

No Uncertain Terms

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Eight Years Not Enough for FL State Senator Mike Bennett

“Eight is Enough” has been the theme of the term limits movement in Florida at least since 1992, when voters, by a 77% majority, imposed an eight-year cap on the tenure of state lawmakers.

Despite the continuing popularity of the reform—according to a Quinnipiac poll of 1,300 Florida voters conducted between April 7 and April 13, 79% support Florida’s current term limits law—the typical career politician is no fan of the reform. Florida State Senator Mike Bennett is no exception.

Eight is not enough for Senator Bennett, who in late March introduced a bill, or rather an amendment to a bill, to stretch maximum service from eight years to 12

years.

Bennett’s rationale for the move has not been widely quoted in the press. In any case, by tacking the proposed ballot measure onto an unrelated bill, he apparently hoped to ease passage. But attaching it to a property tax relief for disabled veterans was perceived as a particularly ham-handed form of legislative sausage-making, one that has offended some lawmakers as well as constituents.

Bennett claims that he resorted to the expedient because he missed a deadline for submitting the term limits bill separately. U.S. Term Limits President Phil Blumel is not persuaded.



For Bennett, eight are not enough.

“This is particularly shameful,” says Blumel, “and takes an other-

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Assault on Montana Term Limits Fades—For Now

It’s dead.

A bill introduced in January by Montana Representative Jill Cohenour to repeal term limits for both lawmakers and state officials including the governor, has now officially expired. According to the web site of the Montana State Legislature, HB 458 was tabled in committee in mid-February, and it “died in standing committee” on April 28.

U.S. Term Limits had urged Montana voters to contact the

House State Affairs Committee and tell them to leave the term limits law intact—and perhaps also remind them that when voters were asked to reconsider term limits in 2004, the law was reaffirmed by a margin six percent larger than that

**Term Limits and
Tea Parties
see p. 2**



Jill Cohenour is happy to try to undermine term limits.

of the law’s first passage.

Cohenour’s bill was only one of

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President's Corner

BY PHILIP BLUMEL

Term limits were a hit at the Tax Day tea parties that so vexed tax-and-spend politicians and allied members of the media across the land.

Ever since Rick Santelli made his call for a new Boston Tea Party on CNBC in February, activists had been throwing tea party demonstrations across the nation protesting corporate bailouts and economic "stimulus." Then, on April 15, citizens across America participated in over 800 tea parties on a single day. At many or most of these rallies, participants called for term limits.

I saw term limits signs at the tea parties I attended in West Palm Beach and Tallahassee, Florida, and on the rally coverage shown on CNBC. Everyone I talked to saw them at the rallies they attended, too; and a Google and YouTube search confirms that such signs were ubiquitous.

No organization was promoting this spontaneous display of citizen conviction.

The frustration that inspired the rallies was provoked by the way the U.S. Congress (along with the Treasury and the Federal Reserve) has been doling out trillions to special interests even as the people are suffering from a deep recession. Clearly, these citizens feel that the Congress is representing not them but AIG, Bank of America, Freddie and Fannie, General Motors, the United Auto Workers, etc. This helpless feeling in the face of special interest influence also pulls citizens into the term limits movement.

Citizens are correct. They are not being represented. Incumbent congressmen retake their seats about 95% of the time with scant effort, as they either run without opposition or face vastly under-funded challengers. Incumbents cling to these seats for decades and then run the Congress by right of seniority. The Cato Institute has shown that tenure in office is highly correlated with increased spending patterns. Hence, longtime, unbeatable incumbents, the ones who spend the most, are also the ones running the show.

One way term limits protect citizens is by sharply reducing the time in office in which career politicians can build tight (and often highly lucrative) relationships with lobbyists and special interests.

If we want a stop to skyrocketing spending, debt and bailouts, and the taxes and inflation that are a necessary consequence, we need representatives who are closer to the people. The nation should heed the tea partiers' call for term limits.

