



Cato Handbook for Policymakers

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8. Term Limits

Each member of Congress should

- pledge to be a citizen legislator by limiting his or her time in office to no more than three additional terms in the House of Representatives and no more than two additional terms in the Senate, and
- keep that pledge.

In June 2008, the Gallup Organization reported that just 12 percent of Americans expressed confidence in Congress, the lowest of 16 American institutions, and the worst rating the survey group had found for any institution in the 35-year history of asking this question. About the same time, a *New York Times*/CBS News poll reported that only 24 percent said the government in Washington could be trusted to do what was right just about always or most of the time. This lack of confidence approaches the historical low of 1994 when large numbers of incumbent members of Congress lost their bids for reelection.

These numbers tell us that Americans feel Congress no longer represents their interests and concerns. No wonder. The power of office has virtually put incumbents beyond the reach of the people. But Americans can reclaim their democracy. They can have a government that is accountable to their will, a government for and by the people, in Washington and in every statehouse in America. Restoring democracy requires term limits for incumbents. All members of Congress should pledge to limit their stay on Capitol Hill.

The People Support Term Limits

Voters have spoken loudly and clearly on term limits in virtually all the states that provide an opportunity to do so. Twenty-two states representing nearly half of Congress had term limits for their delegations by 1994. The

great majority of those states had opted to limit their representatives to three terms, and all those states had limited their senators to two terms. Only 2 of the 22 states chose six terms for the House. From 1990 to 1995, state legislative term limits passed in 18 states. In November 2000, Nebraska became the 19th state to limit the terms of state legislators. The first 19 states passed term limits by an average vote of 67 percent. Moreover, almost every effort by incumbents to roll back term limits has been defeated by voters. In March 2002, a ballot initiative designed to weaken California's term limits law was soundly defeated at the polls, despite a 10-to-1 spending advantage over term limit defenders. Legislative leaders put another initiative on the ballot in 2008 to extend their terms in office, and voters turned it down again. Voters in Arkansas and Montana also rejected state efforts to lengthen their term limits to 12 years. Critics say term limits deprive Americans of one choice for elected office. Americans do not appear to believe they have been denied a fundamental right to choose their representative.

Members of Congress should listen to the American people on this issue. For years, national polls have found that three of four voters support term limits. In a June 2000 poll by Diversified Research, Inc., 69 percent of Californians said they still approved of the original (1990) term limits initiative. An NBC/*Wall Street Journal* poll in July 2003 found that 67 percent of respondents thought term limits were a good idea. Scholars have concluded that the voters are unlikely to change their minds on this issue. Term limits are here to stay. When will Congress abide by the judgment of the American people?

Take the Pledge

Americans believe term limits would improve Congress. But a Congress controlled by career politicians will never pass a term limits amendment. So the term limits movement, one of the most successful grassroots political efforts in U.S. history, has set out to change Congress from a bastion of careerism into an institution responsive to voters and responsible to our deepest ideals.

Term limits are an important part of the American political tradition. George Washington set the standard. Perhaps the most popular and powerful American in history, Washington nevertheless stepped down after two terms as president. He handed back to the people the immense power and trust they had given him, dramatically making the case that no one should monopolize a seat of power. The tradition of a two-term limit for the

president lasted uninterrupted for almost a century and a half. When Franklin D. Roosevelt broke the tradition, Congress moved to codify the term limit by proposing the Twenty-Second Amendment to the Constitution, which the states ratified in just 12 short months. The presidential term limit remains tremendously popular.

We can establish such a tradition in Congress. Since 1994, several dozen new faces have entered the halls of Congress who are serious about changing the culture of Washington, pledging to limit themselves to three terms in the House or two terms in the Senate. Those pledges have resonated with the voters who understand that a lawmaker's career interests do not always coincide with the interests of the people back home. A poll by Fabrizio-McLaughlin and Associates asked, "Would you be more likely to vote for a candidate who pledges to serve no more than three terms in the House, or a candidate who refuses to self-limit?" Seventy-two percent of respondents said they would be more likely to vote for the self-limiter.

