

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990
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218

The Washington Post

AN INDEPENDENT NEWSPAPER

Lost Cause

THE GROUPS now trying to clean up congressional campaign finance need all the help they can get, but some of it needs to be taken with a couple of pounds of salt. We have in mind the loose network of defeated former candidates brought to town this week by an entity called the Coalition to End the Permanent Congress.

However worthy and underappreciated their candidacies may have been and however justified they may be in thinking that it was only a stacked deck that did them in, their complaints have two major defects. The first is that no matter how hard they try not to, they sound like sore losers. The second is an unspoken predicate in much of what they say—that incumbency and incumbents are bad and the longer someone has been in office the better the public interest will be served by his being turned out.

It's true that the current combination of perks and campaign finance is tilted in favor of incumbents and

needs to be fixed. But the problem is not that incumbents are returned to office; it's how they are returned. The possibility even exists—we're not saying it's so, please understand, but it's possible—that one reason some of these incumbents are reelected is that their constituents *like* them and want to be represented by them. What won't they think of next?

Some of the members of this coalition got less than a third of the vote. Yes, the frank is much abused, and incumbents are able to raise too much money from PACs, but there is a limit to what those forms of decadence can explain. There are even people out there—above all Republicans seeking to break the Democratic lock on the House—who want to limit congressional service: so many terms and you're out. It's a bad idea that would make Congress even more of a lightweight than it already is. The system protects incumbents, but the quarrel is with the system, not the incumbency.

Congress's Terms: Just Fine As They Are

By ALBERT R. HUNT

The Democrats have few peers when it comes to rationalizing their inability to win the presidency: one time it's their clunker candidate, another it's the superficial television appeal of Ronald Reagan or the "unfair" hardball tactics of GOP strategist Lee Atwater.

These are exercises in self-delusion. The Democrats lost five of the past six presidential races because most Americans have more confidence in the Republicans on the broad issues of the economy and peace and war.

Yet, during those same two decades, the Republicans' strength actually declined at every other political level, including Congress. Today the Democrats enjoy the same 55-to-45 advantage in the Senate that they had 20 years ago. They have 16 more House members. The GOP, like the Democrats on the presidential level, offer all manner of rationalizations: redistricting, the campaign financing system and the generous perquisites of incumbency.

Now there's a new GOP-inspired initiative to do something about it: constitutionally limiting congressional terms to 12 years. Former Republican office holders and some GOP political consultants, together with a sprinkling of disgruntled or "populist" Democrats, have banded together to form Americans to Limit Congressional Terms. The idea commands majority support among the public.

The objective, they claim, is to return to the "citizen legislators" that the Founding Fathers envisioned. The real goal, however, is to break the decades-old Democratic lock on Congress.

There's nothing wrong with posturing for political advantage, but the term-limitation proposal is a bad idea that likely would have unintended consequences. It's another of those schemes to take politics out of politics. We don't want to take businessmen out of business or athletes out of sports or doctors out of medicine. Nor should we try to limit the role of politicians in politics.

Term limitation, by removing years of expertise from Capitol Hill, would increase the power of the permanent bureaucracy. "Power would flow from elected to unelected officials," says Thomas Mann of the Brookings Institution.

It would enhance too the power of special interests. Instead of fresh-faced citizen legislators we'd end up with men and women who knew that after 12 years they had to seek a new line of work, most probably with the very interests that are lobbying them. "Most members today don't think about what they're going to do next until their last term," notes Rep. Vin Weber, a conservative Minnesota Republican. "But with a term limitation, the clock would start ticking right away with members thinking, 'What am I going to do when I get out of here in 12 years?' For many, the obvious answer would be to cultivate a relationship with those who can help you later."

Moreover, the premise that this would enhance GOP prospects is dubious. In the 1980s, while Ronald Reagan was riding high, there were 147 wide-open contests for House seats—elections in which there was no incumbent because of either retirement or death; there was a net Democratic gain in those contests of 1.

For years Republicans have been insisting they would dominate politics in the South as soon as the old-time Democrats retired. In 1981, at the dawn of the Reagan era, Virginia seemed the model, with Republicans controlling nine of the 10 House seats; eight years later the Democrats had won back half of the House seats.

But this isn't simply a Southern phenomenon. Going back to 1972, Republicans eyed the third congressional district on the New Jersey shore with its relatively affluent retirees. When incumbent Democrat Jim Howard died in 1988 the GOP saw a golden opportunity, particularly in a year in which George Bush would carry the district by more than 60,000 votes. The result: Frank Pallone Jr., a Democrat, won by 10,000 votes.

The notion of a permanently embedded Congress is an exaggeration: two-thirds of the current members have been there for less than 12 years. To be sure, there are some extraordinary advantages of incumbency: campaign finance laws and mailing privileges, are major assets. And since the Democrats control most state legislatures, gerrymandering of congressional districts probably adds between a half dozen and a dozen seats to the Democratic majority in the House.

But far more importantly, Democrats dominate congressional elections for the same reasons that Republicans dominate presidential elections: The voters think they're better suited.

That was dramatically evident in a Wall Street Journal-NBC News survey in November. On the broad national challenges pertaining to presidential leadership, the Republicans win in a walk: a 43%-to-13% edge on dealing with the Russians, 40% to 26% on dealing with the economy and 31% to 17% on keeping world peace. But when it came to the day-to-day quality-of-life issues, voters are just as decidedly pro-Democratic: 36% to 15% on protecting the environment, 30% to 15% on education and 44% to 21% on helping the middle class.

"Just as Democrats have not gotten their act together in speaking coherently about broad national interests neither have the Republicans gotten our act together about how government responds to personal and local needs," says Rep. Vin Weber. "That is much more our problem than incumbency." Republicans like Rep. Weber—and Jack Kemp and Newt Gingrich—have been trying to fashion responsive Republican alternatives, but they still have a ways to go.

Republicans also would do well to remember 40 years ago when they used term limitations to do what they never could do to the late Franklin Roosevelt in life: enact the 22nd Amendment limiting presidents to two terms. Since then it has affected two presidents: Dwight Eisenhower and Ronald Reagan.

Mr. Hunt heads the Journal's Washington bureau.

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Bradley
2/14/90

BY REP. PETTYJOHN, Taylor

1 IN THE HOUSE

2 2d SPONSOR SUBSTITUTE FOR HOUSE JOINT RESOLUTION NO. 54

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 Relating to amendments to the Consti-
6 tution of the United States concerned
7 with the Congress.

8 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 WHEREAS the Congress was originally envisioned by the Founding Fathers
10 as a nonpartisan, part-time legislative body whose members would take time
11 from their normal businesses and professions to attend the congressional
12 session for four to five months annually, and

13 WHEREAS the press of the nation's business has forced the Congress to
14 become increasingly a highly structured, professional, and hierarchical
15 institution rather than the informal, flexible gathering of citizens and
16 legal intellects that obtained in the Federalist Era; and

17 WHEREAS the power of the incumbency has grown over time and with the
18 institution of electronic media to the point that the incumbent is nearly
19 unassailable in a normal election; and

20 WHEREAS the seniority system in the Congress, though recently re-
21 formed, still places disproportionate stress on electoral longevity; and

22 WHEREAS innovative ideas and rejuvenated vigor are more likely to come
23 to the Congress through new members fresh from association with the people
24 of the United States; and

25 WHEREAS the most common complaint that the public makes about congres-
26 sional service is that members of Congress spend more of their time running
27 for office than attending to their duties; and

28 WHEREAS the power of incumbency makes biennial congressional elections
29 an expensive, exasperating, and ultimately rather meaningless waste of each

1 member's time and talents; and

2 WHEREAS under art. V of the Constitution of the United States, an
3 amendment to the Constitution may be proposed by the Congress, or on the
4 application of the legislatures of two-thirds of the states, the Congress
5 shall call a constitutional convention for the purpose of proposing an
6 amendment, which, in either case, shall become part of the Constitution
7 when ratified by three-fourths of the several States;

8 BE IT RESOLVED by the Alaska State Legislature that the Congress of
9 the United States is requested to propose an amendment to the Constitution
10 of the United States for submission to the states for ratification to limit
11 the number of terms a person may serve in the United States House of Rep-
12 resentatives to no more than six and to limit the number of terms a person
13 may serve in the United States Senate to no more than two; and be it

14 FURTHER RESOLVED that alternatively, effective July 1, 1991, under
15 art. V of the Constitution of the United States, the Legislature of the
16 State of Alaska makes application to the Congress of the United States to
17 call a convention for the specific and exclusive purpose of proposing an
18 amendment to the Constitution of the United States, for submission to the
19 states for ratification, to limit the number of terms a person may serve in
20 the United States House of Representatives to no more than six and to limit
21 the number of terms a person may serve in the United States Senate to no
22 more than two; and be it

23 FURTHER RESOLVED that if the Congress proposes and submits to the
24 states for ratification, within 60 days after the legislatures of two-
25 thirds of the states have made application for a convention, an amendment
26 to the Constitution of the United States similar in subject matter to that
27 contained in this Joint Resolution, then this application for a convention
28 shall no longer be of any force or effect; and be it

29 FURTHER RESOLVED that this application and request be considered null

1 and void, rescinded, and of no effect in the event that the convention not
2 be limited to that specific and exclusive purpose; and be it

3 FURTHER RESOLVED that this application constitutes a continuing appli-
4 cation under art. V of the Constitution of the United States until at least
5 two-thirds of the legislatures of the several States have made application
6 for a similar convention under art. V or the Congress has proposed an
7 amendment to the Constitution of the United States similar in subject
8 matter to that contained in this Joint Resolution.

9 COPIES of this resolution shall be sent to the Secretary of the United
10 States Senate; to the Clerk of the United States House of Representatives;
11 and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S.
12 Senators, and the Honorable Don Young, U.S. Representative, members of the
13 Alaska delegation in Congress; and to the presiding officer of each house
14 of each other state legislature in the United States.

REVIEW & OUTLOOK

Rotation in Office

You'd think the hot topic of concern on Capitol Hill last week might have been whether Mikhail Gorbachev will survive or even which military bases will be closed by the Bush budget. No way. Members and staffers were abuzz over a front-page headline in the Capitol Hill newspaper, Roll Call. It read: "Drive to Restrict Hill Tenure Gaining National Momentum." Now that is something for Members to worry about.

Until recently, the drive to put a limit on terms of service

in Congress has been ignored in Washington, though it's been a fixture on radio talk shows around the country for months. Tomorrow, a Washington group called Americans to Limit Congressional Terms (ALCT) will bring the battle inside the Beltway with a news conference kicking off a campaign for a constitutional amendment to limit Members to 12 years of consecutive service. They will also ask all candidates for Congress in this year's elections to pledge they will not serve more than 12 years.

The effort to limit congressional tenure—what Thomas Jefferson approvingly called "rotation in office"—is riding a tidal wave of voter disgust with Congress. Last month, a Gallup Poll found that 70% of those polled support the term-limitation idea. Not surprisingly, the same poll showed that 70% of those in Congress oppose any limit on terms.

Former GOP Congressman Jim Coyne, the co-chairman of ALCT, isn't surprised at this sharp division between the voters and their elected representatives. "Members of Congress have no idea of how frustrated people are with the institution," he says. "Voters feel the only way to control it is to limit how long people can remain part of the problem."

Mr. Coyne isn't the only former Member to have left Capitol Hill and come to the same conclusion. Some 33 former Members of Congress, including eight Democrats, are supporting ALCT's effort (see box).

Other former Members support limiting terms but stop short of endorsing a specific proposal. John Lindsay, a Democrat who also served as mayor of New York City, notes that the 98% re-election rate for House incumbents means "you no longer have effective competition for seats." He told us a term limit would mean there was at least "some way to sweep out the old wood."

For an idea only months old, term limitation has built up an impressive head of steam. Resolutions calling for

a constitutional amendment are pending in 10 states, and both houses of the South Dakota Legislature have already approved it. Initiatives to limit the terms of state officeholders have qualified for the November ballot in California and Oklahoma.

Many supporters of term limits come to their position reluctantly. We are well aware, for instance, of the argument that such a system might place even more legislative power in the hands of unelected committee staffs, though we don't think this is an unavoidable result. Others argue that the idea limits the right of voters to elect whom they choose.

At the end of the day, however, one is left with the plain fact that the current incumbent-protection machine

**12
is
Enough!**

Voices of Experience

Americans to Limit Congressional Terms boasts a National Advisory Board comprising the following former Members of Congress:

James G. Abourezk (D., S.D.)
Glenn Andrews (R., Ala.)
Lamar Baker (R., Tenn.)
Cleve Benedict (R., W. Vir.)
Ben Blackburn (R., Ga.)
M. Caldwell Butler (R., Vir.)
Daniel E. Burton (R., N.Y.)
Howard Callaway (R., Ga.)
James Cleveland (R., N.H.)
James Coyne (R., Penn.)
Paul Cronin (R., Mass.)
William Curlin (D., Ky.)
Thomas Curtis (R., Mo.)
James Dunn (R., Mich.)
Arlen Erdahl (R., Minn.)
Donald Fraser (D., Minn.)
Kent Hance (D., Texas)
Thomas Hartnett (R., S.C.)
Elwood Hillis (R., Ind.)
Ken Holland (D., S.C.)
James Johnson (R., Colo.)
Walter Judd (R., Minn.)
John LeBoutillier (R., N.Y.)
Paul McCloskey (R., Calif.)
Donald McGinley (D., Neb.)
Walter McVey (R., Kansas)
William S. Mailliard (R., Calif.)
Edwin May Jr. (R., Conn.)
Ronald Mottl (D., Ohio)
Ned Pattison (D., N.Y.)
Charlotte T. Reid (R., Ill.)
J. Kenneth Robinson (R., Vir.)
Donald Rumsfeld (R., Ill.)

lets Members ward off nearly all challengers. In 1988, one out of five House Members had no major-party opposition. This year, 12 out of 27 Texas districts will see an incumbent running unopposed or with only a third-party opponent.

Of course, the term-limitation effort doesn't have to succeed to force Congress to clean up its playpen. Members know that a limit on terms would be the public's ultimate vote of no-confidence in them. If the term-limitation movement gathers steam after tomorrow, we hope that Congress for once will have the sense to see clearly where the problem lies.

Rasputin Sununu

The Rasputin Theory of presidential decision-making is once again popular in Washington. This theory holds that a President, say George Bush, is generally an empty vessel into which is poured the devious polit-

doubt takes us deeper into the biological life of the Beltway than most readers normally wish to go, is instructive.

