

## Cato Institute Policy Analysis No. 221: Real Term Limits: Now More Than Ever

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### Executive Summary

No part of the Republican Contract with America has generated more opposition within the GOP than term limits. Republican congressional candidates promised a vote on term limits, but now GOP politicians are proving reluctant to agree to relinquish power--which shows the need for term limits irrespective of the partisan composition of Congress.

One of the unconvincing arguments against term limits is that they would enhance the power of staffers and lobbyists, even though congressional aides already write most laws and lobbyists consistently oppose term-limit initiatives. A more serious threat to term limits comes from those who advocate a limit of six terms (12 years) in the House. Most states that have limited the terms of their representatives have approved limits of three terms (6 years) for good reasons. Shorter House limits would create more competitive elections. They would also reestablish a citizen legislature.

To effectively end politics as a lifetime sinecure, thereby making congressional service a leave of absence from a productive, private-sector career, requires that terms be short. A dozen years is a short career, but it is more than long enough for legislators to become more concerned about their relationships with each other--logrolling and the like--than about their relationships with constituents.

The nation's Founders strongly believed in rotation in office. They left term limits out of the Constitution because they did not foresee that politics would become a career for so many people. Short term limits would remedy that mistake. Nothing is more important today than reversing the pernicious rise of a professional political class.

### Introduction

No part of the Republican Contract with America seems to bother traditional advocates of "good government" more than term limits. Even though there has been greater turnover in recent years in Britain's House of Lords and the former Soviet Union's Communist Party Central Committee than in Congress, many self-styled progressive reformers oppose any effort to cut short political careers. Why? Congressional term limits would dramatically change the rules of the political game, upsetting a relatively stable legislative power structure that, at least until November's electoral earthquake, reflected a predictably liberal conventional wisdom. Most important, real term limits, of 6 rather than 12 years, for the U.S. House of Representatives would end politics as a career, eliminate today's electoral bias toward advocates of government intervention, and recreate the long-lost ideal of citizen-legislators.

### Congressional Blockage

Voters in 21 states (plus Utah, where the state legislature acted) have approved term limits for their members of

Congress.[1] Nowhere have people failed to restrict the terms of service of their legislators when able to vote on term limits. Only legislators, especially representatives, have resisted congressional term limits.

As long as the traditional political elite ran Congress, term limits had no chance of passage. Now the Republicans--who promised a vote on term limits--have taken over. But the measure seems little closer to law. Strong Democratic opposition alone could block a federal constitutional amendment, which requires a two-thirds vote for approval. The majority of Democratic members of the Senate Judiciary Committee opposed even sending a proposed amendment to the floor, and early counts have only 15 to 20 Democrats voting for an amendment in the House.

However, waning GOP fervor poses an equally serious obstacle to passage. At least 30 Republican House members, including Judiciary Committee chairman Henry Hyde (R-Ill.) and Budget Committee chairman John Kasich (R-Ohio), are expected to vote no on the watered-down six-term (12-year) limit favored by the GOP leadership.[2] Even more Republicans oppose a three-term (6-year) limit. The situation is equally grim in the Senate, where Judiciary Committee chairman Orrin Hatch (R-Utah) and Sen. Mitch McConnell (R-Ky.), among others, oppose any term limits. The problem is illustrated by House Majority Leader Richard Arme's remark, "If we Republicans can straighten out the House . . . then I think maybe the nation's desire for term limits will be diminished." [3]

Arme quickly recanted under pressure, but he, along with Speaker Newt Gingrich--who in 1991 called term limits a "terrible idea," though not as bad as the current system-- seem less enthused about that part of the contract than any other.[4] That should not come as a surprise. Having achieved political power, they are undoubtedly reluctant to relinquish it, let alone relinquish it quickly. Which, of course, illuminates the need for term limits irrespective of the temporary partisan composition of Congress.

Indeed, far from diminishing the case for term limits, the new Republican ascendancy proves how important it is to constitutionalize them. Although the 1994 congressional election saw the defeat of three dozen Democratic incumbents, the overall reelection rate in the House was still roughly 90 percent. Moreover, no Republican--even ones tainted by personal scandal--fell. That may be good for the GOP, but it is not good for the American political system.

And overall congressional reelection rates could easily move back to the 98 percent of 1990 (before a modest slump in 1992 caused by the House Bank scandal), when fewer than 5 percent of House races were genuinely competitive. Last year incumbents spent four times as much, on average, as their challengers; 1996 is unlikely to be different. Incumbents also collected 10 times as much political action committee (PAC) money as their challengers. Now the ruling Republicans are likely to benefit from that largesse, as well as the official franking privilege (the average incumbent spends more on mail than a challenger spends on an entire campaign). Moreover, despite staff reductions in January, incumbents will continue to possess large, taxpayer-paid personal staffs--a de facto reelection apparatus.

In short, the problem--the "poison," in the words of one scholar--of professional politics remains, though perhaps with a slightly different partisan hue.[5] Careerists remain dominant among elected officials, and enthusiasts of government still dominate policymaking. Incumbents continue to win most elections, and casework still usually trumps issues in campaigns. Most Americans continue to prefer civic abandonment to civic involvement. All told, representative government still reflects the interests, not of the public, but of a distinct, career-minded ruling class: legislators, bureaucrats, media elites, and like-minded interest groups. That is likely to change only with term limits, the shorter the better.

### **Arguments against Term Limits**

Of course, there is a standard litany of arguments against term limits. They are undemocratic, it is said--by opponents who sue to block initiatives before they are voted on and void them once approved. Judiciary Committee chairman Hatch complains that term limits demonstrate "a fundamental lack of faith in the common sense and good judgment of the voters," even though it is the voters who are approving them.[6] And just what is wrong with citizens' reforming the electoral system to discourage creation of a permanent political class? What is more democratic than people choosing, by an average two-thirds majority vote, to reshape their government's legislative branches? As columnist George Will has observed, term limits are "an attempt to change the structure of government to accommodate the time-less human motive and the changing nature of the modern state." [7] Rep. Al Swift (D-Wash.) inadvertently made the

case for term limits when he complained about people being willing to "voluntarily give up their rights." [8] The point is, they are choosing to relinquish the right to reelect their members of Congress an extra time.

Moreover, term limits actually increase voter choice by making elections more competitive and encouraging more candidates to run. One study estimates that California's term limits on state legislators caused a rush of retirements, which led to 50 percent more candidates than would otherwise have been expected. [9] Cities that have implemented term limits have discovered the same phenomenon: more, and more diverse, candidates are running for office.

Another contention is that term limits would enhance the power of staffers and lobbyists. However, congressional aides already write most laws. The problem is not with legislative assistants on Capitol Hill: congressional staffers' average tenure in any particular position today ranges between 6 and 18 months; in fact, lobbyists have remarked that overall staff turnover is greater than legislative turnover. [10] Real influence lies with aides, whose tenure tends to be fairly long because they work either for or under the protection of the most senior members. Thus, by encouraging greater legislative turnover, term limits would help to reduce the permanence of both personal and committee staffs. Since passage of term limits in California, for instance, turnover on major committees has more than doubled. [11] Timothy Hodson, a university professor and former state senate aide, concludes that "most state legislatures simply do not have personnel arrangements conducive to career staffs in post-term limit conditions." [12]

If term limits help lobbyists, why do they uniformly oppose term limits? [13] Special interests raised \$3.3 million to block term limits in California in 1990; they are literally the only parties that donate to "no" campaigns. Lobbyists in Florida filed suit against that state's initiative. The National Education Association, labor unions, the National Rifle Association, public employees, professional groups, trial lawyers, medical associations, law firms, lobbyists, public relations companies, and many major corporations all oppose term limits precisely because they know they would be the major losers. Today the lines of power in Washington (and state capitals) are largely predictable, and the lobbyists' allies have already been bought. During the California initiative campaign on term limits, Ralph Flynn, executive director of the California Teachers Association, the largest single contributor against the term-limits initiative, admitted that "the reality is the legislative process with all its infirmities is really the best thing we have going for us." [14] The reaction of a representative of the California Trial Lawyers was similar: "Obviously, it's a great advantage to have someone who is a champion of your cause as Speaker of the Assembly." [15] Obviously.

