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Term Limits Temptation

Creating the Pretext for a Con-Con

Written by [George Detweiler](#)

Throw the bums out! The idea is appealing to Americans who see their elected officials becoming less and less in touch with conservative government. The idea is also not new. Concerning term limits, which were considered by the Founding Fathers during the Constitutional Convention of 1787, Alexander Hamilton wrote in *The Federalist*, No. 72: "Nothing appears more plausible at first sight, nor more ill-founded upon close inspection."

The quick-fix nature of term limitation is superficially appealing not only because of the perceived speed with which it appears to remove an offending official, but also because it does not require much thought, research, or analysis on the part of the voters. By throwing everyone out of office after a fixed number of terms, we rid ourselves of the task of deciding who is doing a good job and who is not. The finest and the worst are discarded by the calendar.

What those who are attracted by the concept of term limits generally fail to understand is that the promoters seek, not *specific* term limits, but *general* term limits, which would restrict the voter franchise and emasculate the power of the ballot. The goal -- ridding our government of the bad while keeping the top performers -- would be sacrificed on the altar of expediency.

First Proposal

While the term limits concept was considered during the Constitutional Convention of 1787, it was rejected by the delegates, who instead provided for short terms of office -- two years for the House of Representatives, four years for the Presidency, and six years for the Senate. James Madison, who opposed term limits at the Constitutional Convention, recorded in his notes the words of a fellow delegate, Roger Sherman: "Frequent elections are necessary to preserve the good behavior of rulers. They also tend to give permanency to the Government, by preserving that good behavior, because it ensures their re-election." It is difficult to challenge Sherman's logic: If a politician were not eligible to run for re-election because of term limits, what incentive would he have to please the voters? The answer, of course, is that he would have little such incentive, and

he would be even more prone than before to fall prey to the special interests in Washington.

For proof of this one need look no further than the special lame-duck session of Congress that was held after the November 1994 elections for the explicit purpose of passing the unpopular General Agreement on Tariffs and Trade (GATT) treaty. It mattered little that most Americans were strongly opposed to this treaty; the elections had already been held and the congressmen who were rejected by the voters did not have to worry about facing another re-election anyway. What did matter was the intensity of the GATT lobbying effort. Is it any wonder that the position of the new world order architects triumphed over that of grassroots Americans?

Fortunately, the Founding Fathers recognized that frequent elections are the best way to keep politicians responsive, and they made the elections most frequent for that part of the federal government which is closest to the people -- the House of Representatives. They fully understood that the greatest restraint on any public official is the realization that he must face the voters for re-election, and be judged on his performance in office.

Because of the wisdom of the Founders, America has benefited from the services of many great lawmakers whose long and fruitful careers would have been cut short had term limits been in effect. Those lawmakers include John Quincy Adams, John C. Calhoun, Henry Clay, Sam Houston, James Madison, and Daniel Webster.

Few lawmakers have as much political clout as the Speaker of the United States House of Representatives, yet Speaker Tom Foley (D-WA) was defeated in 1994 by a political novice. Similarly, great power rests with the chairman of the House Ways and Means Committee, yet Chairman Dan Rostenkowski (D-IL) was defeated in 1994 by a political novice. No term limits law was necessary in these cases. Foley's and Rostenkowski's constituents limited their terms by way of the ballot box.

A changing of the guard began with the election of 124 freshmen members of Congress in 1992 -- without mandated term limits. It continued in 1994 with a great power shift in Congress and statehouses throughout the land -- without mandated term limits. In January 1995, 87 freshmen representatives and 11 freshmen senators took their oaths of office, demonstrating the constitutional authority of voters to limit the terms of their specific congressmen. At this writing 47 incumbent representatives and 14 incumbent senators have already announced that they will retire rather than seek election in November -- all changes wrought without mandated term limits.

The flaw of mandated term limits is demonstrated by comparing the Congresses elected in these two years. The turnover in 1992 took place simultaneously with the election of a new President. That new Congress turned out to continue business as usual in spending, social programs, and concentration of power at the federal level. The subsequent voter response in 1994 was a public reaction to that continuation of the same old game. Term limits, whether specific and voter imposed or general and imposed by law, never

guarantee an improvement in government service. Only a well-informed and thoughtful electorate can do that.

