**Congressional Term Limits -- Government Reform or Political Ploy?**

Noah S. Emery, *Monmouth College*

nemery@monm.edu

**Abstract:** In this paper I will discuss how placing term limits on members of Congress would reform the Legislative Branch of the federal government. I examine how term limits would be a useful tool to reform the Legislative Branch by ending careerism in Congress, reducing wasteful spending, limiting the power of incumbency, limiting the influence of special interest groups and decreasing legislative gridlock. However, this paper focuses on the theory of placing term limits on members of Congress. Because the Constitution does not include term limits and they have never been instituted, there is no way to know how they would actually effect the federal government. In my research, I by studied states that have placed turn on their legislatures, such as Michigan and California, but there is no way to determine how term limits would actually affect the federal Legislative Branch because of the size and scope of the United States Congress.

Term limits are not a new phenomenon in the American political system. They were included in our country’s first governing document, the Articles of Confederation. Many states have either by referendum or legislation introduced term limits for their legislative and executive branches. In 1951, the President of the United States was limited to only two terms when the 22nd Amendment was ratified by the states. Members of Congress are the only elected representatives in the federal government that do not have term limited tenure. Term limits for Congress would reform the federal government by making it work better and increasing efficiency. Term limits would work as a reform tool by eliminating career politicians, reducing the power of incumbency, ending wasteful spending and pork projects, reducing the power of special interests and promoting less gridlock.

The history of term limits is rooted at the founding of the United States. The thirteen original colonies all believed their representatives at the Continental Congress should have a limited time to serve.  The United States first governing document, the Articles of Confederation, had a provision for term limits.  Article V of the Articles of Confederation stated that “no person shall be capable of being a delegate for more than three years in any term of six years” (Erler, 2009:3). When the Articles of Confederation were thrown out, the Founding Fathers decided the Constitution would leave out term limits that required ‘rotation in office’ for the Legislative Branch (Vance, 1994: 2).  During the Constitutional Convention there was little debate whether term limits would be in the new constitution. Only the delegation from Maryland voted to include term limits in the Constitution (Erler, 2009:3). The Framers of the Constitution tried to establish a balance between the needs of the citizens and the stability of a new government.  In 1776, John Adams spoke on that issue, “The principle difficulty lies, and the greatest care should be employed, in constituting this representative assembly. It should be in miniature an exact portrait of the people at large; it should think, feel, and act like them” (Vance, 1994: 3). However, the Founding Fathers were not all in agreement on how the new Constitution would be shaped regarding term limits. The Federalists were not in favor of placing term limits on the Legislative Branch and the Anti-Federalists favored a term limited legislature.

The authors of *The Federalist Papers*, which included Alexander Hamilton, James Madison, John Jay and other patriots, favored a system of representative democracy over direct democracy. They wanted legislators to be wise and capable of representing the people well when supporting the idea of representative democracy. The first reason the Federalists supported a representative democracy was the idea it worked best in nations with large geographical boundaries.   Also, the Federalists believed a direct democracy would not promote deliberate and civic-minded government (Erler, 2009). In *The Federalist Number 57*, James Madison wrote, “the aim of every political constitution is, or ought to be, first to obtain for rulers men who possess the most wisdom to discern, and most virtue to pursue, the common good of the society” (Kristol, 1993: 95-96). The Federalists were against term limits because they favored representative democracy and feared the general public could not be trusted when electing their leaders under a system of direct democracy. Alexander Hamilton believed that term limits would disrupt the stability of the country.  He believed representatives needed incentives that aligned their own interests with the interests of their constituents. It was the belief of the Federalists that without an incentive to be reelected, legislators would be less likely to work for the will of the people (Erler, 2009).

Thomas Jefferson, the most famous Anti-Federalist, was a proponent of term limits because he was suspicious of a representative democracy. Jefferson believed handing over that much power would corrupt elected officials (Erler, 2009).  Primarily, the Anti-Federalists thought a representative democracy was inferior to a direct democracy because the size of the country would make representatives live far away from those they represent. Anti-Federalists believed the purpose of the House of Representatives was to be the voice of the people; a representative democracy would not succeed at that goal (Erler, 2009).  Second, they feared that power would corrupt the people elected to serve. Finally, Jefferson and other Anti-Federalists did not believe that all elected officials should be from higher society. They believed individuals who served in Congress should be those who represented the general public (Erler, 2009). Despite Jefferson’s efforts, the Federalists won out and in the end. The Constitution did not include any provisions for limiting the number of terms a member of Congress can serve.

It would not be until 1990 that the debate over term limits for members of Congress would be a national issue again.  In 1990, voters in Oklahoma were the first who placed term limits on their state legislators. However, the most influential vote in favor of term limits for state legislators was in California. The California vote would lead to a powerful political movement in 1992.  That year, fifteen states limited terms for their congressional delegations with over 66% in support in every state (Greenberg, 1994).

The success of the term limit movement was fueled by the disapproval of how government was working. All across the country term limits were becoming more popular as a tool of government reform. In 1992, voters in New York City and Los Angeles placed term limits on their city leaders. The fifteen states where voters approved term limits accumulated votes than presidential candidate Ross Perot had nation wide. By 1995, twenty-three states had placed term limits on their congressional delegations (Erler, 2009).  Supporters of term limits believed they would lead to a fundamental, positive change in the American political system (Greenberg, 1994: 14).

In 1995, the momentum and success created by the term limit movement was ended by a Supreme Court ruling. Most opponents of term limits believed they were unconstitutional because they limited the voter’s right to choose their representatives in Congress. They believed that term limits for members of Congress were undemocratic because every two to six years members of Congress have to be reelected. The choice to send a representative to Congress should be in the hands of the people, not term limits (Bandow, 1995).

