

# No Uncertain Terms

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## One Benefit of Long Partisan Deadlock in NY State Senate: Term Limits on Leadership



Tom Golisano



Sen. Joseph Griffo



Gov. David Paterson



Sen. Hiram Monserrate

After weeks of legislative breakdown and mutual partisan stonewalling in the wake of a failed GOP takeover of power, a deadlocked New York State Senate has returned to business. A proposal for reform that has survived the debacle, at least for now, is a term limit on Senate leadership.

On June 8, Republicans and two renegade Democrats, Pedro Espada Jr. and Hiram Monserrate engineered a coup to regain GOP control of the chamber with the support of billionaire “tax refugee” Tom Golisano (who fled New York for Florida to escape ever-higher

state income taxes). The Republicans had lost majority control after the November elections, when Democrats won 32 of 62 seats, ending decades-long Republican reign.

When the Democrats realized what was happening, they walked out, leaving the Republicans to pass a reform package on their own, including term limits on leadership, albeit without a quorum.

Tension between the two parties only increased. Soon, Monserrate returned to the Democratic fold, resulting in an exact 31-31 partisan

split and with no lieutenant governor in place to break any tie votes. (The state’s constitution does not provide for the selection of a new lieutenant governor if a lieutenant governor is obliged to succeed a deposed governor, as happened in New York.)

During the weeks-long standoff, the caucuses often held competing legislative sessions or no sessions at all. The crisis finally ended July 10, when the second of the two rebel Democrats, Espada, also rejoined the Democratic caucus.

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## Nevada Repeal Effort Defeated 9-11 in State Senate

Another career-politician-led scramble to undo term limits has foundered on the shoals of political reality.

On May 22, Resolution 10 to repeal Nevada’s state legislative term

limits suffered a narrow 9-11 defeat in the chamber, sparing voters the trouble of dispatching the gambit at the polls.

Term limits in the Silver State are the most lax of any state leg-

islature, capping maximum tenure at 12 years (three four-year terms for senators, six two-year terms for assemblymen). That’s still not enough training time for many Ne-

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# President's Corner

BY PHILIP BLUMEL

Why do many advocates of democracy support term limits? We present facets of our case in every issue of this newsletter, but here is a thumbnail summary of the benefits. Term limits bring:

- Competitive elections that open up government to new ideas—and individuals.
- Government that is far more accessible to the people.
- Cleaner, more transparent government.
- Greatly reduced influence by special interests, since career politicians have less time to build tight (and often highly lucrative) relationships with lobbyists and their sponsors.
- A far wider range of new, real-world perspectives and experience informing the legislative process.
- A more even distribution of power across districts and parties.
- An end to the “tyranny of seniority”—under which those most out of touch are most firmly in control.

Critics of term limits often stress that this reform is not a “panacea.” Granted. No single reform, no matter how powerful, can cure everything that might ail the body politic. But this complaint assails a straw man. Term limits need not do everything to accomplish what they do in fact accomplish: dramatically reinvigorate democracy and create opportunities for better governance that could not exist without them.

For all of these reasons, and more, concerned citizens across the country love term limits. For all of these reasons, politicians hate term limits and desperately cobble together backdoor proposals to rid themselves of these restrictions on their power.

*Visit Phil Blumel's blog at [pblumel.blogspot.com](http://pblumel.blogspot.com). And don't miss the new series of critiques of congressional posterchildren for term limits by Phil's dad, George Blumel, at [posterchildrenfortermlimits.com](http://posterchildrenfortermlimits.com).*

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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*

# Despite Blago Scandal, Illinois Pols Spurn Term Limits and Other Reforms

Illinois activists who believed that the soul-searching attending the ouster of a glaringly corrupt governor provided a perfect opportunity to reform state governance are disappointed that only a few recommendations made by the Illinois Reform Commission are being implemented.

The commission—appointed by Governor Patrick Quinn, successor to the disgraced Rod Blagojevich—has been criticized by citizen activists for issuing a report too modest in its recommendations. But politicians who had spoken as one in shocked outrage over the pay-for-play antics of the chutzpah-engorged Blagojevich have recoiled from many of the modest proposals to clean up the corrupt status quo.

Tighter oversight of state contracts was probably unavoidable. Legislation has also been passed

to make public records easier to obtain and to clean up the state's pension boards. But many other substantive and worthy reforms, including term limits on legislative leaders, have been studiously ignored.

