

No Uncertain Terms

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Voters to Candidates: Sign the U.S. Term Limits Amendment Pledge!

“Now is the time to press for congressional term limits,” says USTL president Phil Blumel (see p. 2). “If not now, when?”

As Washington D.C. slips further beneath the waves of partisan rancor and unprecedented red ink, voters of both parties are overwhelmingly endorsing term limits as one way to right the sinking ship. Term limits have been a continuous theme of the Tea Party Movement, and candidates in statehouse and congressional races around the country have sought to distinguish their candidacies by strongly endorsing this reform.

U.S. Term Limits is seizing the moment by asking candidates—and asking you to ask candidates—to sign the U.S. Term Limits Amendment Pledge, committing themselves, should they be elected to Congress, to “co-sponsor and vote for only the US Term Limits Amendment of three (3) House terms and two (2) Senate

terms.” We’re sending the pledge to every major-party candidate. (To keep up to date with this project, visit ustermimitsamendment.org.)

(Continued on Page 3)

Measure to Undercut California Term Limits Will Burden 2012 Ballot

In the previous issue of No Uncertain Terms, we noted that California politicians’ petition drive for a measure to allow state lawmakers to serve up to 12 years in either chamber of the legislature had failed to pass muster on the basis of sampling alone. The number of signatures projected by the sampling was about 592,000; only if 763,790 or more signatures had been projected (i.e., 110% of the 694,000 or so needed to qualify a constitutional amendment for ballot) could a full manual count of the signatures

have been avoided.

The manual count would not be completed in time to meet the deadline to qualify for the November 2010 election, and the full count was still under way when we went to press. But the numbers are now in, and the measure does qualify for the next ballot. It will be foisted on voters in February of 2012, who until then must suffer a rerun of previous misleading anti-term-limits campaigns in the state.

Under the current term limits law, lawmakers can serve up to three

two-year terms in the assembly and up to two four-year terms in the senate. Although it will be sold as a “rollback” of “combined” possible tenure in both chambers, the proposed amendment would double the maximum tenure in the assembly and increase it by 50% in the senate.

In 2002 and 2008, California voters rejected ballot measures asking them to weaken term limits.

No Uncertain Terms

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President's Corner

BY PHILIP BLUMEL

The issue of term limits is hot again, in a way we haven't seen in well over a decade.

A recent poll shows that 78 percent of Americans support term limits for the U.S. Congress, including large majorities for Democrats (74%), independents (74%) and Republicans (84%). Meanwhile, congressional approval ratings have dived to all-time lows.

Hence, now is the time to press for congressional term limits. If not now, when?

We have a vehicle, the "Term Limits for All" amendment, with leadership from its author, Senator Jim DeMint. Now we need more cosponsors and votes for the amendment. That means electing pro-term limits candidates. Just as important, it means getting these candidates to commit, in advance of the election, to co-sponsoring the DeMint amendment.

Supporting term limits in general but opposing a specific and strong proposal actually on the table is the oldest political trick in the book. We need to approach all Senate candidates with the following question, whether in private conversation, at their public appearances, by phone or by email: "Will you firmly commit yourself to co-sponsor and vote for the DeMint amendment to limit Congressional tenure to a maximum of three House terms and two Senate terms?"

To that end, USTL is asking congressional candidates to sign a formal pledge, the U.S. Term Limits Amendment Pledge, committing themselves to support Senator DeMint's amendment (see page 1).

Senatorial candidates who have expressed generic support for term limits but not yet endorsed the "Term Limits for All" amendment include Alaska's Joe Miller, California's Carly Fiorina (who wants 12-year limits in the U.S. House, whereas DeMint is calling for a six-year term limit in the House and a 12-year limit in the Senate), Colorado's Ken Buck, Florida's Marco Rubio, and Pennsylvania's Pat Toomey (who, like Tom Coburn, honored a pledge to step down after three terms in the House).

Jim DeMint, providing the national leadership on this issue, is spoken of as a presidential candidate for 2012 or beyond. If he runs, he'd be taking the term limits issue on the campaign trail.

Some say that congressional term limits may be a great idea, but we'll never get them. Heck, I've said it myself in the past. But consider the situation as it is forming right now: 1) 78% of Americans of all parties support term limits; 2) Congressional approval ratings are at all-time lows; 3) a term limits amendment bill in the U.S. Senate has a growing list of cosponsors; 4) there is a companion bill in the House; 5) term limits has emerged as an important issue in campaigns around the country; and 5) congressional term limits enjoys the articulate sponsorship of a prospective presidential candidate.

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

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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*

Commission Places Measure to Restore NYC Two-Term Limit on 2010 Ballot

The New York City Charter Revision Commission has submitted a ballot question which, if passed, will re-instate a two-term limit on city officials elected in 2010 and later. Lawmakers elected to office in 2009 and earlier would still be able to serve a third term.