The case *U.S. Term Limits v. Thornton* was decided in a 5-4 opinion by the Supreme Court. They ruled that states could not impose term limits on members of Congress because states do not have the authority to add requirements to office under the Constitution.  Justice Stevens was joined by Justices Souter, Ginsburg, Breyer, and Kennedy in the majority opinion.  Justice Clarence Thomas wrote the dissenting opinion (Greenhouse, 1995).

Justice Stevens rejected the argument that the 10th Amendment gives the states power to impose term limits on member of Congress. He argued that the principles of federalism did not allow states to change the qualifications for Congress laid out in Article I, Section 2 of the Constitution (Erler, 2009).  Article I, Section 2 of the Constitution lays out the requirements for office: the House of Representatives require all members to be residents of their states, 25 years old and a United States citizen for seven years. The Senate requires all members to be 30 years old, citizens for nine years and residents in their state. According to Justice Stevens, the states did not have the constitutional authority to change the qualifications for Congress.

Justice Stevens wrote in his opinion that the building blocks of democracy came from the people not the states, “The right to choose representatives belongs not to the states, but to the people…members of Congress owe their allegiance to the people, and not the states” (Greenhouse, 1995: 1-2). The final argument of the majority was that if states were able to change the qualifications to becoming a member of Congress, there would be a ‘fundamental’ change in the framework of the Constitution (Greenhouse, 1995:2).

In his dissent, Justice Clarence Thomas, joined by Chief Justice Rehnquist, Justice O’Connor and Justice Scalia argued that nothing in the Constitution denied the states power to set additional qualifications on members of Congress. Since the citizens of each state elect their representatives and not the national government, individual states have the authority to impose further qualifications (Erler, 2009). Justice Thomas believed because the Constitution was silent on whether states had the power to change requirements on membership in Congress, the power was in the states’ hands. In the dissenting opinion he wrote, “Where the Constitution is silent about the exercise of a particular power – that is, where the Constitution does not speak either expressly or by necessary implication – the Federal Government lacks the power and states enjoy it” (Greenhouse, 1995:2). Despite the argument, Justice Thomas and the other three justices in dissent were unable to prevent the Court from deeming congressional term limits unconstitutional.

  The paramount reason advocates support term limits as a method of reforming the federal government is that citizen-legislators would replace career politicians. Placing term limits on members of Congress would end the practice making a career out of serving in Congress. Proponents argue term limits would end career politicians and lead to more citizen-legislators (Erler, 2009A Legislative Branch with term limits would create a more diverse legislature and members with more business experience. More business experience in Washington D.C. is important to many term limit supporters because the Congress has historically been made up of a majority of lawyers. George McGovern, the 1972 Democratic nominee for President, acknowledged a Congress with more business experience would have a positive impact on the political culture on Capitol Hill, “I wish I had know a little more about the problems of the private sector…I have to pay taxes, meet a payroll—I wish I had a better sense of what it took to do that when I was in Washington” (Tabarrok, 1994: 2). Term limits would change the Congress from a system of career politicians into a system of citizen-legislators. This is important because a citizen-legislator would be someone who serves for a relatively short amount of time in office then returns to private life and closely represents and shares the same values and characteristics of their constituents (Tabarrok, 1994).

In order to include term limits for the Legislative Branch, a new system of rotation in office would have to be established. Due to the Supreme Court ruling that made congressional term limits unconstitutional, the Constitution would have to be amended. It is believed that the benefits of churning the talent pool in Congress would exceed the potential costs of limiting the tenure of legislators (Will, 2008: 2). Term limits for members of Congress would lead to ending careerism for Congressmen. Ending the career aspect of being a member of Congress is the catalyst that would reform the federal government by reducing wasteful spending and pork projects, limiting the influence of special interests, reducing the power of incumbency and promoting less gridlock.

Term limits would reduce the power of incumbency and create higher turnover rates in Congress. Decades of experience is needed in Congress to gain political influence. The average tenure of a member of Congress in a leadership position is 27 years. In a legislative system with term limits, a representative would serve for a few years and then return to private life (Greenberg, 1994). Incumbents have an advantage because there is an atmosphere created in Congress where legislators can ignore the wishes of their constituency and act on behalf of their personal motives. This happens more frequently when reelection becomes more likely. Senior legislators can afford to ignore their constituencies. This becomes a continuous cycle of reelections (Tabarrok, 1994).

Regardless of political party, senior representatives, or members with six or more years in the House and twelve in the Senate, in Congress tend to vote for more and more increased spending. Voters often face a tough choice when deciding to reelect an incumbent. A more senior member of Congress may help the district but in the long term they could create bad consequences, such as pork spending and close relationships with lobbyists (Greenberg, 1994).

In addition, term limits would reform the federal government because they would solve the situation where incumbents continue to get reelected even though they ignore the wishes of their constituents. Voters reason that they should reelect their representatives because senior representatives have more power in Congress. Voters are often risk averse and vote for the most experienced candidate. By not reelecting an incumbent, voters hurt themselves because they risk losing a senior member of Congress representing their state or district. Term limits would work because they protect the risk adverse voter (Tabarrok, 1994).

Another positive impact term limit reform would create is that they would lead to higher turnover rates because of the mandatory rotation in office. The higher number of open-seat elections would lead to the increase of rotation in office. If legislation that was loaded with special projects and favoritism toward an interest group happened to get passed by Congress, a higher rate of turnover would be a check on the legislative process. The check would work because legislation is more likely to be overturned when turn over rates are high (Tabarrok, 1994). High turnover is needed because many Congressmen use their office to build relationships that help post-Congress careers (Greenberg, 1994). However, if the Congress were comprised of citizen-legislators, there would be less incentive to pass laws that may be overturned later and cause embarrassment because citizen-legislators would have already created a successful life outside of Congress.

