

No Uncertain Terms

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State Lawmakers Introduce Bills to Support Congressional Term Limits

Even as U.S. Senator Harry Reid holds forth about the importance of scrubbing his state's legislative term limits, the better to "move Nevada forward" (see p. 5), state representatives in Arizona, South Carolina and Michigan are proposing resolutions to encourage members of their states' congressional delegations to back strong congressional term limits.

Bills to this effect have been introduced in the Arizona and South Carolina legislatures, and comparable legislation is being drafted in Michigan.

The Arizona bill (SCR 1055) resolves that "from this time forth, until a United States Term Limits

Amendment to the United States Constitution is passed by two-thirds of the Members of Congress, the Secretary of State of the State of Arizona shall inform in writing all presently seated and all newly sworn in United States Representatives and Senators from our state that this Legislature has instructed them to cosponsor and vote for a United States Term Limits Amendment to the United States Constitution that provides limits of three terms in the United States House of Representatives and two terms in the United States Senate, and only for an amendment that incorporates those specific limit lengths. They are further urged to request that other Members of Con-



gress approve this Amendment for three-fourths of the states to ratify."

The resolution stipulates that "the Legislature supports the adoption of a federal term limits amendment that meets these criteria."

The language of the South Carolina bill (S. 276) is similar.

Calif. Rush Job?

The fate of a ballot measure to weaken state legislative term limits, currently slated for a February 2012 vote, may be decided earlier if the legislature approves a June 2011 special election to let voters consider the new governor's budget plan.

The plan proposes billions in tax extensions, spending cuts and other budgetary changes to try to stem the state's sea of red ink. Lawmakers must decide by March 10 whether to hold a special election to permit voters to consider Brown's plan.

State legislators may currently serve up to six years in the state assembly and eight years in the state senate. The proposed revision would allow them to serve up to twelve years in a single chamber, thereby doubling maximum tenure in the assembly and inflating it by 50% in the senate.

Dictators versus Term Limits in the Middle East

The many thousands demonstrating against one repressive government after another across the Middle East and North Africa—most significantly in Tunisia, Egypt and Libya, but also in Algeria, Bahrain, Iran, Iraq, Jordan, Oman, Yemen and elsewhere—typically have in common the desire to pink-slip often dictatorial heads of state determined to remain in power forever.

Along with other protections of political rights, meaningful term limits can prevent any one man from becoming permanently entrenched and from using a life-long monopoly on power to ever more abusively violate the rights of the individuals under his control. Thus, presidential term limits are the first casualty of any officeholder with aspirations to autocracy.

(Continued on Page 3)



President's Corner

BY PHILIP BLUMEL

When the Egyptian protestors first took to the streets of Egypt on January 25, they demanded presidential term limits and the resignation of President Hosni Mubarak. Not long before Mubarak agreed to step down, a judiciary committee in Egypt agreed to accept the people's demands and amended six articles of the country's constitution—including article 76, putting terms limits on the presidency. It was too little, too late.

Term limits mandate rotation in office even in corrupt democracies marred by sham elections; without term limits, entrenched leadership often can be ousted only by violence. Hence, the street had to take care of what should have been accomplished by constitutional rules and genuine elections.

Mubarak had ruled Egypt for three decades. Elsewhere in the region, Muammar al-Gaddafi has governed Libya for 42 years, Sultan Qaboos bin Said Al Said has governed Oman for 41 years, Omar al-Bashir has governed Sudan for 21 years, and Ali Abdullah Saleh has governed Yemen for 32 years.

These stints compete in longevity with those the "service"-to-date of U.S. Representative Charles Rangel (40 years), Representative Bill Young (40 years), Representative John Dingell (55 years) and Senator Daniel Inouye (51 years).

Our Founders recognized that rotation in office was essential for democracy to function and liberty be preserved. Too many political leaders in our era prefer to regard the perpetuity of their own political power as the most critical bulwark of the American polity. But this attitude is not evitable. In a new book detailing his surprising rise to prominence, U.S. Senator Rand Paul reiterates his support for Congressional term limits in the context of his broader program for reforming and reducing the federal government.

The world needs term limits, from the thrones of the Middle East to the U.S. Capitol.

Visit Phil Blumel's blog at www.termlimits.org/blog.

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

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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

Dictators vs. Term Limits (Cont'd from page 1)

The importance of imposing term limits on the head of state has been widely understood, both by rebels protesting political abuses and, in a different way, by autocrats whose last-minute promises to curb their own tenures have come too little, too late.

Tunisia. The revolts began in Tunisia in December of last year, where Zine El Abidine Ben Ali had been in power since 1987, resigned the presidency on January 14, 2011. Other potentates in the region have been more obstinate.

Yemen. Yemeni President Ali Abdullah Saleh has been in power 32 years. In early February, Saleh announced that his current term, which ends in 2013, would be his last. This promise failed to appease protesters, who had heard it before, and they continue to demand his

ouster.