Although the GOP takeover of Congress has changed the relative balance of power in Washington, all of the new leaders are long-term incumbents, well-known on Capitol Hill. What interest groups fear most is a continuing influx of freshmen, who neither know nor care to learn the rigged rules of the game, and the constant leadership turnover that will result. In Ohio term limits accelerated the retirement of the 20-year Democratic house speaker and helped end his dictatorial control. By diffusing power, term limits brought "the trade associations and the constituent groups back on a level with the high binders," observed Robert Schmitz, a representative of state savings and loans. [16] The reaction of independent Ohio lobbyist Dennis Wojtanowski was similar: "The future belongs to those who deal in substance, as opposed to those who deal in relationships." [17] After the implementation of term limits in Michigan, Linda Gobbler, president of the state Grocers Association, explained,

It becomes very important for lobbyists to be extremely credible, to have good reputations, and to know what they're talking about. Gone are the days when you belly up to the bar and ask somebody for a vote on a bill. [18]

Another concern is lost legislative expertise. Norman Ornstein of the American Enterprise Institute goes so far as to charge that with term limits "only bums will run, only bums will rule." [19] Surely he cannot mean that bums are not running, winning, and ruling today. What evidence is there that the number of bums has decreased since the last century? Indeed, few legislative leaders today match the intellect and talent of a Henry Clay, Daniel Webster, or John Calhoun, whatever one thinks of their ideologies. (Webster spent decades in the Senate but only five years in the House; Clay served just six years in his longest stretch; Calhoun easily switched between executive and legislative offices.)

Moreover, most of our current problems come from knowledgeable pols kowtowing to well-heeled interest groups. As early American congressman John Taylor observed, "More talent is lost by long continuance in office" than by rotation because ability is "stimulated by the prospect of future employment and smothered by the monopoly of

experience." [20]

The manifold faults of experienced, careerist politicians have long been evident. Becky Cain of the League of Women Voters worries about legislators with a short-term perspective focusing on "'quick fixes,' gimmicks and programs that might be wildly popular at the moment but that might result in severe repercussions down the road." [21] That, however, more accurately describes politics today. We should have learned by now that skill in running and winning does not translate into skill in ruling. Consider the disasters inflicted upon us by experienced incumbents: the savings-and-loan crisis, for instance, was created by the most knowledgeable members of the banking committees. Older members are no more courageous than younger ones in addressing such problems as runaway deficits; the actuarially unbalanced Social Security system; and a half regulated, half free medical system. Edward H. Crane, president of the Cato Institute, calls the current system a "circus," one that is "living proof of a special-interest-controlled Congress, orchestrated by our experienced legislators." [22] And Republican legislators, no less than Democrats, tend to become bigger spenders and stronger supporters of the status quo the longer they serve. It should come as no surprise, then, that Congress has become so backward, corrupt, and vacuous.

### **Adequate Turnover?**

Opponents of term limits also argue that there is plenty of turnover already. [23] But, except for 1994, in recent years turnover has occurred largely as a result of people's retiring after long careers in politics or to seek different political offices. [24] It is good that incumbents occasionally leave, else congressional membership would be almost permanent. Yet competitive elections, lots of them, are necessary for representative democracy. We do not have that today. As political scientist Mark Petracca observes, "Electoral competition is no longer possible in a system where the benefits and power of incumbency virtually guarantee a lifelong career as a legislator." [25] That just 88 of 2,175 seats during the 1980s changed hands because of an incumbent's defeat is not a good thing. That 99.3 percent of unindicted congressional and state legislative incumbents won reelection during the same period is also not a good thing.

Moreover, the turnover that is occurring today is quite low by historical standards. The highest turnover rate since 1948 was 25.3 percent in 1992 (it was only 19.8 percent in 1994, given the dearth of defeated Republican incumbents). It was not until 1900 that the turnover rate first fell to one-fourth. And turnover remained in at least the low double digits until 1968. Since then turnover has often fallen into single digits and has averaged 15.2 percent. [26] That is far too low, especially when compared to the 40, 50, and 60 percent turnover common a century ago. Petracca rightly complains, "If it takes more than a decade to achieve what nineteenth century members of Congress did in two or three terms, turnover is too little, too slow to preserve liberty, promote citizen participation, and enhance political representation." [27]

In fact, the greatest difference between congressional elections in the early Republic and today is not reelection rates--members who stood for reelection usually won then, as now. What is different is the fact that so many voluntarily retired, not just because they faced a tough reelection campaign. Indeed, the percentage of voluntary retirements fell below 25 percent only twice before 1880. The percentage did not fall below 20 percent until 1896. During the Progressive Era, in 1908, voluntary retirements first dropped to the single digits, where they have remained almost continuously since 1924 (and throughout the entire 1980s). [28] For early members of Congress, politics was not a career, as it is today.

In any case, the goal of encouraging citizen legislators rather than career politicians warrants accepting any minor drawbacks that might result from term limits. Restricting congressional terms would create more competitive elections and increase the diversity of the backgrounds of those elected, as has been evident in the California Assembly. Equally important would be short-circuiting the statist acculturation that accompanies political careerism. Indeed, some of the best arguments for term limits come, unintentionally, from their opponents. After passage of term limits in California, Assembly Speaker Willie Brown whined, "I still can't believe it happened here. Participating in the electoral process is no longer a career option. It is simply a temporary way station." [29] The complaint of Ohio GOP state senator Gary Suhadolnik was similar: "For the first time in my life, I'm in a dead-end job." [30] Such a pity.

### **Three or Six Terms?**

The more serious, though subtle, threat to term limits comes from many of its supposed advocates, rather than its

critics. Primarily representatives, they profess support for term limits, but advocate a limit of six terms in the House. Some really believe a longer limit is better. Others have come to believe that term limits are inevitable, so their best hope is to push for a dozen years. (After all, many senior members will be ready to retire by the time any amendment is approved by Congress, ratified by the states, and has taken effect, with 12 years of service allowed thereafter.)

Proponents of six-term limits for the House make several arguments, none of which is persuasive. One is that the longer limit grants equality with senators, who would also be restricted to 12 years (two terms). But there is no reason that members of the House, who were always intended to be closer and more accountable to the people, should have the same limits as senators, who originally were chosen, not directly by the voters, but by the state legislatures. Indeed, David Mason of the Heritage Foundation argues that equalizing two unequal chambers actually "would tend to erode the difference in outlook between the House and Senate, which was intended by the founders and which has served our nation well."<sup>[31]</sup> Elected officials are entitled to serve for as many years as voters believe to be wise, not as many as will make them equal to members of a different chamber with a somewhat different role.

Another argument is that limits are good, but not short ones. Opines Speaker Gingrich, "A six-year learning curve is just too short."<sup>[32]</sup> Too short for what? It may take time to become a wizard of House rules, but that is hardly the highest calling for a representative. The most important priority should be shrinking the Leviathan state, making it more understandable and manageable--not only for a first- or second-term representative, but also for any citizen. Preoccupation with learning curves illustrates a basic flaw in today's careerist Congress. As Petracca observes, "Representatives cannot become experts and constituents cannot be treated as clients. Yet those are precisely the new roles in which representative and represented are cast by the professionalization of legislative politics in America."<sup>[33]</sup> What America needs most are representatives who focus on direction, not detail. Most of the problems facing America require not technical fixes by professional policy nerds who spent the previous decade studying the minutiae of, say, banking rules but the dramatic clearing away of regulations by people who see the big picture that shows that government economic manipulation not only does not work but is actually harmful.

Indeed, the view that legislators should spend their time learning the ways of Washington and grabbing for the levers of power in order to take part in the complex process of governing is one that probably never had much popular support; it certainly was rejected last November. Observes James Bond, former dean of the Seattle University School of Law, "If the national government were truly one of delegated, enumerated, and thus limited powers, citizen representatives who served a maximum of three two-year terms would be wholly adequate to the task of deciding the general public policy questions that are appropriately within the purview of the national government."<sup>[34]</sup>

### **The Superiority of Three Terms**

The three-term limit for representatives is superior for three basic reasons. The first is federalism. Voters have made it clear beyond a doubt that they want shorter limits. Fully 15 of 22 state-imposed limits are for three terms, and 4 more are for four terms. Newt Gingrich's pollster, Frank Luntz, found that people prefer three terms to six terms by a margin of 82 percent to 14 percent. Indeed, so radical is the public that a 1992 poll found that fully one-third of respondents wanted just two terms, more than four times the number backing six terms. Yet the House GOP leadership, along with term-limits sponsor Rep. Bill McCollum (R-Fla.), is pushing a six-term amendment that would overturn state laws in 19 states. McCollum admits, "I would like to pre-empt state laws."<sup>[35]</sup> Why?