The advantages an incumbent U.S. Representative or Senator has over a challenger are staggering. They receive over $1 million every year to furnish an office, cover travel expenses, franking mail and paying staff. The average cost of franking every year alone is nearly $160,000 each year (Greenberg, 1994). High name recognition and a campaign war chest loaded with campaign cash give incumbents a definite edge in their battles for reelection.

Due to the power of incumbency, turnover rates in Congress have traditionally averaged close to 10%. As the size of the prize of winning a seat in Congress grows, so does the cost of financing a campaign (Greenberg, 1994: 4). In 1974, the average cost for a challenger’s campaign for a seat in the House of Representatives was $100,435. That year the reelection rate for incumbents in the House was 88%. In 1984, the average cost for a challenger’s campaign for a seat in the House of Representatives was $518,781. The reelection rate for incumbents in the House was 95% in 1984.   In 1994, the average cost for a challenger’s campaign for a seat in the House of Representatives was $644,640. The reelection rate for incumbents in the House was 90% in 1994. In 2004, the average cost for a challenger’s campaign for a seat in the House of Representatives was $1.6 million. The reelection rate for incumbents in the House was 98% in 2004 (Center for Responsive Politics, 2009).

The power of the incumbency gives every member of Congress facing reelection a tremendous advantage over their opponents. Term limits would reduce the power of incumbents and raise turnover rates. Instituting them would make running for Congress less expensive and level competition for challengers against incumbents. Citizens seeking office in Congress would not have to spend millions of dollars to win a seat in Congress they cannot hold for any long period of time (Erler, 2009). In the 2004 U.S. House of Representatives election cycle, any challenger who spent less than $1 million dollars on their campaign did not win. For any challenger that same year who spent between $1 and $1.5 million, their chances defeating an incumbent were 16:1 (Center for Responsive Politics, 2009).

For United States Senators, reelection also favors incumbents. The exception for high reelection rates occurs when there are drastic changes in public opinion and mood. For example, in 1980 Ronald Reagan defeated President Carter, only 55% of the incumbents running for reelection won (Center for Responsive Politics, 2009). 1980 was a good example of the exception because of the Reagan Revolution. However, most of the time incumbent Senators win with few only a few defeats arising every election cycle. In 1974, 85% of incumbents won. In 1984, 90% of incumbents were reelected.  The numbers are similar in 1994 and 2004 also well. The United States Senators who ran for reelection in 1994 won 92% of the time and in 2004 the reelection rate was 96%. In 2004, the average amount raised by an incumbent Senator was $8.6 million dollars. The average amount by challengers was less than $1 million; they raised $962,073 (Center for Responsive Politics, 2009).

 In addition, term limits would be a positive reform tool because they would reduce wasteful spending and pork barrel projects. Voters often have a negative opinion of Congress as a whole but continue to reelect their own representatives.  This phenomenon occurs because legislators work hard to get reelected.  They bring pork projects and jobs back to home districts that tend to make their constituents happy.  Legislative term limits would reduce the incentive for members of Congress to work towards reelection by ending the need to continuously campaign and credit claim pork projects (Tabarrok, 1994). Therefore, more time would be spent on substantive policy issues.

 Ending pork barrel and wasteful spending is important because the United States is facing a budget deficit of $1.58 trillion. That accounts for 11.2% of the country’s GDP.  On top of that, the national debt is almost $12 trillion and is growing every day.  An out of control federal government that spends more than it generates in revenue can cripple the national economy.  When the federal government tries to cover the budget gap, government bonds are issued. These increase interest rates and inflation (Suddath, 2009).  Term limits for Congress are aimed to reduce government spending.

In Congress, there is a feeling of “Everybody does it”, regarding pork projects and credit claiming. From an average citizen’s perspective, it is the job of a legislator to get elected, loot the capitol and bring home the bacon (Will, 1991: 1). Therefore, it is common place for legislators to become attached to the programs they develop that make their constituents happy. If pork projects are successful, they need funding. Legislators are in a situation where it is vital to their reelection chances that they support higher spending to fund all their pork projects (Erler, 2009).

One of the most famous politicians known for his pork barreling is Senator Robert Byrd of West Virginia. Senator Byrd has had a long career in politics. He was first elected to the West Virginia House of Delegates in 1947 and then the state senate in 1951. In 1953, Robert Byrd was elected a United States Senator.  In 1989, Senator Byrd promised the people of West Virginia $1 billion dollars in federal project money.  At a cost of $1.2 billion, he allocated federal money to move 3,000 CIA jobs supposed to be going to Washington D.C., to Almost Heaven, West Virginia (Will, 1991).  Then in 1991, the Senate passed a transportation bill at a cost of $387 million to taxpayers. Senator Byrd was able to steer $182 million to fund federal projects in his home state.  In 1991, the population of West Virginia was 1.8 million people. The transportation bill had only $205 million to allocate to the rest of the country after Senator Byrd used his experience and political power to bring home the bacon for West Virginia (Will, 1991).

Senator Byrd is not alone, every year there are millions of dollars in pork spending awarded to members of Congress. Highlighted are several outrageous examples of legislators who bring home the bacon for their states. In 2002, former Senator Ted Stevens (R-Alaska) brought home $451 million in pork spending.  Senator Dan Inouye (D-Hawaii) was able to capture $432 million for his state.  The always pork happy Senator Robert Byrd (D-West Virginia) was awarded $388 million in pork projects.  Senator Conrad Burns (R-Montana) directed $400,000 to the Montana Sheep Institute. Senator Richard Shelby (R-Alabama) got $2 million in pork to refurbish the Vulcan Statue in Birmingham (Citizens Against Government Waste, 2002).