Last year, the EPA pushed through an absolutist policy that preserves

Mandela
I need today oh so very badly
Nelson Mandela
out of the prison gates
to walk broad shouldered
among counsel
down Commissioner
up West Street
and lead us away from the shadow
of impotent word-weavers
his clenched fist hoisted higher
than hope
for all to see and follow

Sipho Sepamla

By FRANCES KENDALL

JOHANNESBURG—This poem, which evokes the hope shared by most black South Africans, came to life yesterday when Nelson Mandela walked free after 27 years of imprisonment.

Black South Africans, regardless of the language they speak or the value system they espouse, whether they are urban businessmen or traditional rural tribesmen, are largely united in their belief that Mr. Mandela will be the man who leads them to liberation. More and more, white South Africans, too, are pinning their hopes on Mr. Mandela, leader of the recently unbanned African National Congress. Will he be able to meet these great expectations?

The South African media have relentlessly attempted to ascertain his views on the future of the country. These attempts have not proved very successful. Any hint that Mr. Mandela might hold views other than those spelled out in the Freedom Charter, drawn up in 1955 and described by him in 1964 as "the most important political document ever adopted by the ANC" has been quickly disavowed.

Inclined to Free Enterprise?

For example, Johannesburg businessman Richard Maphonya informed journalists, after dining with Mr. Mandela in January, that Mr. Mandela was "definitely inclined towards a free enterprise system . . . [and] concerned as to whether black people were getting themselves geared up to take up opportunities as they arose. . . . He said he did not believe in nationalization because it was clear such a policy ran counter to the need to keep the South African economy growing to provide jobs."

Within a week a spokesman had released a statement from Mr. Mandela saying that any change in the policy of nationalization of the mines, banks and monopoly industries as laid out in the Freedom Charter was "inconceivable." Evidently Mr. Mandela is determined not to embarrass his organization or to jeopardize his own support by offering any position that conflicts with the ANC party line. In his speech in Cape Town yesterday evening to thousands of cheering supporters, he said he was "a loyal and disciplined member of the ANC. I am therefore in full agreement

The
By Byron Harris
The U.S. has achieved convictions in most of its cases against high ranking S&L officers. But crimes in thriffts, where they did occur, often required the cooperation of groups of people, in what might be called a "chain of greed."

At their worst, the chains included five kinds of professionals, in addition to the borrowers who benefited from the questionable loans. At the beginning of a transaction, real estate brokers masterminded the shady deals. Crooked appraisers then inflated real estate values to make the deals work. Inside the institutions, an array of employees from loan officers hungry for a loan commission to the executives themselves participated in the fraud.

C-122



Citizens To Protect The Constitution

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Important

TO: Chairman, House Judiciary Committee *Rep. GOLLC*

TELEPHONE NO.: 907-463-5661

NUMBER OF PAGES, INCLUDING COVER: 6

DATE: April 6, 1990

MESSAGE: please deliver the attached testimony
to the Chairman of the House Judiciary Committee
immediately upon receipt. ----- A hearing
on this issue has been scheduled this morning!
Thank you in advance, for your assistance.

Thanks again



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Testimony of Linda Rogers-Kingsbury, President

Before the Alaska House Judiciary Committee

on

H.J.R. 54

Citizens To Protect the Constitution is a private, nonpartisan, nonprofit organization formed to protect the Constitution of the United States. In particular, the individuals and organizations which have come together to form "Citizens" have become increasingly concerned over the dangerous and uncharted course on which this Nation will embark if a Federal Constitution Convention is convened. While some members of "Citizens" may differ on the need or desirability of a particular amendment, all agree that a constitutional convention should be convened only under the most extreme circumstances.

Background of Terms Limitation Campaign:

This particular campaign for a federal constitutional convention to limit congressional terms, is a result of the National Republican Committee and others contracting with Ed Mahe, a former Deputy Director of RNC to form a national grassroots campaign in support of limiting terms in anticipation of the 1990 and 1992 elections with an eye toward the time when reapportionment would occur.

Thus far, only South Dakota has requested a convention, and six other states, including Alaska are currently considering the issue. In addition, proponents of limitations of terms are also working at the state level to limit state legislators' terms, and have garnered sufficient signatures for a voter referendum in Oklahoma, and are currently gathering signatures in Arizona, California and Colorado. It is also worth noting that, bills have been introduced in eight states that would amend state constitutions to limit the terms of state legislators.

Why a Constitutional Convention is Not a Good Idea:

Under Article V, there are two procedures for amending the U.S. Constitution. The first procedure, under which all 26 amendments have been adopted, involves a process by which Congress (after two-thirds approval in both houses) submits a proposed amendment to the states for ratification. If then ratified by three-quarters of the states, the amendment becomes a part of the Constitution. Over the past 200 years, this method has proven to be an orderly procedure.

The second procedure requires the convening of a constitutional convention whose scope and authority are not defined or limited by our Constitution. If 34 states submit valid petitions to Congress for a convention, it must be convened and any amendments that are considered and passed by such a convention are then forwarded to the states for ratification.

The only precedent we have for a constitutional convention took place in Philadelphia in 1787. That convention broke every legal restraint designed by the Continental Congress to limit its power and agenda. It not only violated specific instructions to confine itself to amending the Articles of Confederation but discarded the Articles completely and wrote the present Constitution. In addition the convention then devised a new method for ratifying the proposed Constitution, all of which was specifically prohibited by the Continental Congress, and the Articles of Confederation.

There is little historical or constitutional guidance as to the Constitutional Convention's proper powers and scope. The Constitution, for example, does not spell out what constitutes a valid petition, how delegates would be chosen, time limits for the convention, payment of costs, or most importantly, whether the convention can be limited to addressing a single narrow issue, or whether the entire Constitution is open for debate.

Those who have worked to promote a constitutional convention offer various assurances that limits can be set on what a convention can do. Legislators are told, for example, that a convention would be limited to a single amendment. This assurance is based upon the common wording of the petitions which includes

"for the sole and express purpose of" a particular amendment. It should be noted that the resolution of the Continental Congress authorizing the 1787 Philadelphia convention included the same language in an attempt to constrain the convention's action -- all to no avail!

Charles Alan Wright, the highly respected constitutional scholar, wrote in a letter dated April 16, 1987 to a Texas state legislator:

My own belief ... is that a constitutional convention cannot be confined to a particular subject ... we have only one precedent, the convention in Philadelphia in 1787. It was summoned 'for the sole and express purpose of revising the Articles of Confederation and reporting to Congress and the several Legislatures such alterations and provisions therein. From the very beginning it did not feel confined by the call and gave us a totally new Constitution that completely replaced the Articles of Confederation. I see no reason to believe that a constitutional convention 200 years later could be more narrowly circumscribed.

State legislators have also been told that, despite the adoption of these petitions, a Convention will never be held -- that the threat of a convention is simply a method of pressuring Congress to adopt a particular amendment. With considerable confidence, convention proponents state that upon receipt of 34 petitions, Congress will be forced to forward an amendment to the States for ratification, rather than face a constitutional convention.

In response to that assertion, Article V of the Constitution is clear. Congress must call a convention if 34 petitions are received: "The Congress ... on the Application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing Amendments" Moreover, in Federalist 85, Alexander Hamilton, wrote: "The words of this Article are preemptory. The Congress 'shall call a convention.' Nothing in this particular is left to the discretion of that body." In other words, once Congress has received 34 valid petitions, it cannot ignore them and avoid calling a constitutional convention by passing an amendment.

Convention supporters also assure the public that even if a convention is convened, there is no danger that it would consider any issues other than the particular amendment for which it was called. This bold assertion ignores considerable historic precedent. It would be impossible to find a more persuasive precedent for opening a convention's agenda, than the Founding Fathers' actions in 1787, and the actual language of Article V where reference is made to "Amendments." Edmund Randolph, a delegate to the 1787 convention felt justified in broadening the

convention's agenda and was quoted as saying. "There are great seasons when persons with limited powers are justified in exceeding them, and a person would be contemptible not to risk it." Would a delegate to any future convention feel less justified than Randolph and attempt to broaden the agenda to encompass contemporaneous issues?

In a speech on January 30, 1987, in Detroit, Michigan, Warren Burger, former Chief Justice of the United States said:

There is no way, any more than the Continental Congress could control the convention in Philadelphia, to put a muzzle on a Constitutional Convention. Once it meets it will do whatever the majority wants to do. I would not favor it.

Finally, assurances are given that if by some chance the convention strays from its authorized agenda, the Congress and the courts will step in to rein the runaway convention back to its proper jurisdiction. However, scholars warn that even if Congress passed limiting legislation, which would be constitutionally questionable, a convention once assembled could reject any or all restrictions on its activity and assert its supreme authority by virtue of its direct authority from the "people."

Stanford Law Professor Gerald Gunther testified in 1985 before the U.S. House Judiciary Subcommittee on Civil and Constitutional Rights stating:

.... (I) f the convention were to report such allegedly 'unauthorized' proposals to Congress for submission to ratification would Congress truly be in a position effectively to ignore them? I doubt it: I believe any such congressional veto effort would encounter not only substantial constitutional arguments but also substantial political restraints.

Again a reenactment of the thoughts and actions of the 1787 Convention.

With respect to court interjection in an October 16, 1983 Chicago Tribune article former Supreme Court Justice Arthur J. Goldberg said:

... If convention issues are not reviewable, then the convention would take place outside our system of checks and balances and the dangers of a runaway convention increase... If convention issues are reviewable by the courts, then serious enforcement problems arise.

In the minds of most Americans, our Constitution is more than a charter of government whose primary function is to assign various duties and functions among the executive, legislative and judicial branches. Across almost two centuries, the Constitution has evolved into the vehicle through which we protect our individual rights and liberties, and it stands squarely between individual Americans and their government. It is a tribute to the viability and effectiveness of this document that many Americans take for granted that their rights will be effectively protected by the Constitution. Unfortunately, we sometimes lose sight of the fact that such rights and protections of the individual are not commonplace, but are indeed extraordinary. It is our Constitution which more than any other institution makes us the rare exception to this rule.

HJR

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HOUSE COMMITTEE REPORT

4/13

(7)

Date Referred: January 5, 1990

FURTHER REFERRALS: JUDICIARY

Date of Committee Action: _____

The STATE AFFAIRS Committee considered:

(?) *Fin*
not yet

HJR 57

HOUSE JOINT RESOLUTION NO. 57

LIMITING TERMS OF LEGISLATORS

Proposing an amendment to the Constitution of the State of Alaska relating to terms of legislators.

RECOMMENDATIONS:

- be replaced with CS HJR 57(SA) the same title
- have attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the Fin Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S): (Dept) APPROVES PREVIOUS: (Date/Dept)

- fiscal impact Elections fiscal note(s) _____
- zero fiscal note _____ zero fiscal note(s) _____
- zero with analysis _____ zero fn/analysis _____

SIGNING DO PASS:

SIGNING: (Check approp. column)

	Do Not Pass	No Rec	Amend
<u>Alex Hanley Hanley</u>			
<u>David Finkelstein Finkelstein</u>			
<u>D.A. Boucher Boucher</u>			

D.A. Boucher
Chairman's Signature

Item 3

Alaska State Legislature

Legislative Research Agency



P.O. Box Y
Juneau, AK 99811-3100
Phone: (907) 165-3991
Fax: (907) 163-3351

April 5, 1990

MEMORANDUM

TO: Representative Loren Leman

FROM: Leola Weimer LW
Legislative Analyst

RE: Initiatives to Limit Legislative Terms
Research Request 90.257

You asked us to provide information about ballot initiatives proposing to limit the number of terms a legislator may serve. Specifically, you requested copies of various state initiatives and background information about them.

SUMMARY

No state has yet amended its constitution to restrict the number of terms a legislator may serve.

Legislative resolutions for constitutional change are pending in 21 states, and initiative drives for constitutional change are underway in three states.

Oklahoma is the first state to have a tenure limitation amendment placed on the ballot as a result of an initiative. The Oklahoma Supreme Court has certified the signatures, and the governor of Oklahoma is due to call a special election to consider this amendment within the next 90 days (by June 1990).

BACKGROUND

Historically, the issue of limiting terms of office has focused on the executive branch of state and federal governments. Since the 1970s, however, there has been a growing concern over the number of terms which legislators may serve in the U.S. Congress and in state legislatures.

Proponents argue that restricting the number of terms an elected official may serve will 1) promote the concept of "citizen legislators" versus "professional legislators," 2) diminish the advantages for incumbency, 3) equalize the influence of districts and citizens, 4) make the legislature more responsive and

Representative Leman
April 5, 1990
Page 2

accountable for its actions, and 5) reduce the influence of special interests and bureaucracy over the legislature.¹

Opponents argue that restricting the number of terms a legislator may serve would 1) remove experienced legislators who are knowledgeable of government and are best able to make complex decisions in today's governments (e.g., people like John Sherman, Robert Wagoner, Henry Clay, Steven Douglas and Robert LaFollette who developed programs of great importance late in their legislative careers), 2) send a message that is antidemocratic because it assumes that people do not have the wisdom to oust a legislator who is not properly representing them, 3) add to the problems of transitions between legislators and "lame duck" legislators, and 4) fail to discourage special interests or bureaucratic influence.²

Limiting the number of terms of elected officials requires a constitutional amendment at the federal and state levels. The Twenty-second Amendment of the U.S. Constitution, passed in 1951, limits the U. S. President to two successive terms in office. There is no limit on the number of congressional terms, and no state has yet adopted an amendment limiting the tenure of state legislative officials.

Additional historical information is found in Attachment A.

PROPOSITIONS TO LIMIT LEGISLATIVE TERMS

Proposals currently being considered to restrict the number of terms for state legislators have been introduced by legislators or organized through the initiative process.

Legislative Proposals

Legislative proposals for a constitutional amendment have been introduced in at least 21 states (Alaska, Arizona, California, Colorado, Connecticut, Florida, Hawaii, Idaho, Indiana, Kansas, Nebraska, New Hampshire, New York, Oklahoma, Oregon, Rhode Island, South Dakota, Texas, Utah, Washington, and West Virginia).³ United States Senator Humphrey has also introduced a resolution to amend the U.S.

¹George G. Humphreys, "Legislative Tenure," report prepared for the Oklahoma State Legislative Council, July 25, 1979, pp. 2-3.

²Humphreys, pp. 3-4.

³Phil Thompson, Americans To Limit Congressional Terms, telephone conversation March 13, 1990, Telephone: (303) 863-9200.

Constitution. Copies of several of these resolutions and a draft model resolution written by the national organization Americans to Limit Congressional Terms are found in Attachment B.