Visit Phil Blumel's blog at pblumel.blogspot.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*

As Missouri Lawmakers Try to Trash Term Limits, Others Work to Widen Their Reach

Although “stability” of representation in government (a.k.a. incumbent entrenchment) is more characteristic of oligarchy than a robust democracy, such is the sclerotic condition sought by Representative Gayle Kingery, a Missouri legislator who sponsored a bill to reduce turnover and increase “flexibility” by doubling the maximum tenure allowed under the state’s term limits law.

By introducing the proposal (HJR 13)—which in March

emerged from the House Elections Committee after a 9-1 vote in favor—Kingery emulates the now-familiar (albeit often failed) tactic of pretending that term limits are supposed to be a cap on the combined service of a multiple of offices rather than on the tenure of one particular office. (See also our news item about Michigan on page 5.)

If his proposed constitutional amendment reaches the ballot and

gains the approval of voters, it would allow lawmakers to serve up to 16 years within a single chamber. At present, the term limits law that was passed in 1992 by a 75% majority limits them to eight years in office—a maximum of four two-year terms in the house, two four-year terms in the senate.

“The people of Missouri do not need to go through a wasteful ballot process that we already know

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Florida (Cont’d from page 1)

wise noble measure and poisons it with a brazen power grab.”

The sponsor of the measure for veterans, State Senator Dave Aronberg, says Bennett’s term limits amendment goes with his bill “like a fish on a bicycle.”

It is unclear whether Bennett’s ultimate goal is to post a single ballot measure that would include both the veterans’ measure and the term limits measure in the exact

same question. When regular voters post ballot measures after gathering signatures, they are supposed to confine each individual measure to a single question. But lawmakers can, if they wish, combine disparate matters into a single ballot measure. When it comes to term limits, they have increasingly done so in hopes that a measure to water down term limits would be a harder sell on its own.

The Bradenton Herald, a Florida newspaper that supports Bennett’s attempt to water down term limits, says: “Our only concern is this term limits proposal being tied to a completely unrelated veterans property tax matter, the latter possibly a popular vehicle to ensure the passage of both. That smacks of politics as usual.”

You don’t say.

Montana (Cont’d from page 1)

several assailing term limits that were floated in the Helena statehouse this year. House Bill 174, sponsored by Representative Ray Hawk, would have allowed legislators to serve up to 16 years in a given chamber, effectively doubling the maximum tenure for a legislative seat.

“Sixteen years should be enough time to learn the process and effectively serve as a legislator,” Hawk explained.

Another bill, intended only to

“clarify” term limits, Senate Bill 495 sponsored by Montana State Senator Bob Story, has also failed to pass muster. His bill changes some wording of the original law (for example, to cap service at 8 years in “a 16-year period” instead of “any 16-year period”).

Why confine himself to nibbling at the edges? Senator Story admits that term limits are persistently popular. “There’s no organized group that can tell voters term limits is a bad thing. If the legislature

tries to do it, it looks self-serving; if a lobby tries to do it, it looks even worse.”

Had legislators passed any of the bills to repeal or weaken term limits, voters would have decided the fate of the measure in the 2010 election.

Fifteen senators (in a 100-member senate) and 15 representatives (in a 100-member house) are being termed out of the Montana legislature this year.

Term Limits



CALIFORNIA

Los Angeles Police Chief William Bratton's second and legally last term ends in 2012—but the Los Angeles Police Protective League and Councilman Herb Wesson want to revise the law to permit a third term. The League also wants to change the position from an appointed to an elective one (so that they can have more sway over who is chief in presumably low-turnout elections). Voters passed term limits on the post in 1992; it was a reform undertaken in the wake of the Rodney King riots. Raphael Sonenshein, executive director of the Appointed Charter Reform Commission back then, says: "There was this concern about the chief having civil service protection and being able to create his own empire, and the term limits solved that problem." Making the change would require voter approval.



CALIFORNIA

Santa Clara Valley Water District board voted 5-2 to post a measure on the November 2010 ballot that would term-limit board members for the first time in the agency's history. The measure would cap tenure at three four-year terms. According to one board member, Rosemary Kamei, "This gets us closer to demonstrating to the public that we want to be transparent, that the work we do is open, and some of these reforms help us move in the right direction."



