

# Term limits for legislators essay



## Term Limits For Legislators

When the Constitution of the United States was adopted in 1789, it was without direction regarding term limits for legislators. At the time, professional politicians were unheard of, and the idea of someone serving for more than one or two terms was unlikely. So the Constitution did not formally address the issue of term limits, although it was understood that officeholders would limit themselves to one or two terms and then return to private life (1).

With the advent of the modern state, however, came the making of Congress as a career, and thus the voluntary removal of oneself from office, as envisioned by the founders, is no longer regularly undertaken in the United States Congress.

The structure of the Congress supports members who have held office for several terms thereby undermining the idea of the citizen-legislator put forth by the founders. Instead of citizens who will soon return to the community that

elected them, professional Congress-people spend more time in Washington than in

their home states, and usually make Congress their career. What has developed

in recent years, in response to congressional careerism, is the drive to impose

limits on the length of time someone may serve in Congress. Currently,

advocates of term limits are calling for two terms in the Senate, and three in the House. It is possible, then, for a member to serve six years in the House,

twelve years in the Senate, eight years as Vice President, and eight years as President, a total of thirty-six years. It is not unlikely, therefore, that

there will continue to be career politicians. The issue is not about total time

that one may participate in government, rather it is about how long one may

serve in a particular capacity. Term limits enjoy popular, but not political,

support, thereby polarizing the electorate and the elected. This paper will

discuss the popular support for term limits, the arguments on both sides, and

draw conclusions about the need for Congressional term limits in the United

States

Support for term limits encompasses close to three-quarters of the

American population (2). The question is why. The simple answer is that the

American people no longer trust a system they view as corrupt and biased towards

the few. But the issue is really not this simple, nor is its basis of support.

While on the surface it is corruption and bias that feed the resolve for limits,

underneath it is too complex an issue to describe so succinctly. Rather the

issue includes Congressional scandals, allegations of bribery and sexual

harassment, questionable campaign contributions, and Congressional perks such as

no-interest loans and free, reserved parking at the airport (3).” To many, it

seems that one reason Congress has lost touch with ordinary people is

because so many members are in Congress too long.” (4) According to Ed

Crane

of the Cato Institute, “ Americans want to open up the political process. They

want their fellow citizens who live and work in the real world — the private

sector — to represent them. Not career legislators It would allow good people

from across the political spectrum to participate in the political process as

candidates, even if they happen to have spent most of their life outside the limelight in the private sector like the rest of us.” (5)

Clearly voters support term limits for a variety of reasons, yet these reasons all share a common feature: the desire for a more competitive electoral

process, and the hope that term limits will also limit corruption.

The strength of public support for term limits can be seen in the fact that several states voted to limit the length of time their representatives can serve in Congress. By the middle of 1995, almost half of the states had limited

the number of terms for their representatives. This success of the term limit movement at the grass roots level faced a serious setback when the Supreme Court

ruled in a 5-4 majority that such restrictions were unconstitutional. They argued that “ allowing individual States to craft their own qualifications for Congress would thus erode the structure envisioned by the Framers, a structure

that was designed to form a more perfect union’.”(6) The citizens and the

state are at the mercy, therefore, of Congress in terms of implementing limits.

Congress must decide to amend the Constitution. Since members of Congress face a conflict of interest on the issue of term limits, supporters of this initiative are going to have to become more creative in their lobbying.

An

example of how states may be able to get around this decision is the idea that

state representatives be asked to sign a statement regarding their support of term limits for Congress. Those representatives who do not sign or agree to work towards term limits will have a notation beside their name in the next election cycle that indicates their disregard for public opinion.

Term limits is a policy that has a base of endorsement in two important ways. First, it already has the support of the American people, and second, it is an unofficial policy that has its roots in the Articles of Confederation, if not the Constitution. Unfortunately, however these arguments alone are not enough to compel career legislators to adopt term limits. There are several other key arguments in favor of term limits that may prove persuasive in the

long run.

The power of incumbents in Congress is considered a reflection of the

professionalization of politics. It is all but impossible for challengers to

win against incumbents in the race for Congressional seats. The

professionalization of politics has “ enhanced the electoral advantages of

careerists” (7), or incumbents. Conversely, “ every enhancement of the

power of

incumbency exacerbates careerism”(8). So a cycle is created wherein career

politicians are more likely to get elected thereby encouraging politicians to

become careerists. “ Given the power of incumbency, proponents of term

limits

argue that election to Congress, in essence, equals life tenure.” (9)

When the triumph of incumbency is coupled with the seniority system that

assigns positions of power based on length of service it creates an

environment

where voters are afraid not to re-elect their representative in case their state

loses power. Ironically, the more senior a member becomes, the less

representative of his electorate and the more representative of special

interests he becomes. One need only look at Senator Thurmon who has been in

office since before Pearl Harbor. He is 93 years old and is already the oldest serving Senator ever. As Chair of the Senate Armed Services Committee, his

position is important to his home state of South Carolina – a state with a large

defense industry (10). He is consistently re-elected because of his senior

status within the Senate. It is all but impossible for a candidate to launch a

serious campaign against Thurmon, as no one in South Carolina wants to lose the

power his Chairmanship brings. Advocates argue that term limits will destroy

the system of seniority and replace it with a system of meritocracy (11).

Since

legislators will be serving a limited time, it is more likely that they will

adhere to the desires of their constituents since they will soon be returning to

live among them.

Opponents argue that limits already exist in the form of the electoral

process. People who do not feel their representative is doing an adequate job



can simply vote for someone else. Incumbents are as likely as any other candidate not to get elected. The argument continues with the idea that term

limits will mean a loss of experience on the part of legislators.(12)Because one serves in Congress for a potentially unlimited time, representatives are more likely to “ know about the rules, routines, and procedures that are essential to survival in Congress and may also know a great deal about how to

use the federal bureaucracy to serve their constituents.” (13)Incumbents, therefore, are necessary for Congress to run smoothly.

