Beware Of Con Con Hidden In Term Limits Petition

May 23, 1996 by Phyllis Schlafly

One of the most popular and successful grassroots movements of the last decade has been the movement for Term Limits. All polls show that more than 70 percent of Americans support Term Limits for Members of Congress.

This majority is based on the voters' exasperation with how the current system is rigged for incumbents. Even in the stunning election of 1994, the reelection rate for incumbents was over 90 percent. The advocates of Term Limits believe that our country would be better served by a Congress of citizens who serve for a few years only, rather than by career politicians.

As a result of the popular demand for Term Limits, 23 states passed laws to limit the number of terms their own Members of Congress may serve. (And 21 states limited terms for their own state legislators).

The Term Limits movement was stopped in its tracks on May 22, 1995 by the outrageous act of judicial usurpation called U.S. Term Limits v. Thornton. In that 5-to-4 decision (despite a brilliant 89-page dissent by Justice Clarence Thomas), the Supreme Court struck down the laws of those 23 states that imposed limits on the terms of Members of Congress.

Meanwhile, the effort to pass a constitutional amendment to impose Term Limits failed to get the needed two-thirds majority in either House of Congress. Term Limits advocates, who played a big role in the election of the new Republican Congress in November 1994, felt betrayed.

Assuming their goal is a citizen Congress with frequent turnover, that goal could be substantially achieved by eliminating or reforming Congressional pensions. That goal would have immense popular appeal.

Congressional pensions are already far more generous than in private industry or even among other federal employees. More than 400 former Members currently collect an average of $45,000 a year in pensions, and many get far more (Tom Foley, $123,804 a year; Bob Michel $110,538 a year; Dan Rostenkowski, $96,462 a year).

Pensions in private industry (if any) usually don't vest until the employee has been with the company for several years, and they are skewed to advantage those who stay with the company. That makes sense in private industry, but Congressional pensions (if any) ought to be just the reverse, i.e., skewed against longevity.

While it may be exceedingly difficult to pass a constitutional amendment to limit terms to three for Representatives and two for Senators, it would be realistic to try for a simple majority vote for a statute that would permit pensions to accrue for only three terms for Representatives and two terms for Senators.

Instead of taking this direct route to achieving Congressional turnover, the organization called U.S. Term Limits has, unfortunately, adopted a plan to plunge America into a Constitutional Convention.

Article V of the U.S. Constitution requires that "on the Application of the Legislatures of two thirds of the several States, [Congress] shall call a Convention for proposing Amendments." This method has never been used; all 27 Amendments now in the Constitution were adopted in the traditional way (passage by a two-thirds majority in each House of Congress followed by ratification by three-fourths of the states).

U.S. Term Limits predicts that it can get the necessary two-thirds (34) of the states by direct lobbying of the legislatures in some states and by using the Initiative/Referendum method in other states. U.S. Term Limits has budgeted $10 million to carry out this plan.

The plan to put initiatives on the ballot to instruct state legislators to vote for a Constitutional Convention (Con Con) for Term Limits is well under way. U.S. Term Limits has targeted 18 states: Alaska, Arizona, Arkansas, California, Colorado, Idaho, Maine, Michigan, Missouri, Montana, Nebraska, Nevada, North Dakota, Oklahoma, Oregon, South Dakota, Washington, and Wyoming.

Have you ever asked people to sign a petition? The circulator says, "Will you sign our petition for (fill in the blank)?" If the respondent supports the goal, he usually signs promptly and seldom, if ever, reads the petition.

But the devil is in the details. The petitions circulated by U.S. Term Limits have a 14-line title followed by three solid pages of single-spaced, small-type text on legal-length paper. If you read the text, you probably won't sign the petition.

Those who do will be surprised to find that they have signed a petition to amend their state constitution to require state legislators to pass a resolution requesting Congress "to call a convention for proposing amendments to the Constitution." Furthermore, they will have signed a requirement that anyone who does not so vote will be punished by having printed adjacent to his name on the ballot in future elections: "Disregarded voters' instruction on term limits."

But the "voters' instruction" to state legislators is NOT for "term limits," but for a Constitutional Convention, and that is a horse of another color! Most voters who sign the Term Limits petition will have no idea that they are requiring their state legislature to make application to Congress to convene a Constitutional Convention.

U.S. Term Limits call this the "instruct and inform method." It certainly instructs state legislators and candidates, but it is downright dishonest in the way that petition signers are "informed."