Self-limiters serve their constituents well. Former Rep. Matt Salmon (R-AZ) has said term limits gave him the independence to challenge his own party's leadership in favor of the interests of the people of his state. Recent research by Rebekah Herrick and Sue Thomas found that term-limited legislators were less likely than their counterparts to be motivated to run for office for personal goals and more likely to be motivated by issues. This finding implies term-limited legislators are more attentive to making public policy.

Self-limiters also resist Washington's culture of spending. They can vote for spending limits because of the freedom of conscience afforded by their term-limit pledge. The self-limiters' collective experience suggests that self-limitation helps discipline a politician's legislative behavior. Self-limiters exercise greater independence than their non-term-limited peers and appear less fearful of incurring the wrath of either party power brokers or special interest groups. During the past several years, many self-limiters stood out as the most fiscally conservative members of Congress. Not surprisingly, self-limiters have spearheaded opposition to pork-barrel spending and committee budget increases. They have demanded honest accounting and pioneered the political push for real reform of flawed government programs such as Social Security and Medicare—so often used by professional politicians as political footballs.

Term Limits for Committee Chairs

Most laws begin life in congressional committees led by powerful chairs who act as gatekeepers for floor votes on legislation. For decades, the

average tenure of a committee chair was about 20 years. The seniority system allowed entrenched politicians from the least competitive districts to wield power over other members, not on the basis of merit but because of their longevity. In the past, the only way to lose a chair was by death, resignation, retirement, or electoral defeat. The seniority system increased the level of pork-barrel spending and blocked much-needed change. For example, in a Cato Institute policy analysis, “Term Limits and the Republican Congress,” Aaron Steelman examined 31 key tax and spending proposals in recent Congresses. He found that junior Republicans in Congress were “more than twice as likely to vote for spending or tax cuts as were senior Republicans.” Steelman pointed out: “Veteran Republican legislators have proven they are comfortable with big government. It is unlikely that fundamental change in Washington will occur while they continue to control legislative debate and action.”

For those reasons, in 1995 the Speaker of the House decided to limit the terms of House committee chairs to three terms, totaling six years. Those limits are an important dent in a corrupt system. Term limits on those powerful positions make the House more responsible and open the way for newer members to influence policy. In 1996, the Republican caucus imposed six-year limits on GOP committee chairs. As a consequence, some changes have occurred on the traditional Senate leadership career path. But the pace of change should be quickened, not slowed down. In the 111th Congress, both parties should impose term limits on Senate committee chairs.

Why We Need Term Limits

Why are term limits so popular? Americans believe that career legislators and professional politicians have created a gaping chasm between themselves and their government. For democracy to work, it must be representative—a government of, by, and for the people. A member of Congress should not be far removed from the private sector. The members of the House of Representatives, in particular, should be close to the people they represent. As Rhode Island’s Roger Sherman wrote at the time of our nation’s founding: “Representatives ought to return home and mix with the people. By remaining at the seat of government, they would acquire the habits of the place, which might differ from those of their constituents.” In the era of year-round legislative sessions, the only way to achieve that objective is through term limits.

What should be the limit on terms? Some observers have proposed as many as six terms (or 12 years) for the House. Three terms for the House is better for several reasons. America is best served by a Congress whose members are there out of a sense of civic duty but who would rather live their lives in the private sector, holding productive jobs in civil society, far removed from government and politics. Such individuals might be willing to spend two, four, or even six years in Washington, but not if the legislative agenda is being set by others who have gained their authority through seniority. Twelve-year “limits,” which amount to a minicareer, do little to remove this major obstacle to a more diverse and representative group of Americans seeking office.

