Deceptive and Mischievous Term Limits Campaign

Sept. 19, 1996 by Phyllis Schlafly

"Deceptive and mischievous" is the way the Denver Post characterized a Term Limits initiative that will be on the Colorado ballot on November 5. The Post is right; the initiative is not only a bad idea, it's dishonest.

It's called a "Term Limits" initiative, but it doesn't establish any term limits at all, as petition-gatherers had led petition-signers to believe it would. Colorado already adopted term limits for state offices in 1990, and for county and municipal offices in 1994.

It is legally impossible for the initiative to establish term limits for Congressional offices because attempts by Colorado and several other states to do that were declared unconstitutional by the Supreme Court in 1995 in U.S. Term Limits v. Thornton. In a brilliant 88-page dissent, Justice Clarence Thomas showed that the Court's reasoning was wrong, but the Court's decision is the law of the land because the majority said so.

When Colorado citizens vote on the so-called Term Limits initiative in November, they not only won't be voting to establish term limits, they won't even be voting to instruct their state legislators to vote for term limits. They will be voting to order Colorado state legislators to pass a resolution calling for a new national Constitutional Convention, which is a very different issue.

The connection between Term Limits and a Constitutional Convention (known as a Con Con) takes us down a Byzantine byroad. If the Colorado initiative passes, and if Colorado and 33 other states pass identical Con Con resolutions, and if a Constitutional Convention is convened, and if it passes a Term Limits amendment to the U.S. Constitution, and if 36 states ratify that amendment, then we would have Term Limits.

That sounds like a direct-mail marketing plan for perpetual fundraising for the organization pushing it, U.S. Term Limits. Since the text of the proposed Term Limits amendment has no time limit (in contrast to all other 20th century amendments), the fundraising could continue for the lifetimes of the promoters.

The initiative includes even more layers of dishonesty. It requires that state legislators who fail to vote for a Constitutional Convention will have the words "DISREGARDED VOTER INSTRUCTION ON TERM LIMITS" (in solid caps) printed next to their names on the ballot the next time they run for office.

But the state legislators will not be voting on Term Limits at all; they will be voting on a Con Con. There are many reasons to vote NO on a Con Con that have nothing to do with whether one favors or opposes Term Limits.

The United States has not had a Constitutional Convention since the great one in 1787 that produced the Constitution we have successfully lived under for more than two centuries. It was chaired by George Washington and did its work in total secrecy, without any press leaks, factors which could never be repeated.

Those who toy with the notion that a new Constitutional Convention could solve any of our current political problems, or even debate the issues in a rational manner, should take a close look at this year's Republican and Democratic Conventions. Both were tightly scripted made-for-TV performance theater, and the elected Delegates were used as mere stage props.

Conventions have become soap operas. They've been Oprahized. But Oprah's audiences enjoy far more participation in the content of the program than the Convention Delegates did in San Diego or Chicago.

The memorable moments of the Republican Convention were Elizabeth Dole demonstrating that she can handle a live TV audience. The memorable moments of the Democratic Convention were Hillary Clinton telling employers to give their workers time off to take their pets to the vet, and Al Gore using his sister's death from smoking as a campaign tool.

Every convention makes its own rules, which means they are made by whoever manages to get control of the chair. There is no appeal from a convention's decisions, no matter how dishonest the proceedings.

Take one recent example. Pat Buchanan had 150 Delegates going into the Republican Convention in San Diego, but only 43 votes were cast in the Wednesday night roll call.

What happened to the missing hundred votes would be a great story for some investigative reporter. But the point here is, when the Convention adjourned sine die, there is no appeal to any higher authority for violations of the rules. All we can do is to say, like Claude Rains in Casablanca, that we are "shocked, shocked" to discover that such things go on.

The best way to avoid being shocked about what might happen at a new Constitutional Convention, is never to call one. The Colorado initiative, and the similar dishonest Term Limits/Con Con initiatives scheduled to be on the ballot in at least ten other states, should be rejected by the voters this November.