Initiatives

Citizen petition drives to place a term limitation amendment on the ballot have been organized in California, Colorado and Oklahoma.⁴

Four separate petition drives are underway in California. One proposal by Mr. Mac Donald would place a maximum eight-year limit on service in either or both houses for all legislators. Another initiative by Scharbarum, Uhler and Ford (members of the National Taxpayers Group) would limit assembly members to three, two-year terms. It would also limit legislative spending to no more than \$950,000 per member or 80 percent of the previous year's budget, whichever is less. A third petition drive by current Attorney General Van de Kamp entitled the "Clean Government Act 1990" proposes a series of reforms, one of which would limit the service of statewide elected officials to eight successive years and state legislators to twelve successive years. The fourth initiative, organized by Operation New Broom, would limit all elected officials to a maximum of two full terms, change retirement benefits, require participation in the federal Social Security program, and prohibit elected officials from seeking, soliciting or accepting contributions for other elected offices.

Operation New Broom and Attorney General Van de Kamp's "Clean Government Act 1990" initiatives have received the most support. Copies of these initiatives and background information are found in Attachments C and D.

In Colorado, an initiative drive was begun when a concurrent resolution by state Senator Considine failed to pass last year.⁵ The wording of the initiative is the same as Senator Considine's resolution which he reintroduced this year (Attachment E).

Oklahoma is the first state to have a tenure limitation amendment placed on the ballot as a result of an initiative. According to Lloyd Nobel, chairman of

⁴Alaska's constitution (and presumably those of other states) may not be amended by the initiative process. In Alaska, only the legislature or a constitutional convention may propose amendments to the constitution. After an amendment is proposed by a "deliberative body," it may then be ratified by the electorate (Gordon Harrison, *Alaska's Constitution A Citizen's Guide*, 1986, p. 110).

⁵Andy Bane, special assistant for Colorado Senator Considine, telephone conversation March 13, 1990, Telephone: (303) 863-9200.

Representative Leman
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Oklahomans for Legislative Reform, 205,418 signatures were gathered (17 percent more than required by law) and certified by the Oklahoma Supreme Court. The governor will call a special election within 90 days (by June 1990) to consider passage of this proposed constitutional amendment. A copy of the initiative petition, supporting studies, opposing letters and newspaper clippings are found in Attachment F.

I hope this information is useful. Please contact this agency if you have any further questions.

Attachments

ATTACHMENT A

Historical Background from
Americans to Limit Congressional Terms
and the
Oklahoma Legislature

AMERICANS
TO LIMIT
CONGRESSIONAL
TERMS



Americans to Limit Congressional Terms is a non-profit, educational organization dedicated to raising the level of national debate on the centuries-old public policy issue of limiting Congressional terms.

Enclosed with this memorandum you will find three documents:

- 1) A white paper tracing the debate of limitation of Congressional terms from colonial days to the present;
- 2) A white paper examining the related topic of presidential term limitation and the Twenty-second Amendment, and;
- 3) An overview of survey research conducted by the Gallup Organization, on behalf of Americans to Limit Congressional Terms, regarding the issue of limitation of Congressional terms.

You have received this package in the hopes that you will find either the pieces contained in it or the topic addressed worthy of inclusion in a future curriculum.

If you have any questions concerning the information enclosed or about our group, or have any other thoughts, please call David Freibert at (202) 842-4446.

Thank you.

DR. ROBERT E. ENGLAND
POLITICAL SCIENCE DEPT.
519 MATH SCIENCES
STILLWATER, OK 74378

LIMITING CONGRESSSIONAL TERMS:

An Historical Perspective

by

Michael H. Klein

Americans to Limit Congressional Terms
Washington, DC

September 25, 1989

DR. ROBERT E. ENGLAND
OKLAHOMA STATE UNIV
POLITICAL SCIENCE DEPT.
C. 1989

perceived obstacles to Congressional accountability.¹

One proposal that is structural in nature is a constitutional amendment to limit Congressional terms. This proposal revives a long standing debate as to the advisability of turnover in the legislative branch, one that is older than the Constitution itself.

HISTORICAL CONTEXT

The promotion of turnover in the legislative branch is an idea that in fact predates the present incarnation of Congress. In 1777, the Articles of Confederation were amended to mandate that "no person shall be capable of being a delegate (to the Continental Congress) for more than three years in any term of six years."² The primary idea behind this provision, according to historians of the era, was that the legislative branch should reflect the makeup and outlook of the citizenry that it purports to represent.

The initial attempt at term limitation, however, abruptly was terminated in 1784, when an attempt to enforce the provision

¹. According to a June, 1989 poll taken by the Wirthlin Group, a prominent national public opinion research firm, 48 per cent of Americans are dissatisfied with the performance of Congress, while only 45 per cent approve.

². Edmund C. Burnett, The Continental Congress, (Macmillan, 1941), p. 250.

led to a near-rebellion on the floor of the Continental Congress.³ After a committee of delegates was established to rule on the eligibility of delegates, its rulings were met with pitched resistance from those who were faced with expulsion from the proceedings. Said James Monroe about the level of discourse on the subject: "I never saw more indecent conduct in any assembly before."⁴

In addition to the distraction the term limitation had caused to the deliberations of the Continental Congress, it was also determined that the removal of those delegates who had overstayed their statutory welcome would cause the Congress to suspend its business entirely, as a quorum could not be retained.⁵

With regard to the Constitution, no term limitation provision was proposed at the outset, primarily due to the problems of implementing such a provision under the Articles of

³. Ibid. p.605. On March 1, 1784, it was determined that the first such three year period had indeed passed, and a committee was assembled to determine the eligibility of delegates to the Congress. The first delegate to be ruled ineligible, Samuel Osgood of Massachusetts, angrily bade "farewell all connection with public life." The committee then declared both Delaware delegates retroactively ineligible, and the Rhode Island delegation was slated for dismissal.

⁴. Ibid.

⁵. Ibid.

Confederation. However, the idea of encouraging congressional turnover was one that enjoyed widespread support in the Constitutional Convention.

In attacking a proposal by James Madison for triennial elections, Massachusetts Delegate Elbridge Gerry called such a lengthy term "limited monarchy".⁶ As supporters of annual and triennial elections to the House clashed in the Convention, a compromise proposal to mandate biennial elections to the House of Representatives passed unanimously.⁷

While there was much contention over the specific proposals to ensure turnover in the legislative branch, the general goal of using rotation to ensure accountability was widely supported at this point in time. Rhode Island's Roger Sherman typified the prevailing sentiment by remarking that "Representatives ought to return home and mix with the people. By remaining at the seat of government, they would acquire the habits of the place, which might differ from those of their constituents."⁸

In essence, Sherman and others believed wholeheartedly in the notion of the "citizen legislator", one who would serve his

⁶. Charles O. Jones, Every Second Year, (Brookings Institute, 1968), p.4.

⁷. Ibid. p.6.

⁸. Ibid. p.4.

constituents out of a sense of civic duty, rather than vocational or personal ambition.

In the nineteenth century, Congressional term limitation, at least from a structural or statutory standpoint, was never much of an issue. Aside from the obvious hardships of transportation and climatic extremities that tended to encourage turnover, there was also a tradition in many districts of voluntary term limitations.⁹ Abraham Lincoln, for instance, was limited to a single term by virtue of the tradition in his Illinois district.¹⁰

There were also internal reasons within the House during this period mitigating against extended tenure. Specifically, the House leadership structure was not driven by seniority, instead, party control had a tendency to shift frequently and those Representatives who wished to pursue politics as a career sought seats in the Senate or in their respective Governors' mansions. Of the seven Speakers of the House elected between 1870 and 1894, for instance, one was elected in his third term of service, two in their fourth term, two in their fifth, one in his sixth, and one in his seventh term.¹¹ Additionally, three of those Speakers

⁹. Nelson W. Polsby, The Congressional Career, (Random House, 1971), p.23.

¹⁰. Ibid.

¹¹ Ibid.

left the House to serve in the Senate, one died, and one left to join a Wall Street law firm.

In contrast to Congressional term limitation, Presidential term limitation was an oft-discussed issue since the Constitutional Convention. Every President to serve in the 1800's, with the exception of Abraham Lincoln, publicly supported a two-term, eight-year limit on Presidential service.¹² Even Lincoln, who did not take an explicit stand of the issue, commented: "If our American society and United States Government are overthrown, it will come from the voracious desire for office, this wriggle to live without toil, work, and labor--from which I am not free myself."¹³

In 1951, a limitation on Presidential service was finally ratified as the Twenty-second Amendment to the U.S. Constitution. The 22nd Amendment was introduced in 1947 by the then-majority Republicans in the House in response to Democrat Franklin D. Roosevelt's election to four consecutive Presidential terms. Despite its origin as a partisan initiative, it was ratified by the states in 1951 with widespread support. Said the Washington Post in an editorial describing the bi-partisan nature of ratification:

¹². Presidential and Congressional Term Limitation: The Issue That Stays Alive, (Foundation for the Study of Presidential and Congressional Terms, 1981) pp. 10-11.

¹³. Ibid

The only basic reason for writing this additional restriction into the constitution is the fear that, in these days of big government and perpetual emergency, some future president with dictatorial tendencies might perpetuate himself in office indefinitely. Perhaps that chance is remote, but power-grasping officials are common enough in both history and current world experience to warrant this safeguard.¹⁴

Despite the passage of the 22nd Amendment, the issue of Presidential term succession was never fully settled, at least in the eyes of some scholars. In the 1970's the issue resurfaced as proposals emerged to limit the President to a single, six-year term of service, an idea that was supported by then-President Jimmy Carter.¹⁵

At the same time, in the post-Watergate reform era, the idea of Congressional term limitation resurfaced once again, most notably in several academic discussion forums in 1979 and 1980.¹⁶ While Senator Dennis DeConcini (D-Arizona) and Senator John Danforth (R-Missouri) introduced a bill during this period to limit members of Congress to twelve years of individual service, the lack of organized external pressure and a basic resistance

¹⁴. "22nd Amendment", Washington Post, February, 29, 1951, p.8.

¹⁵. Limiting Presidential and Congressional Terms, (American Enterprise Institute, 1979), pp.1-5.

¹⁶. How Long Should They Serve?: Limiting Terms for the President and Congress, (American Enterprise Institute, 1980) 25 pages.

among sitting members to restrict their own incumbencies prevented this legislation from becoming enacted.¹⁷

In the mid to late 1980's, in the wake of an unprecedented 99 percent re-election rate for incumbent members of the House of Representatives, and following a number of ethics scandals in the House leadership, several reform minded grass-roots and educational groups with an interest in limiting Congressional terms were established.

CONCLUSION

The low estimation in which the American public holds the Congress at this point indicates that there may be the needed impetus to write into the Constitution the expressed wish of its framers for a "citizen legislature". According to a poll taken by the Gallup Organization in 1989, 57 per cent of those surveyed explicitly support a constitutional amendment to limit Congressional terms. With the emergence of a broad-based, bipartisan consensus behind term limitation, a distinct possibility exists that congressional term limitation will reemerge as a salient political issue.

17. Ibid.

THE TWENTY-SECOND AMENDMENT:

Term Limitation in the Executive Branch

by

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Americans to Limit Congressional Terms
Washington, DC

September 25, 1989

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election. However, Nixon failed to serve through the course of his second term, and Eisenhower later became an avid supporter of a six-year term with no right of succession.¹¹ Reagan is the only President elected under the Twenty-second Amendment who has argued for its repeal.

IMPLICATIONS OF THE TWENTY-SECOND AMENDMENT

While as of this stage of the American Presidency the Amendment has registered little impact, the Twenty-second Amendment serves as an important precedent for term limitation at the Federal level, and it also presents a counterpoint with the notoriety and controversy that proposed amendments to the Constitution generate in the present day.

Unlike such controversial recent proposals to amend the Constitution as the Equal Rights Amendment, the Human Life/Anti-Abortion Amendment, and the District of Columbia Voting Rights Amendment, the ratification of the Twenty-second Amendment was remarkable for the lack of media attention afforded it. Between 1947 and 1951, no items discussing the ratification battle or even the final passage of the Twenty-second Amendment appeared in the periodicals indexed in the Readers Guide to Periodical Literature.

¹¹ Presidential and Congressional Term Limitation: The Issue That Stays Alive, (Foundation for The Study of Presidential and Congressional Terms, Washington, 1980) p.12.

Newspaper coverage was also scant. No mention was made in the Washington or New York papers of the Congressional passage of the Amendment.¹² The ratification process was not reported on at any length in the national press, and it was not until final passage in Nevada that the Washington and New York papers discussed the issue at any length. Even in Utah, the penultimate state to ratify the Amendment, on the same day as Nevada, the article published in the state's leading daily was an Associated Press item which barely mentioned the Utah Legislature's action.¹³

Insofar as the impact of the Amendment as a precedent for term limitation at the federal level, it is important to consider the political climate in which it was ratified. The Twenty-second Amendment, despite its beginnings as a partisan initiative, was ratified as a result of a broad-based bipartisan consensus of public opinion. It was the emergence of such a consensus among the citizenry for a Presidential term limitation that the Twentth Amendment has come to pass.

¹² According to a review of the indices of the New York Times, New York Herald Tribune, Washington Post, and the Washington Evening Star from 1947.

¹³ "Nevada's Action Ends Third Term", Deseret News. op cit.

GALLUP POLL DATA

JUNE 1989

Limiting Congressional Terms

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AMERICANS
TO LIMIT
CONGRESSIONAL
TERMS



In early June, 1989 Americans to Limit Congressional Terms (ALCT) retained the Gallup Organization of Princeton, New Jersey to conduct a national public opinion poll on the subject of limiting Congressional terms. The survey was conducted among 1008 adults and had an error factor of plus or minus 4%.

The following question was asked of the respondents:

Currently, the Constitution places no time limit on how long members of the House of Representatives and U.S. Senate can serve in office. Some people have proposed a Constitutional Amendment to limit to twelve years the amount of time U.S. Congressman and U.S. Senators could serve in office. Others think there should not be a limit to the amount of time Congressmen and Senators can serve in office. Which of these statements comes closest to your own view?

A total of 57% of the sample believed there should be a limit on time members of Congress and Senate should spend in office. A total of 34% opposed limiting terms.

There is no difference between Republican, Democrats and Independents, with each group showing virtually equal support for the measure.

There is a slight tendency towards greater support for the proposal as age increases. Conversely there is a slight decrease for the proposal as levels of education increase.

Finally, among the regions of the country, the greatest support for limiting terms comes from the midwest.

