

## TERM LIMITS

Term limits in Congress have been widely debated over the years, and there are many opinions on both sides of the issue. Operation Wildfire reviews what the Founders thought about term limits, and looks at the pros and cons of imposing them.

### **What the Founders Believed**

The idea of term limits, connected to the notion of “rotation in office,” was popular during the early days of our republic.

Under the Articles of Confederation, term limits kept representatives to three terms in any six-year period. However, after considerable debate, the idea was abandoned during the construction of the Constitution because many Founders were skeptical of forced rotation’s usefulness.

Thomas Jefferson, himself, was wary of abandoning rotation, writing, “I apprehend that the total abandonment of the principle of rotation in the offices of president and senator will end in abuse. But my confidence is that there will for a long time be virtue and good sense enough in our countrymen to correct abuses.”

But some of the Constitution’s strongest advocates disagreed. James Madison wrote that term limits might actually lead to government dysfunction. He believed that frequent elections were a better check on power than forcing legislators out of office by law.

In Federalist 53, Madison wrote that the higher proportion of new representatives swept into office due to term limits could lead to poor decisions and corruption from a wave of inexperienced legislators. Madison surmised that the “greater the proportion of new members, and the less the information of the bulk of the members, the more apt will they be to fall into the snares that may be laid for them.”

Ultimately, the Constitution was ratified without term limits but the debate over rotation continued. Through the 19<sup>th</sup> century, regular rotation in office was common as citizens and politicians believed that periodic changes in public office were healthy for the republic. There were also practical limits on time in office, like shorter life spans. In the 20<sup>th</sup> century, however, long-term incumbency substantially increased and continues today.

Growth in governmental scope produced fewer turnovers and more careerism than previous eras. This led to a movement to curtail the power of near-permanent stays in office.

### **What the Voters Believe**

On January 23, 2023, a National Congressional Term Limits Poll was conducted by McLaughlin and Associates.<sup>1</sup> The results of that survey show that “voters overwhelmingly support implementing term limits on members of Congress. Support for term limits is broad and strong across all political, geographic and demographic groups. An overwhelming 82% of voters approve of a Constitutional amendment that will place term limits on members of Congress.”

According to an Insider/Morning Consult poll, “Americans think the government is too old – and wide margins support term limits, age caps and cognitive tests.” Walt Hickey, September 16, 2022.

For the record: The longest anyone has served in the U.S. Senate was 51 years, 5 months and 26 days, a record held by the late Robert C. Byrd (D-WV). The longest anyone has served in the U.S. House of Representatives was 59.06 years, a record held by the late U.S. Representative John Dingell, Jr. (D-MI).

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<sup>1</sup> This survey of 1,000 general election voters nationwide was conducted online; survey invitations were distributed randomly within predetermined geographic units structured to correlate with actual voter turnout in the general election. The poll has an accuracy of +/-3.1% at a 95% confidence interval.

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Americans overwhelmingly disapprove of the job Congress is doing, and have for some time, but voters still re-elect most members of Congress in every election. This phenomenon is partly explained by the finding that Americans have significantly more positive views of their own representative than they do of Congress overall.<sup>2</sup>

## The Case for Term Limits

Proponents of term limits argue the following points:

- Restricting the service of lawmakers prevents politicians from amassing too much power in Washington, D.C. and becoming too alienated from their constituents back home. The belief is that many lawmakers view the work as a career, not a temporary assignment, and spend much of their time raising money for their re-election and running for office instead of focusing on the important issues of the day. Term limits would remove the focus on politics and put it back on policy.
- New blood in Congress is a good thing. New members bring fresh ideas and aren't beholden to the outdated practices of Washington, D.C. that have left many voters frustrated and Congress' approval rating in shambles.
- Rotation in office would hinder the development of permanent relationships among members and special interests and lobbyists. Even when the ties did develop, they would last only until the member's term ends.
- Term limits discourage the creation of a permanent political class. Forced to run for different offices rather than for re-election as incumbents, a larger fraction of established candidates will be defeated. More elections will feature non-incumbents which, in turn, could put greater focus on issues than on constituent service.