According to the commission's April report, "Perpetual occupancy of these positions tends to give disproportionate power to a few politicians. This concentration of power disenfranchises the average voter—leading them to believe that without the ear of a select few politicians, their opinion effectively goes unheard."

The report called for a too-generous cap of 14 years on leadership (and said nothing about term limits on all lawmakers). But even this suggestion was repugnant to many incumbents. According to Representative Lou Lang, "If the

members of the House want to elect Mike Madigan for 700 terms in a row, that's our business; and if they choose someone else, that's our business."

"I don't consider this reform legislation to [be accomplishing] in any way, shape or form what it was supposed to," concluded Anton R. Valukas, a member of the new reform group Change Illinois. "The thing is, I really had believed that this was the time to do something."

The chairman of the reform commission, Patrick Collins, believes that pushing for further reform is now the job of the electorate, since legislators are too set in their ways. But Illinois voters need to be accorded the full right to propose and pass citizen initiatives—so that they can pass, for one thing, term limits.

## New York (Cont'd from page 1)

Governor David Paterson has called the takeover an "unnecessary distraction to government dressed up in the cloak, falsely, of reform." But one of the Republicans' proposed reforms was a rule to place an eight-year term limit on committee chairmen and a six-year term limit on the senate majority leader and president, which would at least be a first small step toward the kind of changes that are needed.

Although the long-run consequences of the turmoil are not yet clear, the reform agenda has not been shelved. On July 17, the Senate passed eight-year term limits on Senate leaders that State Senator Joseph Griffo had first introduced in 2007.

"When I first said we need to put term limits on top leadership posts around here, they looked at me as if I was crazy," Griffo said. "We have kept at it, we have kept talking and working, and now we have a new Senate rule that limits terms in office for powerful leadership positions to eight years."

Griffo is also pushing for other reforms, including legislation to give voters the power to recall incumbents.

It is fair to say that New Yorkers are not enchanted with those incumbents. A Quinnipiac University poll released June 22 shows 69% of respondents disapproving of the state legislature (although

almost half approve of their own state senator). According to a Siena Research Institute poll released the same day, 63% think the state is heading in the wrong direction. And a USASurvey poll sponsored by WGRZ-TV in Buffalo finds that 79% of respondents want state legislative term limits.

"The coup in Albany has been a messy affair," notes Wall Street Journal reporter John Fund. "But with the state government long hostage to its own arrogance, any disruption raises a potential for positive change."

# Term Limits



## ILLINOIS

Dan Carden, writing for the Chicago Daily Herald on the pros and cons of various reform ideas, offers the following objection to efforts to produce more competitive elections through reforms such as redistricting and term limits: “More candidates running in more-competitive races will require candidates to spend more money in election races.” So...moribund democracy is cheaper than the vital, thriving variety? If only the Founding Fathers had known.



## LOUISIANA

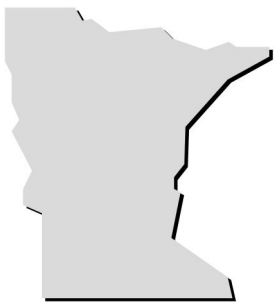
A proposed bill (SB203) calls for a constitutional amendment to limit members of the Louisiana legislature to no more than three full terms, “whether in one house or both.” The goal is to eliminate so-called “chamber hopping,” with a legislator moving to the other legislative chamber after having been term-limited.

A less ambitious term limits effort, to limit the tenure of members of the Jefferson Parish School Board to three consecutive terms, has been emerged from the legislature and now awaits the signature of Governor Bobby Jindal.



## MASSACHUSETTS

On June 5, Massachusetts State Representative Karyn Polito submitted a constitutional amendment to impose 12-year term limits on state lawmakers, a proposal inspired by recent political scandals in the state. “If we really want to change the culture on Beacon Hill, end entrenched bad practices and level the balance of power, we need a system that encourages fresh ideas and fresh perspectives. Allowing the same people to remain in power for decades is not healthy for our democracy and our state.... It seems like the ones who get in trouble are the ones who have been in a long time.”



## MINNESOTA

Minnesota’s governor is not subject to term limits, but the state’s current chief executive, Tim Pawlenty, told Fox’s Sean Hannity that limited tenure is nonetheless a good idea. “[I]n Minnesota, we don’t have term limits, but we do have common sense and good judgment, and we’re also good about taking turns. I think these positions are about ideas and principles, and energy and leadership, not about just hanging on. And so like everything else there’s a season in life, and eight years is enough.... I’ve talked to a lot of governors that have served three terms. Without naming names, I think in their quiet or private moments, confidentially, they’d say you know it wasn’t their best effort that last term.”