In 2006, former Senator Ted Stevens (R-Alaska) brought home $325 million in pork spending. Senator Dan Inouye (D-Hawaii) was able to capture $482 million for his state. Congressman Vern Ehlers (R-Michigan) allocated $1 million for the Wastefree Urinal Conservation Initiative.  Senator Harry Reid (D-Nevada) was able to deliver $100,000 for the Richard Steele Boxing Club in Henderson, Nevada (Citizens Against Government Waste, 2006).

 In 2008, former Senator Ted Stevens (R-Alaska) brought home $165 million in pork spending for defense. Senator Dan Inouye (D-Hawaii) was able to capture $173 million in defense spending for his state. Senator Harry Reid (D-Nevada) was able to deliver $196,000 to renovate an historic post office in Las Vegas. Congressman Mike Thompson (D-California) got $211,509 in pork spending for olive fruit fly research in Paris, France (Citizens Against Government Waste, 2008).

Every state is affected by legislators who bring home pork projects.  In 2000, the state awarded the most pork was Alaska. The constituents of the Alaskan delegation were awarded with $394 million in federal pork projects. Wyoming was last with only $1 million in federal pork projects. The national average per person in pork was $25.92. In 2008, the national average increased to $33.77 per person in federal pork. The state with the most pork awarded in 2008 was Alaska. They received $379 million in federal pork. The state with the least pork was Arizona. They received $89 million in pork spending (Citizens Against Government Waste, 2008).

Another reason advocates of term limits believe they would reform government are by reducing the power special interest groups use to influence legislators. Careerism in Congress has lead to close relationships between special interest groups and legislators. Members of Congress are more likely to support a special interest than their constituents if they develop a close relationship with special interests. Advocates believe term limits would reverse the trend of legislators ignoring their constituents (Will, 1992: 164). Lobbyists and special interest groups oppose term limits because they do not want to lose the valuable relationships they have worked hard to establish with members of Congress.  It is essential lobbyists build relationships with politicians and use the government to advance their agenda. It is common for lobbyists and special interests to use their influence over legislators win subsidies, government programs, regulations and jobs in exchange for campaign cash (Greenberg, 1994). In addition to campaign contributions to elected officials and candidates, companies, labor unions, and other organizations spend billions of dollars each year to lobby Congress and federal agencies (Center for Responsive Politics).

The influence and power of special interest have over legislators has grown large the past several years. In 1998, the total amount of lobbying spent on the federal government was $1.43 billion. That number grew to $3.46 billion in 2009.  From 1998-2009, the special interest group that spent the most on lobbying Congress and other federal government agencies was the U.S. Chamber of Commerce. They spent over $600 million on lobbying the government.  The next two biggest spenders were the American Medical Association who spent almost $221 million and General Electric spent $196 million on their lobbying efforts (Center for Responsive Politics). Billions of dollars are spent on lobbying Congress and the federal government every year. The influence special interests have in the legislative process is enormous. For example, big business and powerful labor unions were strange bedfellows in 1993 when they opposed term limit laws being introduced in Michigan. Corporations like Chrysler, Blue Cross-Blue Shield, and Bell Telephone joined with unions like Teamsters, United Auto Workers and the AFL-CIO (Greenberg, 1994).

Term limits would reform government because trust between lobbyists and legislators would be harder to develop with term limits. Lobbyists would not be as eager to spend the time and effort to build a relationship that will not last very long. Legislators would not give into special interests and support a lobbyist’s agenda for campaign cash (Tabarrok, 1994).

The last avenue for reform offered by term limits on members on Congress is they would lead to less gridlock in the government and promote more deliberation.  Gridlock in Congress makes the government move slowly and causes the negative feeling most Americans have towards Congress. The main reason gridlock occurs in Congress is due to the structure of the Legislative Branch. Congress does not have a single decision maker. In the Senate, there is the Majority Leader and his deputies and the Minority Leader and his deputies. In the House, the Speaker is the most powerful position. But there is also the Majority and Minority Leader and the Whips for both parties. With all these people in positions of power, urgent and landmark legislation cannot be passed in a quick manner (Tabarrok, 1994).

 Once again, term limits would reform the federal government monumentally. They would move the country towards a political system with a stronger Executive Branch and weaker Legislature Branch. Much of the support for term limits for members of Congress is connected to support for a strong Executive Branch (Tabarrok, 1994).  Proponents of term limits believe that as the number of important issues facing the country grows and as the gridlock in Congress continues, more responsibility needs to be handed over to the Executive Branch (Tabarrok, 1994).

As history has shown, the Legislative Branch cannot handle all of its responsibilities. One of the problems causing gridlock is the amount of bills introduced in Congress. The 104th Congress (1994-1995) had 6,542 pieces of legislation introduced.  Ten years later, the 109th Congress had more than 10,000 bills introduced (Harper, 2008). Proponents believe term limits would lead to more deliberation and less gridlock because legislators would debate and pass legislation based on merit and not partisan talking points (Will, 1992).  In 2008, members of Congress introduced more than 10,000 bills but did not pass any of the twelve annual bills in the Senate that outline federal spending for the year 2009 and the House only passed one of those appropriations bills. The twelve annual bills approve funding for every House Appropriations and Senate Subcommittee. Also, the Congress failed passing a federal budget for the fiscal year 2008 on time. It was not until February, a third of the way through the fiscal year, until the budget was passed (Harper, 2008).