Education Is the Key

For this reason, Americans sincerely concerned about poor representation in Washington should work to increase public understanding, not to limit the voter franchise. Until the understanding is created, the new faces will not provide any better representation than the old ones.

But the ability to create understanding is limited when voting records no longer matter. If an incumbent with a record of performance were denied the option of running for re-election, voters would be forced to choose a candidate without a congressional voting record. The entire success of a voter-education program such as Tax Reform Immediately (TRIM) depends upon a congressman's ability to seek re-election. By making a congressman's voting record widely available through the mass circulation of its voter-education bulletins, TRIM helps voters know who the big spenders are. More than a few congressmen have become more fiscally conservative as a result of TRIM exposure of their big-spending voting records. But these congressmen would have had little incentive to change had they known that they would not be facing the voters in a re-election bid.

Another result of mandated term limits would be increased dependence by congressmen on unelected staffers and the entrenched beltway bureaucracy. Were experienced elected officials tossed out by term limits, their inexperienced replacements would have to spend time learning the ropes. Until the newcomers were up to speed in job performance, the career civil servants, who never have to face the voters, would take up the slack and exercise greater control. By the time the novices gained sufficient experience, they would be out of office because of the term limits law.

Power and Money

Government paychecks and power are terribly addictive. Term limits would create a pool of ex-congressmen and ex-senators desperate to stay on the federal payroll rather than find a real job in the private sector. The executive branch -- that vast network of departments, bureaus, agencies, advisers, and regulatory commissions -- would become the employer of choice for those exiting Congress.

The President, fully realizing the attraction Administration jobs would offer to congressmen forced to retire due to term limits, would undoubtedly use this as leverage to convince these congressmen to vote for Administration policies. And why wouldn't many of these congressmen accept the bait, when the wishes of their constituents no longer mattered? Consequently, term limits would increase the influence of the executive branch at the expense of the legislative branch, further disrupting the delicate system of checks and balances that the Founding Fathers so carefully crafted into the Constitution. As for the "career politicians" whom term limits would supposedly eject from the ranks

of government, many of them would remain in Washington, only now they would be in the executive branch, where they would be safely insulated from the direct wrath of the voters.

Meanwhile, term limits on the state and local levels would also create a pool of out-of-work office holders casting lustful eyes at a new job in Congress. Rather than rid the nation of "career politicians," mandated term limits would merely create circulating pools of public employees making the rounds from the statehouses, to Congress, to the executive branch in search of higher paychecks and greater power.

Slumbering Citizens

The mere passage of a term limits law would have a soporific effect on the public. Content in the misconception that once limits are imposed only competent, honorable people could hold office, the American citizenry would assume that their vigilance is no longer needed; they would thus be prone to ignore the actions of their elected officials and go into a deep slumber. Voters would elect a string of mandated short termers who would go about their business largely unwatched.

After the unprecedented three-term Franklin Roosevelt Administration, Congress proposed the 22nd Amendment to the Constitution, limiting a President to two full terms. The Amendment was ratified by the states and became a part of the Constitution on February 27, 1951. Evaluation of the Presidents who have followed ratification of that amendment reveals that they have been no more competent, no more honorable, and -- most important -- no more faithful to the Constitution than Presidents who preceded the 22nd Amendment. Mandated term limits have been a resounding failure at the presidential level, and there is no reason to expect greater success at the congressional level. There is simply no substitute for well-informed voters who see through hollow promises and who demand that elected representatives adhere strictly to the Constitution.

Are the leading promoters of term limits sincerely seeking better government, or do they have another agenda? A complete answer to this question requires a brief detour. Article V of the U.S. Constitution establishes two distinct methods of amending that venerable document. By one method, Congress proposes amendments and sends them to the states to be ratified, either by the legislatures of each state or by a special convention called in each state to consider the amendment. Every existing amendment to the Constitution has been made using this method.

