



Ben Franklin at the Constitutional Convention, lucinadalunacy, 06 Jan 2008, flickr.

Taking Back the Constitution – Part 3 – Age and Experience Requirements for Federal Office

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... that this nation, under God, shall have a new birth of freedom – and that government of the people, by the people, for the people, shall not perish from the earth.
- Abraham Lincoln, Gettysburg Cemetery, 19 November 1863

People make, interpret and administer the law

It is easy to view our government as some type of abstract entity that exists independent of the people we pay to run it. As our Foundersⁱ well knew, this is not the case. Government is made up of human beings who have all the strengths, weaknesses, drives, ambitions, intelligence and stupidities of normal people. They are prone: to fair and unfair, honest and dishonest, generous and self-serving in their activities.

Since these character traits are present in the people running all the branches of our government, it behooves us to require more prior experience of these people. With experience in private jobs, they can be more truly *of the people* and have sympathies more closely coinciding with non-government employees. We can insist that these government employees have an adult employment experience separate from government. We can try to insure that their perspective on service is closer to that found in voluntary institutions, and not just institutions relying on force for their income and “customers.” If these government employees truly feel their government service is but a temporary part of their lives, perhaps we can obtain a government that, in more than rhetoric, is *for the people*.

Age minimums in our Constitution

At the time our Constitution was written, the average life expectancy in the U.S. was 39 years. Ben Franklin was a grand old man of 81 when he signed the Constitution, but he was the rarity. Alexander Hamilton, a brilliant and exceptionally experienced man of 32 at the signing, was killed at 49. Even the master dealmaker, James Madison, was only 36 when he worked on the Constitution. Thus, while cognizant of the need for mature and seasoned adults as lawmakers, the authors of the Constitution were well aware that any age limits had to be low to permit a wide selection of candidates.

Therefore, in spite of respect for mature judgment, our Founders specified few, fairly low age minimums in the Constitution.

- Persons elected to the House of Representatives must be at least 25 years old and have been a citizen for 7 years.ⁱⁱ
- Candidates for the Senate must be at least 30 and have been citizens for at least 9 years.ⁱⁱⁱ
- The President and Vice President must be at least 35 and be natural born citizens of our country.^{iv}

In those years, many people fully entered the adult workforce before they were teenagers. Thus, the variety of life experiences by age 25, 30, or 35 would be far greater than today's young adults who have spent many years in school.

2013 life expectancies are twice those at the time of the Founders. A much larger pool of candidates for office are available at greater maturities than ever before. Higher age requirements for our national elected office holders are very reasonable.

Age, maturity, variety of life experiences

Political maturity (or any other) certainly does not automatically come with age. We all know individuals of great age who have less appreciation for the possibilities and difficulties of life than some 18-year olds. Never-the-less, a certain seasoning comes only after one has experienced a wide variety of tasks, problems, and solutions across time.

I think it appropriate to raise age limits to recognize the much longer life spans Americans now enjoy. Mathematically we could add 39 years to each limit and still have many more citizens available as potential candidates in 2013.

A new proposal

I propose:

- 1) A modest jump in the minimum ages,
- 2) A small increase in length of citizenship,

- 3) A short residency requirement in the state to be represented, and
- 4) A new requirement for non-governmental work experience, or military service.

To represent a state the Constitution only requires the candidate live in the state when elected. No length of residency is required. This permits carpet bagging by moving to a state for a limited time prior to an election. Such candidates offer little familiarity with “their” state. They can clutter the ballot and divert attention from candidates who offer local knowledge. The amendment below requires state residency requirements equal to one term in office prior to the election in which a candidate runs.

The new requirement for non-governmental experience or active military service is an attempt to insure that those making the law would have lived as an ordinary working stiff and have a closer appreciation for the lives of those they seek to govern. The private experience requirement would disqualify candidates who seek to move directly from college into a government office, and chain successive offices into life-long careers. This requirement suggests making government service not a career, but a temporary honor, often the capstone of a long private career. Most citizens cannot relate to someone who has spent his entire working life in government service. The exception for active military service recognizes the special knowledge of our world these people bring to public office, and to honor it.

Fortunately, we still subscribe (at least in rhetoric) to the most moral economic system ever used by any country – capitalism.^v Experience in private, profit-making business is quite valuable in relating to the responsibilities of regular citizens. Only experience in private business is likely to develop skills in working with a tremendous variety of people and focusing on customer service.

No limits on the ages of Supreme Court Justices are currently present. This gives Presidents a strong incentive to appoint the youngest justice that can be confirmed. The amendment below limits this to the senior and hopefully more experienced judges.

My suggestion:

Amendment Number _____

The age minimums for candidates to the House, Senate and the Presidency are hereby changed to 40, 45, and 50 years, respectively. The minimum age for a Supreme Court Justice shall be 50 years.

The citizenship requirements for the House and Senate are changed to 15 and 20 years, and candidates shall, prior to election, have been residents the state they seek to represent for a minimum of two and six years respectively.

The President and Supreme Court Justices shall be natural born citizens.

Candidates for the House, Senate and Presidency shall show 10, 12 and 15 years respectively of gainful employment in a non-governmental profit-recording business. They may substitute active service in the nation’s armed forces on a year-by-year basis.

Each State’s election agency shall assure compliance with these requirements before placing the candidates or declared electors names on the ballot.

There is currently controversy about who is responsible for enforcing compliance with individual constitutional rules for federal offices. The last sentence of this amendment assigns this responsibility to state election officers, who already are responsible for the honest conduct of the elections.

ⁱ I will use the term Founders to denote those politically active at the time when our Constitution was written (1787) and particularly those active in the actual Constitutional Convention.

ⁱⁱ The Constitution of the United States of America, Article I, Section 2.

ⁱⁱⁱ Ibid, Article I, Section 3.

^{iv} Ibid, Article II, Section 1.

^v The system for interactions between humans known as capitalism is also the only truly moral system of economic relations. There are hundreds of references on this point as well as the usual counterarguments by those who have less respect for the individual. A short charming column on the subject by Wendy Milling called *Without Question, Capitalism Is Supremely Moral* may be found at <http://www.forbes.com/sites/realspin/2013/03/21/without-question-capitalism-is-surpreme-moral/>.