Libya. Lunatic-in-chief Muammar al-Gaddafi has held power in Libya since a coup in 1969. The protest movement there rapidly veered toward civil war. Gaddafi seems to prefer razing his country to the ground to giving up power, but has suffered significant defections from his government. Initially defenseless rebels have acquired arms and gained control of eastern parts of the country.

Egypt. Inspired by the example of Tunisia, on January 25 Egyptians began demonstrating en masse in Cairo, Alexandria and other cities against the dictatorial rule of President Hosni Mubarak, who had been governing under martial law since the 1981 assassination of Anwar Sadat. Mubarak kept the world in suspense for

weeks, eventually agreeing not to stand for reelection but insisting that he would serve out the remainder of his current six-year term (his fifth). On February 11, however, Mubarak did relinquish his office, and skipped town.

The military council running Egypt's interim government has solicited drafts of constitutional changes to be submitted to voters by referendum. One measure would reduce the individual presidential term from six years to four years and limit maximum tenure to two of the four-year terms. Other constitutional reforms being discussed would make it easier to become a presidential candidate, provide for more robust monitoring of elections, and curb the government's emergency powers.

Enabling Despots

“Even a cursory study of Third World despotism proves that one of its main enablers is an executive presidency sans term limits.

“The combination has opened a path to tyranny in country after African and Arab country, as rulers who loath political demise and yearn for political immortality, entrench themselves and persuade their societies to accept their sons as heirs-apparent. A few of these countries have one-party systems but most are nominal democracies with multi-party elections which the ruling party never loses. President Ben Ali of Tunisia initially promised that he would never be ‘president for life.’ That was soon after he came to power in 1987. In 2002 he amended the constitution to enable a fourth term—which he won in a nominally multiparty election with 94% of the vote! In the intervening years, he and his family turned Tunisia into a personal fief, politically and economically, and its compliant people into right-less, dignity-less serfs. Post-18th Amendment, this is Sri Lanka’s path and its future.

“The Arab revolutionary wave was an indigenous phenomenon; it was born of an aching popular yearning for a radical transformation of the unjust and anti-democratic status quo. No longer will Third World leaders be able to tell their people that freedom and democracy are Western values which are alien to the East and that autocracy is the Eastern norm and fate. The Arab peoples have proved, with their heroism and their blood, that these are universal norms, born of man’s desire to control his own destiny.”

—Tisarane Gunasekara, “On the Road to Perdition,” Asian Tribune

Term Limits



ARIZONA

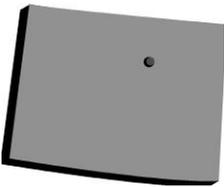
The vexing burden (for would-be political monopolists) of state legislative term limits was the theme of a recent get-together of Arizona Town Hall, a think tank. Town Hall President Tara Jackson and former state senate President Bob Burns agree that term limits drain “institutional memory.” (Town Hall has also advocated replacing election of many statewide officials with gubernatorial appointment.) An Arizona Capitol Times story on the meeting quoted USTL President Phil Blumel’s observation that because of term limits, voters enjoy “regular competitive elections and rotations in office as our founders intended.” The article reports that term limits repeal has fans among “lawmakers and pundits alike,” but a repeal bill failed to emerge from either chamber in the last legislative session.

CALIFORNIA



Reacting to voters’ anger, Murietta town council members have agreed to fully implement a term limits ballot measure, Measure C, approved in November. The council had passed ordinances stipulating that the measure takes effect only in 2011, i.e., excluding the term that members had just begun to serve and thus allowing them to run for two more four-year terms in addition to their current term. Measure C imposes two-term limits on council members, allowing newly elected members to serve just one more term in addition to their current term. The council has now accepted by a 4-0 vote that the ballot measure means what it says.

COLORADO



El Paso County Commissioner Darryl Glenn is lobbying state lawmakers to let citizens petition county government to post county measures on the ballot, which isn’t permitted under the state constitution (except to raise the county sales tax). Glenn wants the commission to refer a new term-limits measure to the ballot so that voters who feel they were misled by a ballot measure to lengthen the term limits of county officials would have a chance to restore the tougher term limit. If commissioners don’t go along, he thinks voters should have the right to petition to get the question on the ballot. In response to reports that commissioners plan to defer the question to the 2012 ballot, Glenn told the Colorado Springs Independent that “this issue must be resolved in the November 2011 election before anyone is eligible to run for a third term.... [I]gnoring the public outcry over the interpretation of this question is unacceptable.”