Congressional Term in Office

	<u>Limit</u> %	<u>No</u> <u>Limit</u> %	<u>Don't</u> <u>Know</u> %	<u>Total</u> %	<u>N</u>
All Respondents	57	34	9	100	(1008)
<u>Sex</u>					
Male	59	35	6	100	(503)
Female	56	33	11	100	(505)
<u>Age</u>					
18-29 years	53	37	10	100	(254)
30-49 years	58	36	6	100	(404)
50 and over	60	31	9	100	(334)
<u>Party ID</u>					
Republican	58	38	4	100	(352)
Democrat	56	35	9	100	(292)
Independent	59	28	13	100	(339)
<u>Education</u>					
College grad.	54	41	5	100	(444)
H.S. grad.	60	32	8	100	(415)
Less than h.s. grad.	59	25	16	100	(148)
<u>Region</u>					
East	54	36	10	100	(241)
Midwest	62	30	8	100	(264)
South	57	33	10	100	(298)
West	56	38	6	100	(205)

TECHNICAL APPENDIX

Composition of the Sample

	<u>Unweighted Number of Interviews</u>	<u>Weighted Percent</u>
Total	1008	100.0
<u>Sex of Respondent</u>		
Male	503	47.7
Female	504	<u>52.3</u>
		100.0
<u>Age of Respondent</u>		
18 - 29 Years	254	24.5
30 - 49 Years	404	38.2
50 Years and Older	334	35.8
Undesignated	16	<u>1.5</u>
		100.0
<u>Education</u>		
High School Incomplete	148	20.3
High School Graduate	415	40.3
College Education	444	39.3
Undesignated	1	<u>0.1</u>
		100.0

Region of Country

East:	Maine, New Hampshire, Rhode Island, New York, Connecticut, Vermont, Massachusetts, New Jersey, Pennsylvania, West Virginia, Delaware Maryland, District of Columbia	241	24.9
Midwest:	Ohio, Indiana, Illinois, Michigan, Minnesota, Wisconsin, Iowa, North Dakota, South Dakota, Kansas, Nebraska, Missouri	264	24.9
South:	Kentucky, Tennessee, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Texas, Arkansas, Oklahoma, Louisiana	298	29.8
West:	Arizona, New Mexico, Colorado, Nevada, Montana, Idaho, Wyoming, Utah, California, Washington, Oregon, Alaska, Hawaii	205	20.4
			<hr/> 100.0

Sample Design

The sampling procedure used for this study was designed to produce an approximation of the adult civilian population, eighteen years and older, living in the United States, except those persons in institutions such as prison or hospitals.

The design of the sample is that of a replicated, probability sample down to the block level in the case of urban areas, and to segments of townships in the case of rural areas, in over three hundred sampling locations.

The sample design includes stratification by seven size-of-community strata, using 1980 Census data: (a) incorporated cities of population 1,000,000 and over; (b) incorporated cities of population 250,000 to 999,999; (c) incorporated cities of population 50,000 to 249,999; (d) urbanized places not included in (a)-(c); (e) cities over 2,500 population outside of urbanized areas; (f) towns and villages with less than 2,500 population; and (g) rural places not included within town boundaries. Each of these strata are further stratified into four geographic regions: East, Midwest, South and West. Within each city size-regional stratum, the population is arrayed in geographic order and zoned into equal sized groups of sampling units. Pairs of localities are selected in each zone, with probability of selection and each locality proportional to its population size in the 1980 census, producing two replicated samples of localities.

Within each subdivision so selected, for which block statistics are available, a sample of blocks or block clusters is drawn with probability of selection proportional to the number of dwelling units. In all other subdivisions or areas, blocks or segments are drawn at random or with equal probability.

In each cluster of blocks and each segment so selected, a randomly selected starting point is designated on the interviewer's map of the area. Starting at this point, interviewers are required to follow a given direction in the selection of households until their assignment is completed.

Interviewing is conducted at times when adults, in general, are most likely to be at home, which means on weekends, or if on weekdays, after 4:00 P.M. for women and after 6:00 P.M. for men.

Allowance for persons not at home is made by a "times at home" weighting procedure which is a standard method for reducing the sample bias that would otherwise result from under-representation in the sample of persons who are difficult to find at home.

The pre-stratification of the sample by size-of-community and region is routinely supplemented by fitting each obtained sample to the latest available Census Bureau estimates of the regional distribution of the population. Also, adjustments are made to bring the demographic characteristics of the sample such as age, sex, race and education into alignment with the demographic characteristics of the population of civilian adults living in the United States. The population characteristics are derived from the Census Bureau's Current Population Survey (March 1987).

¹Politz, A. Simmons, W., "An Attempt to Get the 'Not at Homes' into the Sample without Callbacks," JOURNAL OF THE AMERICAN STATISTICAL ASSOCIATION, Volume 44, (March, 1949), pp.9-31.

Sampling Tolerances

In interpreting survey results, it should be borne in mind that all sample surveys are subject to sampling error, that is, the extent to which the results may differ from what would be obtained if the whole population had been interviewed. The size of such sampling errors depends largely on the number of interviews.

The following tables may be used in estimating the sampling error of any percentage in this report. The computed allowances have taken into account the effect of the sample design upon sampling error. They may be interpreted as indicating the range (plus or minus the figure shown) within which the results of repeated samplings in the same time period could be expected to vary, 95 percent of the time, assuming the same sampling procedures, the same interviewers, and the same questionnaire.

The first table shows how much allowance should be made for the sampling error of a percentage:

	<u>Recommended Allowance for Sampling Error</u>				
	<u>of a Percentage</u>				
	In Percentage Points (at 95 in 100 confidence level) ²				
	<u>Sample Size</u>				
	<u>1000</u>	<u>750</u>	<u>500</u>	<u>200</u>	<u>100</u>
Percentages near 10	2	3	3	5	7
Percentages near 20	3	4	5	7	10
Percentages near 30	4	4	5	8	12
Percentages near 40	4	5	6	8	12
Percentages near 50	4	5	6	9	13
Percentages near 60	4	5	6	8	12
Percentages near 70	4	4	5	8	12
Percentages near 80	3	4	5	7	10
Percentages near 90	2	3	3	5	7

The table would be used in the following manner: Let us say a reported percentage is 33 for a group which includes 1000 respondents. Then we go to row "percentages near 30" in the table and go across to the column headed "1000". The number at this point is 4, which means that the

²The chances are 95 in 100 that the sampling error is not larger than the figures shown.

33 percent obtained in the sample is subject to a sampling error of plus or minus 4 points. Another way of saying it is that very probably (95 chances out of 100) the true figure would be somewhere between 29 and 37, with the most likely figure the 33 obtained.

In comparing survey results in two samples, such as, for example, men and women, the question arises as to how large a difference between them must be before one can be reasonably sure that it reflects a real difference. In the tables below, the number of points which must be allowed for in such comparisons is indicated.

Two tables are provided. One is for percentages near 20 or 80; the other for percentages near 50. For percentages in between, the error to be allowed for is between those shown in the two tables.

Recommended Allowance for Sampling
Error of the Difference

In Percentage Points
(at 95 in 100 confidence level)³

TABLE A
Size of Sample

500
400
250
100

Percentages near 20 or 80			
500	400	250	100
6			
7	7		
8	8	9	
11	11	12	14

TABLE B
Size of Sample

500
400
250
100

Percentages near 50			
500	400	250	100
8			
8	9		
10	10	11	
14	14	15	18

³The chances are 95 in 100 that the sampling error is not larger than the figures shown.

Here is an example of how the tables would be used: Let us say that 50 percent of men responded a certain way and 40 percent of women respond that way also, for a difference of 10 percentage points between them. Can we say with any assurance that the 10 point difference reflects a real difference between the two groups on the question? Let us consider a sample which contains approximately 500 in each of these groups.

Since the percentages are near 50, we consult Table B, and since the two samples are about 500 persons each, we look for the number in the column headed "500" which is also the row designated "500". We find the number 8 here. This means that the allowance for error should be 8 points, and that in concluding that the percentage among men is somewhere between 2 and 18 points higher than the percentage among women, we should be wrong only about 5 percent of the time. In other words, we can conclude with considerable confidence that a difference exists in the direction observed and that it amounts to at least 2 percentage points.

If, in another case, responses among a group of 500 men amount to 22 percent and 24 percent in a group of 500 women, we consult Table A because these percentages are near 20. We look for the number in the column headed "500" which is also in the row designated "500" and see that the number is 6. Obviously, then, the two-point difference is inconclusive.

THE QUESTION

1. Currently, the Constitution places no time limit on how long members of the U.S. House of Representatives and U.S. Senate can serve in office. Some people have proposed a Constitutional Amendment to limit to twelve years the amount of time U.S. Congressman and U.S. Senators could serve in office. Others think there should not be a limit to the amount of time Congressmen and Senators can serve in office. Which of these statements comes closest to your own view?

1 A Constitutional Amendment limiting to twelve years the amount of time Congressmen and the Senators can serve in office, or

2 Not limiting the time Congressman and Senators can serve in office

0 DON'T KNOW

— The Gallus Organization, Inc. —

DETAILED TABULATIONS

♦♦♦ EDDIE MAHE & ASSOCIATES ♦♦♦

Q.10 WHICH OF THESE STATEMENTS COMES CLOSEST TO YOUR OWN VIEW?

	SEX		AGE			PARTY ID			EDUCATION			REGION				
	TOTAL	MALE	FEMALE	18-29	30-49	50 & OLDER	REPUB- LICAN	INDEP- ENDENT	DEMO- CRAT	COL- LEGE EDUC.	H.S. GRAD.	LESS THAN H.S.	EAST	MID- WEST	SOUTH WEST	
TOTAL RESPONDENTS	1008	503	505	254	404	334	352	292	339	444	415	148	241	264	298	205
WEIGHTED BASE	1632	778	854	400	623	584	551	468	374	641	658	331	406	407	487	332
	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
STATEMENTS																

A CONSTITUTIONAL AMENDMENT LIMITING TO TWELVE YEARS THE AMOUNT OF TIME CONGRESSMEN AND SENATORS CAN SERVE IN OFFICE	936	461	475	212	362	350	318	274	323	345	396	194	220	254	275	187
	57.3	59.3	55.6	53.0	58.1	59.9	57.8	58.6	56.2	53.8	60.1	58.6	54.1	62.5	56.5	56.3
NOT LIMITING THE TIME CONGRESSMEN AND SENATORS CAN SERVE IN OFFICE	596	270	287	148	223	182	212	132	199	263	209	84	146	121	162	126
	34.1	34.7	33.6	37.2	35.8	31.1	38.4	28.3	34.6	41.0	31.8	25.4	36.4	29.7	33.3	37.8
DON'T KNOW	140	47	93	39	37	53	21	61	53	33	53	53	39	32	50	20
	8.6	6.1	10.8	9.9	6.0	9.0	3.8	13.1	9.2	5.2	8.1	16.0	9.6	7.8	10.2	5.9

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STATE LEGISLATIVE COUNCIL

305 STATE CAPITOL
 OKLAHOMA CITY 73105
 405/521-3201

July 25, 1979

MEMORANDUM

TO: Representative Stanley Alexander
 FROM: George G. Humphreys, Research Assistant
 SUBJECT: Legislative Tenure

Although no state has yet amended its constitution to provide constitutional restraints on the tenure of its state legislators, the question of whether it would be advantageous or not to do so does have considerable merit. In order to deal with the problem on its own merits, this memo shall briefly examine the history of term legislation in general, the status of legislative restrictions in particular, and shall attempt to provide an extensive list of arguments for and against legislative tenure.

History

The issue of term succession has generally centered on the executive branch of state and federal governments. This is generally believed to be a legacy of the colonial experience with the tyranny of the British king. The Founding Fathers agreed that the presidents should be limited in their succession, but the Constitutional Convention could not decide on a clause that would do so. The precedent of Washington's two terms established the custom of a two-term tradition until Franklin D. Roosevelt's third election in 1940. Finally, the two-term concept was constitutionally established by the Twenty-second Amendment in 1951.

State action to limit the number of terms a governor can serve has been quite extensive. Presently there are over 20 states with some form of constitutional provision against reeligibility.

Noteworthy, however, is the fact that the subject reeligibility or tenure sanctions against legislators has, until recently, been ineffective. A possible explanation could be offered in that before the vast extension of the government into the lives of Americans, there was no sharp concern among citizens of the "possible abuses" of a full-time professional legislature.

Over the past decade, the concern has generally kept pace with the public debate on the efficacy of state and federal government. It is more than coincidental that the debate on term reeligibility of legislators followed the campaign for tax limitations.

Recent Discussion of Legislative Tenure Restrictions

The most evident development in the subject of a movement to restrict the number of terms which legislators may serve has taken place in the U. S. Congress. In 1978, the Subcommittee on the Constitution of the Committee on the Judiciary in the Senate held hearings on Senate Joint Resolutions Nos. 27 and 28. In essence, these resolutions sought to propose constitutional amendments that would limit senators to two terms and representatives to six or seven terms. Although the resolutions failed, there were many legislators who expressed support including Senators DeConcini, Danforth, Wallop, Hayakawa, Goldwater, Schmitt and Zorinski.

Arguments for Restrictions of Legislative Tenure

1. The government has a great need for "citizen legislators." Supporters of term reeligibility provisions are generally adamant regarding the philosophical advantages of the citizen-legislator over the professional legislator. Senator DeConcini forcefully represented this position at the Senate hearings:

"On a more philosophical level, I am deeply committed to the concept of the citizen-legislator. An enlarged pool of political candidates would certainly generate a wealth of new ideas. The growth of the professional-legislator on the other hand is frightening, for it is yet another step away from the democratic ideal, leading toward rapid, unrepresentative institutions."

2. Term reeligibility restrictions would diminish the advantages for an incumbent in retaining his office in perpetuity. Critics of the professional legislator point out the difficulties of a challenger in unseating the incumbent. Incumbency not only brings certain mailing and traveling advantages, but many voters realize that the present system which rewards seniority is a deterrent for many voters in voting against the incumbent.
3. Term reeligibility restrictions would tend to equalize the influence of districts and citizens. Senator Birch Bayh, although not a strong supporter of such measures, did note that important advantages are to be derived by districts and citizens who have influential senior legislators to represent them.

4. Term reeligibility restrictions would work against the seniority system of any legislature. By restricting the number of sessions a legislator may serve, the turnover of important positions would increase. Important committee positions would be given to younger legislators who would thereby take a more active role in the legislative process.
5. Term reeligibility provisions would make the legislature more responsive and accountable for its actions. This is closely related to the idea of the citizen-legislator. The present system, supporters of term limitation argue, has resulted in a legislative branch (at the federal level) that is isolated from the people. Too concerned about their survival, professional legislators make political decisions on the basis of their continued ability to hold office. Term reeligibility restrictions would reduce this problem with the result being a legislature more willing to act courageously on behalf of the country. Senator DeConcini adds that the people no longer have faith in their representative institutions. To him, shortened legislative careers will issue in "greater responsiveness and greater representativeness. By shortening terms, I feel that legislative accountability will be enhanced and the forces which nurture it will be strengthened."
6. Term reeligibility provisions would reduce the influence of special interests and the bureaucracy over the legislature. Advocates of reduced tenure feel that the present system gives senior legislators experience only in how to "get by" in the legislature. By this, they infer that experienced legislators become too dependent on lobbyists and bureaucrats who use their powers of persuasiveness to influence legislation. Term restrictions would, it is argued, reduce the possibilities for such influence peddling.