The support for term limits has not gone on without detractors who believe they would fail at reforming the government. Opponents believe that they are not a useful reform tool. In fact, they believe term limits may actually damage the legislative process.  The first reason for opposition to term limits is that it is unclear whether citizen-legislators are better than career legislators for the legislative process.  Being a member of Congress and making a career being a legislator could be desirable for citizens looking to be public servants. If term limits were instituted, it would take less time for members to achieve leadership positions. That means more people would want to be a member of Congress because they could take hold of power quicker (Reed and Schansberg, 1994). Also, citizens looking to start a career in public service would be hindered if term limits were instituted on members of Congress. This would have a negative impact because highly qualified candidates would decline to run. Without highly qualified candidates running for Congress, a decline in the quality of the members of the House of Representatives and Senate would result (Mondak, 1995: 724). Potentially qualified candidates would refuse to run because the career aspect would be eliminated. Candidates would not take the risk and they would stay within their profession where they are already successful (Mondak, 1995: 718).

Furthermore, experienced legislators could not run for reelection and would have to seek higher office or retire (Rosenbaum, 2000). In the United States Senate, term limits would produce lower average seniority and more first term and last term Senators (Franklin and Westin, 1996).  Legislators in leadership positions would be less experienced (Erler, 2009). Less experienced legislators would be more susceptible to lobbyists and term limited legislators would not have the incentive of getting reelected to care about their actions near the end of their terms (Will, 2008).

The second reason opponents of term limits argue they fail as a useful reform toll is that gridlock in Congress may not necessarily be a sign of institutional inefficiency. They argue that the Congress is a diverse collection of ideas and opinions. Congress is divided and often in gridlock because the ideas and opinions of the citizens are diverse and represented by 535 members in the House and Senate.  Congress was created by the Founding Fathers to be representative body of the United States government and gridlock should be expected with all the diversity across the country (Tabarrok, 1994).

The third reason opponents doubt term limits would be an effective tool to reform the federal government is that current turnover rates are acceptable. Instituting term limits would actually create less competition for incumbents. There is no need for term limits because there would be a larger amount of open seat elections created by them so candidates would not challenge incumbents (Mondak, 1995). Also, if turnover rates were systematically forced on legislators, the seniority system in Congress would be damaged.  The seniority system is important because it allows incumbents to control incoming freshman Congressmen. Veteran members of Congress appoint incoming members to their committee assignments. Without experienced leadership there could be chaos (Greenberg, 1994: 7).

In addition, higher turnover rates would increase the power of the congressional staffs (Kristol, 1993). Congressional staffs, along with the bureaucracy, would gain more power because high turnover rates would deprive Congress of experienced members who have the knowledge and experience needed to be an effective legislator (Kristol, 1993). Opponents argue this would hurt the legislative process in the terms of making policy. If term limits were placed on members of the House and Senate there would be a greater increase in the loss of seniority and more members every year would be serving their last term (Franklin and Westin, 1996). The last term or year(s) in office is often called ‘lame duck’ (Erler, 2009: 29). A Congress full of lame duck members and freshman legislators would weaken the power of committees, party leaders and policy making.

The power of committee chairmen and party leaders would be weakened because term limits would create a timeline where legislators would feel a need to pass legislation and achieve legislative goals quickly. In turn, legislators would be more likely to pass less substantial legislation and the focus of Congress would shift to more symbolic measures. Without being able to stay in office for a significant time period, legislators would not likely work hard on policies that would have an immediate impact. This would occur because legislators would not be in office long enough to grasp the subtleties that are involved when attempting to pass complex legislation. Therefore, legislators would be more likely to focus on short-term policy goals than long-term policy goals (Erler, 2009). Moreover, term limits may not reduce the value of being a member of Congress. If term limits make it easier for members of Congress to reach positions of power, such as committee chairs, the value of being elected to Congress could increase (Reed and Schansberg, 1994).

The fourth argument against term limits is that they would not reduce the power of special interests. Opponents argue that special interest and lobbyists have other methods of influencing legislators than just lobbying individual members. Special interests would shift attention and lobby the political parties. After all, the political parties have lasted longer than any individual politician (Tabarrok, 1994: 5). Opponents of term limits also argue that special interests may not be bad actors in the political process. For example, the public good of national defense is provided because military contractors have an interest in lobbying for national defense. Instituting term limits to reform the federal government by reducing the power of special interests may not actually be in the best interest of the country (Tabarrok, 1994).

             The final reason why opponents argue implementing term limits on members of Congress is not a good idea is sheer political gimmickry. Opponents believe term limits would be instituted for political gain and not for government reform. They believe the proponents of term limits embrace them so they can use them as a political weapon. If term limits were instituted on members of Congress, they could increase representation of one political party at the expense of the other. The Republican Party, the main political force behind pro-business and a term limited legislature, would gain from the implementation of term limits. Partisan politics would spoil any chance the Democratic Party would support term limit reform (Reed and Schansberg, 1994).

Proponents and opponents of instituting term limits as a means of government reform on the national level can only debate what they believe their impact will be. The true impact of placing term limits on members of Congress is almost impossible to predict. They have never been implemented on a national level.  Advocates for term limit reform believe they would eliminate career politicians, reduce the power of incumbency, end wasteful spending and pork projects, reduce the power of special interests and promote less gridlock. But, they cannot produce concrete evidence proving their claims.

            The Cato Institute studied how key votes by junior and senior members of Congress voted on important budget and tax issues between 1985 and 1995. In the study, junior members of Congress were described as having served six or less years and in the Senate twelve or less years. They describe senior members of Congress as legislators that have served six or more years in the House and twelve or more years in the Senate (Moore and Steelman, 1994). Their study concluded with three findings. First, the longer a member of Congress served, the more often they supported higher taxes and higher spending. Second, a term limited Congress would be more fiscally responsible. Their last finding showed term limits would cause Congress to pass less tax and spend legislation.