True, Rep. McCollum and company are being more responsive to voters than are die-hard opponents of any term limits. But there is no principled reason why "uniformity," which McCollum cites as a virtue, warrants forcing his preferred limit down the throats of voters who have made clear their desire for fewer terms.<sup>[36]</sup> If constituents are entitled to limit the service of their legislators, they should be able to decide on the length of service as well.

Second, three-term House limits would create dramatically more competitive elections. In such a system, initial reelection would probably remain relatively tough, as it is today, and the final election might be more difficult than expected as challengers ran in an attempt to position themselves for the next election, when the seat would be guaranteed to be empty.<sup>[37]</sup> A six-term limit, in contrast, would give incumbents relatively easy rides in elections three, four, and five. In sum, shorter limits promote competition to some degree in every election; longer limits leave half of the elections relatively easy, if past experience is any guide.

The third, and most important, reason for three-term limits is that they would reestablish a citizen legislature rather than a professional one. Voters intuitively understand the issue, which is why they overwhelmingly support shorter limits. Today politics is dominated by the people who most enjoy running other people's lives and who are most accomplished at getting elected. Many know little about the actual impact of the grand theories they enact into law. As Crane puts it, "Those who run for Congress these days are generally those who find the prospect of spending a significant portion of their lives as a politician to be an attractive option. These are generally the kind of individuals we should not have passing laws governing the rest of us." [38]

Thus, we need to elect people who are subject to the same rules as the rest of us. Although in January Congress rightly voted to apply a host of laws to itself as well as to the rest of America, it is still not the same, since businesspeople who break the law are personally liable, while congressional violators can send the bill to the taxpayers. Members of Congress who knew they would have to go back to a real job in a few years, in contrast, might be more cautious. As George Will has written, "Term limits would increase the likelihood that people who come to Congress would anticipate returning to careers in the private sector and therefore would, as they legislate, think about what it is like to live under the laws they make." [39]

But it is not enough to require members of Congress to go back into the community. We need to ensure that they spring from it to start with. Consider former senator George McGovern's plaintive admission after trying to run a motel: "I wish that someone had told me about the problems of running a business. I would have to pay taxes, meet a payroll--I wish I had had a better sense of what it took to do that when I was in Washington." [40]

We need to elect people who have "a sense of what it took to do that," people who are genuinely part of the community that they represent. Federalists and anti-federalists alike agreed that there should "be authentic experiential, value, and interest connections between the representative and the represented." [41]

Today, however, legislators more likely represent government than society and reflect a governing ethos prevalent in Washington and state capitals alike. That is more than a procedural point. Observes Alan Ehrenhalt, editor of *Governing* magazine,

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. [42]

There are people who feel otherwise and nevertheless run for office, but they are both fewer in number and less effective. Overall, we now see a "new breed" of professional legislator "who wants to stay in public office for the long haul," reports political analyst Alan Rosenthal. [43] Part of the reason for that is larger staffs and greater prestige; another part is better remuneration. [44] In the case of Minnesota, Rosenthal explains, professionalism has had a dramatic impact. "Lawyers, independent business owners, and farmers have left. Their places have been taken by young people, many of whom see the legislature as an entry level position for a career in politics." [45] Thus, the very rise of professionalism in politics has changed who runs for office, how those elected vote, and what government does. Only by ending politics as a career can we eliminate that systematic bias in today's system.

One way to do that would be to try to deprofessionalize legislatures. [46] We could, for instance, end lavish pensions, which, argues former representative Tim Penny (D- Minn.), have had a particularly important impact on promoting careerism in the U.S. House. Turning Congress into an amateur institution in other ways will not be as simple, especially since legislators must currently deal with the many large, complex bureaucracies constructed in recent decades. Moreover, the recent trend toward professionalism has had a greater impact on state legislatures, many of which were truly amateur institutions, than on Congress, which has been a full-time body for years. Harvard's Morris Fiorina believes that the recent rise of professionalism has had only an indirect impact on Congress, as a result of changing the quality of the parties' respective state legislative "farm teams," which provide so many congressional candidates. [47]

## **Term Limits Still Required**

Thus, term limits, short term limits, remain necessary. To effectively end politics as a lifetime sinecure--thereby making congressional service a leave of absence from a productive, private-sector career--requires that term limits be short--three terms rather than six for House members. A dozen years alone is a short career, but when those years are combined with another dozen in the Senate, as well as election to other public offices, politics remains a career path for those who are temperamentally inclined to glad-hand and regulate their fellow citizens. As Fiorina puts it, "8 to 12 years should be a sufficiently long lead time that even the most risk-averse Democrat will not be discouraged." [48]

And a dozen years is still more than enough for legislators to become overly concerned about their relationships with each other--logrolling and the like--and less with their relationships with real people. Moreover, reelection will remain a constant concern. As Crane puts it, "For the House of Representatives, 12 years is more than double 6 years with regard to reelection incentives. That is, the 6-year limit provides for just two reelection campaigns, and the 12-year limit offers five such opportunities." [49] Indeed, as argued earlier, three-term limits help make all elections more competitive.

Shorter term limits are also important in making influence available on some basis other than senility (usually known as seniority). Over the last four decades the average tenure for members of the House leadership, from Speaker through committee chairmen, has exceeded 20 years. [50] The average time of service at election or appointment has been 16.4 years. [51] In 1991 John Hibbing of the University of Nebraska concluded that "actual involvement in legislative matters (in terms of raw activity levels, promoting a focused legislative agenda, and shepherding bills through the legislative process) is more strongly related to tenure than ever before." [52] The focus on seniority, only slightly moderated by the large Democratic freshman class elected in 1974 and the new GOP majority, has discouraged both noncareerists from running and voters from electing noncareerists. Complains Fiorina, "The system encourages old and unrepresentative congressmen generally and deprives local districts of any incentive to replace them with younger, more qualified, and more representative individuals." [53]

Henry Clay, one of the greatest House Speakers and legislators in American history, today would still be waiting for a subcommittee chairmanship at the end of his six (nonconsecutive) terms, the point at which 98 percent of representatives ended their House careers in his time. [54] In the late 1800s the most senior representative elected Speaker was serving his seventh term; six were elected while serving their third through sixth terms. [55] Today the byword of the system is patience. Radical change is necessary, and it can be achieved only through shorter term limits.

True, even longer term limits would help make it possible to achieve something without dedicating one's life to a congressional career. [56] Eight-year limits in Florida have caused younger members to more quickly seek leadership positions. [57] Of Ohio's eight-year limits, Richard Pfeiffer, a former state senator, complains, "The incentive to be patient, because patience can give you a reward, seems to be gone. If you're patient, you're gone. What incentive does anybody have to have party discipline?" [58] Not much, which is good.