The argument that representatives must be in place for a long time in order to fully appreciate how to get things done is inherently flawed. The reason longer service in Congress is necessary now is that there are no limits to terms. Therefore, Congress is controlled by its most powerful (or longest standing) members. Term limits would remove the possibility of a seniority system and the advantages of incumbency thus creating conditions of equality between member of Congress.

The incumbency and seniority systems have created conditions whereby leadership positions “ are peopled exclusively by white males” (14). Women and minorities are underrepresented not only in actual numbers in Congress, but also in terms of leadership. Term limits would create more competitive elections and thus allow more women and minorities the opportunity for election. The system as it currently exists discourages minorities from entering a race because in a majority of seats the incumbent wins. Since the newcomers are not given the financial support of an incumbent, candidates must either be independently wealthy or stay out of the race (15).

Critics argue that there is considerable turnover at each election without the imposition of term limits, and that talented people will not seek office unless their political career possibilities are long-term (16). It is difficult to counter the idea that women and minorities are underrepresented or

that these groups would benefit from more competitive elections. Rather, the focus is on the inevitability of professional politicians and careerism as a logical by-product of the electoral system; a product that should simply be accepted by the people with..... no attempt to change it. This argument avoids the issues of minority representation and incumbency advantages and attempts to divert attention away from the fact that minorities do not play an equal or even proportional role in Congress.

Proponents of term limits argue for a return to citizen-legislators.

“ With the professionalization of American politics, instead of public engagement,

we end up with public estrangement; instead of civic commitment, we foster civic

abandonment; and instead of political empowerment, we are left with political

confinement.” (17)A citizen-legislator is someone who has a career in the private sector, spends a relatively short time in the public eye and then

returns home to live among his constituents again. Since the senior members of

Congress are most likely to be influenced by special interests, and are removed

from the people they represent, it can be argued that the citizen-legislator will behave in the opposite manner. The short-term member will likely pass fewer laws, and the laws he does support will be more reflective of his constituents' desires (18).

Critics argue that term limits would cause legislators to ignore their constituents during their final terms, and that limits would simply shift power from the incumbents to the staff members and the lobbyists (19). This shift would take power from those elected and give it to a non-partisan bureaucracy.

New

members would be at the mercy of their staff, and be crippled by their own inexperience.

It is highly unlikely that a member soon returning to live again in the community that elected him would ignore what his constituents wanted, or become

so far removed from them that he was unaware of their needs. In terms of the

power shift “ any Capitol Hill observer knows that it’s the most senior members

who are most dependent on staff and lobbyists, not the hot-shot young freshmen.”

(20) Therefore, Representatives serving a limited number of terms are not

likely to rely on their staffs to the extent that incumbents do currently,

thereby eliminating the fear that permanent staff members will really be running

the country. Additionally, senior members currently seek to remain in

Washington when they are no longer in office by locating a position as a

lobbyists or bureaucrat. With term limits this is also unlikely to happen

“ because the turnover on Capitol Hill will quickly make their contacts obsolete

and their influence limited.” (21)

It can be argued that the term limits initiative is a solution looking

for a problem. Yet, it can also be argued that term limits is an issue whose

time is now. While term limits may not solve all that is wrong with the

American system, it certainly is a step in the right direction. The system as is currently exists is rife with rank and privilege. In Congress, all members are supposedly equal, yet it is quite obvious that some are more equal than others.

Not only is the privilege of senior members a problem, but it also the perceived corruption that goes along with it. As people see their legislators moving farther away from them and closer to special interests it is easy to become disillusioned with the system. Because representatives are constantly

aware of the need for re-election they will often support bills that specifically help their state and in doing so appease the public enough to ensure their re-election bid. But is this truly governing? According to

Ehrenhalt,

“ Politics is, then, more than in the past, a job for people who prefer it to any other line of work. About these people one more important point should be made:

They tend not only to enjoy politics but to believe in government as an institution. The more somebody is required to sacrifice time and money and

private life to run for the city council, for the state legislature, or for

Congress, the more important it is for that person to believe that government is

a respectable enterprise with crucial work to do.” (22)

With term limits, politics will not be about a career. Rather, it will

be about a genuine intent to foster change. Term limits will government a respectable and approachable institution for all people.

What term limits may accomplish, then is a leveling of the playing field

and the invitation for all to come play. A representative government must

reflect the people it represents. This is not to say that the Congress must

adopt a policy of affirmative action in order to have equal representation of women and minorities, rather Congress must adopt term limits in order to foster

competition and creativity in its members and its electoral process.

When somewhere near seventy-five percent of a population supports an

initiative, it would seem to be good government that would support it. But when

that initiative infringes on the length of time a member may serve in Congress

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it becomes a conflict of interest that is unlikely to be passed. The very structure of Congress itself encourages members to seek re-election for several

terms by rewarding the most senior members with positions of power and influence.

This makes incumbent politicians very difficult to beat in an election, and it ensures that the most powerful people in the nation will continue to be white males. But white males do not reflect the cultural and ethnic make up of the United States. Nor do they represent the many and varied interests of their constituents. Term limits would make it very difficult for one cultural group to control the government. By fostering competition and by creating a system

where representatives must soon become the represented again, term limits set

up a more representative and equitable governing body. In addition, with the removal of seniority one gets meritocracy; with the citizen-legislator one becomes more aware of his constituents' needs, as he is never far from returning



to them; with competition the United States Congress can be held up as a truly

representative arm of government that includes women, minorities, and white men

in equally powerful positions.” Whose government is it anyway? With term limits,

it’s the people’s.” (23)

#### Endnotes

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