We have solid evidence that short, three-term limits enhance the democratic process: Proposition 140 in California, which was passed by the voters there in 1990 and limited the state assembly to three two-year terms. The 1992 assembly elections witnessed a sharp increase in the number of citizens seeking office, with a remarkable 27 freshmen elected to the 80-member lower house of the California legislature. In 2004, Bruce Cain and Thad Kousser concluded from the California experience: “As proponents hoped, women and minorities have been elected to office more frequently, resulting in an increasingly diverse Legislature.”

While perhaps not attractive to people seeking to be career politicians, all those developments please the great majority of Americans who favor a return to citizen legislatures. Similarly, a three-term limit for the U.S. House of Representatives would return control of the House—not just through voting but also through participation—to the people. We must make the possibility of serving in Congress a more attractive option for millions more Americans.

A second reason for shorter term limits is that the longer one is in Congress, the more one is exposed to and influenced by the “culture of ruling” that permeates life inside the Beltway. Groups such as the National Taxpayers Union have shown that the longer people serve in Congress, the bigger spenders, taxers, and regulators they become. That is just as true of conservatives as it is of liberals. It is also understandable. Members of Congress are surrounded at work and socially by people who spend other people’s money and regulate their lives. It is the unusual individual—although such people do exist—who is not subtly but surely affected by that culture.

Three terms rather than six would better serve as an antidote to the growing “professionalization” of the legislative process. As Mark Petracca has written:

Whereas representative government aspires to maintain a proximity of sympathy and interests between representative and represented, professionalism creates authority, autonomy, and hierarchy, distancing the expert from the client. Though this distance may be necessary and functional for lawyers, nurses, physicians, accountants, and social scientists, the qualities and characteristics associated with being a “professional” legislator run counter to the supposed goals of a representative democracy. Professionalism encourages an independence of ambition, judgment, and behavior that is squarely at odds with the inherently dependent nature of representative government.

Finally, shorter limits for the House would enhance the competitiveness of elections and, as previously noted, increase the number and diversity of Americans choosing to run for Congress. The most competitive races (and the ones that bring out the largest number of primary candidates) are for open seats. Richard Niemi and his colleagues have found that term limits in state legislatures have been associated with increases in open-seat elections and in the number of competitive seats.

Term limits have taken effect all over the country in state legislatures—and they are working. Scholars have found that term limits in the states removed 1,536 legislators from office from 1996 to 2004. Recent studies indicate several desirable changes brought by term limits in the states:

- Term limits remain popular with state electorates long after their introduction.
- Term limits increase turnover in state legislatures.
- Term limits enable nontraditional candidates to run for seats in state legislatures. Hispanic, African-American, and Asian candidates find it easier to enter term-limited legislatures than non-term-limited bodies.
- Term limits weaken seniority systems in state legislatures.
- Lobbyists in term-limited states report that their job has become harder because they cannot establish long-term relationships with legislators.
- Term limits have not strengthened interest groups, state bureaucracies, or legislative staffs as predicted by critics of term limits.

Term limits foster public policies that serve to halt, or at least reduce, the growth in the size and scope of government. Term-limited politicians demonstrate greater respect than their non-term-limited colleagues for taxpayers’ money. For example, term-limited legislators place less emphasis on securing projects and pork for their districts.

Clearly, logic and experience make a strong case for term limits. Continued popular support for term limits may be the best indication of their success. Members of Congress should take note.

Conclusion

The term limits movement is not motivated by disdain for the institution of Congress. It is motivated by a sincere desire on the part of the American people to regain control of the most representative part of the federal government. It comes from the democratic hope that we can be governed not by professional politicians but by a citizen legislature. Term limits remain an issue to be reckoned with. Public support is even stronger and deeper for candidates making personal term-limit commitments than for a term-limits amendment. Political leaders who understand the problems created by a permanent ruling elite in Washington—or who simply want to abide by the overwhelming will of their constituents—will pledge to serve no more than three additional terms in the House or two in the Senate.

Suggested Readings

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