## The Case against Term Limits

Those against imposing term limits argue that limiting the number of terms members of Congress can serve would:

- Take power away from voters. A fundamental principle in our system of government is that voters get to choose their representatives. Voter choices are restricted when a candidate is barred from being on the ballot. Our vote is our opportunity to limit the terms of our senators and representatives in Congress.
- Severely decrease Congressional capacity. Policymaking is a profession in and of itself. Our system tasks lawmakers with creating solutions to pressing societal problems, often with no simple answers. Crafting legislative proposals is a learned skill and, as in other professions, experience matters. The public is not best served if inexperienced members are making policy choices with widespread, lasting impacts.
- Limit incentives for gaining policy expertise. Members who know their time in Congress is limited will face less pressure to develop expertise on specific issues and impose a brain drain on the institution. Fewer experienced policymakers may result in increased influence of special interests ready, willing and able to fill the issue-specific information voids. This would also lead to greater deference to the Executive Branch and its agencies that make up the entrenched administrative bureaucracy charged with administering laws on a daily basis, given their greater expertise and longer tenure.
- Automatically remove effective lawmakers. No matter how knowledgeable or effectual a member may be in the tasks of writing and advancing legislation, term limits would ensure that his or her talents will run up against a strict time horizon. In what other profession do we force the best employees into retirement with no consideration as to their abilities or effectiveness on the job?
- Do little to minimize corruptive behavior or slow the revolving door. Term limit advocates contend lawmakers unconcerned with re-election will rebuff special interest pressures in favor of crafting and voting for legislation solely on its merits. With imposed term limits, more novice legislators will be forced to fill their own informational and policy gaps by an increased reliance on special interests and lobbyists.
- Do little to end the practice of gerrymandering – when boundaries are drawn with the intention of influencing who gets elected and frequently pits incumbent against incumbent.

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<sup>2</sup> Results of this Gallup poll are based on telephone interviews conducted February 25-26, 2013, on the Gallup Daily Tracking Survey, with a random sample of 1,017 adults, aged 18 and older, living in all 50 states and the District of Columbia.

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## What about Congressional Staff?

There is concern among critics of term limits that legislative turnover just increases the power of Congressional staffers, but having essentially permanent chairmen and ranking members leads to near-permanent staff too. In practice, voters seem no better served by a 30-year legislator than by a 30-year staffer, since both tend to represent the political culture, influential interests and the entrenched state more than anything approaching the public interest. Preventing life-time legislators at least creates a possibility of change. But does it?

Seasoned Congressional staff has the experience needed to assist members of Congress, from office setup/administration to policymaking, parliamentary procedures, budget processes and issue expertise. Just because term limits are imposed on the member of Congress does not mean that his or her staff would also be required to depart. In fact, many staffers already move from one office to another when their member is defeated in a re-election bid or decides to retire. So we ask again, in what other profession do we force the best employees into retirement with no consideration as to their abilities or effectiveness on the job?

## The “Fourth” Branch of Government

Term limits may solve the problem of Americans disliking Congress, but re-electing their own Senator or Representative. However, term limits will not address the larger problem of big-government incursions of the unelected “fourth” branch of government: the vast federal bureaucracy.

This is the true permanent political class. Progressive reformers appear to have created a system that left long-term power in the hands of the unelected bureaucratic staffers. This system has become more powerful and less accountable than anything the Founding Fathers conceived.<sup>3</sup> Term limits may give even more power to the unelected.

## Take Action

Now the ball is in your court! Contact your members of Congress and your members of the Pennsylvania General Assembly to learn more about term limits. You might ask them one or more of the following questions:

- Do you support Congressional term limits; why or why not?
- Would you seek re-election if the perks of office (like pensions) would be decreased or eliminated?
- How would you define the elements that would diminish your desire to remain in office?
- Do you believe serving in a political office should be a career?
- Should there be mandatory competency tests at a pre-determined age for lawmakers?

U.S. Senator Bob Casey  
Telephone: 814/357-0314  
Email: <https://www.casey.senate.gov/contact/share>

U.S. Senator John Fetterman  
Telephone: 717/782-3951  
Email: <https://www.fetterman.senate.gov/contact-2/>

U.S. Representative Glenn “GT” Thompson  
Telephone: 814/353-0215  
Email: <https://thompson.house.gov/contact>

To find your Pennsylvania State Legislators, visit:  
<https://www.legis.state.pa.us/cfdocs/legis/home/findyourlegislator>  
Other states may have something similar.

Term limits may become a reality in our lifetime. It may be a hard-fought battle that takes a number of years, but the history of our country shows nothing worthwhile is ever achieved easily. As President John F. Kennedy said: “We choose to ... do [these] things not because they are easy, but because they are hard.”

Sources: *United States Now*, Cato Institute, Brookings, U.S. Term Limits, *The Daily Signal*, History.com, Brennan Center

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<sup>3</sup> The Civil Service Act of 1883 has made it impossible to fire or remove career bureaucrats once they are hired, and the *Chevron U.S.A. Inc. v. Natural Resources Defense Council, Inc.* Supreme Court case, which ensures judicial deference to the bureaucracy in regard to regulation, has made the federal agencies more powerful with each passing year.