FLORIDA

On April 14, almost 60 percent of Coral Gable voters passed term limits on their mayor (8 years) and commissioners (twelve years), while rejecting a measure to loosen constraints on spending for public works projects. The Miami Herald had supported the term limits measure, opining: "As a rule voters should have final say over who is elected and for how long. But in Miami-Dade lack of term limits can lead to commissioners for life, shutting out other candidates.... VOTE YES." We'd say that "as a rule" there should always be term limits on elected officials, since incumbents pretty much invariably enjoy enormous electoral advantages over challengers.



ILLINOIS

Illinois Governor Pat Quinn has affirmed his support for term limits in a recent public statement: "The concept of term limits is to have a turnover on a regular basis, bringing in new, fresh people who have their own point of view. That's what democracy is. We don't want to have a system where just a handful of people are running the show." The state senate president and house speaker had no comment.



LOUISIANA

State Representative Simone Champagne is proposing a term limit of three consecutive terms on every elected official in Louisiana. Mandatory caps on offices that are already subject to stricter term limits would be unaffected by the measure. "I don't think we should pick and choose who we term limit," says Champagne. "If it's good for some elected officials, it should be good for all elected officials across the board." To become law, House Bill 84 would have to win a two-thirds majority in each legislative chamber, and then be approved by voters.

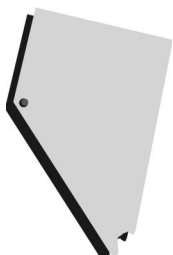
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NEBRASKA



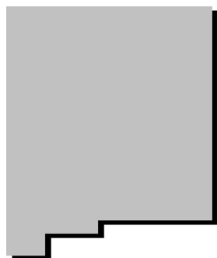
Senator Friend's proposal to increase the maximum tenure of legislators from two terms to three was "indefinitely postponed" on February 25. But Nebraska's legislature is unicameral, so that the bill would have to get a thumbs up from only one house before being sent to the governor. Also, the legislative session does not end until early June. So we're keeping an eye on the situation.

NEVADA



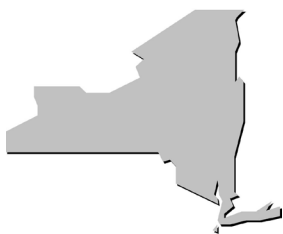
The state of Nevada is seeing yet another move to kill term limits. State Senator Maurice Washington, who introduced SJR10—which would have to be approved by Nevada voters in 2012 if it emerges from the legislature—says we already "have an effective means of term limits. Once again, it's called the ballot box." Yes, seems that no matter how many times advocates of term limits hear this assertion, we just don't get it! We still believe that power tends to corrupt and that incumbents habitually enjoy massive and automatic advantages over challengers, merely because this is what all the evidence shows.

NEW MEXICO



A bill to loosen term limits on county officials has passed the New Mexico state senate by a vote of 32-3. If it is also okayed by the house, voters will be considering the measure in the 2010 general election. Currently, county officials can serve only two consecutive terms, after which they are ineligible to hold a county office for two years. The measure would allow three consecutive terms.

NEW YORK



Friends of term limits and democracy received no help from the Justice Department in overturning the city council and Bloomberg's overturning of the term limits law. It determined on March 17 that the council's action did not violate the 1965 Voting Rights Act. In addition, a federal appeals court ruled on April 28 that there is no constitutional reason why the council's coup d'electorate should not be allowed to stand.

Commentator Michael Barbaro notes that the allegedly bigger pool of candidates that Bloomberg claimed would be result from his shoehorned candidacy is not materializing. "Mr. Bloomberg's popularity, the power of his incumbency and his willingness to spend \$80 million of his own fortune to secure re-election have persuaded at least four mayoral hopefuls—two Democrats and two Republicans—to exit the race or sit it out."

A bill to require a new referendum on term limits is still alive in the New York State legislature, however. Similar bills have emerged from elections committees in both the assembly and the senate.