By the other method, the legislatures of two-thirds of the states (34) must apply to Congress to call a convention of delegates to propose amendments, after which Congress is required to call a convention. This method of amendment has never been used and how it would work in practice remains a mystery.

First Attempt

In 1975 the North Dakota legislature became the first state to apply to Congress for a constitutional convention (con-con) under Article V for the expressed and limited purpose of proposing a constitutional amendment requiring a balanced federal budget. Other states followed North Dakota's lead, not knowing that a state which applies for a con-con has no authority to limit the convention.

Leading the charge for a balanced budget convention was James Dale Davidson of the National Taxpayers Union. His fund-raising appeals pleaded for money to support his movement for a con-con for the limited purpose of proposing a balanced budget amendment. At one point 32 of the necessary 34 states had applied for a balanced budget convention. Alerted to the danger, the John Birch Society, Eagle Forum, and other patriotic organizations and individuals began to testify against the con-con calls at legislative hearings, proclaiming the view of the vast majority of the American public, liberal or conservative: "Hands off the Constitution!" Regardless of the politics of the citizenry, good Americans don't want anyone tampering with that document.

In 1983 Missouri became the last state to apply for a balanced budget con-con; the effort had lost its momentum and was dead in the water, despite later periodic efforts by backers to get other state legislatures to apply for a balanced budget convention. Armed with the fact that a con-con cannot be limited to one subject, three states which had initially applied for a convention withdrew their applications. The balanced budget con-con advocates refused to recognize the withdrawals, continuing steadfastly to maintain that a convention could be limited to considering amendments on one subject. Judges, including former Chief Justice Warren Burger, and many legal scholars disagreed.

Now enters the term limits movement. Like the pony express rider who leaves the tired mount behind for a fresh one, the con-con advocates have changed from championing a balanced federal budget to championing congressional term limits. Nonetheless, their ultimate goal remains the same: a constitutional convention that will execute major changes in the structure of the federal government and, perhaps, in the structure of the state governments. In the middle of this latest effort has been the U.S. Term Limits Foundation.

Careful ground work has been done to mold and manipulate public opinion into the belief that the only way to dislodge entrenched politicians is with mandated term limits. U.S. Term Limits distributes a slick video replete with examples of high congressional salaries, retirement benefits, and perquisites as reasons to hold a term limits con-con. The target of the video is the under-informed citizen who is concerned about government waste, corruption, and special interests. The video proclaims that a strong majority of the American people wants term limits, but it is careful to avoid specifying the kinds of alterations to the Constitution which a con-con could produce.

Aggressive Effort

Initiative petition drives conducted from 1990-94 put term limits measures on the ballots in 23 states. Candidates for office were publicly asked for their positions on term limits,

making it a campaign issue in several elections. The ballot measures were written so as to include state, local, and -- in some states -- congressional offices, in direct conflict with Article I, Sections 2 and 3 of the U.S. Constitution. Those sections provide an exclusive list of qualifications for office in the House and Senate.

An uninformed public bought the term limits line; the measures passed in each state amid a general public inclination for cleaning house. Term limits thereby became law in each of these states. The next step was a court challenge to the new state laws. It came in Arkansas, which had amended its constitution to impose term limits on the senators and representatives the state sends to Washington. A class-action suit was filed on behalf of the Arkansas League of Women Voters and others contending that state-imposed term limits violate the Constitution. In *U.S. Term Limits, Inc. v. Thornton* (1995), the Supreme Court agreed, holding that states have no power to change or add to the qualifications for office set forth in the Constitution.

Term limits advocates claimed that the courts had struck down the will of the people by blocking the implementation of state laws imposing congressional term limits. In berating the Supreme Court for its decision, U.S. Term Limits Executive Director Paul Jacob complained: "It's not fair that the country's most powerful judges (congressionally approved for life) are paying back their friends in Congress for giving them the only job that offers lifelong job security!" In point of fact, the Supreme Court simply applied the language of the Constitution and found state-imposed congressional term limits to be unconstitutional.

The stage was thus set for the campaign for a constitutional convention. Since Congress would never propose an amendment to the Constitution to limit itself out of office, a con-con was the only way to get such an amendment.

