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U.S. Term Limits, Inc. v. Thornton

1. Citation

Mason, Alpheus Thomas and Donald Grier Stephenson, Jr. "U.S. Term Limits, Inc. v. Thornton. American Constitutional Law: Introductory Essays and Selected Cases, 16th Edition. Upper Saddle River, New Jersey: Pearson, 2012. Print.

2. The Facts

A. Material

In 1992 Arkansas voted to amend the state constitution to impose term limits on their legislators. Making house reps eligible if they were elected for 3 or more term and senates if they were elected 2 or more.

B. Legal

Can states impose tem limits on national legislators

3. Legal Issues

A. Specific

The state amendment would put restrictions on a candidate to appear on the ballot. Does the federal constitution allow states to put restrictions of national legislators? Petitioners argue that the constitution contains no express prohibition against stated-added qualifications, and that amendment 73 is therefore an appropriate exercise of a states reserved power to place additional restrictions on the choices that its own voters may make.

B. General

The power to add qualifications is not within the original powers of the states. The framers intended the constitution to be the exclusive source of qualifications for member's congress. The amendment is an indirect attempt to accomplish what the constitution prohibits Arkansas from accomplishing directly.

4. The Holding

Firmly convinced that allowing the several states to adopt term limits for

congressional service would effect a fundamental change in the constitutional framework. Any such change must come not by legislation adopted either by congress or by an individual state but rather through the amendment process. Court decides in favor of Thornton.

5. Legal rationale

Powell v. McCormack, principal issue was whether the power granted to congress to judge the qualifications of its own members includes the power to impose qualifications other than those set forth in the text of the constitution. It was held that it does not.

6. Questions

The majority says its unconstitutional because it is not stated in the constitution while the dissent says since it is not specifically stated it falls to the states.