



Speaker John Boehner, V.P. Joe Biden, Harry Reid & Mitch McConnell, 20 Dec 2012, flickr

Taking Back the Constitution - Part 5 - Congressional Term Limits

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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 22nd 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. The Constitution has received no amendments, *while bypassing Congress*, even though provision for such amendments was included in Article V.

Why term limits?

Senators and Representatives often have a strong interest in retaining their offices. 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 and growing power greatly benefits their states.

Voters in their home states may well agree. Seniority is most important in the less populous states, those that have too few members in the House of Representatives to wield effective

voting power. The average state has eight or more representatives, but 13 states have only one or two, giving them the possibility of defeating any term limit constitutional amendment. Voters in small states would definitely have to be convinced that the benefits of term limits 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. That candidate has 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 note that senior lawmakers are very often the most expensive lawmakers. Spending other people's money appears to be addictive. Without the private market discipline of potential bankruptcy, legislators can pursue political objectives without serious regard for the cost. The money they spend is collected by force from the taxpayers regardless whether said "customer" feels well-served or not.

Most 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. The assurance of a prompt return to the private sector can restrain the spending impulse. The anticipation of being on the paying end, while the government continues to spend your money, has a sobering effect.

Fostering the attitude that elected public service is transitory is important. If your representative serves only after being engaged in other sectors of the economy, he is more likely to really empathize with the private citizen. From that experience, he will be more likely to understand the impact of taxes levied.

Getting past congressional roadblocks

It is unreasonable to expect a majority of Congress to vote for an amendment that would limit or terminate their own terms of office. Such an amendment is easy to describe, but much harder to enact. Thus, the Congressional-Stateⁱ method of amending the constitution is unlikely to achieve Congressional term limits. The Convention-State method will be required and no doubt will be bitterly opposed. Congress has consistently refused to act on calls for a convention.ⁱⁱ The amendment discussed in the second column of this series, "Replacing the convention method of proposing amendments" will probably be required before Congressional term limits have any chance.

What kind of limit?

Representatives are elected for a two-year term and Senators for six. 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. A twelve-year limit will permit some overlap of experienced

lawmakers with those newly elected. A candidate might split the 12-year limit between the House and Senate. For example, a Congressman could serve up to 12 years in the House, but could not run for the Senate after he had served more than six years in the House. A Senator could run for reelection only one time, but after his first six-year term could serve six years in the House before his eligibility ran out. Mark Levin in Chapter 2 of his book *The Liberty Amendments: Restoring the American Republic*ⁱⁱⁱ also suggests a 12-year limit.

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

I suggest:

Amendment Number _____

Members of Congress shall serve a total of no more than twelve years in House and Senate.

As a transition, elected members of Congress, at the time of this amendment's adoption by the states, may complete their current terms 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.

ⁱ See column 2 of this series where the various methods of amending the Constitution are discussed.

ⁱⁱ There have been over 700 calls for a convention by 49 of the states. An organization called "Friends Of the Article V Convention" exists to attempt revival of the convention method. They have a lot of important information about this problem at: <http://www.foavc.org/>

ⁱⁱⁱ Published by Threshold Editions on 13 August 2013. By 24 August it had reached the #3 best seller rank on Amazon and had received 340 customer reviews.