Time To Put Limits On Term Limits For Congress

February 20, 2002

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It's time to realize that the term limits movement itself has limits. It works well for the president, governors, state legislators, and even congressional chairmanships, where the trappings of power become irresistible.
But it makes no sense for individual Congressmen to pledge to term-limit themselves when their colleagues do not play by the same rules. Individual resignations based on term limits are like unilateral disarmament while our enemies keep their weapons.

In 1994, some of the best newcomers to Congress promised to limit their tenure to six years and to vote for legislation to establish that rule for all Members of Congress. They fulfilled their promise by supporting a constitutional amendment for term limits in 1995, but they were outvoted by those opposed to term limits.

Many of the best advocates for less government and congressional term limits did not run again in 2000, including Tom Coburn, Charles Canady, Matt Salmon, Mark Sanford, Jack Metcalf, David McIntosh, and Helen Chenoweth. They honored the letter more than the spirit of their pledges.

Two of those Republican seats were immediately grabbed by Democrats. The liberals never fell for the ruse of promising to relinquish office after three terms, and the term limits movement shamelessly campaigned to defeat conservatives who realized how counterproductive it is for one Member to abandon the fight.

It makes no sense for conservatives to leave after six years and abdicate power to the Democrats who insist on staying for decades. There is little evidence that conservative constituents wanted the guys they elected to give up the fight against the liberals who remained in office.

The original goal of the term limits movement certainly was not to advantage incumbents who support bigger government. But that's the result when conservatives retire after six years, letting liberals rise the seniority ladder.

Meanwhile, the term limits movement suffered a major setback in the 1995 U.S. Supreme Court decision in U.S. Term Limits v. Thornton, declaring unconstitutional the congressional term limits laws of 23 states. Justice Clarence Thomas issued a brilliant 89-page dissent, but his was a minority opinion.

Showing its frustration, the term limits movement adopted a desperate plan in late 1995 to plunge America into a Constitutional Convention that might possibly adopt term limits. Although permitted by Article V, this method of amending the U.S. Constitution has never been used and would be a dangerous leap into the unknown.

The late Chief Justice Warren Burger made the definitive statement about this method when he said: "There is no effective way to limit or muzzle the actions of a Constitutional Convention.... After a Convention is convened, it will be too late to stop the Convention if we don't like its agenda."

Targeting 18 states with a $10 million budget, the term limits movement circulated petitions to put initiatives on the ballot in November 1996 purporting to instruct state legislators to vote for term limits, but the fine print of these petitions instructed legislators to pass a resolution calling for a Constitutional Convention. This bait- and-switch operation, fortunately, failed.

Diehard term limits advocates continue to harass congressional candidates to self-limit themselves despite overwhelming evidence that it causes a result hostile to the original rationale for term limits.

Republicans who acquiesced in the term limit pledge should continue to fight for across-the-board term limits and limited government, but not abdicate power to those on the other side by fulfilling a pledge that is damaging to the conservative cause.

We hope that conservative Members of Congress will speak out against the midnight automatic pay raises that Congress repeatedly gives itself. But the cause of fiscal integrity is not advanced one iota when an individual Congressman rejects his own pay raise.

The record of the last decade proves that, when individual Republicans self-limit themselves, it not only fails to achieve the stated goal of a part-time citizen legislature, but in fact it greases the ladder for powerful incumbents to be reelected again and again. Party leaders with seniority even penalize their own party members who limit their terms by refusing to assign them to important committees.

No one can limit government by refusing to participate in government. An individual Member of Congress resigning in the name of term limits is self-defeating to the cause of limited government.

Term limits is a fine idea when it operates on a level playing field, e.g., applying equally to Ronald Reagan and Bill Clinton (per the 22nd Amendment), or limiting all governors or state legislators in a given state. But it's a terrible idea when it is used to force Republicans out of Congress and leave Democrats in power.