Doubts about the goals of the term limits movers and shakers are erased when one examines the language which appears in a new set of initiative measures which U.S. Term Limits hopes to see passed this November in 17 of the 23 states that had adopted term limit measures by 1994. □ Unlike the balanced budget con-con applications, the new term limits measures are not restricted to a single subject. Instead, they seek to require the state legislatures to apply to Congress for a convention to propose amendments (plural) to the Constitution. In essence, the 1996 ballot measures are asking for a *general* convention, one authorized to propose changes in the basic fabric and framework of the entire American system of federal government.

Typical of the language in the initiative measures are sections requiring a notation on the ballot beside the names of candidates who have declined to support term limits legislation. The Idaho version reads: "Disregarded Voters' Instruction on Term Limits." Idaho Attorney General Alan G. Lance has issued an advisory opinion that the initiative measure being prepared for circulation in that state is unconstitutional. In his opinion letter on the proposed ballot language, Lance reasoned:

[B]y placing unfavorable comments next to a candidate's name on the ballot, the state is effectively signaling to the electorate that this candidate is unworthy of their vote in contrast to other candidates. Thus, the state is decreasing the chance that such individuals would be elected based upon their stand on a political issue and, thus, decreasing the value of the votes of his or her supporters.... Requiring the State of Idaho to print any of the above language on a ballot raises problems under several constitutional provisions, including the freedom of speech, the Equal Protection Clause of the U.S. and Idaho Constitutions, and the right of suffrage provision contained in the Idaho Constitution.

Deceptive Language

In regard to how these initiatives will be presented on the ballots themselves, deception will be the rule. The Idaho version includes a short title making no mention of a constitutional convention, although a con-con is mentioned in the long title. The long title does not, however, clarify that the initiative measure seeks to have the legislature apply for a general, unlimited convention.

In the text of the initiative petition, the con-con language does not appear until the middle of a document of four legal pages in length. Thus, the bottom-line purpose of the initiative takes considerable time and reading to discover. That purpose is camouflaged by the dominance of the term limits language; the actual language seeking an unlimited con-con is minimal. Consequently, the voter who is approached in a parking lot and asked to sign the petition will have little time or opportunity to discover, and no reason to suspect, that the measure is designed to seek a general constitutional convention that could draft not only a term limits amendment, but a new constitution.

Only state legislatures can apply to Congress for a con-con. The latest initiative measures, therefore, cannot produce a con-con application. To circumvent this hurdle, the term limit promoters have placed language in their initiatives directing the legislatures to apply to Congress for a convention. Regarding this approach, the Idaho Attorney General Lance stated that "the government is speaking in support of a constitutional term limits amendment, a political issue, best left to the political campaign rhetoric between candidates and their supporters. Not only is the government speaking in support of one side of a controversial issue, it is lending its voice at the most crucial point in time in the relationship between voters and candidates." Lance opined that "while government is free to add its voice to the marketplace of ideas, it is highly doubtful the state can use its power to seek to manipulate election results by slanting what appears on the ballot. This initiative has the effect of praising one candidate and penalizing another based solely upon the political beliefs expressed by such individuals. Based upon the law cited above, such conduct on the part of the state is improper."

A pamphlet published by U.S. Term Limits assures, "A convention cannot enact anything, it can only propose an amendment or amendments. Nothing can become part of the Constitution without being ratified by both Houses of thirty-eight state legislatures." This statement is patently false. Article V of the Constitution states that proposed

amendments shall become effective "when ratified by the Legislatures of three-fourths of the several States, or by Conventions in three-fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress...."

For example, the 21st Amendment repealing prohibition was, in fact, ratified by special state conventions, not by the state legislatures. Congress chose that mode of ratification because it knew that there was not sufficient support among the state legislatures to assure ratification. But Congress did not stop there. It also established guidelines for the delegate- selection process that helped ensure that mostly pro-Amendment delegates would be selected and that the 21st Amendment would become part of the Constitution. In this fashion, pro-prohibition Utah became the final state to ratify the 21st Amendment, even though the state legislature was staunchly opposed to it.

