

## Congressional Term Limits

Donald N. Anderson, PhD

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### Term limits of the President

Since 1951 the President of the United States has been limited to two terms by the 22<sup>nd</sup> Amendment to our Constitution.

No comparable limits restrict the longevity of other federal office holders. In particular Members of the House of Representatives and U.S. Senators may continue to serve as long as they are re-elected.

The difference between President and the legislature is not surprising. Constitutional amendments originate in the legislature and go directly to the states for ratification. They do not require the President's signature. Amending the Constitution while bypassing Congress has not been done since the original Constitution was written.

### Why term limits?

Senators and Representatives often have a strong interest in retaining their office. As they gain more experience and seniority their power grows and they feel less and less replaceable. They can make a fine argument that their experience greatly benefits their state and they should be retained.

Voters in their home state may well agree. That seniority is most important in the less populous states that have too few members in the House of Representatives to wield effective voting power. The average state has 8 or more representatives, but 13 states have only one or 2 giving them the possibility of defeating any term limit constitutional amendment. Voters on the small states would definitely have to be convinced the benefits outweighed the costs.

One advantage may well be a wider choice. Often the November ballot contains the choice between an incumbent from one party and a newcomer from the other party. If your state or congressional district leans strongly to one of the two parties, the incumbent is almost sure to win. He has the name recognition plus the advantage of belonging to the favored party. In some districts one of the parties will either not field a candidate or put up only feebly supported candidates in opposition to an incumbent.

Citizens also notice that senior lawmakers are very often the most expensive lawmakers. As they grow farther away from earning a living by offering value for a customer's money and instead can spread money the bureaucracy has collected for them across demanding (and voting) constituents their resistance to additional expenditure weakens.

Many states will not limit their federal office holders if other states are not similarly limited.

The effect of term limits on an office holder's attitude toward public office is also important. It seems that only a fairly prompt return to the private sector can have the salutary effect of restraining their impulse toward spending other people's money.

There is also the attitude that elected public service is a transitory phase of life often engaged in only after a successful life in other sectors of the economy. Many feel this is important in retaining a true appreciation of their constituent's problems and the impact of the taxes levied.

### **Getting past congressional roadblocks**

It would be unreasonable to expect a majority of those in Congress to vote for an amendment that would limit or terminate their own term of office. Anticipating this reaction from Congress to certain proposals, the founding fathers constructed a second technique for amending the Constitution we can call the convention method. This proviso within Article V permits 2/3 of the states to request a Convention to propose amendments. The convention proposed amendments are sent to the states for ratification. This method has never been used, possibly because there exists the possibility of a "runaway" convention. Such a convention might propose wholesale changes to our Constitution. I believe the danger in using this method is slight since any convention proposals must also be adopted by  $\frac{3}{4}$  of the states. However, I have addressed this issue at greater length in another column called "Reviving Article 5," the first column in this series.

### **What kind of limit?**

Representatives are elected for 2 years and Senators for 6. If the limit were too short, for example a single term in the Senate, there would be considerable confusion and almost total loss of institutional skills. It might be wise to have some overlap of experienced lawmakers rather than start with an entirely fresh group each term. Therefore one reasonable set of limits might be a total of 12 years that could be split between the two bodies.

If a lawmaker had served for 8 years in the House, he would not be eligible to run for the Senate

### **A suggested amendment**

**Members of Congress shall serve a total of no more than twelve years.**

**As a transition elected members of Congress, at the time of this amendment's adoption by the states, may complete their current term even if that puts their total beyond 12 years.**

Note that if adoption by the States is completed just after a November election, all elected Senators or Representatives are covered by the transition rule.