            The important budget and tax issues the Cato Institute examined included: the 1994 balanced-budget amendment in the House and Senate, the 1992 balanced-budget amendment in the House, the 1990 balanced-budget amendment in the House, the 1994 Budget Reconciliation Act (Clinton tax increase) in the House and Senate, the 1991 Budget Reconciliation Act (Bush tax increase) in the House and Senate, the 1994 line-item veto in the House, the 1993 line-item veto in the House, the 1985 line-item veto in the Senate, the 1993 Penny-Kasich spending reduction package in the House and Senate, the 1994 $30 billion crime bill, the 1992 congressional pay raise and 1993 congressional pay raise (Moore and Steelman, 1994). In the study, the thirteen issues were tested by comparing the actual outcome to the outcome that would have occurred if only junior members of Congress were to vote. The result of the study: all members of Congress would vote like junior members under term limit restrictions (Moore and Steelman, 1994).

            First, the issue of a balanced-budget amendment was examined. In 1990, the House failed to pass the amendment by seven votes. If only junior members had voted, the amendment would have passed by fifteen votes.  In 1992, the House failed to pass the amendment by nine votes. If only junior members had voted, the amendment would have passed by eleven votes. In 1994, the amendment failed by four votes in the Senate and twelve votes in the House. It would have passed both houses of Congress by a small margin if only junior members voted (Moore and Steelman, 1994).

Next, the Clinton tax increase was studied. It was a $275 billion tax increase that set the record as the largest tax increase in history of the United States.  The tax increase passed the House and Senate by one vote and President Clinton signed the bill into law in August 1993. With term limits, junior members would have still passed the bill in the Senate, but in the House the bill would have been defeated by eight votes. In 1993, the House debated the Penny-Kasich Act. The Penny-Kasich Act was a package of spending cuts worth $100 billion aimed to reduce the budget deficit.  The bill was defeated in the House by four votes. However, if junior members only voted the bill would have passed by fourteen votes (Moore and Steelman, 1994).

            In 1994, the Congress voted on a $30 billion crime bill. The bill passed both houses of Congress with ease.  Much of the money was designated as pork designed to help the reelection efforts of incumbents. The bill would have passed both houses of Congress with term limits (Moore and Steelman, 1994). The Cato Institute also studied how the House and Senate voted on legislation awarding the Executive Branch the line-item veto. However, the line-item veto would not matter in predicting how term limits would reform government because it is a tool of the Executive Branch and was deemed unconstitutional by the Supreme Court in 1996.

          The Cato Institute study concluded that a term limited Congress would be more fiscally responsible and would not pass legislation that grows the deficit or national debt. Their study was confirmed by a study done by the National Taxpayer Union. Their results showed a term limited House would have greater impact than a term limited Senate.  Junior members of Congress were 16% more fiscally responsible than senior members using their fiscal ratings on Congress between 1978 and 1989. The Competitive Enterprise Institution also found from their study of votes concerning economic policy between 1985 and 1991, that junior members of Congress were 20% more pro-free market than senior members (Moore and Steelman, 1994).

            Another method to determine how term limits would affect Congress is to look at the states that have implemented term limits on their legislatures. A look at the strict term limits placed on the Michigan House of Representatives and the California General Assembly would be a good indicator how term limits would affect the United States Congress because both states have strict term limits for the members of the legislature. Both states adopted term limits of six years in the lower chamber and eight years in the upper chamber. In Michigan and California, the political and institutional effects of term limits can best be explored by examining electoral competition, incumbency advantage, fundraising and special interest groups (Thompson, Thompson, Elder, Strate and Elling, 2004: 19-20).

            First, it turns out that term limits in California and Michigan may increase the power of incumbency.  From 1979-1989, 70% of legislative districts in California had at least one new incumbent and in Michigan the number of new incumbents in legislative districts was 65%.  Before term limits were implemented in both states, there was an average of four to five incumbents who lost in either primary or general elections.  After term limits were implemented, that number fell to less than one in both states on average (Thompson, Thompson, Elder, Strate and Elling, 2004).

            Second, term limits create more open seat elections. But that does not increase voter turnout in general elections and has a small impact on primary elections.  Before term limits in Michigan, the primary election of 1990 had an 11.3% turnout, the 1994 primary had a voter turnout of 15.4%, the 1998 primary (first election with term limits) had a 16% turnout and the 2002 primary had an 18.4% voter turnout. The Michigan general election of 1990 had a 36.9% turnout, the 1994 general election had a 43.3% turnout and the 2002 general election had a 40.8% turnout.  All the Michigan elections were gubernatorial races. In California, the primary election of 1992 had a 20.9% turnout, the 1996 primary (first election with term limits) had a voter turnout of 18.9% and the 2000 primary had a 28.2% voter turnout. The California general election of 1992 had a 45.8% turnout, the 1996 general election had a 40.7% turnout and the 2000 general election had a 41.3% turnout. All the California races were presidential races.  In Michigan and California, both states did not see an increase in voter turnout for general elections when term limits were implemented (Thompson, Thompson, Elder, Strate and Elling, 2004).

            As discussed at length earlier, proponents of term limits argue that they will create a higher turnover rate and thus more open seat elections.  A side effect of more elections and less time in office was supposed to mean less money and fundraising used in elections. However, in Michigan that turned out not to be accurate. There were no term limits in Michigan in 1990 and the House had a Democratic majority for more than ten years. Democratic House candidates outraised Republican House candidates by $1.35 for every dollar a Republican raised. In 1998, when term limits can into effect, the Republicans took an advantage in fundraising.  The Democrats could only raise 65 cents for every dollar the Republicans raised.  In 2002, that number fell to only 55 cents for every dollar the Republicans fundraised (Thompson, Thompson, Elder, Strate and Elling, 2004). Due to potential trends in national politics and electing Republicans, the switch in fundraising advantage was compared to the Michigan Senate candidates in 1990 and 1998.  In 1990, the Michigan Senate was controlled by the Republicans and they had a fundraising advantage. The Democrats could only raise 58 cents for every dollar raised by the Republicans. In 1998, the Democratic candidates could only raise 36 cents for every dollar the Republicans could raise.  The comparison concludes that fundraising dollars are collected more by the political party in control of the Michigan House and Senate and not just because of term limits (Thompson, Thompson, Elder, Strate and Elling, 2004).