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



OKLAHOMA

State Senator Randy Brogdon's measure to limit most statewide elected officials to eight-year tenures made it out of both chambers and will now be put before voters.



TENNESSEE

Ralph McGill, a retired engineer, has defeated the mayoral incumbent in the small town of Farragut, Tennessee by a 2-1 margin. Term limits were a major campaign issue, and many observers think that the debate over term limits helped produce the outsized victory over Mayor Edward Ford, who was seeking his fifth term. Since 1980 (the year the town held its first election), Farragut has had only two mayors.



Azerbaijan

Azerbaijan voters have scrapped presidential term limits, accepting the government's proposed constitutional changes by a 92% majority. The government claims that 71 percent of eligible voters turned up; opposition groups say it's closer to 25 percent. (In Azerbaijan, if turnout is lower than 25%, the results of a vote are deemed to be invalid.) The current president, Ilham Aliyev, succeeded his father, Heydar Aliyev, in 2003.



UNITED STATES

A Florida state representative, Mike Haridopolos, has filed a bill to ask Congress to adopt and submit to the states a constitutional amendment imposing term limits on federal officials. Meanwhile, a new poll by Opinion Dynamics and Fox News indicates that 70% of American adults favor limiting the terms of U.S. House and U.S. Senate members.



PHILIPPINES

A leading politician, Speaker Prospero Nograles, says he will oppose any attempt to lift term limits on elected officials as part of changes he otherwise supports to revise aspects of the Philippine constitution. "No extension of term and no change in the form of government. I will not allow any other proposal."

Los Angeles Times says: Leave Term Limits (on Police Chief) Alone

It seems that the Los Angeles Times recognizes the virtue of term limits at least when it comes to the tenure of the top guy at the LAPD; although, ironically, their fundamental argument also applies to term limits on elected officials, which the paper opposes. The following is passage is from an editorial published in the paper on March 31.

The term limit for the position of police chief has...served the city well.... Each transition was controversial but orderly and professional. Decades of contentious relations between City Hall and Parker Center gave way to relative calm and police acceptance of civilian oversight.

Now comes City Councilman Herb Wesson with a proposal to upend that progress by eliminating the term limit. His motives are at

Missouri (Cont'd from page 3)

the outcome of," observed USTL president Phil Blumel. "Missourians have time and again affirmed their support for term limits. And the only people interested in lengthening terms are those currently serving in office."

The people of Missouri may well

least partly understandable: We like Bratton too. And we don't think much of term limits, at least for elected officials. But rules should not be designed to suit individuals. Rather, they should protect the city over the long term, and the term limit for the chief grows out of Los Angeles' troubled history, not just its recent past.

[T]he police chief has held a position of extraordinary influence in Los Angeles life. [He] commands an armed force of thousands, the largest of all city departments and the most visible. Some chiefs have been admirable, some corrupt or racist. Some have protected the city; others have ravaged it. The Christopher Commission properly recognized that history with its recommendation for a term limit.

Bratton chafes under the limit and suggests that abolishing it would help move the city beyond

be interested in term-limiting even more of the state's officeholders, however. The group Term Limits for Missouri has begun gathering signatures for a constitutional amendment that would limit all statewide elected officials to two four-year terms.



Los Angeles Councilman Herb Wesson.

the legacy of Rodney King. But the legacy it addresses is bigger than King. It's the Watts riots and the 1992 riots. It's the vacillations of Williams's tenure and the rigidity of Parks's.... Los Angeles's Police Department functions best when civilians most closely control it. The term limit has reinforced that relationship....

Leave the term limit alone.

To read the entire editorial, visit tinyurl.com/dlfvrk.

"The work of term limits is not done," says TLM President Ed Martin. "All statewide officeholders must face term limits so that we continue to bring fresh air into government and chase out the stale and dank stench of bureaucratic incumbency."

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“The concept of term limits is to have a turnover on a regular basis, bringing in new, fresh people who have their own point of view. That’s what democracy is. We don’t want to have a system where just a handful of people are running the show.”

— Illinois Governor Pat Quinn