

## **U.S. Term Limits, Inc. v. Thornton, 514 U.S. 779 (1995)<sup>1</sup>,**

was a case in which the Supreme Court of the United States ruled that states cannot impose qualifications for prospective members of the U.S. Congress stricter than those specified in the Constitution. The decision invalidated the Congressional term limit provisions of 23 states. The parties to the case were U.S. Term Limits, a non-profit pressure group, and the politician Ray Thornton, among others.

### **Background**

Amendment 73 to the Arkansas Constitution denied ballot access to any federal Congressional candidate having already served three terms in the U.S. House or two terms in the U.S. Senate.

Soon after the amendment's adoption by ballot measure at the general election on November 3, 1992, Bobbie Hill, a member of the League of Women Voters, sued in state court to have it invalidated. She alleged that the new restrictions amounted to an unwarranted expansion of the specific qualifications for membership in Congress enumerated in the U.S. Constitution:

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen (Article I, section 2),

and:

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen (Article I, section 3).

Also critical to the issue is the 17th Amendment, which transferred power to select US Senators from the state legislature, to the people of the state:

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

Both the trial court and the Arkansas Supreme Court agreed with Hill, declaring Amendment 73 unconstitutional.

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<sup>1</sup> Text of U.S. Term Limits, Inc. v. Thornton, 514 U.S. 779 (1995) is available from: ·  
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## Supreme Court decision

The Supreme Court affirmed by a 5-4 vote. The majority and minority articulated different views of the character of the federal structure established in the Constitution. Writing for the majority, Justice John Paul Stevens concluded that:

“ Finally, state-imposed restrictions, unlike the congressionally imposed restrictions at issue in *Powell*, violate a third idea central to this basic principle: that the right to choose representatives belongs not to the States, but to the people. ... Following the adoption of the 17th Amendment in 1913, this ideal was extended to elections for the Senate. The Congress of the United States, therefore, is not a confederation of nations in which separate sovereigns are represented by appointed delegates, but is instead a body composed of representatives of the people. ”

He further noted that sustaining Amendment 73 would result in "a patchwork of state qualifications" for U.S. Representatives, and described that consequence as inconsistent with "the uniformity and national character that the framers sought to insure." Concurring, Justice Anthony Kennedy wrote that the amendment would interfere with the "relationship between the people of the Nation and their National Government."

Justice Clarence Thomas, in dissent, countered that the Constitution's authority depends on "the consent of the people of each individual State, not the consent of the undifferentiated people of the Nation as a whole," and argued that on the question of whether the qualifications clause is exclusive, "The Constitution is simply silent...And where the Constitution is silent, it raises no bar to action by the States or the people."

The American Civil Liberties Union participated in the trial as an *amicus curiae*, urging it to uphold the Arkansas Supreme Court's decision.

See also

- List of United States Supreme Court cases, volume 514
- List of United States Supreme Court cases
- Lists of United States Supreme Court cases by volume
- List of United States Supreme Court cases by the Rehnquist Court

## References

- Summary of case from OYEZ