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Midterm Paper

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Term Limits as a Constitutional Critique

In the United States, the constitution is considered a sacred tribute to the nation’s past, a document that formed the rules that shape the lives of citizens today, as well as a set of guidelines for the future leaders and people of the country.

Because of the sanctified perception that surrounds the document, many citizens are quite hesitant to examine the constitution in order to make improvements. One of the main complaints and issues that arise from the constitution is its lack of term limits for those in a legislative office. On one hand there is an argument that says that putting term limits on congressmen will only limit the amount of experience in the legislature and therefore it will lose its wisdom. There is also the argument that if the people of the United States wanted a senator or representative out of office, they could just vote them out. Lastly, observing the state governments of California and Michigan, who both have term limits, show that creating term limits does not in fact improve any of the “problems” that those who want to create an amendment to instill a term limit point to. On the other hand, there is the argument that adding term limits as the 28th amendment would be a great addition to the country.

This argument claims that legislators will be more loyal to their constituents because they have to be constantly concerned with how much time they have left in office. Additionally, term limits will rid the legislature of most of the corruption that exists today because a corrupt legislator will only have a limited time in office. Lastly, this side of the argument suggests that creating term limits will ease gridlock and encourage legislators to make decisions based off of their constituent’s beliefs rather than lining up with their party’s beliefs. Although adding a term limit to congressmen and women may limit the amount of experience as well as defy the purpose of democracy, this amendment will reduce the amount of corrupt leaders, gridlock and provide a more representative governing body which is why it is the first issue that should be addressed in constitutional reform. Those who oppose congressional term limits have a legitimate argument as to why this limitation should not be introduced into the constitution.

One of the main arguments of opposing congressional term limits is that it would promote substantial loss of experience in congress. Participating in congress, whether it be in the House of Representatives or Senate, requires supreme knowledge of the way in which congress functions as well as how to react and conduct business with lobbyists, Non-Government Organizations and other bureaucrats. Term limits would banish them regardless of ability (Clark 30). No matter the politician, new members would not only have to gain experience, but they would also have to gain contacts and rebuild trust in order to accomplish a task. For example, as congressional members serve for a longer period they establish inroads with bureaucratic chiefs within the administrative agencies. These relationships can serve as a check on a president (Gay 2332). This, in turn, would keep the government in its unpretentious checks and balances form. Term limits would inhibit congressmen and women from progress because of their lack of experience, therefore, weakening the legislative branch as a whole. Not only would term limits risk introducing inexperienced politicians to Washington, but it would also punish congressmen and women who are loyal to their constituents.

While contrary to what reform supporters argue, senior members are often best able to rise above parochial concerns and participate effectively in the political process (Clark 29). While some citizens do not necessarily trust or approve of their representatives, others have come to know and trust the politicians who represent them. Establishing a term limit would require constituents to separate from the representative that they have learned to trust and who can represent them best. This would lead to politicians that the constituents do not feel comfortable with or who they feel does not know what is best for the people they represent. Additionally, there is an argument that instilling term limits is a direct disregard of the democratic principles the United States was founded on.

In principle, if constituents did not agree with the actions of their congressman or woman, they could opt to elect someone else in the next reelection. If a congressman truly “messed up” their terms are short enough (either 2 or 6 years) that there would not be a significant amount of damage or influence. A democracy reflects the wants of the people. Ronald Reagan, in his address to California Newspaper Publishers Association Banquet, said “And I am sure that if the people do know, they will make the right decision. I am confident of their judgments. And I welcome them and yours now and in the years ahead (Reagan 1)”. The power for the people to decide what they want has always been an American principle and instilling a term limit amendment would hinder that spirit. A final point in arguing why congressional terms limits should not be amended to the constitution is because the problems that it claims to solve will not be solved at all.

Currently, congressional term limits have been tested before at the state government level; in Michigan and California. In both of these instances, term limits have not had as great of an impact as one would expect. Both states show that their candidates have not become any more diverse nor have they passed any more bills or legislature while they have been in office (Sabato 51). These are two main opinions that a “pro term limit argument” would argue however at the state level, they do not play out in their advantage. Another study found that term limits also caused higher campaign costs (Sabato 52). Although in theory term limits eliminate issues in congress, when implemented at the state level, these issues could remain unsolved and there would be new ones that arise. Another argument to eliminate the high disapproval rating of congress is to add a constitutional amendment to include congressional term limits.

This side of the argument is based off of the idea that term limits would prevent congressmen and women from becoming career politicians. With a defined term limit, it would force politicians out of Washington after a certain amount of years and therefore allowing “new blood” to enter in the legislature. When the constitution was created, the primary job of legislators was not a congressman; it was a lawyer, teacher, etc. Politicians have transformed the role of congressman into a permanent job, with some of the representatives serving for nearly 40 years. This was not the intent of the Founding Fathers which is why term limits would prevent congressmen and women from creating a career based in Washington. Additionally, this side of the argument contends that enacting term limits would force congressmen to be more responsible to their constituents because they would one day be a constituent under their own policy. Creating term limits, according to this argument, would discourage career congressmen and hold them more accountable for the decisions that they make while in the legislature. An additional point that this side of the argument makes is that the implementation of term limits will create a better quality and productive congress.