## **Seniority Still Prevails**

Nevertheless, with longer term limits significant influence is not likely to be attained until at least the fourth term, when, political scientists W. Robert Reed and D. Eric Schansberg estimate, a member would reach the 80th percentile of congressional tenure. [59] Top positions would probably require a member to reach his fifth or sixth term, meaning that people with other careers--successful business-people, community activists, educators--would be less likely to want to take off the time necessary to make a real difference. And longer terms mean less turnover and more elections dominated by incumbents with all of the usual advantages of incumbency. All told, warns former governor and congressman Pete du Pont, "The seniority system would then likely remain and the Washington political elite would be able to continue business as usual." [60]

The last point is significant. Today, largely because of voluntary turnover, the average length of congressional service is 13.4 years. [61] Thus, while a six-term limit would prevent any more "old bulls"--a good thing--its impact on the larger composition of Congress would be minimal. Median years of service would only fall from nine to seven. In contrast, three-term limits would cut the median to three years. [62]

The effect on the overall rate of turnover would be similar. Today biennial turnover averages 17 percent. Six-term limits would bump it up to 20 percent or so. Three terms, in contrast, would make turnover approach 40 to 50 percent.[63] Reed and Schansberg conclude,

We find that a 3-term limit would radically restructure Congress. It is estimated that a 3-term limit would decrease average stays in Congress from 13.2 years to 3.8 years; increase average turnover from 17 percent of Congress to 37 percent of Congress; reduce the expected waiting time to achieve a position of "leadership" from 16.4 years to 4 years or less and cut the median years of seniority among the House membership from 9 to 3 years. One has to go back to the nineteenth century to find Congresses that represent what could be expected under a 3-term limit. In contrast, a 6-term limit would implement much more modest changes.[64]

None of that would be a jump into the unknown. State term limits are already having many of those effects. In Ohio, for instance, lobbyists have to make their case to many more legislators since, explains one, "persuading a few party leaders isn't enough anymore." [65] Changes in California, Michigan, and many cities also demonstrate the positive results of a more diverse, less professional, legislative class.[66]

Moreover, consider earlier Congresses. Average turnover during the Republic's first century was 43 percent; more than a third of members simply retired of their own accord, to resume previous professions or develop new ones. Not until 1900 did electoral turnover fall below 30 percent. And total turnover was occasionally staggering: 76 percent in 1842, 63.8 percent in 1852, 63.7 percent in 1816, 62 percent in 1854, and 61.5 percent in 1862.[67] Back then elections were heavily policy driven--disgusted voters would transform Congress in one election if angry over Federalist opposition to the War of 1812, passage of the Fugitive Slave Act, the compromise over slavery in the Kansas territories, the Republican party's prosecution the Civil War, or any number of other serious issues. Even in the second half of the 19th century turnover averaged 50.2 percent. Indeed, it was 1900 before the average number of terms served by House members exceeded two.[68]

To the Washington elite, used to government as usual, such turnover today would seem chaotic. How would lobbyists keep tabs on everyone they need to know? How would journalists maintain sources for leaks? How would bureaucrats solidify their ties with committee leaders and staffers in order to protect their programs? They would not, which would be a good thing.

Dean Andal, a former California Republican assemblyman who backed term limits, explains,

Is chaos really bad in a legislature? Lobbyists love order because it's predictable; they can manipulate it any way they want. The press likes order because they're lazy; they don't want to work too hard. Politicians like order because they know how they can survive easily. But for the average voter out there, for the average guy, is chaos bad?[69]

### **Term Limits for Republicans Too**

At the margin, reemphasizing citizen-legislators would probably tend to help the GOP because Democrats have turned out to be bigger believers in an activist government and better practitioners of the electoral game. Thus, Democratic candidates have often won despite being out of sync with the voters. As Ehrenhalt puts it, "Over the past two decades, in most constituencies in America, Democrats have generated the best supply of talent, energy, and sheer political ambition. Under those circumstances it has not been crucial for them to match the opinions of the electorate on most of the important national issues of the day." [70]

But Republicans are not guaranteed a partisan advantage. Until 1994 term limits would have affected a larger proportion of Republicans than Democrats.[71] Moreover, until 1994 Democrats were winning the majority of open seats--58 of 91 in 1992, for instance.[72] In fact, term limits would harm, not Democrats, but particular Democrats--members of the ossified establishment, who benefit most from incumbency, and left-wing Democrats, who flourish most in an environment that rewards political skill rather than ideology. Democrats who believe their party should become more critical of the bureaucratic Leviathan state actually have much to gain from term limits, the shorter the better.

Consider the 1992 elections for the California Assembly. Term limits caused a flood of voluntary retirements, which



did little to aid the GOP (it actually lost a seat). The primary change was the election of additional moderate Democrats. (Republicans did better in 1994, when they benefited from the national GOP tide.)

Similar ideological splits are obvious among congressional Democrats. Votes on President Clinton's budget and the Penny-Kasich spending cut package revealed a dramatic difference in voting patterns between short- and long-term Democrats. Thus, term limits would likely have reversed the outcome of both votes, not by engineering the election of more Republicans, but by substituting more responsive, younger Democrats for more entrenched, older ones.[73] In short, left-wing Democrats have much the same advantage over moderate Democrats as they do over Republicans of all ideological stripes.

Democrats cannot be certain that term limits will hurt them in the future. Members of the new GOP majority, like their Democratic predecessors, will now benefit from their role as deliverers of pork, omnipresent media personalities, and ombudsmen for citizens lost in the federal bureaucratic maze. In November the elections were nationalized, but in 1996, with public attention focused on the presidential race, congressional races may revert to the traditional "all politics is local" model, which would benefit incumbent Republicans.

In any event, one cannot argue that the Democrats' partisan advantage warrants maintaining a system that allows them to ignore voters. Many leading liberals support term limits--former New York representative Shirley Chisholm, Sen. Ben Nighthorse Campbell of Colorado (Democrat recently turned Republican), former California governor Jerry Brown, former Vermont governor Madeleine Kunin, former Colorado governor Richard Lamm, Minneapolis mayor Donald Fraser, former South Dakota senator James Abourezk, former Carter speechwriter Hendrik Hertzberg, and columnist Ellen Goodman, among others.[74] Citizens in New York City, with Republicans essentially nonexistent on the city council, approved term limits in 1993 by 59 percent of the vote.

### Lost Enthusiasm

Ironically, despite the conventional wisdom that term limits benefit the GOP, many elected Republicans are losing their enthusiasm for term limits. There is, for instance, the Armev argument--who needs 'em now that all those Democratic incumbents were defeated in 1994? But, as George Will has noted, "The primary reason [for term limits] is not to dislodge entrenched incumbents who use the resources of the modern state as entrenching tools--although this is, over time, a powerful reason. The primary and sufficient reason for limits is to remove one motive--careerism--for entering, and for making decisions while in, Congress." [75]

Although term limits would seem to work in favor of the GOP, they hurt those who have already been elected, especially those in leadership positions who could otherwise expect to remain committee chairmen or hold more prestigious positions for years, even decades. Before 1994 Speaker Newt Gingrich and company may have believed that term limits were necessary for them to seize control of Congress. Now that they have won without term limits, they face the dilemma that term limits would end their potentially rewarding careers as dominant players in Washington.

That is a terribly myopic view, however. The new Republican majority has promised, among other things, to deliver on term limits. Explains GOP pollster Frank Luntz, "Term limits were at the core of the vote for Republicans, and they can't be perceived as backing away from it." [76] Moreover, although trashing our slightly crazed Uncle Sam proved to be a potent issue in 1994, "government bashing is no way to build a majority," warns Ehrenhalt, because politics is an ongoing professional enterprise that requires the continuous recruitment of winning candidates.[77] Consider: 41, or 56 percent, of the 73 new Republican House members were nonprofessionals; a surprising 3 of 11 GOP freshmen senators were also electoral novices. (In contrast, only 1 of 13 Democratic House freshmen had no prior political experience.) [78] Despite those Republicans' success in 1994, they are less likely to enjoy the nonstop political life than their future Democratic challengers and more likely to feel the opportunity cost of alternative, private careers. In fact, GOP members have long been more likely to voluntarily relinquish their seats. Past studies indicate that far more Democrats than Republicans were long-term members of the House.[79] Part of that may reflect dissatisfaction with serving in what appeared to be a perpetual minority, but it probably also demonstrates less interest in making a career of politics.

And despite last November's debacle, the Democratic party will continue to attract the strongest believers in

government and those most interested in devoting their lives to politics. "Democrats are, in general, much less dependent on favorable years and galvanizing issues to bring out candidate talent," argues Ehrenhalt, which means they might win back their congressional majority the same way that they maintained it for four decades.[80]

Consider the GOP's experience in the early 1980s. Ronald Reagan was elected president largely on the strength of his opposition to expansive, expensive, and inefficient government. However, the election of the government's "critic in chief" as president helped to defuse public protest and deprived Republicans of the primary issue that had given them their electoral success. Congressional Republicans face much the same dilemma today. They have run against government; now they are the governing majority. If they fail to act decisively, they may find themselves at a loss for issues, allowing the Democratic superiority at elections to reassert itself.