Contrary to the claim of U.S. Term Limits, once a state legislature has applied to Congress for a con-con, there is no guarantee that that legislature will ever have the opportunity to pass judgment on the product of any convention which is called.

The U.S. Term Limits video proposes that the move to seek a con-con can be used to pressure Congress to propose a term limits amendment. There is extreme danger in doing so. If the 34th state applied for a con-con, Congress would be duty bound under Article V to call one even if Congress has already proposed a term limits amendment. The danger is exacerbated by the fact that U.S. Term Limits is seeking a *general* convention, not one purportedly limited to proposing a term limits amendment.

The true goal is a con-con for *any* purpose, which instantly becomes a con-con for *every* purpose. Once a con-con begins, it can propose amendments upon any subject it chooses, and whatever limitations the state legislatures thought they had imposed on it may be ignored. Delegates to a convention would never face the voters to account for their actions; they would be accountable to no one. A con-con could make drastic changes in the Constitution involving radical redesign of the federal government. It could propose a truly national government with a parliament along the lines of Great Britain and European countries. It could propose whatever it likes. It could even alter the methods of ratification for the changes which it produces.

Changing the Rules

The convention which met in Philadelphia in 1787 had convened for the limited purpose of amending the Articles of Confederation, the constitution under which our nation then operated. But from the start, the delegates ignored the limitations on their authority and began to write the Constitution under which we now live. They knew that the new Constitution would not receive unanimous support from the states as required by Article XIII of the Articles of Confederation. To solve this dilemma the convention simply changed the rules, creating its own method of ratification, found in Article VII of our present-day Constitution. Article VII, which specified that the Constitution would become effective upon ratification of only nine of the 13 states, made possible the birth of the Constitution.

Since the method of ratification can be changed, what would prevent it from being eliminated? It happened once; what assurance do we have that it could not happen again? A modern-day convention could conceivably produce a new constitution that would take effect upon adjournment of the convention! Recall our earlier observation that a convention-born amendment has never been proposed and that the process is shrouded in mystery. The final outcome of a con-con and its effects on the federal system and limited federal authority cannot be predicted. What can be predicted, however, is that power seekers will always find the Constitution an obstacle to their ambitions, and will always attempt to circumvent it and -- if possible -- destroy it. In an age when relatively few Americans understand the basic principles upon which their government was founded, a modern-day con-con would provide power-seekers with an opportunity to tailor the Constitution to their own liking.

In Idaho the con-con movement which carries the term limits banner bears the name Citizens for Federal Term Limits. It is headed by Donna Weaver, who told THE NEW AMERICAN that the state organization is affiliated with U.S. Term Limits. Circulation of petitions to get the term limits initiative on the state ballot has already begun. All petition circulators will be Idaho residents and will be paid for the signatures they collect.

Weaver stated that the language of the initiative measure was drafted using text supplied by U.S. Term Limits; it is the same language used in the other states where term limits initiative petitions are being circulated. Weaver also noted that the wording with reference to a constitutional convention was lifted from Article V with no changes in order to minimize the chance for error in case the validity of the initiative is challenged, hence the application for amendments in the plural rather than a single amendment. She volunteered that a convention could propose amendments on topics other than term limits, although she regarded the Idaho application language as seeking a limited rather than a general convention.

Top-Down Agenda

We have no reason to doubt Weaver's sincerity. Yet while Weaver cautions, "I'm not saying that I think that we ought to have a convention on this issue or any issue," the top national leadership of U.S. Terms Limits is fully aware that the real purpose of the term limits movement is a general, unlimited con-con. It is unlikely that state coordinators such as Weaver are in on the game plan.

Weaver views the term limits movement as a means by which the American people can retake control of their government. This is in sharp contrast to the reality of the control which emanates from the national organization to those in the states. Note, for instance, that the language for the state initiative measures is supplied by the national headquarters in Washington, DC. Given the distaste which the American people have for tampering with the Constitution, it is doubtful that people in middle leadership and below would support the movement if they knew the real agenda.

