro Tem Robert Ahlert have been on the town council since 1997.



OKLAHOMA

Reporting that a state senator wants another public vote on term limits, The Oklahoman notes that a "top state official told us recently how impressed he was with the expertise of lawmakers with whom he dealt on complex health care issues. Gosh, we thought the legislative term-limit law had signaled the death of expertise among lawmakers. Opponents of the 1990 term-limit law haven't given up the fight to repeal the 12-year limit on the terms of senators and representatives. We will not give up the fight to defend the law."



SOUTH CAROLINA

State Representative Jim Merrill is an advocate of term limits on leadership positions in the South Carolina legislature—even advocating a four-year limit on the majority leader while serving in that post. Merrill would also like to see term limits on all members, but "is enough of a realist to move judiciously. He'll try next to limit the terms of committee chairmen, and then, 'work my way up,' " according to the Charleston Evening Post. Meanwhile, Nathan Ballentine in the House and Ray Cleary in the Senate are filing companion bills to limit state legislative tenure to 12 years in the House, 16 years in the Senate.

Continued on Page 6

Term Limits In the News (cont'd from page 5)



WASHINGTON STATE

Members of the Pierce County Council (in the Tacoma, Washington area) hope to lengthen their term limits from two four-year to three four-year terms by combining a water-down-limits measure with an unrelated, innocuous reform on the ballot. According to a Tacoma News-Tribune editorial, “any changes to that charter must be approved by a majority of county voters. But as presented by the council majority, voters won’t get to make a clear choice between two terms and three terms. That’s because the council linked the term limits issue with another that is only marginally related. The same charter amendments that extend term limits will also shift county elections from even-numbered years to odd-numbered years.... The council majority hopes there is enough to distract voters.”



AZERBAIJAN

Azerbaijani-Americans for Democracy (AZAD) is sponsoring a petition to protest the removal of presidential term limits in Azerbaijan. According to the petition, “Having term limits on the highest executive office in the country is an important safeguard against indefinite one-person rule in such a developing democracy as Azerbaijan, where the tradition of government change by election process is not firmly established yet.... It is vital for Azerbaijan to establish such a precedent of lawful transition, benefits of which we can witness in the United States, where this tradition was followed from the country's very first days of existence.”



UNITED STATES

Griffin Bell, the country’s attorney general in the late 70s under the presidency of Jimmy Carter, died recently. He was a friend of term limits. According to the obituary in the New York Times, Bell “published a memoir and other writings about legal issues, spoke out in favor of term limits for elective office, proposed limiting the president to a single six-year term, and was the subject of a biography by Reg Murphy, the former editor of the Atlanta Constitution.” In 1994, Bell argued on behalf of a Washington state congressional term limit that was then overturned by a federal court, a ruling unfortunately supported in 1995 by the U.S. Supreme Court.



VENEZUELA

Another big push is underway by Venezuela strong man Chavez to scotch presidential term limits, as well as those on other elective seats, despite or perhaps because of recent blows to his authority and the rise of an invigorated opposition. The country’s elections council recently announced that February 15 would be the date for a national referendum on term limits. The last Chavez-backed referendum to get rid of term limits also included a multiplicity of other constitutional changes designed to solidify his power, and was narrowly defeated at the polls.

Brownback (continued from page 1)

men have found rationalizations aplenty for breaking such pledges to their constituents. “In a perfect world, this should be a completely unremarkable event,” Blumel said. Reporter Ken Newton agrees: “In today’s political climate, it merits a press conference when someone

keeps [his] promise.”

Others who have honored term limits pledges include former Congressman Tom Coburn of Oklahoma, who stepped down after three terms in the U.S. House and went on to become a U.S. Senator; and

former Congressman Mark Sanford of South Carolina, now serving as governor of his state.

Many expect that Brownback will also run for governor, but he has not yet committed to doing so.