Arguments Against Restrictions of Legislative Tenure

1. Experienced legislators are necessary to make complex decisions in today's governments. At this point, the supporters of a more professional legislature are diametrically opposed to the supporters of term reeligibility restrictions. The argument is based on the belief that modern government touches on the daily life of all its citizenry. Senator Alan Cranston pointed out in a 1977 interview for U. S. News and World Report that the idea of a citizen legislator is analogous to that of the citizen soldier. Both are anachronisms in today's technological society. "Our government has grown so complex that the concept of the inexperienced citizen politician is somewhat outmoded."

2. Term reeligibility restrictions would not discourage special interest or bureaucratic influence. The concept of the citizen-politician is a myth. The realities of politics are that special interest group activities are an integral role of political life. Newly elected politicians are just as open to influence from special interests and the bureaucracy, if not more so, than senior legislators. Some argue that the lack of experience of a young legislator provides opportunities for greater influence by the bureaucracy.
3. Term reeligibility provisions would have robbed the country of the benefits derived from many of our best legislators. The legislative careers of men like John Sherman, Jacob Javits, Sam Ervin, Robert Wagoner, Henry Clay, Steven Douglas and Robert LaFollette indicate that their major efforts came after many years in Washington. Often, it could be argued, it takes many years of experience for a legislator to develop programs of great importance.
4. Term reeligibility provisions are indicative of a diminished faith in the democratic process. Supporters of the present system argue that the proposed change of term reeligibility is antidemocratic in assuming that the people do not have the wisdom to oust a legislator who is not properly representing them.
5. There is no need to change the system as it exists. The present system has not yet been proved ineffective, so why change it?
6. Reeligibility provisions would be costly in reducing the leadership of present legislators. This introduces the notion of the "lame duck" legislator whom everyone would know is on the way out of political life. It adds to the problem of transitions between legislators which is partly overcome by retaining experienced legislators.

Conclusion

While the above discussion centers on the tenure limitation debate in Congress, the arguments generated for and against the issue are applicable at the state level. As state legislative careers become increasingly full-time and longevity increases, the similarities between the legislative process at the state and federal levels become more and more analogous.

It should be noted that as Senate Joint Resolutions Nos. 27 and 28 were proposed amendments to the U. S. Constitution, the most likely manner to change the present status of term reeligibility of Oklahoma

Representative Alexander

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July 25, 1979

legislators would be by constitutionally amending Sections 9A and 10A of Article 5 of the Oklahoma Constitution.

Should there be any further information needed on any aspect in the above material, please contact me at 521-3201.

GGH:mj

ATTACHMENT B

**Draft Model Resolution and
Legislative Initiatives from
U.S. Senator Humphrey,
Arizona, Florida, Oklahoma, Oregon, Texas and Utah**

Americans To Limit Congressional Terms

DRAFT MODEL RESOLUTION: LIMITATION OF CONGRESSIONAL TERMS AMENDMENT

A joint resolution for the purpose of petitioning the Congress of the United States to propose an amendment to the Constitution of the United States, for submission to the states, to limit the number of terms a person may serve in the United States House of Representatives to no greater than six and to limit the number of terms a person may serve in the United States Senate to no greater than two, or in the alternative, to call a convention for the sole and exclusive purpose of proposing such an amendment for submission to the states for ratification.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF _____:

WHEREAS, Congress was originally envisioned by the Founding Fathers as a non-partisan, part-time legislative body whose members would take time from their normal businesses and professions to attend the congressional session for four to five months annually; and

WHEREAS, the press of the nation's business has forced the Congress to become increasingly a highly-structured, professional and hierarchical institution rather than an informal, flexible gathering of citizens and legal intellects that obtained in the Federalist Era; and

WHEREAS, the power of the incumbency has grown over time and with the institution of electronic media to the point that the incumbent is nearly unassailable in any normal election; and

WHEREAS, the seniority system in the Congress, though recently reformed, still places disproportionate stress on electoral longevity; and

WHEREAS, innovative ideas and rejuvenated vigor are more likely to come to the Congress through new members fresh from association with the American people; and

WHEREAS, the most common complaint that the public makes about congressional service is that Congressmen spend more of their time running for office than attending to their duties; and

WHEREAS, the power of incumbency makes biennial congressional elections an expensive, exasperating and, ultimately, rather meaningless waste of each Congressman's time and talents; and

WHEREAS, under Article V of the Constitution of the United States, an amendment to the Constitution may be proposed by Congress, or on the application of the legislatures of two-thirds of the states, the Congress shall call a constitutional

convention for the purpose of proposing an amendment, which, in either case, shall become part of the Constitution when ratified by three-fourths of the several States:

NOW, THEREFORE, BE IT RESOLVED by the Legislature of the State of _____, that the Congress of the United States is hereby petitioned to propose an amendment to the Constitution of the United States, for submission to the states for ratification, to limit the number of terms a person may serve in the United States House of Representatives to no more than six and to limit the number of terms a person may serve in the United States Senate to no more than two; and

BE IT FURTHER RESOLVED, that alternatively, effective July 1, 1991, that pursuant to Article V of the Constitution of the United States, the Legislature of the State of _____ makes application to the Congress of the United States to call a convention for the specific and exclusive purpose of proposing an amendment to the Constitution of the United States, for submission to the states for ratification, to limit the number of terms a person may serve in the United States House of Representatives to no greater than six and to limit the number of terms a person may serve in the United States Senate to no greater than two; and

BE IT FURTHER RESOLVED, that if Congress proposes and submits to the states for ratification, within sixty days after the legislatures of two-thirds of the states have made application for such convention, an amendment to the Constitution of the United States similar in subject matter to that contained in this Joint Resolution, then this application for a convention shall no longer be of any force or effect; and

BE IT FURTHER RESOLVED, that this application and request be deemed null and void, rescinded, and of no effect in the event that such convention not be limited to such specific and exclusive purpose; and

BE IT FURTHER RESOLVED, that this application by this Legislature constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the legislatures of the several States have made application for a similar convention pursuant to Article V or the Congress has proposed an amendment to the Constitution of the United States similar in subject matter to that contained in this Joint Resolution; and

BE IT FURTHER RESOLVED, that certified copies of this resolution be transmitted by the secretary of state to the president and the secretary of the United States Senate, to the speaker and the clerk of the United States House of Representatives, to each member of this state's delegation to the Congress and to the presiding officer of each house of each state legislature in the United States.

AMERICANS TO LIMIT CONGRESSIONAL TERMS



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The Honorable Donald H. Rumsfeld
Illinois

MEMORANDUM

TO: ALCT Supporters
FROM: Jim Coyne, National Co-Chairman
DATE: March 5, 1990
RE: ALCT Background and local involvement

Thank you for your interest in Americans to Limit Congressional Terms. Enclosed you will find information about ALCT and a number of ways you can help the term limitation movement.

If you wish to make a contribution please make all checks payable to Americans to Limit Congressional Terms.

In addition, if you would like to send mailgrams to the majority leaders in your state legislature, you can call our special number, (900)740-4343, and they will be sent in your name. There will be a one time charge of \$5.00 added to your phone bill for this service.

If you have any questions or comments, please call us at (202)842-4446, and ask for either David Freibert or John Denny.

Once again, thank you for your interest in this effort, and we hope to hear from you very soon.

AMERICANS TO LIMIT CONGRESSIONAL TERMS



WHAT CAN I DO TO LIMIT CONGRESSIONAL TERMS AND REFORM CONGRESS?

A group called Americans to Limit Congressional Terms (ALCT) has been created in response to the daily reports of Congress' abuse of power and its inability to address the country's problems.

The first and most important step to reform Congress and return control of our federal government to the people is to take Congress away from the professional politicians and return to our forefathers' ideal of citizen legislators.

To achieve that goal, ALCT is coordinating groups and individuals across America in an effort to pass a constitutional amendment limiting Congressional terms to 12 years through Congress and the legislatures of the necessary 38 states by July 4, 1991.

Please note: this is not a regulated effort where you have to check in with some faceless person or group before you act -- just go ahead and do what you think is best -- that may be something on the list below or it may be something no one has thought of yet.

If you're wondering what you can do to get involved in order to help return control of Congress to the people, please do any one, a combination, or all of the following:

Write or call your Congressman or Senator

They work for you and they get paid to listen to your opinion and to represent your beliefs. Tell them that you support limitation of terms, are talking to friends about it and want them to vote for the amendment when it comes before Congress. It is critical that they know of your support because they will have to vote on the amendment.

Also urge them to sign a petition declaring their support for the limitation of terms when they announce their next reelection campaign.

Many current Members of Congress will oppose our efforts out of self-serving reasons, but one thing all politicians understand is the power of the ballot box. Let them know you will use it.

Write or call your local State Representative or Senator

Your legislators are elected to represent you as well. Let

them know how strongly you support limitation of terms and ask them to support legislation calling on Congress to pass an amendment limiting terms.

Many of your local representatives intend to move up the political ladder to higher office someday and they should be fairly supportive of making it impossible for Members of Congress to serve for decades.

When writing your local representatives, suggest they lead the local effort.

These folks have the contacts and the hands-on experience in getting this type of thing done. They can be of great assistance and will offer many helpful ideas of their own.

The same applies to civic leaders you know who are active for good causes and are good leaders.

Write a letter to the editor.

This is a very newsworthy issue and it is going to get a lot hotter. Your paper is already running daily or weekly accounts of abuses in Congress and the effort to limit terms is gaining visibility.

Based on what you see happening in Congress every day, just make your best arguments for limiting terms and returning Congress to the people of the country and send it to your local paper. You can send it to more than one paper and if replies to your letter are printed, write again.

Recruit 5 friends or fellow workers to get involved.

Just determine which 5 of your acquaintances are most interested in doing something about the corruption and inaction in Congress and share with them these ideas and your own on how they can get involved and make a difference.

If you need more literature or information, please call us.

Send us the names of 5 community leaders who would be likely to support this effort and who would be good leaders for your area.

These folks don't necessarily have to be acquaintances of yours. Leaders in local government, businesses, charities, neighborhoods, churches, or sports who support this effort would be great additions to our ranks -- either by lending us their name or pitching in and doing the actual work.

We will then send them information on limiting terms and ask them to join us.

Express your opinion in call-in shows.

Chances are that call-in radio shows in your area will be discussing this issue from time to time and you should make your opinion known. Even if limitation of terms is not the topic, call-in hosts are always looking for a hot new subject for their shows and you would be giving them one.

Send a donation.

Most of the important work will be done by individuals like you. But contacting you and others through the mail, providing written materials and overall coordination to groups and individuals across the country costs money.

In addition, we are planning a major lobbying effort to convince elected officials that they cannot afford to ignore the wishes of the people, as well as a major advertising campaign.

Any amount you can send, whether its \$10, \$25, \$50, or more, will be of great help.

Recruit 5 people you think would like to contribute or would like to head up a fundraising effort in your area.

You can make a big difference by finding 5 friends who are willing to donate \$10 to assist our effort -- because we're working on their behalf as well. Even more helpful would be identifying someone who would be willing to take on the responsibility of raising money for the effort in your area.

Contact us if you'd like to help coordinate petition drives

One of the most important things we will be doing will be collecting signatures in all 50 states to display the overwhelming support for the effort and to prepare to get on the ballot in the states necessary.

We will need people in each county, in every state to head up the local effort.

As was stated above, the success of this effort to return Congress to those whom it was created to represent -- namely the people of this country -- depends upon the commitment and desire of individual Americans and not some organized group or bureaucracy.

So if you have any ideas concerning additional ways in which you or others may help move toward our common goal, go right ahead - and let us know so we can pass the ideas on to others.

ALCT BACKGROUND

LEVEL OF PUBLIC SUPPORT

In view of a recent survey, data indicates that more Americans are dissatisfied with Congress than are satisfied. In an effort to return Congress to the "citizen's legislature", Americans to Limit Congressional Terms, ALCT, has begun to mobilize state and federal legislatures, as well as the American public into action. At the present time, resolutions have been introduced in at least 10 state legislatures, calling for Congressional action to allow adoption of a constitutional amendment limiting terms.

To date, ALCT has recruited a list of 40,000 supporters nationwide of term limitation. Among these are 18,000 individuals who have made financial contributions to help sustain ALCT.

CONSTITUTIONAL TREATMENT OF TERMS

Currently, the Constitution places no time limit on how long members of the U.S. House of Representative and the U.S. Senate can serve in office. ALCT proposes to limit Congressional service to no more than two Senate terms, and no more than six Congressional terms, eliminating career politicians and allowing new citizen legislators committed to solving our nation's problems. While Congress does have the power to limit terms by legislation, it is unlikely that such a law could be passed, thus giving rise to the need for structural limitation of terms through constitutional amendment.

HISTORY OF TERM LIMITATION

The issue of limiting congressional terms is no a new one. Since the inception of Congress, there has been much debate about the effectiveness and accountability of this institution. Congress has, at various times, debated length of terms ranging from one to three years. Among the structural considerations examined, in an effort to make Congress act with greater accountability, is the duration of individual tenure in Congress. But, with regard to the Constitution, no term of limitation provision was proposed.

NEED FOR TERM LIMITATION

Congress has acted systematically and repeatedly to protect the incumbency and to make the job of Congressional service as comfortable as possible. Just last year, Congress voted to increase its' own level of pay from \$89,500 per year to \$120,800 in 1991. That places Members of Congress in the top 1% of all wage earners nationwide. In addition, Congress now proposes to increase official mail allocations by 40% next year to a record non-election year level of \$94.5 million dollars, and to increase office and staff budgets by 27%.

ALCT GOALS AND INTENTIONS

The movement to limit terms in Congress originates in state legislatures. As such, the function of ALCT is to serve as an umbrella group under which any type of organization or individual may campaign on behalf of this effort. To support these efforts, ALCT will provide information, assistance and on going support through education programs and the following working groups:

- o Speakers Bureau
- o State Initiative and Referendum Committee
- o Local Governments Advisory Committee
- o Legislative Drafting Committee
- o Federal and State Legislative Advisory Committees
- o State and National Finance Committees

To date, ALCT has experienced wide support from state legislatures, various political groups and associations as well as the American public. South Dakota has passed the limitations resolution through both the House and the Senate, and there are 11 states introducing the limitation of terms resolution this session: Alaska, Colorado, Idaho, Kansas, Missouri, New Hampshire, Utah, Vermont, Florida, Louisiana, and Hawaii.

ROLL CALL



THE NEWSPAPER OF CONGRESS

VOL. 35, NO. 60

MONDAY, FEBRUARY 5, 1990

Drive to Restrict Hill Tenure Gaining National Momentum

By Glenn R. Simpson

The drive to limit Congressional tenure is rapidly gaining ground and appears likely to soon become a major issue in state legislatures nationwide and in Congress.