The top players in the term limits movement are the same people who have pressed for a balanced budget con-con. James Dale Davidson's National Taxpayers Union has used the same propaganda to solicit funds for a term limits con-con as it used earlier to solicit funds for a balanced budget con-con. The graphics are the same. The format is the same. The wording is even the same, except that the words "term limits" have replaced the words "balanced budget." Former Pennsylvania Governor Richard Thornburgh and former Colorado Governor Richard Lamm have not only formed Citizens for a Balanced Budget Amendment, but have joined with the National Taxpayers Union, thus aligning themselves with the term limits camp.

Interestingly, Thornburgh is also a member of the Committee on the Constitutional System (CCS). Other CCS members include Lloyd Cutler, chairman and former legal counsel to Jimmy Carter; former Treasury Secretary C. Douglas Dillon; former Defense Secretary Robert S. McNamara; and Senator Nancy Kassebaum (R-KS). Thornburgh's alliance with the CCS and his involvement with both the balanced budget and term limits con-con movements establish an important link between the radical changes to the Constitution sought by the CCS and both con-con efforts. Funding for the CCS comes from the Dillon Fund, American Express, and the Ford, Hewlett, and Rockefeller Foundations.

Proposed "Reforms"

The announced purpose of the CCS is to consider constitutional changes such as:

- Requiring voters to vote for President, Vice President, senators, and congressmen as a unit, under the banner of one or the other political party, thereby eliminating splitting the ballot and choosing people for these offices from different parties.
- Permitting the President to dissolve Congress and call for new elections.
- Permitting Congress to vote "no confidence" in the President and force new elections.
- Allowing the President to propose certain types of legislation that could be adopted by popular referendum instead of by Congress.
- Allowing the Senate to ratify treaties by a smaller majority vote instead of the two-thirds majority vote that is now required.
- Placing congressional leaders in the President's cabinet, thereby further eroding the separation of powers between the legislative and the executive branches.

Taken as a whole, the CCS "reforms" would have the result of gutting the Constitution. They would destroy the separation of powers built into our system, give the political party in power control over both the executive and legislative branches, and, in general, allow more power to be transferred to the Washington leviathan.

Don't be surprised if the CCS and other would-be Constitution "reformers" attempt to use a modern-day con-con to implement their radical agenda. Back in 1985, CCS co-chair Lloyd Cutler wrote that "if the pending call for a constitutional convention to propose a 'balance the budget' amendment is joined by the two additional states needed to provide the triggering two-thirds ... our committee may be ready with some better ideas." The more recent call for a con-con to limit congressional terms could be used just as easily.

The safest way to preserve the integrity of the Constitution is to defeat all efforts to have state legislatures apply for any convention, regardless of how appealing the sales pitch or the expressed "purpose" may appear. This would be true even if the pretext for a con-con were a worthwhile proposal. As we have seen, limiting congressional terms by making incumbents ineligible to run for re-election would not result in better government, and would in fact open the door to great harm to our Republic.

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James Madison: No Term Limits Champion

The record of the Constitutional Convention of 1787 clearly shows that James Madison, Alexander Hamilton, Gouverneur Morris, Roger Sherman, and most all of the Founders were firmly opposed to terms limitation, or what they called "ineligibility for reappointment." There can be no question about the correctness of the Convention record concerning Madison's view because Madison himself, under the direction of Convention chair George Washington, kept the record.

But the present promoters of term limits have not paid much attention to Madison's notes on the Convention. Neither have they searched *The Federalist Papers* to learn the intent of the framers on the subject of term limits. In a vain effort to co-opt Madison, term limit advocates have resorted to a frail thread in the fabric of his pre-convention plan. As it happens, James Madison brought to the Convention of 1787 an outline for the new government known as the Virginia Plan, which left intact the custom of single one-year terms then mandated for delegates serving in Congress under the Articles of Confederation.

On this basis, a graduate student at the College of William and Mary has written an essay, published by U.S. Term Limits, under the title: *James Madison: Term Limit Radical, The Father of the Constitution's Solution to Congressional Careerism*. Both the title of the article and its assertions are ludicrous.