In any case, the very natural reaction against term limits on the part of GOP pols is precisely why limits-- short ones-- remain necessary. The tools of incumbency, even after the Republicans' modest congressional staff reductions, are still enormous.[81] As former representative Anthony Coelho (D-Calif.) has observed, "When I was DCCC [Democratic Congressional Campaign Committee] chairman we undertook an incumbent protection strategy and we lost very few incumbents. I felt very strongly that no incumbent should lose. You have tremendous, tremendous tools you can use that a challenger cannot use." [82] The result has been reelection rates of 98-plus percent. Even in 1994 more than 90 percent of incumbents were reelected. That is not likely to change next election, when PACs that in the past supported incumbents by ratios of eight to one and more shift to the new incumbents who were elected last time. In fact, the future disparity between incumbents and challengers may be particularly dramatic because business groups that traditionally gave to Democrats in an attempt to buy access rather than out of philosophical loyalty are likely to concentrate even more heavily on GOP incumbents in the future.

And the new Republican majority can be expected to use its advantage. After all, even the most fervent defender of individual liberty and limited government may come to enjoy a political career. Consider Richard Armey. He is a genuine citizen-politician, a once obscure college professor now the second most important official in the House. Having risen so high so quickly, he understandably may hesitate to set a deadline for surrendering his position. Many of his colleagues obviously feel the same way, with much less justification.

### Republican "Growth" in Office

More serious for the Republic, if not the GOP, is the fact that Republicans tend to "grow" in office just like Democrats. Thus, over time politics will reflect the characteristics of careerism, irrespective of the majority party. As Ehrenhalt observes,

Our choices at the polls are not restricted by any power-hungry cabal but by thousands of potential candidates who decide on their own either that running for office is worth the trouble or that they are better off staying home and tending to family and career. If the people who want to hold office in the 1990s are a different group from those who wanted to hold office in the 1960s, the voters are going to end up with a different sort of government--whatever they happen to think about the issues of the day.[83]

That has been evident in Colorado, where the GOP long acted like the Democratic party in the old South, serving as "a vehicle for ambitious people who don't really agree with much of what the party has been saying in recent years on the national level." [84] Ambition, not ideology, became the party's guiding principle.

Similarly, a long-term, professional Republican House majority is likely to look very different from either a citizen-Republican or citizen-Democratic majority in Congress. In fact, that is already evident in the House, where voting records of longer term Republicans differ from the records of the same people at the start of their careers, and the records of multiterm Republicans differ sharply from those of GOP newcomers. James Payne says, "When congressmen first enter Congress, they are less in favor of spending than their colleagues, but they grow more in favor of spending as their service in Congress lengthens." [85] The effect is huge. Payne figures that a Republican in his or her eighth term has roughly a two-thirds greater propensity to spend than does one in his or her first or second term. [86] According to the National Taxpayers Union, year in and year out, senior members of Congress, on average, vote to spend more than junior legislators. [87] And the disparity grows over time; the National Taxpayers Union

Foundation calculates that three-term limits would have more than twice the impact of six-term limits on congressional spending habits.[88] The Competitive Enterprise Institute has concluded that senior representatives are more likely to vote for pork and support government economic intervention.[89]

One reason for that phenomenon may be the tendency to identify with one's work and career over time; it is probably easier to hate Congress while one is a businessperson attempting to satisfy an abusive inspector from the Occupational Safety and Health Administration than while one is a multiterm incumbent chairing a subcommittee overseeing OSHA and meeting with regulatory advocates all day. But the larger point is that satisfying legislative supplicants becomes a large part of one's career in today's system. There is what Payne calls a "culture of spending." [90]

Congress, he warns, "is overwhelmed by the advocates of government programs: the administrators whose status, morale, and sense of accomplishment depend on the appropriations they urge; state and local officials who appeal for federal spending with the same motives; lobbyists who press the demands of the beneficiaries of federal programs; spokesmen for business firms that benefit from federal largesse." [91] Advocates of taxpayers and the larger public are, in contrast, generally absent. Payne tabulated the witness lists for a number of hearings between 1983 and 1987 and found that 95.7 percent of the witnesses favored more spending, 3.7 percent were neutral, and only 0.7 percent were opposed. [92] The same pattern is evident in lobbying and constituent pressure.

There is an even broader culture, one of ruling. As John Fund points out, "It is subtly corrupting to have microphones pushed in your face daily and to have reporters asking your opinion about every question under the sun. Eventually, one comes to believe that his or her opinion is more important than perhaps it really is. Worse, the legislator then has a tendency to want to codify those opinions on everything under the sun." [93]

### **Electoral Self-Interest**

The culture of spending is reinforced by naked electoral self-interest. After all, it is the expansion of taxes, spending, and regulation that allows incumbents to raise much of their reelection funds. Fundraising by looting the taxpayer or threatening to loot one or another interest group probably had its genesis in the mid-1800s when the tariff, the prototypical special-interest payoff, became a dominant issue. Today Uncle Sam's \$1.6 trillion budget, accounting for nearly one-fourth of gross national product, provides a pot of gold that will be almost as tempting for Republicans as for Democrats to use to increase their chances for reelection. In an important sense, an expansive state means that a congressional seat is "worth" more to all legislators, irrespective of their party. [94]

And the miasma of regulation, not likely to be cleared away any time soon, enhances the role of members of Congress as ombudsmen who help citizens navigate the very unresponsive bureaucracy that incumbent legislators have created. That role has helped to keep elections "local" rather than focused on larger policy debates. Observes Fiorina, "For every voter a congressman pleases by a policy stand he will displease someone else. The consequence is a marginal district. But if we have incumbents who deemphasize controversial policy positions and instead place heavy emphasis on nonpartisan, nonprogrammatic constituency service (for which demand grows as government expands), the resulting blurring of political friends and enemies is sufficient to shift the district out of the marginal camp." [95]

Republicans no less than Democrats are likely to exploit the system. Indeed, David Mason of the Heritage Foundation, a former congressional staffer, warns that in the past conservatives have argued that the ombudsmen role is important in helping citizens who are overwhelmed by government. However, as Mason rightly points out, "The incentive, intended or not, is to manage problems rather than to solve them." [96] Or as Fiorina expressed it, "Congressmen decry bureaucratic excesses and red tape while riding a grateful electorate to ever more impressive electoral showings." [97]

Of course, it could be argued that the culture of spending and regulating reflects four decades of Democratic control of Congress. The new Republican majority, particularly in the House, has dramatically opened the hearing process, listening to advocates of smaller as well as larger government. But many senior congressional Republicans have reputations as spending enthusiasts. Speaker Gingrich had to ignore seniority in choosing the chairman of the Appropriations Committee in part because several top contenders were well-known dealmakers. Rep. Joseph McDade (R-Pa.), formerly the ranking Republican on the Appropriations Committee, has spending ratings comparable to those of the average Democrat. So, too, do a number of other senior Republicans. [98] Jan Meyers and Pat Roberts, both

Kansas Republicans and the heads of the Small Business and Agriculture Committees, respectively, quickly indicated their opposition to serious budget cuts after taking their positions.

Their perspective almost certainly reflects, not just electoral self-interest, but also the self-selection process described by Ehrenhalt: Many of the more successful Republicans are motivated by the same statist philosophies as their Democratic counterparts. Those who stay the longest are most likely to believe in the efficacy of government.

Another problem is what Payne refers to simply as "conversion." That is, the Washington culture conditions even the most rabid critic of government. Warns Payne, "After years and years of being exposed to pro-spending stimuli, the congressman internalizes such an intense commitment to government action that he becomes its leading advocate." [99] Part of it is hearing from 96 proponents of spending for every 1 opponent. Part of it is the existence of a large, taxpayer-funded apparatus designed to validate and promote government programs. [100]

### **Transforming the Political Culture**

The goal, then, of three-term limits is to change the sort of people serving in government and thus transform the larger political culture. Through the 1950s service in Congress as well as most state legislatures was essentially part-time. That changed with the "go-go" government years of the Great Society. The increasing role of political careerists went hand in hand with institutional changes that steadily turned serving in Congress and most state legislatures into fulltime work. As the role of professional pols increased, they set a minimum standard that citizen-legislators could not easily meet. In effect, we saw the political equivalent of Gresham's law--bad legislators drive out good ones. As Ehrenhalt puts it, "Full-time jobs in Congress and in legislatures attract people who want to devote most of their waking hours to politics. There is no reason to suppose that this is the same set of people who would want to do politics in their spare time." [101] The purpose of shorter term limits, then, is to provide an opportunity for the latter people to run for office, to attract as candidates people willing to set aside their professional lives for a season, rather than people hoping to make politics their professional lives.