Independent initiatives to restrict Members' time in office — 12 years is a popular number — have sprung up across the country, while a new Washington-based organiza-

tion pushing for a constitutional amendment to limit terms is shifting into high gear. "There's no question that it's building steam," said Mark Liedl, director of the Heritage Foundation's US Congress Assessment Project.

James Thurber, director of the Center for Congressional and Presidential Studies at American University, a peer: "I've been on

a variety of shows and taken calls from citizens all around the United States and they are really hot, in terms of wanting to get rid of people who seem to have some ethical problem, and they are pushing the brush widely all over the institution. They feel that maybe this is a way to solve that problem."

Continued on page 25

Continued from page 1

Two recent Gallup polls indicate the movement's potential. A June 1989 survey of 1,008 adults nationwide found 57 percent of the sample supporting some kind of limit on Congressional service, while 34 percent opposed limits.

Another Gallup poll last month of 750 Americans nationwide found 70 percent support limiting service of Senators and Representatives.

In the forefront of the state legislature movement is California, which is considering several anti-incumbent proposals for state legislators. Attorney General John K. Van de Kamp, who is seeking the Democratic nomination for governor, has built

'We've had almost inversionary success in organizing this thing as you get farther away from Washington.'

his campaign around several initiatives, including a limit of 12 years of consecutive service for state lawmakers. California voters will likely face the question this fall.

Meanwhile, two other groups are also seeking to place anti-incumbency provisions on the state ballot. Polls show that over 70 percent of likely voters state-wide favor the proposal.

California organizers from a group called New Broom are hoping to go after Congressmen if their state initiative is successful.

They may be overtaken, however, by a Washington-based group called Americans to Limit Congressional Terms. The group, which seeks a constitutional amendment limiting Congressional terms, will hold a formal coming-out press conference on Feb. 13 at the National Press Club.

The group, which was set up by executives of the political consulting firm Eddie Mahr and Associates, is attempting to mobilize state legislatures to call for a constitutional amendment limiting US Senate and House terms.

According to organizer David Sparks, such measures are already pending in ten states, including Alaska, Colorado, Hawaii, Idaho, Kansas, and Michigan. The

both chambers of the South Dakota legislature have already passed legislation.

"We've had almost inversionary success in organizing this thing as you get farther away from Washington," said Sparks. "The action is in the state legislatures."

Initially set up last May, the group already has 41,000 supporters nationwide and 14,000 donors. More than 100 state legislators have joined the group, as have 35 former Members of Congress.

The organization has also enlisted the aid of retiring Sen. Gordon Humphrey (R-NH), long an advocate of the citizen-legislator concept, who is also introducing a measure in the Senate that calls for a limiting-terms amendment.

Humphrey himself is leaving the Senate at the end of 1990 after serving 12 years.

"We want to bring this thing to a head quickly," said Sparks, adding that the group has had exceptional success with its initial direct-mail campaigns, which are actually prospecting efforts. The group hopes to make the question of limiting tenure a major issue in the 102nd Congress, Sparks said.

The reason a limit on terms needed is to make Congress more representative and less distant, Sparks said. "Many people think the turnover will be healthy."

He said many Americans feel higher turnover would help eliminate ethics abuses and generally invigorate Congress. He calls the issue a populist one with appeal reaching across ideological lines. The proposal would appeal to blacks and feminists, he said, because the increase in turnover could result in increased representation for them.

Ralph Nader has also expressed interest in enlisting in the effort, according to Sparks.

The group is also seeking to make term limits an issue in the 1990 Congressional elections by asking candidates to pledge that they will not serve more than 12 years.

In an effort to avoid squabbles over the form of the amendment, a model resolution is being circulated that simply calls for a 12-year limit on service without addressing the question of how long each term should be for a Representative and Senator.

Political scientists are skeptical about the chances for passing a constitutional amendment because of the many impediments built into the process. But in Colorado, state Sen. Tom Condit (R) thinks he may have come up with another way.

state legislature containing a provision that imposes limits on the Congressional service of Members of the Colorado delegation only.

While the conventional wisdom is that the US Constitution supersedes state restrictions on federal lawmakers, there are numerous cases to the contrary, said Condit.

He said that some states in the 1800s directly elected Senators before the practice was mandated by a constitutional

The group is asking candidates in the 1990 Congressional elections to pledge they will not serve more than 12 years.

amendment.

Arizona has found a way to place restrictions on its federal lawmakers that skirts the issue of constitutionality. When elected, the state's Congressmen sign pledges agreeing to step down if a majority of voters votes to recall them. The pledges may not actually be legally binding, but that would not likely prevent them from producing the desired result.

Since the mid-1970s, interest inside Congress in limiting terms has built slowly. More than a dozen proposals to limit tenure have been introduced thus far in the 101st Congress.

But interest in limiting tenure dates back to the founding of the Republic. The ill-fated Articles of Confederation carried a term limitation for Members of the Continental Congress, though it was not enforced after 1784.

The two-year term for Representatives enshrined in the Constitution was intended to force high turnover in that body, though many scholars say it now has the opposite effect.

Periodic efforts during this century to impose limits on tenure have flopped. The Senate rejected one such proposal in 1947 by a vote of 82-1. In 1951 President Harry Truman proposed a 12-year limit on service but got no vote.

While public support for limiting terms seems high, it doesn't appear to have in-

1977, 60 percent of respondents to a Gallup poll supported a 12-year limit on Congressional tenure, while a 1981 Gallup poll showed similar results. More recently, respondents to a 1987 CBS/New York Times poll split evenly on the question, 47 percent for each side.

While the issue has broad appeal, much of the impetus for limiting tenure comes from Republicans, who feel that incumbency advantages lock in the Democratic majority in both houses.

But many scholars, such as Thomas Mann of the Brookings Institute, have raised questions about the validity of this view.

In its 1988 presidential platform the GOP called for limits on Congressional terms, an unprecedented move according to some scholars.

Apart from partisan issues, Liedl of the Heritage Foundation said he supports the concept of citizen-legislators but is wary of limiting terms by statute.

"There are some legitimate concerns," he said. "People ought to be able to vote for whomever they wish. The problem, however, is that by limiting the president's term, we have skewed the original balance of power in favor of Congress. The president must leave after eight years, but Congressmen can stay forever."

Colorado is considering a bill to impose limits on the service of Members of its own Hill delegation only.

"Repeal of the 22nd amendment would be my first choice. If that's not possible, perhaps the only way to re-establish parity is by limiting Congressional terms."

Liedl has another concern with the idea — "that it addresses the symptoms of the malady without addressing the cause. Incumbent re-election rates are so high because of the built-in advantages that incumbents have over challengers."

But voters are skeptical about incumbents ever going away with their own advantages. That is why many see limiting

Rotation in Office

You'd think the hot topic of concern on Capitol Hill last week might have been whether Mikhail Gorbachev will survive or even which military bases will be closed by the Bush budget. No way. Members and staffers were buzz over a front-page headline in the Capitol Hill newspaper, Roll Call. It read: "Drive to Restrict Hill Terms Gaining National Momentum." Now that is something for Members to worry about.

**12
is
Enough!**

Until recently, the drive to put a limit on terms of service in Congress has been ignored in Washington, though it's been a fixture on radio talk shows around the country for months. Tomorrow, a Washington group called Americans to Limit Congressional Terms (ALCT) will bring the battle inside the Beltway with a news conference kicking off a campaign for a constitutional amendment to limit Members to 12 years of consecutive service. They will also ask all candidates for Congress in this year's elections to pledge they will not serve more than 12 years.

The effort to limit congressional tenure—what Thomas Jefferson approvingly called "rotation in office"—is riding a tidal wave of voter disgust with Congress. Last month, a Gallup Poll found that 70% of those polled support the term-limitation idea. Not surprisingly, the same poll showed that 70% of those in Congress oppose any limit on terms.

Former GOP Congressman Jim Coyne, the co-chairman of ALCT, isn't surprised at this sharp division between the voters and their elected representatives. "Members of Congress have no idea of how frustrated people are with the institution," he says. "Voters feel the only way to control it is to limit how long people can remain part of the problem."

Mr. Coyne isn't the only former Member to have left Capitol Hill and come to the same conclusion. Some 33 former Members of Congress, including eight Democrats, are supporting ALCT's effort (see box).

Other former Members support limiting terms but stop short of endorsing a specific proposal. John Lindsay, a Democrat who also served as mayor of New York City, notes that the 90% re-election rate for House incumbents means "you no longer have effective competition for seats." He told us a term limit would mean there was at least some way to sweep out the old wood.

Five or six months ago, term limitation was built up an impressive

head of steam. Resolutions calling for a constitutional amendment are pending in 10 states, and both houses of the South Dakota Legislature have already approved it. Initiatives to limit the terms of state officeholders have qualified for the November ballot in California and Oklahoma.

Many supporters of term limits come to their position reluctantly. We are well aware, for instance, of the argument that such a system might place even more legislative power in the hands of unelected committee staffs, though we don't think this is an unavoidable result. Others argue that the idea limits the right of voters to elect whom they choose.

At the end of the day, however, one is left with the plain fact that the current incumbent-protection machine lets Members ward off nearly all challengers. In 1988, one out of five House Members had no major-party opposition. This year, 12 out of 27 Texas districts will see an incumbent running

Voices of Experience

Americans to Limit Congressional Terms hosts a National Advisory Board comprising the following former Members of Congress:

James C. Abourezk (D., S.D.)
Glenn Andrews (R., Ala.)
Lamar Baker (R., Tenn.)
Cleve Benedict (R., W. Va.)
Ben Blackburn (R., Cal.)
M. Caldwell Butler (R., Va.)
Daniel E. Burton (R., N.Y.)
Howard Callaway (R., Ga.)
James Cleveland (R., N.H.)
James Coyne (R., Penn.)
Paul Cronin (R., Mass.)
William Curtin (D., Ky.)
Thomas Curtin (R., Mo.)
James Dunn (R., Mich.)
Arlen Erdani (R., Minn.)
Donald Fraser (D., Minn.)
Ernie Hance (D., Texas)
Thomas Harmer (R., S.C.)
Elwood Hillis (R., Ind.)
Ken Holland (D., S.C.)
James Johnson (R., Colo.)
Walter Kudd (R., Minn.)
John LeBoutlier (R., N.Y.)
Paul McCloskey (R., Calif.)
Donald McGonley (D., Neb.)
Walter McVey (R., Kansas)
William S. Markard (R., Calif.)
Edwin Mors Jr. (R., Conn.)
Ronald Mort (D., Ohio)
Ned Patton (D., N.Y.)
Charlotte T. Reid (R., Ill.)
Kenneth Robinson (R., Va.)
Donald Rumsfeld (R., Ill.)

unopposed or with only a third-party opponent.

Of course, the term limitation effort doesn't have to succeed to force Congress to clean up its playpen. Members know that a limit on terms would be the public's ultimate vote of no confidence in the term-limitation mover. If the term-limitation mover's steam after tomorrow, we hope that Congress for once will have the sense to see clearly where the problem lies.

101ST CONGRESS
2D SESSION

S. J. RES. 235

Proposing a constitutional amendment to limit Congressional terms.

IN THE SENATE OF THE UNITED STATES

JANUARY 23, 1990

Mr. HUMPHREY (for himself and Mr. DECONCINI) introduced the following joint resolution; which was read twice and referred to the Committee on the Judiciary

JOINT RESOLUTION

Proposing a constitutional amendment to limit Congressional terms.

1 *Resolved by the Senate and House of Representatives of*
2 *the United States of America in Congress assembled (two-*
3 *thirds of each House concurring therein), That the following*
4 *article is proposed as an amendment to the Constitution of*
5 *the United States, which shall be valid to all intents and*
6 *purposes as part of the Constitution if ratified by the legisla-*
7 *tures of three-fourths of the several States within seven years*
8 *after its submission for ratification:*

1 "ARTICLE —

2 "SECTION 1. No person shall be elected to the Senate
3 for more than two full terms. No person shall be elected to
4 the House of Representatives for more than six full terms.

5 "SECTION 2. Notwithstanding section 1, a person may
6 serve not more than fourteen years as a Senator and not
7 more than thirteen years as a Representative.

8 "SECTION 3. For purposes of determining eligibility for
9 election under section 1, no election occurring before the date
10 on which this article is ratified shall be taken into account.
11 For purposes of determining years of service under section 2,
12 no service of any part of a term of office of a Senator or
13 Representative elected to such term before the date this arti-
14 cle is ratified shall be taken into account."

○

HOUSE

HCR 2023

Introduced

February 6, 1990

Referred on February 6, 1990

Rules

Judiciary

Government Operations

Introduced by

Representative Kromko

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA RELATING TO SUFFRAGE AND ELECTIONS; PRESCRIBING A LIMIT ON TERMS FOR PUBLIC OFFICES ESTABLISHED BY THIS CONSTITUTION, AND AMENDING ARTICLE VII, SECTION 15, CONSTITUTION OF ARIZONA.

- 1 Be it resolved by the House of Representatives of the State of Arizona,
2 the Senate concurring:
3 1. The following amendment of article VII, section 15, Constitution
4 of Arizona, is proposed to become valid when approved by a majority of the
5 qualified electors voting thereon and on proclamation of the Governor:
6 15. Qualifications for public office; limit on terms
7 Section 15. A. Every person elected or appointed to
8 any elective office of trust or profit under the authority of
9 the state, or any political division or any municipality-
10 thereof, shall be a qualified elector of the political
11 division or municipality in which such person shall be
12 elected.
13 B. A PERSON SHALL NOT BE ELECTED TO A PUBLIC OFFICE AND
14 A JUDGE SHALL NOT BE RETAINED IN OFFICE FOR A NUMBER OF TERMS
15 WHICH EXCEEDS TWELVE YEARS COMMENCING WITH TERMS OF OFFICE
16 BEGINNING IN 1991 AND THEREAFTER.
17 2. The proposed amendment (approved by a majority of the members
18 elected to each house of the Legislature, and entered upon the respective
19 journals thereof, together with the ayes and nays thereon) shall be by the
20 Secretary of State submitted to the qualified electors at the next regular
21 general election, or at a special election called for that purpose, as
22 provided by article XXI, Constitution of Arizona.