How to Stop the Arrogance of Blagojevich (and Caroline Kennedy and Andrew Cuomo too)

by Wayne Root

One solution to the insanity, stupidity and arrogance of politicians is so simple: term limits.

Kings and queens, otherwise known as career politicians, govern us. And it's not just kings and queens that rule the American citizenry, but family dynasties handed down to princes and princesses. Our commander-in-chief has been named either Clinton or Bush for 20 consecutive years. We almost extended that streak to 28 years with Hillary Clinton.... And the replacement for her New York Senate seat appears to be a battle between a Cuomo (the son of the three-term New York Governor Mario Cuomo) and a Kennedy (the daughter of John F. Kennedy). But what are their qualifications? A name? Is that enough to qualify for the United States Senate nowadays?

But far worse than the arrogance and sense of entitlement by a Kennedy, Cuomo, Bush, or Clinton, is the arrogance, greed, and corruption of politicians like Illinois Governor Rod Blagojevich.

The media has made Blago into a monster (and a household name).

Committees (Cont'd from page 1)

fell victim to what conservatives like to call the law of unintended consequences: With chairmanships up for grabs so frequently, fundraising ability became one of the most important job qualifications, and legislative skill was sacrificed to political considerations.”

The statement is disingenuous

He has come to symbolize everything wrong with politics.

But there are Blagos all across this country—at all levels of political office. They are career politicians with a talent for raising money, twisting arms, doing favors, and winning elections. We should not be naïve enough to believe that Blago was the first politician to allegedly try to sell a political office, or the last. We should not believe he was the first politician to allegedly expect a favor in return for a political appointment. It happens every day—although usually in more subtle fashion (and not on federal wiretap). Politicians like Blago prove the old adage that “power corrupts, and absolute power corrupts absolutely.”

But how does a politician become “absolutely powerful, arrogant, and corrupt”? By gaining power and then keeping it for years, in many cases decades. Doug Bandow of the Cato Institute pointed out in 1996 that there had been more turnover at the Soviet Communist Party Central Committee in previous years than in the United States Congress. It has only gotten worse since 1996. It is

not least because of Hoyer's implications that under the new rule, preoccupation with fundraising will now recede in favor of sound lawmaking; and that combating the entrenchment of power is a marginal or irrelevant concern.

Michael Steel, press secretary to House Minority Leader John Boeh-



almost impossible for a reformer with fresh ideas to unseat an entrenched incumbent at any level of government.

Having politicians like U.S. Senator Byrd in West Virginia or U.S. Senator Harry Reid in Nevada may be good for bringing home the bacon to West Virginia and Nevada, but it's absolutely terrible for the nation as a whole. Career politicians become special-interest tyrants, demanding favors and federal dollars for their long list of friends and contributors. And with seniority and power gained over the years, rest assured they get whatever they want.

Only term limits can bring an end to the absolute power and corruption of powerful career politicians.

Excerpted from independentpoliticalreport.com. To read the full article, visit tinyurl.com/8onvzg.

ner, said: “The experience in the previous Democratic majority was that when chairmen got their positions they just stayed forever and built their own little fiefs. Repealing term-limits makes the House of Representatives less dynamic and less responsive to the American people.”

No Uncertain Terms

The Newsletter of the Term Limits Movement

A Publication of the U.S. Term Limits Foundation

73 Spring Street, Suite 408

New York, NY 10012

NONPROFIT
ORGANIZATION
U.S. POSTAGE
PAID
XXXXXX
PERMIT NO. XX

Inside No Uncertain Terms...

BROWNBACK GOES BACK...1

CHUCKING CHAIR LIMITS...1

A TALE OF TWO LEADERS...2

COURT VERSUS NEW YORKERS...3

IN THE NEWS...4

STOPPING THE BLAGOJEVICHES...7



Stand up to Congress. Stand up FOR Term Limits!

Visit www.TermLimits.org and Sign the Congressional Term Limits Petition!