## MISSOURI

Ed Martin, head of Term Limits for Missouri, has challenged State Representative Chris Kelly to a debate. Kelley wants the current term limits to be lengthened from eight years to 12 years. Martin tells Kelley that “for every legislator whose departure due to term limits we might agree is a loss to our state (and there are a few), I can name five that all Missourians should be glad have moved on to other vocations. Besides, as your own career shows, there is supposed to be more to life than simply serving in one elected office. We all embrace the idea of the ‘citizen legislator,’ don’t we?”

# in the News

## NEBRASKA



A story on the Nebraska legislature concludes that the first session “with all short-term lawmakers didn’t go as badly as term limits opponents feared.” Turns out the supposedly inexperienced freshmen brought experience with them. According to the Omaha World Herald: “Among the 16 senators elected in 2008, for example, were a former hospital administrator, two bankers, some business owners, a former university administrator and several who had held local office.”

## NEW YORK



Mayor Michael Bloomberg continues to be very testy in response to any questions about his role in weakening the city’s term limits so that he can run again for mayor. He cut off a New York Observer reporter who tried to ask whether the mayor’s rationale for diluting term limits and seeking a third term would be undercut if there were an economic turnaround (since Bloomberg had said that this was why he sought to change the law, given his indispensable financial expertise). After interrupting the reporter, Azi Paybarah, and refusing to let him finish the question, Bloomberg barked: “You are a disgrace.”

## OKLAHOMA



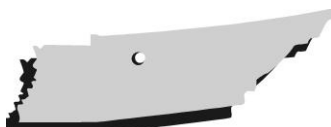
Oklahoma Attorney General Drew Edmondson has inserted a tendentious claim that a term limits question “limits the ability of voters to re-elect statewide elected officers” into the ballot title of the measure, which his office is charged with drafting. “I don’t think it’s helpful,” says state Senator Randy Brogdon. “It could be confusing. The purpose of [the ballot item] is not to limit the power of the people.” (We’re guessing that Edmondson was not trying to be helpful.) If passed, the measure would limit statewide elected officers to two full terms. Oklahoma lawmakers are already limited to 12 years in office.

## TENNESSEE



The town of Farragut, Tennessee, has asked the state legislature to pass a resolution permitting it to have a referendum on term limits. If the lawmakers assent, the approval would apparently have more than local significance, because, as the Farragut Press reports, “Farragut’s charter comes from [Tennessee Code Annotated], and any change to TCA would apply to all other mayor-aldermanic charters in the state. A change to TCA could give mayor-aldermanic municipalities the option to enact term limits.”

## TENNESSEE



The plaintiffs in several term limits lawsuits to enforce term limits on Knox County officials are being forced to pay for all court costs for the lawsuits that were dismissed (presumably because the plaintiffs did not have “legal standing,” being mere citizens), and are therefore asking for help to from fellow county residents. “We were acting on behalf of the voters of Knox County,” said David Habercom, one of the plaintiffs in the lawsuits. “We are stuck with a bill we should not have to pay—but we are stuck with it. And we’re asking other public-minded citizens to step up and help defray the costs.”

Continued on Page 6

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



### TEXAS

Houston resident Jimmy Dunne complains in a letter to the editor to the Austin American-Statesman about how Houston politicians are trying to use the state legislature to undo the city's term limits. "The voters of Houston have voted to limit the mayor and city council members to three two-year terms. House Bill 3006 is a misguided bill sponsored by Reps. Garnet Coleman and Carol Alvarado, Houston Democrats, that would force the city council to put an amendment on the ballot to lengthen term limits to 12 years."



### TEXAS

In Denton, Texas, citizens are being subjected to one of the less common ploys for escaping term limits: switching to another seat in the same legislative body, in this case in the city council, and restarting the term limits clock. The city's Term Limits Charter Review Committee chose to "keep" the current limit, according to which tenure cannot exceed three two-year terms...but also to apply the cap separately to each type of council seat an incumbent might occupy. Thus, the effective term limit on the city council is tripled from six years to eighteen: six years in a district council seat, plus six years in an at-large council seat, plus six years as mayor.