HOUSE

HCR 2024

Introduced
February 7, 1990

Referred on February 7, 1990

Rules _____

JUDICIARY

Introduced by

Representatives Herman: Hull, Johnson, Kromko, Updike, Wessel

A CONCURRENT RESOLUTION

PROPOSING AMENDMENTS TO THE CONSTITUTION OF ARIZONA RELATING TO THE LEGISLATURE AND THE EXECUTIVE DEPARTMENT; PRESCRIBING DESIGNATED LEGISLATIVE SEATS; PRESCRIBING TERMS OF OFFICE; PRESCRIBING LIMITS ON TERMS OF EXECUTIVE DEPARTMENT OFFICES; AMENDING ARTICLE IV, PART 2, SECTION 1 AND ARTICLE IV, PART 2, SECTION 21, CONSTITUTION OF ARIZONA; REPEALING ARTICLE V, SECTION 10, CONSTITUTION OF ARIZONA, AND AMENDING ARTICLE V, CONSTITUTION OF ARIZONA, BY ADDING SECTION 10.

- 1 Be it resolved by the House of Representatives of the state of Arizona,
2 the Senate concurring:
3 1. The following amendment of article IV, part 2, section 1,
4 Constitution of Arizona, is proposed to become valid when approved by a
5 majority of the qualified electors voting thereon and on proclamation of
6 the Governor:
7 1. Senate: house of representatives; members;
8 special session upon petition of members
9 Section 1. (1) The senate shall be composed of one
10 member elected from each of the thirty legislative
11 districts established by the legislature. The house of
12 representatives shall be composed of two members elected
13 from each of the thirty legislative districts established
14 by the legislature. BEGINNING WITH THE ELECTION OF THE
15 MEMBERS OF THE FORTY-FIRST LEGISLATURE, THE SEATS FOR THE
16 HOUSE OF REPRESENTATIVES FROM EACH LEGISLATIVE DISTRICT
17 SHALL BE DESIGNATED "A" AND "B" IN THE ALPHABETIC ORDER OF
18 THE SURNAMENES, THEN FIRST NAMES, OF THE CANDIDATES.

1 CANDIDATES FOR THE HOUSE OF REPRESENTATIVES SHALL RUN FOR
2 EITHER SEAT "A" OR SEAT "B".

3 (2) Upon the presentation to the governor of a
4 petition bearing the signatures of not less than
5 two-thirds of the members of each house, requesting that
6 he call a special session of the legislature and
7 designating the date of convening, the governor shall
8 forthwith call a special session to assemble on the date
9 specified. At a special session so called the subjects
10 which may be considered by the legislature shall not be
11 limited.

12 2. The following amendment of article IV, part 2, section 21,
13 Constitution of Arizona, is proposed to become valid when approved by a
14 majority of the qualified electors voting thereon and on proclamation of
15 the Governor:

16 21. Terms of members of legislature

17 Section 21. A. The members of the first
18 legislature shall hold office until the first Monday in
19 January, 1913. ~~The terms of office of the members of~~
20 ~~succeeding legislatures shall be two years.~~ BEGINNING WITH
21 THE GENERAL ELECTION OF THE MEMBERS OF THE FORTY-SECOND
22 LEGISLATURE, ALL MEMBERS OF THE LEGISLATURE SHALL SERVE
23 STAGGERED FOUR YEAR TERMS.

24 B. IN THE FORTY-FIRST LEGISLATURE, PERSONS ELECTED
25 FROM FIFTEEN OF THE THIRTY LEGISLATIVE DISTRICTS SHALL
26 SERVE A TWO YEAR TERM AND THE LEGISLATORS ELECTED FROM THE
27 REMAINING FIFTEEN LEGISLATIVE DISTRICTS SHALL SERVE A FOUR
28 YEAR TERM. THE DESIGNATION OF THE FIFTEEN TWO YEAR
29 LEGISLATIVE SEATS SHALL BE AS OTHERWISE PROVIDED BY LAW.

30 C. IN THE ELECTION FOR THE FORTY-SECOND
31 LEGISLATURE, ONLY THOSE FIFTEEN DISTRICT SEATS WHICH WERE
32 DESIGNATED FOR A TWO YEAR TERM IN THE FORTY-FIRST
33 LEGISLATURE WILL BE OPEN FOR AND SUBJECT TO ELECTION, AND
34 THOSE PERSONS ELECTED TO THOSE FIFTEEN DISTRICT SEATS
35 SHALL SERVE A FOUR YEAR TERM. THEREAFTER, THOSE FIFTEEN
36 DESIGNATED SEATS SHALL BE FOR A FOUR YEAR TERM, AS
37 PROVIDED IN SUBSECTION A OF THIS SECTION.

38 D. BEGINNING WITH THE TERMS OF THOSE MEMBERS OF THE
39 HOUSE OF REPRESENTATIVES AND THOSE MEMBERS OF THE SENATE
40 WHO ARE ELECTED TO THE FORTY-SECOND LEGISLATURE, A PERSON
41 SHALL NOT HOLD THE OFFICE OF STATE REPRESENTATIVE FOR MORE
42 THAN THREE CONSECUTIVE ELECTED TERMS AND A PERSON SHALL
43 NOT HOLD THE OFFICE OF STATE SENATOR FOR MORE THAN THREE
44 CONSECUTIVE ELECTED TERMS.

1 3. The repeal of article V, section 10, Constitution of Arizona, is
2 proposed to become valid when approved by a majority of the qualified
3 electors voting thereon and on proclamation of the Governor:

4 Article V, section 10, Constitution of Arizona,
5 relating to the terms of office of the state treasurer, is
6 repealed.

7 4. The following amendment of article V, Constitution of Arizona,
8 by adding section 10, is proposed to become valid when approved by a
9 majority of the qualified electors voting thereon and on proclamation of
10 the Governor:

11 10. Executive department offices; limitation on
12 terms

13 SECTION 10. BEGINNING IN 1995, A PERSON SHALL NOT
14 BE ELECTED TO HOLD A SINGLE EXECUTIVE DEPARTMENT OFFICE
15 FOR MORE THAN THREE CONSECUTIVE TERMS.

16 5. The proposed amendments and repeal (approved by a majority of
17 the members elected to each house of the Legislature, and entered upon the
18 respective journals thereof, together with the ayes and nays thereon)
19 shall be submitted as a single ballot question by the Secretary of State
20 to the qualified electors at the next regular general election, or at a
21 special election called for that purpose, as provided by article XXI,
22 Constitution of Arizona.

STATE OF ARIZONA
39th LEGISLATURE
SECOND REGULAR SESSION

REFERENCE TITLE: legislative seat; designation

HOUSE

HB 2610
Introduced
February 7, 1990

Referred on February 7, 1990

Rules _____

Judiciary

Introduced by

Representatives Hermon: Hull, Johnson, Kromko, Updike, Wessel

AN ACT

RELATING TO ELECTIONS AND ELECTORS; PRESCRIBING THE DESIGNATION OF SEATS
IN THE HOUSE OF REPRESENTATIVES, AND PROVIDING FOR CONDITIONAL ENACTMENT.

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Designation of initial two-year seat
3 Within ten days of the official canvass of the election at which
4 voters approve the amendments to the constitution to designate seats in
5 the house of representatives and to change and limit terms of certain
6 state and legislative offices, the secretary of state in the presence of
7 the state chairmen of the political parties which are entitled to
8 continued representation pursuant to section 16-804, Arizona Revised
9 Statutes, shall randomly draw a number between one and thirty. If the
10 number drawn is an odd number, the persons elected to the house of
11 representatives from the fifteen odd numbered legislative districts for
12 the forty-first legislature shall serve a two-year term, and the persons
13 elected to the house of representatives from the fifteen even numbered
14 districts shall serve a four-year term. If the number drawn is an even
15 number, the persons elected to the house of representatives from the
16 fifteen even-numbered legislative districts for the forty-first
17 legislature shall serve a two-year term and the persons elected to the
18 house of representatives from the fifteen odd-numbered districts shall
19 serve a four-year term.
20 Sec. 2. Conditional enactment
21 This act does not become effective unless the Constitution of
22 Arizona is amended by vote of the people at the next regular general
23 election to designate seats for the house of representatives and to change
24 and limit terms for certain state officers and legislators.

STATE OF ARIZONA
39th LEGISLATURE
SECOND REGULAR SESSION

REFERENCE TITLE: legislature; terms;
limit; salary

SENATE

SCR 1025

Introduced
February 6, 1990

Referred on February 13, 1990

Rules

Judiciary

Introduced by

Senators Corbet: De Long, Hays, Mawhinney, Osborn, Patterson, Rios,
Stephens

A CONCURRENT RESOLUTION

PROPOSING AMENDMENTS TO THE CONSTITUTION OF ARIZONA RELATING TO THE
LEGISLATURE; PRESCRIBING TERMS; PRESCRIBING A LIMIT ON TERMS; DESIGNATING
SEATS IN THE HOUSE OF REPRESENTATIVES; PROVIDING FOR SALARIES, AND
AMENDING ARTICLE IV, PART 2, SECTION 1, ARTICLE IV, PART 2, SECTION 21 AND
ARTICLE V, SECTION 13, CONSTITUTION OF ARIZONA.

1 Be it resolved by the Senate of the State of Arizona, the House of
2 Representatives concurring:

3 1. The following amendment of article IV, part 2, section 1,
4 Constitution of Arizona, is proposed to become valid when approved by a
5 majority of the qualified electors voting thereon and on proclamation of
6 the Governor:

7 1. Senate; house of representatives; members; special
8 session upon petition of members

9 Section 1. (1) The senate shall be composed of one
10 member elected from each of the thirty legislative districts
11 established by the legislature. The house of representatives
12 shall be composed of two members elected from each of the
13 thirty legislative districts established by the legislature.
14 THE HOUSE OF REPRESENTATIVES SEATS FROM EACH LEGISLATIVE
15 DISTRICT SHALL BE DESIGNATED "A" AND "B" IN THE ALPHABETIC
16 ORDER OF THE SURNAMES, THEN FIRST NAMES, AS THEY APPEAR ON THE
17 BALLOT, OF THE MEMBERS ELECTED TO THE FORTIETH LEGISLATURE.
18 THEREAFTER CANDIDATES FOR THE HOUSE OF REPRESENTATIVES SHALL
19 RUN SEPARATELY FOR EITHER SEAT "A" OR "B".

20 (2) Upon the presentation to the governor of a petition
21 bearing the signatures of not less than two-thirds of the
22 members of each house, requesting that he call a special
23 session of the legislature and designating the date of
24 convening, the governor shall forthwith call a special session
25 to assemble on the date specified. At a special session so

1 called the subjects which may be considered by the legislature
2 shall not be limited.

3 2. The following amendment of article IV, part 2, section 21,
4 Constitution of Arizona, is proposed to become valid when approved by a
5 majority of the qualified electors voting thereon and on proclamation of
6 the Governor:

7 21. Terms of members of legislature

8 Section 21. ~~The members of the first legislature shall~~
9 ~~hold office until the first Monday in January, 1913.~~ BEGINNING
10 WITH THE FORTIETH LEGISLATURE IN 1991, the terms of office of
11 the members of ~~succeeding legislatures~~ THE HOUSE OF
12 REPRESENTATIVES shall be two years AND THE TERMS OF OFFICE OF
13 THE MEMBERS OF THE SENATE SHALL BE FOUR YEARS. BEGINNING WITH
14 THE FORTIETH LEGISLATURE IN 1991 A PERSON SHALL NOT THEREAFTER
15 BE ELECTED TO MORE THAN SIX TERMS IN THE HOUSE OF
16 REPRESENTATIVES. BEGINNING WITH THE FORTIETH LEGISLATURE IN
17 1991 A PERSON SHALL NOT THEREAFTER BE ELECTED TO MORE THAN
18 THREE TERMS IN THE SENATE.

19 3. The following amendment of article V, section 13, Constitution
20 of Arizona, is proposed to become valid when approved by a majority of the
21 qualified electors voting thereon and on proclamation of the Governor:

22 13. Compensation of elective state officers; commission
23 on salaries for elective state officers

24 Section 13. A. The salaries of those holding elective
25 state offices shall be as established by law from time to
26 time, subject to the limitations of article 6, section 33 and
27 to the limitations of article 4, part 2, section 17. Such
28 salaries as are presently established may be altered from time
29 to time by the procedure established in this section or as
30 otherwise provided by law, except that legislative salaries
31 may be altered only by the procedures established in this
32 section.

33 B. A commission to be known as the commission on
34 salaries for elective state officers is authorized to be
35 established by the legislature. The commission shall be
36 composed of five members appointed from private life, two of
37 whom shall be appointed by the governor and one each by the
38 president of the senate, the speaker of the house of
39 representatives, and the chief justice. At such times as may
40 be directed by the legislature, the commission shall report to
41 the governor with recommendations concerning the rates of pay
42 of elected state officers. The governor shall upon the
43 receipt of such report make recommendations to the legislature
44 with respect to the exact rates of pay which he deems
45 advisable for those offices and positions other than for the
46 rates of pay of members of the legislature. Such
47 recommendations shall become effective at a time established
48 by the legislature after the transmission of the

1 recommendation of the governor without aid of further
2 legislative action unless, within such period of time, there
3 has been enacted into law a statute which establishes rates of
4 pay other than those proposed by the governor, or unless
5 either house of the legislature specifically disapproves all
6 or part of the governor's recommendation. The recommendations
7 of the governor, unless disapproved or altered within the time
8 provided by law, shall be effective; and any 1971
9 recommendations shall be effective as to all offices on the
10 first Monday in January of 1973. In case of either a
11 legislative enactment or disapproval by either house, the
12 recommendations shall be effective only insofar as not altered
13 or disapproved. The recommendations of the commission as to
14 legislative salaries shall be certified by it to the secretary
15 of state and the secretary of state shall submit to the
16 qualified electors at the next regular general election the
17 question, "Shall the recommendations of the commission on
18 salaries for elective state officers concerning legislative
19 salaries be accepted? /_/yes /_/no". Such recommendations if
20 approved by the electors shall become effective at the
21 beginning of the next regular legislative session without any
22 other authorizing legislation. All recommendations which
23 become effective under this section shall supersede all laws
24 enacted prior to their effective date relating to such
25 salaries.

26 C. NOTWITHSTANDING THE APPROVAL OR REJECTION OF THE
27 RECOMMENDATIONS OF THE COMMISSION ON SALARIES FOR ELECTIVE
28 STATE OFFICERS, BEGINNING WITH THE FORTIETH LEGISLATURE IN
29 1991 THE ANNUAL SALARY FOR A MEMBER OF THE LEGISLATURE SHALL
30 NOT BE LESS THAN THIRTY THOUSAND DOLLARS. LEGISLATIVE SALARIES
31 SHALL BE ADJUSTED ANNUALLY WITH THE PRICE OF GOODS AND
32 SERVICES AS MEASURED BY THE IMPLICIT PRICE DEFLATOR FOR THE
33 GROSS NATIONAL PRODUCT OR ITS SUCCESSOR AS REPORTED BY THE
34 UNITED STATES DEPARTMENT OF COMMERCE OR ITS SUCCESSOR AGENCY.