The measure would also make it illegal for state lawmakers to lengthen their own term limits, as they did in 2008. The text of the ballot measure is as follows:

City Question 1. Term Limits: The proposal would amend the City Charter to:

- Reduce from three to two the maximum number of consecutive full terms that can be served by elected city officials; and
- Make this change in term limits applicable only to those city officials who were first elected at or after the 2010 general election; and
- Prohibit the City Council from

altering the term limits of elected city officials then serving in office.

Shall this proposal be adopted?

New Yorkers first passed term limits on city officials in 1993 by a 59% margin, after politicians tried and failed to keep the measure off the ballot. The new law capped tenure at two four-year terms for the mayor, borough presidents and 51 city council members. When asked in 1996 to dilute term limits at the ballot box, voters said no, confirming their support for the law.

Michael Bloomberg had twice campaigned for mayor as a firm supporter of term limits. In 2008, however, with his presidential ambitions having faded and his second and final term as mayor drawing to a close, the mayor allowed his seemingly firm support for the term limits law to lapse. He persuaded council members to lengthen the maximum tenure of city officials from two terms to three terms, and

then, despite widespread and vocal outrage at how the voters had been bypassed, signed the legislation when it reached his desk.

Seeking to defuse the controversy, Bloomberg pledged to appoint a commission to put the term limits question back before the voters. In March of this year he did appoint a commission. The ballot measure to restore the two-term limit and outlaw monkeying with lawmakers' own term limits is the main result of the commission's work. (Other charter revisions, including a reduction in the number of signatures required for a candidate to get on the ballot, will be offered to voters in a separate ballot measure, City Question 2.)

Support for term limits may be even stronger now among New Yorkers than it was in the mid-90s. According to a recent New York Times poll, 73% of New Yorkers want the city's two-term limit to be restored.

Pledge (Cont'd from page 1)

According to a new FOX News poll, 78 percent of all voters favor term limits—including 84 percent of Republicans and 74 percent of Democrats and independents.

That may seem like an astonishing level of agreement given America's often fractured political landscape, but since colonial times support for term limits has always been strong in this country; and the polling of public sentiment throughout the modern term limits movement, from 1990 until today, has demonstrated that strength consistently. In 2002, for example, voters in states that had passed legislative term limits during the previous

decade were still supporting them by majorities ranging from 60 to 78 percent.

What may be new in recent years is the sheer scope and blatancy of the corruption and favor dealing that are sending the national budget and our economy into a tailspin.

The relentless assault on our wealth and liberties has provoked an enormous backlash, animated by a principled insistence on change in the direction of greater liberty, not greater government control. Term limits are a clear-cut means of empowering voters and curbing the power of incumbents who would

abuse their office and run roughshod over our liberties.

Changing political parties may treat the immediate symptoms of Washington's disease. But without long-overdue reforms like term limits, we will never be able to treat the disease itself.

Overwhelming majorities of Republicans and Democrats, liberals and conservatives, partisans and independents recognize this reality. It is past time for our politicians to set aside their narrowly conceived political interests and follow suit. They can start by signing the U.S. Term Limits Amendment Pledge.

Term Limits

CALIFORNIA



It's end of the line for San Francisco Supervisor Michela Alioto-Pier. On August 24, an appellate court rejected her plea to be allowed to stand again for office in violation of the city's term limits law, and the California Supreme Court has now refused to hear her petition for review. Alioto-Pier had originally been appointed to her seat, and then, after several months, won the right to serve the last two years of the term in a special election. She thus served more than two years of the term she was appointed to finish; under the law, therefore, it counted as a full term and she could run for only one more consecutive full term as supervisor. But Alioto-Pier contended that the special election divided her original term in such a way that it could not be counted as a full term despite the term limit law's rounding-up rule designed for just such cases. For commentary on the case by the city attorney who appealed the original court ruling in Alioto-Pier's favor and a passage from the appellate court's ruling, see page 6.

MAINE



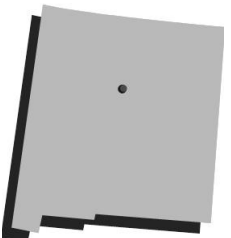
In a refreshing deviation from the norm, a report by a Bangor, Maine, charter review committee recommends that term limits on city councilors and school committee members be kept intact (namely, a maximum of three consecutive three-year terms) but that the number of years a termed-out official must wait before running for the same office be increased from one year to three years. Usually such studies, after "much work," arrive at the preordained conclusion that term limits must be weakened or scuttled.