            In Michigan, term limits have increased the value of a seat in the legislature because of the ability to have majority control in either chamber.  Despite term limits in the Michigan House of Representatives, there remains to only be 10% to 25% competitive races out of the 110 seats in the lower chamber.  The low number of competitive races creates the scenario where the parties focus on a few selected seats and fundraising reaches large amounts in those targeted races (Thompson, Thompson, Elder, Strate and Elling, 2004).  With term limits, it has become critical for the Democrats and Republicans to elevate the amount of money raised for each valuable seat; the goal being to win and gain control of the majority.

Term limits have played a role in the Democrats losing their majority in the House of Representatives in Michigan. But, a combination of national trends and term limits have caused the Republicans to out fundraise the Democrats since term limits were implemented. Term limits alone have not helped the Republicans gained the majority and campaign contributions tend to be gathered more by the party in control (Thompson, Thompson, Elder, Strate and Elling, 2004).

            Next, advocates for term limits on a national level believe they would reform government by reducing the power special interest groups use to influence legislators. In Michigan, term limits have had the opposite effect.  After term limits were implemented, legislators who spent time with special interests in an effort to raise campaign funds, spent more time in meetings and social gatherings with special interests in order to get information and policy knowledge on issues facing the state legislature.  Before term limits, experienced legislators and powerful incumbents did not need to spend time raising quick dollars for reelection efforts and already had policy expertise due to their time in the legislature (Thompson, Thompson, Elder, Strate and Elling, 2004).  This is a perplexing consequence of term limits.  The influence special interest groups and lobbyists were supposed to be limited with term limits.

 Yet, term limits in Michigan have strengthened that relationship because ambitious legislators who seek higher office have made their relationships with special interests long-term.  Term limits would work as intended if legislators couldn’t seek higher office, because a short-term relationship between a lobbyist and a legislator would not produce enough trust between both parties.  Without trust, the relationship would not generate enough political leverage or power to create any influence (Thompson, Thompson, Elder, Strate and Elling, 2004).

            Ultimately, term limits in Michigan may have strengthened special interest groups and lobbyists ability to influence legislators.  In 1997, before term limits, legislators in the Michigan House received $919,301 in campaign contributions after the election.  In 1999, that amount was $1.92 million and in 2001 the amount rose to $2.72 million.  Special interest groups have an advantage to wait until after the elections to contribute because then they can target who they want to influence favor in committees and other policy arenas (Thompson, Thompson, Elder, Strate and Elling, 2004).

Finally, on the state level there is some evidence that term limits for legislatures would create more open seats. Due to more open seats, women benefit electorally in states with term limits. Term limits do not have an effect on other minorities, like African Americans and Hispanic Americans, negatively because more open seats in minority districts would not likely be represented by nonminority candidates. Overall, on the state level term limited legislatures would be more representative because more women would be elected and minorities would not be affected negatively (Thompson and Moncrief, 1993).

            The trend on the national level is common in what happened to the Michigan and California legislatures after term limits were introduced as a method of reform.  Minorities in both states were able to gain seats and that especially favored the Democratic Party.  Women also benefited in both states.  Women candidates overall in California represented two thirds of their population proportion.  However, Republican women candidates in both states didn’t gain from term limits.  This is due to the fact that the Republican Party in both states is more homogeneous than the often more diverse, Democratic Party (Thompson, Thompson, Elder, Strate and Elling, 2004).

But, term limits on state level officials have not had a positive impact on other states. Florida passed term limits for the members of their state legislature in 1992. The law took effect in 2000. State Representative Elaine Bloom served in the Florida House for almost twenty years and reached the ranking of deputy majority leader and chaired the health and tourism committees. Without term limits she was able to achieve power and influence. However, term limits forced her out of her office. Instead of retiring, she ran for Congress and lost. Term limits in Florida forced Elaine Bloom to leave her seat and either retire or run for alternative office despite her success electorally and professionally in the Florida Legislature (Rosenbaum, 2000).

 In addition to Florida, Ohio saw two influential members of the state legislature forced to run against each other in the Republican Primary to replace retiring Congressman John Kasich. State House Majority Leader Pat Tiberi faced off against State Senator Eugene Watts because both men served the entire eight years due to Ohio’s term limit law (Rosenbaum, 2000).

Proponents argue term limits for members of Congress would be a means of reform used in order to make the federal government work better. Term limits for members of Congress would work as a reform tool by eliminating career politicians, reducing the power of incumbency, ending wasteful spending and pork projects, reducing the power of special interests and promoting less gridlock. Opponents of term limits believe that they are not a useful reform tool because they could damage the legislative process.  The first reason for opposition of term limits is that it is unclear whether citizen-legislators are better than career legislators for the legislative process. The second reason opponents of term limits argue they fail as a useful reform toll is because gridlock in Congress may not necessarily be a sign of institutional inefficiency. The third reason opponents doubt term limits would be an effective method to reform the federal government is that turnover rates are acceptable as they are. The fourth argument against term limits is that they would not reduce the power of special interests. The final reason why opponents argue implementing term limits on members of Congress is not a good idea because they could be used as a political weapon.