In addition to motivating congressmen to act on behalf of their constituents because they will one day be one too, term limits will ensure that committee appointments within the legislature are not based off of seniority, but rather merit. This will warrant better leaders in the committees and will encourage a more progressive governing body. According to this side of the argument, term limits would also encourage committees to make more informed and insightful decisions rather than focus on the partisanship within the congressional body. Apart from the productiveness and character of congress, this argument believes that term limits will ease the advantage that incumbents have over opposing candidates.

In fact, 90 percent of House Members and 91 percent of Senators who sought re-election won last November-2013 (Cillizza 1). This side argues that term limits would give more opportunities for others to run for office and instigate more change within congress. Sometimes, the incumbent is not the right person for the job however they have the support of the party, the experience in elections and most importantly the financial resources to handily win their election term after term. With the installation of term limits, it would give others who may be more suited for a representative role a chance to run for election and serve his or her people. Although term limits pose a variety of advantages and disadvantages, adding a term limit amendment will not only satisfy the wants of the general public, but it will also create a more productive, representative and fair legislative branch;

closer to the original intent of the Founding Fathers. One of the most important opinions to take into consideration when having the discussion of term limits is that of the people. The idea to improve the legislature by implementing congressional term limits is incredibly popular among U.S. citizens. In fact, Americans believe that career legislators and professional politicians have created a gaping chasm between themselves and government (Crane and Samples 111). This strong advocacy for term limits is also reflected in Sabato’s results, where 66% of people polled were in favor of opposing term limits on congressional seats (193). Because the people are in favor of the addition of term limits, they should be imposed in order to verify the importance of the citizen and insure the idea that the power is in fact to the people. Additionally, term limits will prevent career politicians, which is a huge issue in today’s legislative body.

Because politicians will not remain in office for more than 20 years, they will cater their political decisions to their constituents because they will one day be a constituent as well. Term limits will also encourage turnover in congress which would reduce corruption by too much power. It would also serve as another way to assure that people run for public office for sake of civic duty rather than the monetary and power benefits. Some may argue that putting term limits on congressmen and women would take away the “good” representatives and eliminate valuable experience within the legislature. This is an illegitimate argument because although a congressman or woman may have valuable experience, the Founding Fathers discussed the need for a ‘rotation of office’ (Arguments n.p.).” The founders never intended for a congressional seat to be a full time job which is why, in today’s society, there is a need for a limit. However, if these politicians want to remain a part of the governmental process, they can use their valuable experience by running for a different political office at a local level or at a state level and infiltrating his/her skills and knowledge to other areas of society. Although some knowledge and familiarity may be lost, it is important to put term limits on congressmen because it will prevent the development of career politicians as well as encourage turnover in congress. Term limits should also be added to the constitution because presently, elections are skewed to heavily favor the incumbent.

The argument against term limits would claim that adding a term limit would be furthermore limiting democracy. They claim that if constituents did not agree with their legislator, they could simply vote him/ her out of office. This is also flawed logic because it is nearly impossible for incumbents to lose their elections due to their name recognition and more importantly, their discrepancy in monetary spending (in comparison to the opposing candidate). In 2010, the average incumbent in the House raised around $1.4 million, while the challengers averaged $166,000. In the same year, Senate incumbents averaged $9.4 million for each campaign, while challengers raised $519,000 (Arguments n.p.). This discrepancy prevents quality candidates from getting the opportunity to campaign on an even playing field. Term limits would give other qualified candidates the chance to run for office without the bias and power of an incumbent. Most importantly, in addition to leveling the playing field and preventing career politicians, term limits create a better quality legislature.

Naturally, term limits would assure that there would be a variety of new member of congressmen and women coming in and out of the legislative bodies. With most new members come new ideas and more to contribute to the group. Re-election would also not be on the minds of members so they would be more likely to compromise and cross party lines for the sake of progression. One last improvement of the quality of the legislative branch that would be a result of term limits is the appointment of committee chairs based on merit rather than seniority. In the current system, congressmen and women are appointed to committee chair positions based on the amount of years they have served. While in some cases this experience is beneficial, term limits would level the playing field and cause committee chairs to be elected by merit and expertise. All of these results of term limits make congress more productive and encourage a more productive and fair environment. Adding congressional term limits to the constitution is something that is necessary in today’s society.

Although people may argue that term limits do not utilize valuable experience in congressmen and women or that if the public wanted to vote corrupt politicians out of office, it is inarguable that the overall public wants to see a change in the system. Term limits will require legislators to remain loyal to their constituents as well as improve the overall quality and productivity of congress. Without the addition of term limits to the constitution, congressional politicians will continue to abuse the system, the people of the United States will be denied proper representation, and the government will be demoralized.

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