MICHIGAN



Michigan reporters have been pointing to the dramatic turnover imminent this year in the state legislature, turnover largely due to term limits. Political consultant Craig Ruff observes: "Back in the 19th Century, people would rotate in and out of the Senate pretty rapidly. But it's fair to say that the turnover this year will be seismic, historic." Ballotpedia calculates that because of term limits, incumbents are unable to run for reelection for some 122 state senate seats around the country; see bit.ly/9r2dia for details. (This figure excludes several seats of former incumbents who, facing term limits this year, have already resigned, so that the current incumbent is able to run.) With respect to state houses, 253 campaigns around the country are being shaped by term limits; see bit.ly/bMFR10.

NEW MEXICO



Noting that a constitutional amendment on the New Mexico ballot this November would bloat the maximum tenure of elected county officials from two consecutive four-year terms (eight years) to three consecutive four-year terms (12 years), the Las Cruces Sun-News opines that "there is always a slowdown whenever a new leader takes over, but we trust that the long-time staff members will keep county departments running smoothly during the transition, and will provide the institutional knowledge necessary for any successful organization. Eight years in office would seem like plenty of time to make whatever changes or reforms an office holder deems necessary. Beyond that, a more constant rotation of office holders would reduce stagnation and limit the opportunities for corruption."

in the News



OKLAHOMA

If you're an Oklahoma voter, don't forget about State Question 747, the constitutional amendment to term-limit statewide elected officials. If the measure passes, the lieutenant governor, attorney general, treasurer, insurance commissioner and several other statewide officials would be limited to two four-year terms. Currently, the governor is the only statewide elected official who is term limited (to two consecutive terms). Oklahomans passed a 12-year term limit on state legislators in 1990 that, since it was not retroactive, began to take effect only several years ago.



TEXAS

The Houston city council has rejected the proposal of its Term Limits Review Commission to post a ballot measure to "tweak" term limits. With one councilman absent, the vote was close: 7-7. At present, elected officials serve up to three two-year terms (six years total). The commission had recommended, instead, two terms of four years each (eight years total), amounting to a 33% increase in maximum tenure. According to Clymer Wright, an organizer of the 1991 petition drive to institute the term limits, the councilmen "were wise because they were going to get clobbered at the polls."



NICARAGUA

Time magazine reports that President Daniel Ortega's alleged project of bringing reconciliation to Nicaraguan political life is coming true in a way he probably doesn't want: diverse factions are uniting to oppose his attempt to shuck Nicaragua's presidential term limits and her constitution. "While the constitution prohibits consecutive presidential terms, Supreme Court judges appointed by the Sandinistas last year exempted Ortega from that law. Though Ortega has the lowest approval rating of any president in Latin America, Nicaragua's divided political opposition continues to lose ground to the ruling party's increasingly audacious offensive against the country's weak constitutional democracy. That situation has compelled ex-Sandinista and contra militants to come out of the political shadows and take matters into their own hands." According to one Sandinista guerrilla leader, "This government is more despotic and tyrannical than it is revolutionary." (Of course, it's news only to communists that communists in power are despotic; there isn't any laissez-faire way to subject everybody to totalitarian control.)



UNITED STATES

The name "Charles Rangel" has been popping up a lot lately in connection with discussions term limits, poster boys for term limits, etc., so we did some Googling. A search conducted in early September produced 3,570 results for the search terms "poster boy for term limits" plus "Rangel," 16,000 results for "poster child for term limits" plus "Rangel," and 33,100 results for "term limits" plus "Rangel." Liz Peek, writing for the Fox web site, sums it up: "Ask those who keep watch over our congressional scoundrels for the most common characteristic of nominees to the annual Most Corrupt list, and they will nominate prolonged service. Indeed, Citizens for Responsibility and Ethics in Washington (CREW) has listed Rangel as one of our 15 most corrupt politicians since 2008." Rangel has been a House member since 1971.



UNITED STATES

According to a recent poll on the Constitution conducted by Penn Schoen Berland for the Aspen Institute, 69% of respondents would like to see a mandatory retirement age for Supreme Court justices and 66% support term limits for the justices.

An Unjust Ruling on Term Limits by Dennis Herrera

Today [July 28] I am appealing a ruling in a lawsuit filed by Supervisor Michela Alioto-Pier that last week eviscerated a key provision of San Francisco's term limits law. That voter-enacted provision is a "rounding-up rule" governing midterm appointments to the Board of Supervisors. It specifies—or did, before being rendered meaningless by a trial court judge last Thursday—that if an appointed incumbent serves more than two years of a term, it counts as a full four-year term for purposes of term limits.

Under current law, popularly elected supervisors are limited to two consecutive four-year terms. That remains true. With last week's ruling, however, supervisors appointed to fill a vacancy will have the entirety of their first term uncounted toward term limits. Incredibly, it is now pos-

sible for appointed incumbents to serve as long as almost three terms in office—nearly 12 consecutive years—depending on when the vacancy occurs. Voters never approved this absurd new two-tiered term-limit scheme. To the contrary, it was precisely to avoid such an unfair advantage for appointed incumbents that voters adopted the rounding-up rule in the first place.