            Either way, it is not easy to predict how term limits would change Congress.  However, the approach to look how states with term limited legislatures offers an insight to how they were impacted by term limits.  In Michigan and California, term limits have increased the power of incumbency and the power of special interests.  Along with reducing voter turnout rates, term limits have increased the turnover rate and minority representation in the state legislature.

I believe term limits in the California and Michigan legislatures have proven to be a minor success because they have achieved the goal of creating higher turnover rates and more minorities have been represented in the both legislatures. The main goal of the turnover movement on the national level was to end careerism in Congress. On the state level in Michigan, term limits have strengthened special interest groups and lobbyists ability to influence legislators. Nonetheless, those legislators being influenced only serve for a short time because of limited terms. Most importantly, voters who elect a legislator who is cozying up to special interests could find it difficult to be reelected if the cozy relationship is an embarrassment to their constituents.

If term limits on members of Congress had similar impacts on the legislative process that were created in Michigan and California, the outcome would not be clear as to if term limits would reform government in a positive manner. The main goal of the turnover movement on the national level was to end careerism in Congress. If there was higher turnover, and more minorities and women were in Congress there would be a change in how Congress worked. Minorities like African Americans and Hispanic Americans are often times aligned in their political views with the Democratic Party. Therefore, minorities in Michigan and California were able to gain seats and that especially favored the Democratic Party and their agenda.

Despite the goal of higher turnover being reached, in Michigan and California term limits have strengthened special interest groups and lobbyists ability to influence legislators. If this occurred when term limits were placed members of Congress then the problem of wasteful spending, pork projects and legislators ignoring their constituents would be exacerbated. Term limits on members of Congress would not be an ideal avenue for reform if special interests and lobbyists gained more influence over the legislative process as a result of term limits.

          Despite the outcomes of term limits in states like California, Michigan, Florida and Ohio, I bring this examination of term limits to a close in my belief that if they were adopted term limits would fundamentally change the Legislative Branch of the federal government. But, even by looking at how term limits have impacted state governments, there is no way to determine how or to what scope they would exactly reform the federal government. The size and scope of the federal government is too large to compare equally to state government. Therefore, it is impractical to identify exactly how term limits would reform Congress and the federal government in terms of eliminating career politicians, reducing the power of incumbency, ending wasteful spending and pork projects, reducing the power of special interests and promoting less gridlock.

Bibliography

Bandow, Doug. *Real Term Limits: Now More Than Ever*. Issue brief no. 221. Cato Institute, 1995.

Erler, H.Abbie. *Confronting Unlimited Government: Lessons from the Term Limits Movement*. Rep. Washington, D.C.: The Heritage Foundation, 2009.

Elder, Charles, Strate, John, Thompson, Lyke, and Elling, Richar. *The Political and Institutional Effects of Term Limits.* Palgrave Macmillan, 2006.

Franklin, Daniel, and Tor Westin. "Predicting the Institutional Effects of Term Limits." *Public Choice* (1996): 381-93.

Greenberg, Dan. *Term Limits: The Only Way to Clean Up Congress*. Rep. Washington, D.C.: The Heritage Foundation, 1994.

Greenhouse, Linda. "High Court Blocks Term Limits for Congress in a 5-4 Decision." *The New York Times*. 23 May 1995.

Harper, Jim. "10,000 Bills Introduced in Congress,While Government Management Goes Neglected." Web log post. Washington Watch, 3 Aug. 2008. Web. 12 Dec. 2009. <http://www.washingtonwatch.com/blog/2008/08/03/10000-bills-introduced-in-congress-while-government-management-goes-neglected.html>.

Kristol, William. "Debate: The Federalist and the Contemporary Debate on Term Limits." *Harvard Journal of Law and Public Policy* 16.1 (1993): 95-96.

Mondak, Jeffery J. "Elections as Filters: Term Limits and the Composition of the U.S. House." *Political Research Quarterly* 48 (1995): 701-27.

Moore, Stephen, and Aaron Steelman. "An Antidote to Federal Red Ink: Term Limits." *Cato Briefing Papers* (1994).

*OpenSecrets.org*. Center for Responsive Politics. Web. 12 Dec. 2009. <http://www.opensecrets.org>.

"Pig Book." Citizens Against Government Waste. Web. 12 Dec. 2001. <http://www.cagw.org/pigbook>.

Reed, W. Robert, and D. Eric Schansberg. "An Analysis of the Impact of Congressional Term Limits." *Economic Inquiry* 32 (1994): 79-91.

Rosenbaum, David. “Term Limits Draw States’ Big Fish to Big Pond, Congress.” *The NewYork Times*. 4 Apr. 2000. Web. 1 Dec. 2009. <http://www.nytimes.com/2000/04/04/us/term-limits-draw-big-fish-to-big-pond-congress.html>

Suddath, Claire. "The U.S. Deficit." *Time*. 25 Aug. 2009. Web. 12 Dec. 2009. <http://www.time.com/time/printout/0,8816,1918390,00.html>.

Tabarrok, Alexander. "A Survey, Critique, and New Defense of Term Limits." *The Cato Journal* 14.2 (1994).

Thompson, Joel A., and Gary F. Moncrief. "The Implications of Term Limits for Women and Minorities." *Social Science Quarterly* 74.2 (1993): 301-09.

Vance, Dwayne A. "State Imposed Congressional Term Limits: What Would the Framers of the Constitution Say?" *Brigham Young University Law Review* 1994.2 (1994): 429-50.

Will, George F. "A Case for Term Limits." *Newsweek*. 21 Oct. 1991. Web. <http://www.newsweek.com/id/127192>.

Will, George F. *Restoration: Congress, Term Limits and the Recovery of Deliberative Democracy*. 1994.

Will, George F. "Term Limits Aren't Appropriate in "Tough Times"?" *Townhall.com*. 12 Oct. 2008.