FLORIDA



Palm Beach County residents can now “hereby pledge not to vote for any candidate for county commission who seeks to overturn our voter-approved 8-year term limit law” at pbctermlimits.blogspot.com, a blog maintained by USTL President Phil Blumel. Eight-year term limits passed by 70% of Palm Beach County voters in 2002 are now fully in effect. The site notes: “Under the voter-approved law, neither commissioner Karen Marcus nor Burt Aaronson are eligible to run again for the county commission unless they sit out a term first. Thus, they can run again in the future but not with all the advantages of incumbency. Ironically, three other county commissioners who would have been term-limited this year instead went to prison on corruption charges....”

in the News

INDIANA



State Representative Dale Grubb hopes to scuttle term limits for Tippecanoe County's auditor, clerk, recorder and treasurer. A previous ballot measure to repeal those term limits failed, but Grubb thinks his proposed new measure would have a better chance insofar as it does not include a repeal of term limits on the sheriff. County treasurer Bob Plantenga certainly has no objection to the scheme: "I'm not sure what I would do when I got to the end of a second term," he says, "but it doesn't really make sense that after someone has done a great job then they're forced to leave office just because of what the calendar says."

IOWA



Freshman Representative Guy Vander Linden got an earful from voters during his campaign about the virtue of term limits. "It was probably the most-often mentioned topic when I was out door-knocking," the new GOP member told Sioux City Journal. So now Linden and several other raring-to-reform freshmen are proposing state legislative term limits of...16 consecutive years (HJR 10). As tepid a restriction as that would be, other Iowa legislators are dead set against it, of course. State Senator Jack Kibbie tells the Journal that he did not learn everything he need to know about being a legislator in his first 16 years on the job or even, for that matter, in his first 31 years.... Yes, that's right: the old canard about how it takes elected officials forty years to find the bathroom.

KENTUCKY



Freshman Kentucky lawmaker Mike Nemes has a slightly better idea than the 16-year state legislative term limit being proposed by the Iowa freshmen. Nemes favors a 12-year term limit, i.e., three consecutive terms maximum in the house and three in the senate. House terms are currently two years long, but his legislation (HB 375) would increase them to four years.

LOUISIANA



The new mayor of Thibodaux, Louisiana, says he wants to abide by a campaign promise to push for two-term limits on city officials. His proposal would be placed on the city's October ballot. The council must approve the change before voters get to decide, however. Council President Chad Mire wonders whether others with his passion could be found if had to leave because of term limits. "I do this because I'm passionate about it. I would like to continue to do it. If I have to give it up, are we going to have somebody that will be as passionate about it as I am?" Oh, they'll find somebody.

MASSACHUSETTS



Among the proposals submitted to the legislature to amend the Massachusetts state constitution is S 10, sponsored by State Senator Stephen Brewer, according to which no person "shall be eligible to election of the office of representative for more than four terms and no person shall be eligible to election of the office of senator for more than two terms." It has been referred to the Joint Committee on Election Laws.

MICHIGAN



The perennial assault on term limits has not abated in the Great Lake State, where several lawmakers have co-sponsored legislation to pad term limits so lawmakers can serve up to 14 years in either chamber. Currently, it's six maximum in the house, eight maximum in the senate. A proponent of the bill, State Senator Pappageorge, says: "I'm not against term limits, just the kind we have in Michigan." A Mackinac Center policy analyst notes that most house members can't hop to the senate when termed out of the house, since there are many fewer seats in the other chamber. If the 14-year rule is passed, most will exploit the power of incumbency to remain where they are.

MONTANA



A bill introduced in the Minnesota state senate (SF 12) would create somewhat lax legislative term limits. According to the proposed constitutional language, “A person may not be elected more than four times to the office of senator [16 years] or six times to the office of representative [12 years]. For purposes of this term limitation, election at a special election counts as one of the four or six elections.”

MONTANA



Representative Roy Hollandsworth has introduced a bill (HB 164) to lengthen term limits to 12 years from eight because. Term limits, he laments, have “really taken a toll in the house because the turnover is so great.” A similar bill (HB 418) would also have stretched maximum tenure to 12 years. Another bill (HB 404) would have repealed term limits altogether. Each of the bills was tabled by the end of February.

Former Representative Ed Butcher, who led the 1992 campaign for the term limits measure, which passed with a 67% majority, says lawmakers facing would be shooting themselves in the foot to pass any such measure; voters would want to know “What part of ‘no’ you don’t understand?” In 2004, a 69% majority trounced a similar measure to bloat Montana’s state legislative term limits.

NEVADA



U.S. Senate Majority Leader Harry Reid, a U.S. Senator for the past quarter century, weighed in on the issue of state legislative term limits: “We don’t need artificial term limits. After all, we already have natural ones. They’re called elections.... And if you don’t believe [Nevada voters will] exercise that right, just look at the United States Congress.” Hmm. We’re not quite sure that pointing to the condition and track record of the un-term-limited U.S. Congress bolsters Reid’s case.