Under Madison's Virginia Plan all members of Congress would have been elected by the state legislatures. But when the Convention moved to have members of the House elected directly by the people, Madison voted for that principle, revised his plan accordingly, and rejected term limits. He later explained in *The Federalist*, No. 53:

No argument can be drawn on this subject from the case of the delegates to the existing Congress. They are elected annually, it is true; but their re-election is considered by the legislative assemblies almost as a matter of course. The election of the representatives of the people would not be governed by the same principle.

Madison then cited the advantage of long-standing membership in a Congress elected directly by the people and explained the disadvantage of a great number of new members in Congress:

A few of the members, as happens in all such assemblies, will possess superior talents; will, by frequent re-elections, become members of long standing; will be thoroughly masters of the public business, and perhaps not unwilling to avail themselves of those advantages. The greater the proportion of new members and the less the information of the bulk of the members, the more apt they will be to fall into the snares that may be laid for them.

Contrary to U.S. Term Limits, Madison and most of the delegates to the Convention wanted good men frequently re-elected to preserve the permanency of government and to retain the advantage of their years of experience. At no time did Madison argue for term limits or vote in favor of ineligibility due to tenure. Madison, Hamilton, and Washington were in fact prime examples of "careerism," having served a combined total of 88 years in public service.

The ideas promulgated by U.S. Term Limits are a direct reversal of the facts of recorded history and are deeply offensive to the intelligence of all who understand the wisdom and exceptional character of our nation's founders.

The Founding Fathers on Term Limits

Alexander Hamilton: "Nothing appears more plausible at first sight, nor more ill-founded upon close inspection [than term limits].... One ill effect of the exclusion would be a diminution of the inducements to good behavior. There are few men who would not feel much less zeal in the discharge of a duty when they were conscious that the advantage of the station with which it was connected must be relinquished at a determinate period, than when they were permitted to entertain a hope of *obtaining*, by *meriting*, a continuance of them." (*The Federalist*, #72)

John Adams: "There is no right clearer, and few of more importance, than that the people should be at liberty to choose the ablest and best men, and that men of the greatest merit should exercise the most important employments; yet, upon the present [term limits] supposition, the people voluntarily resign this right, and shackle their own choice.... [T]hey must all return to private life, and be succeeded by another set, who have less wisdom, wealth, virtue, and less of the confidence and affection of the people." (*A Defence of the Constitutions of the United States of America*)

James Madison: "No man can be a competent legislator who does not add to an upright intention and a sound judgement a certain degree of knowledge of the subjects on which he is to legislate. A part of this knowledge may be acquired by means of information which lie within the compass of men in private as well as public stations. Another part can only be attained, or at least thoroughly attained, by actual experience in the station which requires the use of it.... A few of the members [of Congress], as happens in all such assemblies, will possess superior talents; will, by frequent re-elections, become members of long standing; will be thoroughly masters of the public business, and perhaps not unwilling to avail themselves of those advantages. The greater the proportion of new members and the less the information of the bulk of the members, the more apt will they be to fall into the snares that may be laid for them." (*The Federalist*, #53)

Samuel Adams: "If ever time should come, when vain and aspiring men shall possess the highest seats in Government, our country will stand in need of its experienced patriots to prevent its ruin." (1780)

Roger Sherman: "Frequent elections are necessary to preserve the good behavior of rulers. They also tend to give permanency to the Government, by preserving that good behavior, because it ensures their re-election.... In Connecticut we have existed 132 years under an annual government; and as long as a man behaves himself well, he is never turned out of office." (From Madison's notes at the Constitutional Convention, 1787)

Gouverneur Morris: "The ineligibility proposed by the [terms limitation] clause as it stood tended to destroy the great motive to good behavior, the hope of being rewarded by a re-appointment. It was saying to him, 'make hay while the sun shines.'" (From Madison's notes at the Constitutional Convention, 1787)

Samuel Adams: "Much safer is it, and much more does it tend to promote the welfare and happiness of society to fill up the offices of Government after the mode prescribed in the American Constitution, by frequent elections of the people. They may indeed be deceived in their choice; they sometimes are; but the evil is not incurable; the remedy is always near; they will feel their mistakes, and correct them." (1790)