



## Term Limits and the Citizen Legislature Scam

In April of 1996, the traditionally liberal Democratic Party did something it is, in theory, never supposed to do. It out-conservated the Republican Party, stood up for the U.S. Constitution, and threw out a radical proposal designed to transform the United States from a republic to a democracy. This the congressional Democrats did when they rejected the Republican Party-sponsored Term Limits Amendment.



In March 2001, the Supreme Court repeated the favor, sending to the dumpster an even more radical version of term limits, again the work of Republicans, which would have permitted the states to accomplish what the U.S. Congress hadn't - that is, to enforce state laws that would overstep their bounds under the U.S. Constitution and force term limits on U.S. congressional incumbents via an in-the-voting-booth tool of bias, a derogatory asterisk placed next to the name of any candidate running for re-election after his state mandated maximum time in office expired.

The whole idea of congressional term limits materialized as a key element in the 1994 Republican Party "Contract With America" plan to take America back "to the wisdom and brilliance of the Founders" - more specifically, as a subsection of the Contract that focused on the re-establishment of "citizen legislatures." To some, the term "citizen legislature" rang conservative, but in retrospect the music was more Greek than American, and fraught with more measures to enhance executive power than to check it.

The Citizen Legislature Act included a vote on two different term limit amendments. The first limited the terms of House members to six years and senators to twelve; the second limited both House and Senate to twelve years. Added to this was the vision - expounded by the Contract's chief proponent, Speaker of the House, Third Way guy, Newt Gingrich - of the emergence of direct or semi-direct democracy and minority power.

Republicans arguing in favor of the act stated: "An entrenched body of politicians erodes Congress's accountability and responsiveness. An enormous national debt, deficit spending, and political scandals are but a few of the results."

Strangely enough, there was no mention of the fact that for the first century and a half of this nation's existence, Congress had been accountable and responsive without an amendment. So why blame the Constitution when obviously something else has gone wrong? And, pray tell, how does scrapping the Constitution qualify as a return to the Founders' "wisdom and brilliance"?

Maybe, just maybe, the blame lies at the doorstep of those who elected these "out of touch" power-hungry politicians in the first place, and who continued to elect them just so long as Congress didn't step in and cancel the Super Bowl, March Madness, the NBA Finals, or the World Series. Indeed, that this is really where much of the blame lies as to the so-called corrupting and unconquerable power of incumbency we witness right now, today, as one liberal and moderate incumbent after another is not only losing in the primaries, but losing in some cases to previously obscure candidates by astounding



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margins! Vigilance works. So does our Constitution, and on occasion the two party system, by dividing power so that sometimes corrupt power is checked — not always for the right reasons — but checked nonetheless by competing power.

### **Democrats to the Rescue**

In a rare, and admittedly suspicious, knight-in-shining-armor defense, the Democratic Party saved the day back in 1996, and did so quoting the reasoning of the Founding Fathers, who had also debated and soundly defeated term limits in the Constitutional Convention of 1787.

Democratic senator Joseph Biden said term limits “are an attack on small states,” because the primary reason for creating the U.S. Senate was to provide a check against majority rule. He accurately noted that this check was accomplished by giving the states equal representation in the Senate, and to the degree that certain small-state senators acquire seniority, that check becomes more powerful. Limiting senators to two terms defeats this critical feature of a republic, he argued.

Democratic senators Paul Simon and Ted Kennedy asserted that term limits “deprive Congress of much-needed insight and knowledge,” which if negated would result in “a fundamental shift in the balance of power from the Congress to the President.” The Federalist Papers agreed. Career politicians, at least in the Senate, were precisely what the Founders had in mind. It was hoped that body would be filled with senior statesmen who had graduated from their state legislatures and that their statesmanship and extensive knowledge would provide a critical check on the president, especially in foreign policy, an area of expertise that takes years to master.

In the case of the House of Representatives the Founders rejected term limits because House members being directly elected by the people and subject to more frequent elections (every two years rather than the Senate’s six) would be the far more volatile of the two branches of Congress and, thus, more subject to passion, mob spirit, and leveling (socialist redistribution) schemes. Term limits would only serve to increase the House’s volatility and escalate the threat to property and law. On the other hand, the maturity and influence of a few senior members, the Founders hoped, would encourage balance, patience and order, while providing historical insight regarding ongoing schemes to perpetually reintroduce an array of dangerous “new” bills that aren’t so new after all.

Consistent with at least some of this rational, the Democrats added:

“Term limits would create a Congress whose members would be (a) inexperienced; (b) heavily reliant on Washington insiders; (c) more concerned about seeking job opportunities for their post-congressional years than about serving the country.”

The Democrats topped it off with something directly out of the Federalist Papers: “The greatest incentive to good behavior and honorable service in the U.S. Congress is one’s regular accountability to the voters, not one’s freedom from that accountability.”

Indeed, what could be worse than having a host of lame-duck congressmen on the loose every month of every year? What incentive would there be for citizens to – citizen legislature-like – maintain a watchful eye on their representatives if their representatives are automatically kicked out of the system? And, again, what is democratic about refusing the people the right to re-elect a candidate they are pleased with?

There is another question: Are Republicans really ready to recklessly dispose of the few true constitutionalists that are still fighting the good fight in Congress, men like Ron Paul of Texas? In 2001 California Republicans fought to undo term limit laws they created for that very reason. And although



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no new term limit laws have passed since 2000, 15 states, thanks largely to Republican support, have them, and this year, Sen. Jim DeMint (R-S.C.) introduced legislation amending the U.S. Constitution to limit senators to two six-year terms and congressmen to three two-year terms.

Term limits were debated during the Constitutional Convention and soundly rejected. Isn't it a bit ironic that the Democratic Party (of all groups) and the left leaning Supreme Court have had to stand up and defend the Constitution against an increasingly liberal and at times radical Republican Party?

I believe it is. As the American citizenry is finally alert and active in attempting to reign in Washington, boot out progressive Democrats and Republicans, and bring our government more in line with the Constitution of our Forefathers, let us beware of false alternatives like term limits. The best way to boot out corrupt incumbents is simply to educate the people and inspire them to do their civic and moral duty. In fact, it is the only way a Republic can survive.

More on both term limits and the larger subject of the Citizen Legislature Act next time.

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