Even in today's professional political environment we see an occasional citizen-legislator. But until 1994 the primary examples were retirees--Jim Olin, a former vice president of General Electric, ended his 35-year corporate career in 1982 and ran for Congress. Olin had both a private and a public life, one after the other. Using term limits to create a place for lots of citizen-legislators will bring forth a lot more Jim Olins, but at the 5-, 10-, and 20-year points in their business careers, which they will be able to resume after serving, at most, three terms in Congress.

### **Ancillary Benefits**

Although term limits are often thought of as a Republican tool--and they certainly enjoyed a lot of GOP support for purely partisan purposes until the Republicans captured control of Congress and a score of state legislatures last November--they promote what are often perceived as Democratic ends, such as diversity. And the lower the limit, the greater diversity is likely to be.

Although the political system is much more open today than it was 30 or 40 years ago, incumbency has tended to benefit white males, who long dominated politics at most levels of government. According to the National Women's Political Caucus, female candidates generally do as well, both as incumbents and as challengers, as men, but they are more often challengers, with a far lower likelihood of winning. Explains Executive Director Jody Newman, "Winning has nothing to do with sex and everything to do with incumbency. In order to win, women have had to defeat a sitting [usually male] incumbent, or wait for him to retire, resign, or die." [102] For that reason Reed and Schansberg predict that women would gain seats with term limits. [103]

Experience has borne out that forecast. Consider California, where assembly districts approach and senate districts exceed the size of congressional districts. One critic of term limits prophesied that average people would not serve; rather, "large law firms and corporations may well detail junior partners and vice-presidents to serve as legislators." [104] Wrong! Mere passage of the initiative in 1990, set to take effect in 1996, caused fully one-fourth of the legislators to voluntarily retire in 1992. As a result, the freshman class of 1992 made up 33.8 percent of the assembly, the largest percentage since 1946. The number of women rose by one-third; more minorities were also elected, including an Asian-American for the first time in 12 years. [105] The Los Angeles Times reported that the

legislature's freshmen members included "a former U.S. Air Force pilot, a former sheriff-coroner, a paralegal, a retired teacher, a video store owner, a businesswoman-homemaker, a children's advocate, an interior designer, a retired sheriff's lieutenant, and a number of businessmen, lawyers and former City Council members." [106] Only two former members of the assembly staff, once the prime starting point for membership, were elected. Democratic assemblywoman Valerie Brown explained that "we tend to be older, we come from business backgrounds, not government . . . there is going to be a reluctance to buy into the rituals and expectations." [107] Far from proving to be hobbled by the departure of "experienced" members, the legislature passed the budget on time--for the first time in years--and a workers compensation reform measure. [108]

The experience of Kansas City, Missouri, was similar. Passage of term limits in 1990 led to an unsuccessful lawsuit under the Voting Rights Act, yet the number of minorities and women on the city council actually increased. [109] As a result of term limits in San Antonio, admits W. Lawrence Walker, publisher of the San Antonio Express-News and originally an opponent of the measure, "We have a better and more diverse council." [110] A slightly different case is posed by Colorado, whose legislature was a hospitable place for women--40 percent during the 1980s--even before passage of term limits because it was a part-time place with only a modest salary that attracted a lot of spouses who were truly citizen-legislators. [111]

### **Statute or Constitutional Amendment?**

The future of term limits is partly dependent on the U.S. Supreme Court, which will soon rule on whether or not states may limit the length of service of their members of Congress. There are powerful arguments that the Constitution leaves that authority with state voters. [112] However, even if the Court upholds state-imposed limits, a majority of states will continue to lack term limits because there is no initiative process allowing people to bypass state legislators, who, no less than members of Congress, unalterably oppose limits in any form. Thus, many voters are likely to continue to be deprived of an opportunity to approve term limits whatever the Court decides. And if the Court voids state restrictions, then only a constitutional amendment or possibly a federal statute could reinstate term limits.

At this writing, Congress is debating term limits. Best would be for Congress to approve a three-term limit amendment for submission to the states, three-fourths of which would have to approve it for it to go into effect, or an amendment with longer term limits that gives states the option of imposing shorter ones, as proposed by Rep. Nathan Deal (D-Ga.). [113] (The Republican leadership was considering allowing votes on more than one measure, but the House Judiciary Committee refused to send to the floor a three-term measure.) If Congress refuses, two-thirds of the states could pass resolutions, forcing the calling of a convention if Congress did not act, which would almost certainly prod the national legislature into action.

A back-up statute proposed by Sen. Hank Brown (R-Colo.) and Rep. Tillie Fowler (R-Fla.), which would require only majority approval by Congress, would authorize states to "prescribe the number of terms a person may be elected or appointed to the Senate or House of Representatives." [114] That approach, which is supported by the Project for the Republican Future, would probably allow state restrictions to pass constitutional muster irrespective of the Court's imminent ruling, since the Constitution gives Congress more than one grant of power that could allow delegation to the states. [115] The downside of such a statute, however, is that it would be less permanent than a constitutional change. It would also provide no convenient issue, such as a pending federal constitutional amendment, for voters to rally around in states where legislatures have so far refused to act.

Also capable of being passed by a majority vote would be the proposal by Rep. Peter Hoekstra (R-Md.), advanced last session, for a national advisory referendum. Although the passage of term-limits measures in a score of states would seem to be evidence enough of popular support, a national vote would place increased pressure on legislators at all levels and raise the profile of the issue with all voters.

### **Conclusion**

The nation's Founders, along with famed Roman statesmen and British classical liberals, strongly believed in rotation in office. [116] Unfortunately for Americans today, the Framers left limits on terms out of the Constitution. But then, they did not think limits would be necessary, for they did not foresee that politics would become a career for so many people--a half million officeholders at all levels of government today. Alas, just as the government of two centuries

ago has metastasized into something far, far worse than the oppressive rule that pushed the colonists into rebellion, the arrogance of the ruling political class has reached a level that would have done Britain's royalty proud. Americans must inaugurate a second revolution.

The November 8th election did make a difference, but its effects may prove transitory. It took decades of resentment of the depredations of government before voter outrage was strong enough to overturn a game that had been essentially fixed. As that outrage subsides, the careerist fix will begin to reassert itself, perhaps on behalf of the game's new winners, perhaps on behalf of the current "outs" who remain strong believers in government. Far more permanent--and revolutionary--would be the application of term limits to Congress. There was a time not too long ago when an officeholder, if asked "what is your job?" would answer something other than politician. "Politics was an interesting enterprise [for a man] to be part of," explains Ehrenhalt. "It wasn't his profession. It wasn't his life." [117]

Today politics is the life of far too many office-holders. And that has made them hard to defeat at the polls and perverted the policies that they support. It is time to require legislators to rediscover their lives and make politics turn on policy, not ambition. The best way to do that is to impose limits of three terms for the House and two terms for the Senate. Voters in 22 states and more than 270 cities and counties have overwhelmingly approved term-limit measures. Now it is Congress's turn. Nothing is more important today than to reverse the pernicious rise of a professional political class.

## Notes

[1] See generally Jonathan Ferry, "Coming to Terms with Term Limits: A Summary of State Term Limit Laws," U.S. Term Limits Foundation, Term Limits Outlook series 3, no. 4, December 1994.

[2] The measure approved by the House Judiciary Committee sets a six-term (12-year) limit and allows legislators to run again after sitting out a term.

[3] Quoted in Robert D. Novak, "Term-Limit Hypocrites," Washington Post, December 1, 1994, p. A23.