The inequity is not hypothetical. In the past 16 years, eight supervisors were appointed to fill vacancies—and all were then elected as incumbents. Two current board members immediately benefit from last week's ruling, and additional board vacancies soon could occur if supervisors go on to replace Mayor Gavin Newsom or District Attorney Kamala Harris, who are both seeking statewide office....

In enacting term limits—

together with a fair and reasonable rounding-up rule for board appointments—voters acted to blunt the advantages of political incumbency. That much is obvious. Indeed, it is the undeniable clarity of voter intent that throws the absurdity of last week's ruling into stark relief.

The above op-ed is excerpted from the San Francisco Chronicle. To read the entire commentary, visit bit.ly/9uXWAU. Below is a passage from the ruling of the appellate court (available at bit.ly/bwEXK8) that in response to Herrera's appeal reversed the ruling of the trial court judge:

The Court's Response:

There have been four elections since 1990 where the voters of San Francisco considered charter initiatives affecting the composition and election of the board of supervisors, and in none of them was there any hint that term limits would be relaxed. Nevertheless, the San Francisco Superior Court concluded that when an appointed supervisor has served three years of a predecessor's four-year term—two of them after having stood at the polls and been elected in his or her own right—that period of service is not rounded up and does not count as one of the two terms—a conclusion that would allow an appointed supervisor to serve more than the voter-mandated maximum of

10 consecutive years. This conclusion was erroneous because it would eviscerate section 2.101. We hold that when an appointed supervisor has served three years of one term, and then been elected and served four years of another term, the rounding up language of section 2.101 is operative, and prohibits the supervisor being a candidate for

another four-year term. Because respondent court ruled that the supervisor could run again, we order issuance of a peremptory writ of mandate upholding the decision of election officials refusing to put the supervisor's name on the ballot.

FL Mayor, Twice Stymied, Persists in Push to Undo Her Term Limit

The saga of West Palm Beach, Florida, where a two-term incumbent mayor is battling to scrap the voter-approved limit on her tenure so she can run for a third term, has played out again and again in cities and states across the country. Usually, the people win.

It's still a slightly open question in West Palm Beach, where citizens have been vocal in their opposition to Mayor Lois Frankel's ham-handed and belligerent maneuvering. In the wake of one angry public meeting, City Commissioner Bill Moss pointedly cited a city ordinance that "specifically says nothing can be directed at or about someone personally" in public meetings. Resident Robert Tinghitella, for one, had told the mayor, "You've been sucking at the public trough for way too long. Go find a real job in the private sector." Other "idiotic" attendees (the adjective is the mayor's) personally rebuked Frankel as well.

Mayor Frankel backed a petition drive to post a ballot question to give her the right to pursue another term. But with polls suggesting that 76% of Southeast Floridians oppose replacing an eight-year term limit with a twelve-year term limit, the petition drive has stalled, even though only 5,800 signatures were required to get the measure posted.

Her next move was to convince city commissioners to bypass the voters and post the measure weakening mayoral term limits themselves, despite the overwhelming lack of demand from voters for such a course. Several commission-



Mayor Lois Frankel is fed up with "idiotic" constituents and she's not going to take it any more.

ers initially signaled that they were open to the possibility, but apparently came to think better of it. The commission allowed an August deadline to pass without acting.

Remarkably inert to both public opinion and the public good, Frankel is continuing her quest, even though the August 20 deadline to qualify a question for the November ballot has passed. If she manages to cobble together enough signatures in the next few weeks, by all accounts she would be happy to sue the city to squander \$100,000 on a special election for the purpose of determining whether she can run for a third term.

U.S. Term Limits President Philip Blumel, who has been active in the Palm Beach effort to protect the term limits law, argues that the "strong mayor system was

chosen to centralize power in order to move city projects forward, not to create a monarchy. Term limits ensure rotation in office, which necessarily introduces a broader range of experience and perspectives, permits greater citizen participation and broadens the circle of those with intimate knowledge of local government. It helps create a more engaged and informed local electorate.

"Term limits discourage corruption. Corruption is highly correlated to tenure because secure tenure breeds the hubris and opportunity necessary for corruption to blossom. Not only that, but the closed, tight circle of a government without regular rotation is far less transparent—and hence less accountable—than a more open, term-limited one. This was a key reason why term limits for the Palm Beach County Commission was so important. Please note that the two most outspoken opponents of the 2002 campaign for county commission term limits—Mary McCarty and Warren Newell—are now in prison for corruption."

Mayor Frankel's obstinate refusal to accept the verdict of her constituency is Exhibit A in the case for leaving West Palm Beach's two-term limit alone.

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—USTL President Phil Blumel

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