PENNSYLVANIA



Is a politician a “wussy” if he declines to flout a term limits law that bars him from seeking another term in office? Trying to expose former Pennsylvania Governor Rendell as a hypocrite for criticizing the cancellation of a football game, comedian Stephen Colbert seems to think so, or at least pretended to think so in an interview with Rendell. Rendell doesn’t bother to dispute him. In Colbert’s view, Bloomberg required “courage” to circumvent the term limits law. Perhaps any defiance of a popular position takes courage of a sort. But what about the virtues entailed in abiding by and upholding the rule of law, instead of regarding it as dispensable as soon as one’s own ambitions are inconvenienced thereby?

TEXAS



The city council in Big Spring, Texas first approved the idea of letting voters decide on whether to term-limit council members, by a vote of 4-3; then retreated when it came time to affirm the decision in a second vote. Councilman Terry Hansen is weirdly self-contradictory in explaining his own reversal: “This is probably the hardest decision I’ve ever had to make as part of the city council. On a personal basis, I’m against term limits at this level of government, but I did not have a problem with the voters having a say, and I still don’t have a problem with them having a say. Having said that, after I received call after call after call [from people opposing the term-limit election], that weighed heavily in my decision.” He has no problem with “the voters having a say” about term limits, but because the people who called him would have voted No, he can’t let voters have a say? This sounds less like an argument than a confession of spinelessness.

They Said It

Wanted in Fayette County: Next Thomas Jefferson

I don't expect Commission Chairman Herb Frady, now approaching twenty years in office, to support the term limits measure introduced by Commissioner McCarty and me.

Chairman Frady asked us for reasons to support our proposal on term limits and here is what we gave him: Overwhelmingly, polls show voters prefer term limits; term limits downgrade seniority, favor meritocracy; term limit increases competition, encourage new challengers; term limits break ties to special interests; term limits improve officials' tendency to vote on principle; term limits introduce fresh thinking and new ideas, and eliminate the "that's the way we always done it" routine....

Thomas Jefferson would have supported our move to establish term limitations. In fact, Jefferson, writing a proposal on behalf of the Virginia delegation, called for them "to prevent every danger which might arise to American freedom by continuing too long in office the members of the Continental Congress...." Writing from Paris [during the battle for ratification], Jefferson noted objections to key parts of the new federal Constitution: first and foremost, the absence of a bill of rights and the failure to provide for "rotation in office" or term limits, particularly for the chief executive.

It would be nice to get that next Thomas Jefferson in Fayette County some time soon, as we can use the third vote to acquire term limits and 24-hour notice on any agenda item being voted on by the Board of Commissioners.

—Steve Brown, Fayette County Commissioner, Fayetteville (GA) Citizen

Productive of Cruel Distress

"There is another strong feature in the new constitution, which I as strongly dislike. That is, the perpetual reeligibility of the President. Of this I expect no amendment at present, because I do not see that any body has objected to it on your side the water. But it will be productive of cruel distress to our country, even in your day and mine."

—Thomas Jefferson, letter from Paris to Alexander Donald, February 7, 1788

For Shorter Lawmakers

"The Republican majority in the U.S. House of Representatives is promising to cut \$100 billion from domestic spending this year. The Tea Party caucus's response? I'll see your \$100 billion and raise you \$2.4 trillion over 10 years. Both groups are barking up the wrong tree or, to use a more appropriate animal analogy, putting the cart before the horse. The road to real deficit reduction, not a cosmetic nip and tuck, runs through term limits....

"Would it surprise you to learn that newbies in Congress (those who have served six years or less in the House and 12 or less in the Senate) are more likely to vote for fiscal restraint than veteran lawmakers? Or that this finding was based on votes taken from 1995 through 1998, when Republicans controlled both houses of Congress? Even Newt Gingrich's class of '94, determined to shrink the size and scope of government, couldn't buck the Old Guard, according to the results of this Cato Institute study.

"In the last two years, the spending increases in bills proposed by freshman House Democrats were 60 percent lower than those sponsored by their more senior colleagues, according to Peter Sepp, vice president for communications at the National Taxpayers' Union. The GOP freshmen proposed 15 percent more cuts in spending than the old-timers."

—Caroline Baum, "For Smaller Government, Elect Shorter Lawmakers," *Bloomberg Businessweek*

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Inside No Uncertain Terms...

FOR CONGRESSIONAL TERM LIMITS...1

CA RUSH JOB?...1

**DICTATORS VERSUS TERM LIMITS,
AND VICE VERSA...1**

MIDDLE EAST AND CONGRESS...2

TERM LIMITS IN THE NEWS...4

THEY SAID IT...7



“No longer will Third World leaders be able to tell their people that freedom and democracy are Western values which are alien to the East and that autocracy is the Eastern norm and fate.”

—Tisarane Gunasekara, Asian Tribune

see p. 3