[4] Newt Gingrich, "The Necessary Revolution," speech to the National Republican Congressional Committee Candidate School, December 4, 1991.

[5] Mark P. Petracca, "The Poison of Professional Politics," Cato Institute Policy Analysis no. 151, May 10, 1991.

[6] Quoted in "Honor Thy Contract," editorial, Wall Street Journal, February 10, 1995, p. A8.

[7] George F. Will, "Term Limits," in *The Politics and Law of Term Limits*, ed. Edward H. Crane and Roger Pilon (Washington: Cato Institute, 1994), pp. 22-23.

[8] Quoted in John Armor, *Why Term Limits?* (Washington: Jameson Books, 1994), p. 90. Swift goes on to compare the voters' relinquishment of their right to reelect him with the course taken by many people in Nazi Germany, which is quite revealing of the mindset of career politicians.

[9] Norman Leahy, "Expanding Democracy," U.S. Term Limits Foundation, Term Limits Outlook series 1, no. 5, August 1992.

[10] Elizabeth Capell, "The Impact of Term Limits: Early Returns from California," Extension of Remarks, July 1994, p. 7.

[11] Timothy Hodson, "Conventional Wisdom or Wishful Thinking: Staff Influence in Post Term Limit Legislatures," Extension of Remarks, July 1994, p. 9.

[12] *Ibid.*, p. 8.

[13] See generally Norman Leahy, "Corporate Interests: Why Big Business Hates Term Limits," U.S. Term Limits

Foundation, Term Limits Outlook series 2, no. 1, March 1993.

[14] Quoted in Armor, Why Term Limits? p. 114.

[15] Quoted in *ibid.*

[16] Quoted in Lee Leonard, "The End of an Era in Ohio," *State Legislatures*, July 1994, p. 29.

[17] *Ibid.*

[18] Quoted in "Lobbying to Change Term Limits," *Crain's Detroit Business*, November 1, 1993, p. 24.

[19] Quoted in Armor, Why Term Limits? p. 90.

[20] Quoted in Raymond Gettell, *History of American Political Thought* (New York: Appleton-Century, 1928), p. 254.

[21] Becky Cain, testimony before the Subcommittee on the Constitution of the U.S. Senate Judiciary Committee, January 25, 1995, p. 6.

[22] Edward H. Crane, "Six and Twelve: The Case for Serious Term Limits," *National Civic Review* (Summer 1991): 252.

[23] Actually, most opponents of term limits do not like turnover. Many reformers backed the move to professionalize state legislatures because they disliked turnover and hoped to increase membership stability.

[24] In 1988 only two House members under the age of 60 retired, one because of scandal and the other in order to seek a state appointment; the two Senate retirees ended up running for governor of their respective states. Alan Ehrenhalt, *The United States of Ambition: Politicians, Power, and the Pursuit of Office* (New York: Random House, 1991), p. 229. Even in 1992, with far more open seats, forced turnover, against an incumbent's will, was small. Norman Leahy, "Turnover and the Case for Term Limits," *U.S. Term Limits, Term Limits Outlook series 1, no. 2, May 1992.*

[25] Mark Petracca, "In Defense of Term Limitations," in *The Politics and Law of Term Limits*, p. 68.

[26] Armor, Why Term Limits? pp. 138-39.

[27] Petracca, "In Defense of Term Limitations," p. 72.

[28] Armor, Why Term Limits? pp. 138-39.

[29] Quoted in Douglas Foster, "The Lame-Duck State," *State Legislatures*, July 1994, p. 33.

[30] Paul Barrett, "Term Limits Change Ohio's Landscape: Groans about 'Dead End' Jobs, Cheers for Looser System," *Wall Street Journal*, October 21, 1994, p. A12, Midwest edition. The 46-year-old Suhadolnik has gone back to school for an MBA.

[31] David Mason, "Getting Term Limits Right," testimony before the Subcommittee on the Constitution of the U.S. Senate Judiciary Committee, January 25, 1995, p. 3. [32] Quoted in "Limited Interest in Term Limits," *World*, January 21, 1995, p. 8.

[33] Petracca, "In Defense of Term Limitations," p. 74.

[34] James Bond, "Temporizing on Term Limits: The Speaker Likes 12 Years, Not 6," *Cato Institute Briefing Paper* no. 22, February 7, 1995, p. 8.

[35] Quoted in Pete du Pont, "Term Limits Testing Time," *Washington Times*, February 17, 1995, p. D1.

- [36] Quoted in Robert D. Novak, "Term Limits Confrontation," *Washington Post*, February 6, 1995, p. A19.
- [37] Governors in states with term limits tend to have more difficult reelection races because of this phenomenon. John Armor, "Term Limits Do work: Fifty Years of State Governors," U.S. Term Limits Foundation, *Term Limits Outlook* series 2, no. 4, October 1993, pp. 16-18.
- [38] Crane, p. 251.
- [39] George F. Will, *Restoration: Congress, Term Limits and the Recovery of Deliberative Democracy* (New York: Free Press, 1992), p. 200.
- [40] Quoted in John Fund, "Making the Case for Term Limits," *Chicago Tribune*, December 16, 1990, p. 3. The lack of businesspeople is a serious problem with Congress. Michael Fumento, "Is Congress Too Inexperienced?" *Investor's Business Daily*, April 6, 1992, pp. 1, 2. Unfortunately, opponents of term limits do not take that kind of experience into account when they warn that term limits will rob legislatures of "experienced" members.
- [41] Petracca, "The Poison of Professional Politics," p. 8.
- [42] Ehrenhalt, p. 20.
- [43] Quoted in Petracca, "In Defense of Term Limitations," p. 69. See also Morris Fiorina, *Divided Government* (New York: Macmillan, 1992), pp. 49-52.
- [44] Morris Fiorina describes how the "tangible costs and benefits of legislative service" have increased the number of representatives philosophically committed to expanding government. As he explains, "Full-time service imposes higher opportunity costs on Republicans, and generous compensation raises the direct benefits of service for Democrats." Morris Fiorina, "Divided Government in the American States: A Byproduct of Legislative Professionalism?" *American Political Science Review* 88, no. 2 (June 1994): 307-8.
- [45] Alan Rosenthal, *Legislative Life* (New York: Harper & Row, 1981), p. 58.
- [46] This has become the central issue of the presidential campaign of former Tennessee governor Lamar Alexander. Lamar Alexander, "Complete the Congressional Revolution," *Wall Street Journal*, February 9, 1995, p. A14.
- [47] Fiorina, "Divided Government in the American States," p. 312.
- [48] *Ibid.*, p. 313.
- [49] Crane, p. 254.
- [50] Armor, *Why Term Limits?* p. 28.
- [51] W. Robert Reed and D. Eric Schansberg, "The House under Term Limits: What Would It Look Like?" December 1994, p. 6 (unpublished; copy in author's files).
- [52] John R. Hibbing, "Contours of the Modern Congressional Career," *American Political Science Review*, June 1991, pp. 425-26.
- [53] Morris P. Fiorina, *Congress: Keystone of the Washington Establishment* (New Haven, Conn.: Yale University Press, 1977), p. 7.
- [54] Clay's legislative career was complicated; he interwove service in the Kentucky state legislature, U.S. Senate, and U.S. House with absences from political life. His longest continuous service in the House was from 1815 to 1821.
- [55] In contrast, the shortest time served in the House by a Speaker this century has been 18 years. Since 1970 the



shortest tenure has been 24 years. Armor, *Why Term Limits?* p. 141.

[56] W. Robert Reed and D. Eric Schansberg, "An Analysis of the Impact of Congressional Term Limits," *Economic Inquiry* 32 (January 1994): 90.

[57] Bill Moss, "Rotation: One Chance for the Brass Ring," *State Legislatures*, July 1991, pp. 17-21.

[58] Quoted in Leonard, p. 28.

[59] Reed and Schansberg, "An Analysis of the Impact of Congressional Term Limits," pp. 83-84.

[60] Du Pont.

[61] Reed and Schansberg, "The House under Term Limits," p. 4.

[62] *Ibid.*, p. 11. Because both shorter and longer limits wipe out lifetime tenure, the difference in average service is less dramatic: 3.8 years under three-term limits and 6.1 years under six-term limits. *Ibid.*, p. 4.