### NIGER

In late May, President Mamadou Tandja dissolved Niger's National Assembly shortly after a constitutional court had blocked his planned referendum to lift presidential term limits and scrap the current constitution. Members of the dissolved body called Tandja's move dictatorial. Niger's 1999 constitution authorizes the president to call a referendum on a wide range of matters, but not to revise certain articles of the constitution, including presidential term limits.

## Nevada (Cont'd from page 1)

vada career politicians, who echo the same unpersuasive fallacies heard everywhere else about how more time is needed to get anything done and how we-already-have-term-limits-they're-called-elections.

The repeal bill had been introduced late last year by state Senator Maurice Washington, a Republican, whose term-limited tenure expires

in 2010. "We have something called 'term limits'—it's the vote," Washington explained at the time.

John Wagner, who had worked to pass term limits, said: "I think the people knew what they were doing in 1994 and 1996."

Although Senator Washington's bill would not have prevented him and about a fourth of the present occupants of the legislature from

being termed out at the end of the current session, a repeal would have made it possible for them to later run again for their vacated seats.

Voters passed term limits in 1994 and again in 1996. The law then survived court challenges—most recently in 2008 as it was about to kick into effect.

# Michigan lawmaker to colleagues: “Leave limits alone!”

by Tom McMillin



*A Michigan state representative doesn't buy the notion that six or eight years in office isn't enough time to set goals and accomplish them.*

Reports are beginning to surface of another attempt by politicians in Lansing to change term limits.

Their arguments are usually centered around the notion that “institutional knowledge” is lost when state representatives can stay “only” six years or state senators “only” eight years.

Many claim that “by the time

we figure out how Lansing works, we're term-limited.”

How many of our citizens, after landing a great new job, would go to their boss and say, “You know, it may take me a few years to figure out how to do my job”? I don't think very many. And those who risk disclosing this to their boss would likely be out of a job pretty quickly.

I can tell you as a freshman state representative that, with a little effort and some God-given knowledge, figuring out “how Lansing

works” doesn't take very long.

Thanks to term limits, all citizens are assured that a spirited primary and/or general election that will give them good alternatives occurs regularly. Gone are the days when a few long-serving legislators are powerful kings and princes. Gone are the days when long-serving politicians always get 95 percent of PAC and lobbyist campaign money and get re-elected 99 percent of the time....

We need to keep our current term limits law in place.

*Excerpted from mlive.com. The author's legislative home page may be found at [tinyurl.com/n2pzx2](http://tinyurl.com/n2pzx2).*

## NY Assembly Passes Bill to Stop Pols from Trashing Local Term Limits

This June, New York's state senate may have turned into a circus (see p. 1). But on the 16th of that month, the state assembly earned the distinction of passing a bill (A01224) by the overwhelming majority of 135 to 11 to prohibit local lawmakers in the state from changing local term limits without consulting voters. The bill now goes to the state senate to undergo whatever currently passes for deliberation in that chamber.

If signed into law, the legislation would be too late to stop the padding of New York City term limits imposed by the city council and Mayor Bloomberg; nor would it be retroactive. But it would prevent such actions in the future.

In formally explaining the

bill (see [assembly.state.ny.us/leg/?bn=A01224](http://assembly.state.ny.us/leg/?bn=A01224)), Albany incumbents could not resist asserting that term limits “artificially restrict voter choice and dilute representative democracy” (which would be true enough if term limits did not regularly expand voter choices and increase electoral competition).

But the apologia goes on to explain that “where the public has participated in the referendum process, a legitimate expectation exists that their opinion as expressed in the outcome of the referendum will be respected. That expectation is particularly justified when the referendum concerns the term of office of individuals elected to represent the people.

“In this circumstance, even

where one conceptually disagrees with term limits, the most appropriate mechanism to change the law is to revisit the issue with the public in a referendum. Otherwise, the integrity of our democracy is undermined, particularly when elected officials who are self-interested in the outcome overturn the expressed will of the voters....

“[I]n direct contravention of the public will, the New York City Council passed legislation extending the term limits of municipal officeholders to a total of twelve years. The voters, understandably, reacted with outrage and felt relegated to the sidelines of the public square even though their opinions had been clearly expressed on two occasions.”

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**“If the members of the House want to elect Mike Madigan for 700 terms in a row, that’s our business....”**

**—Illinois State Representative Lou Lang**

**see p. 3**