35 4. The proposed amendments (approved by a majority of the members
36 elected to each house of the Legislature, and entered upon the respective
37 journals thereof, together with the ayes and nays thereon) shall be
38 submitted as a single ballot question by the Secretary of State to the
39 qualified electors at the next regular general election, or at a special
40 election called for that purpose, as provided by article XXI, Constitution
41 of Arizona.

H 1537

1990 SESSION

DATE 02/12/90 TIME 08:18

PAGE

JOINT RESOLUTION by Graham (Similar H 1111)

Florida

Legislators/Terms; constitutional amendment to provide that no member of Legislature who has, or but for resignation would have, served as Senator or member of House of Representatives for more than seven years in consecutive terms shall be elected to that respective house for succeeding term. Creates s. 19, Art. III, s. 20, Art. XII.

01/12/90 H Prefiled

01/16/90 H Referred to Ethics & Elections

H 1111

JOINT RESOLUTION by Lombard (Similar H 1537)

Florida

Legislators/Terms; constitutional amendment to provide that no member of Legislature who has, or but for resignation would have, served as Senator or member of House of Representatives for more than eleven years in consecutive terms shall be elected to that respective house for succeeding term. Creates s. 19, Art. III.

01/11/90 H Prefiled

01/12/90 H Referred to Ethics & Elections

By Representative Lombard

1
2 A joint resolution proposing the creation of
3 Section 19 of Article III of the State
4 Constitution relating to terms of legislators.
5

6 Be It Resolved by the Legislature of the State of Florida:
7

8 That the creation of Section 19 of Article III of the
9 State Constitution set forth below is agreed to and shall be
10 submitted to the electors of Florida for approval or rejection
11 at the general election to be held in November 1990:

ARTICLE III

LEGISLATURE

12
13
14 SECTION 19. Limitation on terms of legislators.--No
15 member of the legislature who has, or but for resignation
16 would have, served as a senator or member of the house of
17 representatives for more than eleven years in consecutive
18 terms shall be elected to that respective house for the
19 succeeding term.

20 BE IT FURTHER RESOLVED that in accordance with the
21 requirements of section 101.161, Florida Statutes, the title
22 and substance of the amendment proposed herein shall appear on
23 the ballot as follows:

TERMS OF MEMBERS OF THE LEGISLATURE

24 Provides that no member of the Legislature who has, or
25 but for resignation would have, served as a Senator or member
26 of the House of Representatives for more than eleven years in
27 consecutive terms shall be elected to that respective house
28 for the succeeding term.
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This publication was produced at an average cost of 1.12 cents per single page in compliance with the Rules and for the information of members of the Legislature and the public.

CODING: Words stricken are deletions; words underlined are additions.

By Representative Graham

1
2 A joint resolution proposing the creation of
3 Section 19 of Article III and Section 20 of
4 Article XII of the State Constitution relating
5 to terms of legislators.
6

7 Be It Resolved by the Legislature of the State of Florida:
8

9 That the creation of Section 19 of Article III and
10 Section 20 of Article XII of the State Constitution set forth
11 below is agreed to and shall be submitted to the electors of
12 Florida for approval or rejection at the general election to
13 be held in November 1990:

ARTICLE III

LEGISLATURE

14 SECTION 19. Limitation on terms of legislators.--No
15 member of the legislature who has, or but for resignation
16 would have, served as a senator or member of the house of
17 representatives for more than seven years in consecutive terms
18 shall be elected to that respective house for the succeeding
19 term.
20
21

ARTICLE XII

SCHEDULE

22 SECTION 20. Legislators; terms.--The requirements of
23 Section 19 of Article III limiting the number of terms of
24 legislators shall apply only to legislators elected in
25 November 1992 and thereafter.
26
27

28 BE IT FURTHER RESOLVED that in accordance with the
29 requirements of section 101.161, Florida Statutes, the title
30 and substance of the amendment proposed herein shall appear on
31 the ballot as follows:

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This publication was produced at an average cost of 1.12 cents per single page in compliance with the Rules and for the information of members of the Legislature and the public.

CODING: Words stricken are deletions; words underlined are additions.

STATE OF OKLAHOMA

2nd Session of the 42nd Legislature (1990)

HOUSE JOINT
RESOLUTION NO. HJR 1040

BY: KEY

Charles D. Key

AS INTRODUCED

A JOINT RESOLUTION DIRECTING THE SECRETARY OF STATE TO REFER TO THE PEOPLE FOR THEIR APPROVAL OR REJECTION A PROPOSED AMENDMENT TO THE OKLAHOMA CONSTITUTION BY ADDING A NEW SECTION TO ARTICLE V TO BE DESIGNATED AS SECTION 17A; PROVIDING FOR LIMITATIONS ON THE NUMBER OF YEARS A PERSON COULD SERVE IN THE LEGISLATURE; PROVIDING EXCEPTIONS; PROVIDING BALLOT TITLE; AND DIRECTING FILING.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 2ND SESSION OF THE 42ND OKLAHOMA LEGISLATURE:

SECTION 1. The Secretary of State shall refer to the people for their approval or rejection, as and in the manner provided by law, the following proposed amendment to Article V of the Constitution of the State of Oklahoma by adding a new Section 17A to read as follows:

Section 17A. Any member of the Legislature who is elected to office after the effective date of this amendment shall be eligible to serve no more than twelve (12) years in the Oklahoma State Legislature. Years in Legislative office need not be consecutive and years of service in both the Senate and the House of Representatives shall be added together and included in determining the total number of Legislative years in office. The years served by any member elected or appointed to serve less than a full Legislative term to fill a vacancy in office shall not be included in the twelve-year limitation set forth herein; but no member who has completed twelve (12) years in office shall thereafter be eligible to serve a partial term. Any member who is serving a Legislative term in office or who has been elected or appointed to serve a term in office on the effective date hereof shall be entitled to complete his or her term and shall be eligible to serve an additional twelve (12) years

Req. No. 7190

Page :

1 thereafter. This amendment shall be effective on the 1st day of the
2 year following its adoption.

3 SECTION 2. The Ballot Title for the proposed Constitutional
4 amendment as set forth in SECTION 1 of this resolution shall be in
5 the following form:

6 BALLOT TITLE

7 Legislative Referendum No. _____ State Question No. _____

8 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

9 This measure amends Article 5 of the Oklahoma
10 Constitution by adding Section 17A. It provides that
11 any member of the Legislature elected to office after
12 the effective date of this amendment would be allowed
13 to serve no more than 12 years. Years served need not
14 be consecutive and service in either House of the
15 Legislature shall be counted. Time served by a member
16 elected or appointed to serve less than a full term
17 shall not be counted. No member who has completed a
18 12-year term shall be allowed to serve a partial term.
19 Members serving on the effective date or who have been
20 elected or appointed to serve are allowed to serve an
21 additional 12 years. The measure shall become
22 effective on the 1st day of the year following its
23 approval.

24 SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

25 YES, FOR THE AMENDMENT

26 NO, AGAINST THE AMENDMENT

27 SECTION 3. The Chief Clerk of the House of Representatives,
28 immediately after the passage of this resolution, shall prepare and
29 file one copy thereof, including the Ballot Title set forth in
30 SECTION 2 hereof, with the Secretary of State and one copy with the
31 Attorney General.
32

House Joint Resolution 9

Sponsored by Representative BURTON

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Proposes amendment to Oregon Constitution upon voter approval to fix term of member of House of Representatives at four years. Limits Senators and Representatives to no more than three terms. Prescribes transition procedures.

JOINT RESOLUTION

1 Be It Resolved by the Legislative Assembly of the State of Oregon:

2 PARAGRAPH 1. Section 4, Article IV of the Constitution of the State of Oregon, is amended
3 to read:

4 Sec. 4. (1) The Senators shall be elected for the term of four years, and Representatives for the
5 [term] terms of [two] four years. A Senator or Representative may serve no more than three
6 terms. The [term] terms of [each Senator and Representative] Senators and Representatives shall
7 commence on the second Monday in January following [his] election, and shall continue for the full
8 period of four years [or two years, as the case may be,] unless a different commencing day for such
9 terms shall have been appointed by law.
10

11 (2) The Senators and Representatives shall [continue to] be divided into two classes, in ac-
12 cordance with the division by lot provided for under the former provisions of this Constitution,) so that
13 one-half, as nearly as possible, of the number of Senators and Representatives, respectively shall
14 be elected biennially.

15 [(3) Any Senator or Representative whose term, under the former provisions of this section, would
16 have expired on the first Monday in January 1961, shall continue in office until the second Monday
17 in January 1961.]

18 (3) Notwithstanding the amendment to subsection (1) of this section, Representatives
19 elected in 1992 shall draw lots to determine whether they are to serve two-year or four-year
20 terms. The Secretary of State shall supervise the drawing so that the membership is divided
21 into two classes so that one-half shall be elected biennially.

22 (4) The provisions of subsection (1) of this section shall not apply to require any Repre-
23 sentative or Senator to resign from office because the term being served on the effective
24 date of this amendment exceeds the limits established in subsection (1) of this section.

25 *
26 PARAGRAPH 2. The amendment proposed by this resolution shall be submitted to the people
27 for their approval or rejection at the next regular general election.
28

Intitit

CONCURRENT RESOLUTION

1 WHEREAS, It is an established principle of this democracy
2 that power resides in an office of public trust, created by law,
3 and not in the person or prestige of the officeholder; and

4 WHEREAS, Longevity in office, through the repeated election
5 of a United States senator or representative, has become a source
6 of awesome power and prestige for select individuals because of the
7 system of Congressional seniority and the manner of assigning
8 committee chairmanships; and

9 WHEREAS, Longevity in office has produced numerous and
10 significant problems in the practical working of government;
11 moreover, it has helped to foster a professional, technocratic form
12 of democracy that has forfeited the interest and active support of
13 a majority of eligible voters; and

14 WHEREAS, The most direct and expedient means of addressing
15 the problems attendant on longevity in office is to place a
16 reasonable limit on the tenure of individuals who hold office, just
17 as a limit is placed, for similar reasons, on the tenure of a
18 president; and

19 WHEREAS, A limitation on an individual's term in a
20 congressional office would greatly improve the working of
21 government; the expense of government could be significantly
22 reduced, since a major portion of the congressional budget is
23 currently devoted to the reelection of incumbent congressmen; in
24 addition, members of Congress would be better able to concentrate

1 their efforts on the issues facing the nation rather than on the
2 problem of reelection; and members who do not expect to remain in
3 office indefinitely will be less beholden to special interests and
4 will be more inclined to consider the interest of the public; and

5 WHEREAS, A limitation on an individual's term in office could
6 produce far-reaching benefits for the nation as a whole, for states
7 and districts will be better represented as a result of greater
8 competition for office; and

9 WHEREAS, Government should become more responsive and more
10 representative of the public it serves; and public confidence in
11 equal representation can be restored if select officeholders do not
12 hold substantially more power than their peers in office; now,
13 therefore, be it

14 RESOLVED, That the 71st Legislature, 3rd Called Session, of
15 the State of Texas hereby make petition to the Congress of the
16 United States to call a convention for the specific and exclusive
17 purpose of proposing an amendment to the United States Constitution
18 that would limit the terms of members of Congress to two terms for
19 a United States Senator and six terms for a United States
20 Representative; and, be it further

21 RESOLVED, That the Texas secretary of state forward official
22 copies of this resolution to the speaker of the house of
23 representatives, to the president of the senate of the United
24 States Congress, and to all members of the Texas delegation to the
25 Congress, with the request that this resolution be officially
26 entered in the Congressional Record as a memorial to the Congress
27 of the United States of America; and, be it further

1 RESOLVED, That the Texas secretary of state forward official
2 copies of this resolution to the presiding officers of the
3 legislatures of the other states with the request that they join
4 this state in making application to the United States Congress to
5 call a convention for proposing the aforementioned amendment to the
6 United States Constitution.

Utah

LEGISLATIVE GENERAL COUNSEL

■ S. J. R. No. 24 ■

Approved for Filing RLR

Date 02-05-90 10:30 AM

(LIMITATION OF CONGRESSIONAL TERMS
AMENDMENT RESOLUTION)

1990

GENERAL SESSION

S. J. R. No. 24

By C. E. Peterson

A JOINT RESOLUTION OF THE LEGISLATURE PETITIONING THE CONGRESS OF THE UNITED STATES TO PROPOSE AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES, FOR SUBMISSION TO THE STATES, TO LIMIT THE NUMBER OF TERMS A PERSON MAY SERVE IN THE UNITED STATES HOUSE OF REPRESENTATIVES TO NO GREATER THAN SIX AND TO LIMIT THE NUMBER OF TERMS A PERSON MAY SERVE IN THE UNITED STATES SENATE TO NO GREATER THAN TWO, OR IN THE ALTERNATIVE, TO CALL A CONVENTION FOR THE SOLE AND EXCLUSIVE PURPOSE OF PROPOSING SUCH AN AMENDMENT FOR SUBMISSION TO THE STATES FOR RATIFICATION.

Be it resolved by the Legislature of the state of Utah:

WHEREAS Congress was originally envisioned by the founding fathers as a nonpartisan, part-time legislative body whose members would take time from their normal businesses and professions to attend the congressional session for four to five months annually;

WHEREAS the press of the nation's business has forced the Congress to become increasingly a highly-structured, professional, and hierarchical institution rather than an informal, flexible gathering of citizens and legal intellects that obtained in the federalist era;

1 WHEREAS the power of the incumbency has grown over time and, with the
2 institution of electronic media, to the point that the incumbent is
3 nearly unassailable in any normal election;

4 WHEREAS the seniority system in the Congress, though recently
5 reformed, still places disproportionate stress on electoral longevity;

6 WHEREAS innovative ideas and rejuvenated vigor are more likely to
7 come to the Congress through new members fresh from association with the
8 American people;

9 WHEREAS the most common complaint that the public makes about
10 congressional service is that congressmen spend more of their time
11 running for office than attending their duties;

12 WHEREAS the power of incumbency makes biennial congressional
13 elections an expensive, exasperating, and ultimately rather meaningless
14 waste of each congressman's time and talents; and

15 WHEREAS under Article V of the Constitution of the United States, an
16 amendment to the Constitution may be proposed by Congress, or on the
17 application of the legislatures of two-thirds of the states, the Congress
18 shall call a constitutional convention for the purpose of proposing an
19 amendment, which, in either case, shall become part of the Constitution
20 when ratified by three-fourths of the several states;

21 NOW, THEREFORE, BE IT RESOLVED by the Legislature of the state of
22 Utah, that the Congress of the United States is hereby petitioned to
23 propose an amendment to the Constitution of the United States, for
24 submission to the states for ratification, to limit the number of terms a
25 person may serve in the United States House of Representatives to no more