[63] Du Pont; and Reed and Schansberg, "The House under Term Limits," p. 8.

[64] *Ibid.*, p. 15

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[65] Barrett.

[66] See, for example, Ronald D. Rotunda, "Rethinking Term Limits for Federal Legislators," testimony before the Subcommittee on the Constitution of the U.S. Senate Judiciary Committee, January 25, 1995, pp. 8-9.

[67] Armor, *Why Term Limits?* pp. 19, 138-39.

[68] Petracca, "In Defense of Term Limitations," p. 70.

[69] Quoted in Foster, p. 33.

[70] Ehrenhalt, p. 23.

[71] Gerald F. Seib, "GOP Swooning for Siren Song of Term Limits," *Wall Street Journal*, June 8, 1994, p. A18.

[72] The GOP won 56 percent between 1983 and 1994 but only 47 percent between 1973 and 1994. Reed and Schansberg, "The House under Term Limits," pp. 12-13.

[73] Armor, *Why Term Limits?* pp. 91-94.

[74] John H. Fund, "Liberals for Term Limits," *Wall Street Journal*, November 6, 1991, p. A18; "Rotation in Office," editorial, *Wall Street Journal*, February 12, 1990; and John H. Fund, "Term Limitation: An Idea Whose Time Has Come," *Cato Institute Policy Analysis* no. 141, October 30, 1990, pp. 6-8.

[75] George F. Will, "No Heavy Lifting, Please," *Washington Post*, February 9, 1995, p. A29.

[76] Quoted in Donald Lambro, "GOP Could Face Uphill Fight Getting Term Limits Through," *Washington Times*, December 5, 1994, p. A3.

[77] Ehrenhalt, p. 224.

[78] *The New Members of Congress Almanac: 104th U.S. Congress* (Washington: Almanac Publishing, 1994).

- [79] James Payne, *The Culture of Spending: Why Congress Lives beyond Our Means* (San Francisco: ICS Press, 1991), p. 87.
- [80] Ehrenhalt, p. 225.
- [81] There are still large personal staffs, virtually unlimited franking privileges and media access, and an edge in fundraising. See, for example, Paul Jacob, "From the Voters with Care," in *The Politics and Law of Term Limits*, pp. 30-34; and Petracca, "In Defense of Term Limitations," pp. 68-69.
- [82] Quoted in Edward H. Crane and Roger Pilon, "An American Debate," in *The Politics and Law of Term Limits*, p. 14.
- [83] Ehrenhalt, pp. 10-11.
- [84] *Ibid.*, p. 203.
- [85] Payne, p. 85.
- [86] *Ibid.*, p. 82.
- [87] Cited in *ibid.*, pp. 175-80. For more recent examples, see Paul Hewitt, "What Congress Wants to Spend," *National Taxpayers Union*, CTBS Report no. 103-2, January 24, 1994. [88] John Berthoud, "Congressional Spending and Term Limits," *National Taxpayers Union Foundation*, March 10, 1995, p. 1.
- [89] See Stephen Moore and Aaron Steelman, "An Antidote to Federal Red Ink: Term Limits," *Cato Institute Briefing Paper* no. 21, November 3, 1994, p. 21.
- [90] Payne, p. 3.
- [91] *Ibid.*
- [92] *Ibid.*, p. 13.
- [93] Fund, "Term Limitation," p. 21.
- [94] Dwight R. Lee, "Fiscal Pollution and the Case for Congressional Term Limits," *Center for the Study of American Business*, Contemporary Issues series 51, April 1992, p. 6.
- [95] Fiorini, *Congress*, pp. 36-37 and *passim*. See also Bruce Cain, John Ferejohn, and Morris Fiorina, *The Personal Vote: Constituency Service and Electoral Independence* (Cambridge, Mass.: Harvard University Press, 1987); Morris P. Fiorina and Roger G. Noll, "Majority Rule Models and Legislative Elections," *Journal of Politics* 41, no. 4 (November 1979): 1081-1104; and Morris P. Fiorina, "The Incumbency Factor," *Public Opinion* 1, no. 4 (September-October 1978): 42-44.
- [96] David M. Mason, "Term Limits and Political Conscience," *Heritage Lectures* no. 479, p. 4.
- [97] Fiorina, *Congress*, p. 67.
- [98] Payne, pp. 82-83.
- [99] *Ibid.*, pp. 22-23.
- [100] See the discussion of bureaucratic information-gathering and publicly-funded consultants in Payne, pp. 27-46.
- [101] Ehrenhalt, p. 14.

[102] Quoted in Crane and Pilon, p. 6.

[103] Reed and Schansberg, "The House under Term Limits," p. 14.

[104] Fiorina, *Divided Government*, p. 57.

[105] Armor, *Why Term Limits?* pp. 79-81; and Charles M. Price, "Class of '92: The Proposition 130 Babies," *California Journal*, April 1993, pp. 35-36. See also Patt Morrison, "Minorities, Women Gain in State Races," *Los Angeles Times*, June 19, 1994, pp. A3, A32. For a general look at California, see John Armor, "'Foreshadowing' Effects of Term Limits: California's Example for Congress," U.S. Term Limits Foundation, *Term Limits Outlook* series 3, no. 1, June 1994.

[106] Jerry Gillam, "Term Limits Put Assembly 27 on Bipartisan Path," *Los Angeles Times*, March 15, 1993, pp. B1, B4.

[107] Quoted in Armor, *Why Term Limits?* p. 81.

[108] Similar results are evident in other states. After the implementation of term limits, Paul Hillegonds, cospeaker of the Michigan House, stated, "I believe we are seeing the benefits of term limits now in that we have had the most productive session we've had in about 20 years." Quoted in Peter A. Brown, "Term Limits Are Changing How State Governments Run," *San Francisco Examiner*, August 28, 1994, p. A7.

[109] J. Duncan Moore, "Do Term Limits Work? Ask One Place That's Tried Them," *Los Angeles Times*, November 5, 1991, p. A5.

[110] Quoted in "Real Change," editorial, *Wall Street Journal*, April 28, 1993.

[111] Ehrenhalt, pp. 7, 197-207. More generally, see Jonathan Ferry, "Women, Minorities and Term Limits: America's Path to a Representative Congress," U.S. Term Limits Foundation, *Term Limits Outlook* series 3, no. 2, July 1994.

[112] John Kester, "State Term-Limits Laws and the Constitution," in *The Politics and Law of Term Limits*, pp. 109-24; Ronald Rotunda, "A Commentary on the Constitutionality of Term Limits," in *The Politics and Law of Term Limits*, pp. 141-155; and Armor, *Why Term Limits?* pp. 120-26.

[113] Nathan Deal, testimony before the Subcommittee on the Constitution of the U.S. Senate Judiciary Committee, January 25, 1995.

[114] Du Pont; and Katharine Q. Seelye, "Gingrich Explores New Way to Limit Terms in Congress," *New York Times*, February 16, 1995, p. D22. Rep. Van Hilleary (R-Tenn.) has proposed similar legislation that would set a 12-year ceiling but allow states to impose lower limits.

[115] See "How to Save Term Limits," editorial, *Washington Times*, February 6, 1995, p. A19. Attorney John Kester points to the Fourteenth Amendment as well as Article I, the more traditional "hook." John Kester, "How to Let the States Limit Terms," *Washington Times*, February 23, 1995, p. A19.

[116] Michael H. Klein, "Limiting Congressional Terms: An Historical Perspective," *Americans to Limit Congressional Terms*, September 25, 1989; Petracca, "In Defense of Term Limitations," pp. 59-67; Armor, *Why Term Limits?* pp. 60-70; Crane, pp. 249-50; William Kristol, "Term Limitations: Breaking Up the Iron Triangle," *Harvard Journal of Law and Public Policy* 16, no. 1 (1992), pp. 95-107; and Petracca, "The Poison of Professional Politics," pp. 11-20.

[117] Ehrenhalt, p. 34. Service in Congress and many state legislatures is hard work, as many advocates of professional politics point out, but it is the sort of work that biases the selection process against people who want to live normal lives. That is why term limits are so necessary to help remedy the effects of the bias.