



Written by [Laurence M. Vance](#) on April 5, 2019

Term Limits Are Not the Answer

Franklin D. Roosevelt has the distinction of being the only man to be elected to the office of the presidency four times (1932, 1936, 1940, and 1944). The nation's first president, George Washington, after serving two terms as president (1789–1797), famously declined to seek a third term as president. (If he had done so, and won, he would have died in office like Roosevelt, for Washington died in December 1799.)



In a July 21, 1799, letter of Washington to Jonathan Trumbull, he expressed his “ardent wishes to pass through the vale of life in retirement, undisturbed in the remnant of the days” he had “to sojourn here.” “Prudence on my part,” he wrote, “must arrest any attempt of the well meant, but mistaken views of my friends, to introduce me again into the Chair of Government.”

Washington's actions notwithstanding, it was actually the nation's third president, Thomas Jefferson, who strongly endorsed the policy of term limits for the U.S. president.

Two years after Roosevelt died in office — only 82 days after his fourth inauguration as president — the Republican-controlled Congress proposed an amendment to the Constitution on March 24, 1947, that would restrict the presidency to two terms:

Section 1. No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once. But this Article shall not apply to any person holding the office of President when this Article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

Section 2. This Article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several states within seven years from the date of its submission to the states by the Congress.

Almost four years later, after Congress sent it to the states for consideration, the Twenty-Second Amendment, having been ratified by the requisite number of states on February 27, 1951, was added to the Constitution.

Since that time, and especially since the founding of [U.S. Term Limits](#) (USTL) in 1992, calls for imposing term limits on Congress have intensified. USTL maintains that it “stands up against government malpractice,” that it is “the voice of the American citizen,” and that it wants “a government of the people, by the people, and for the people — not a ruling class who care more about deals to benefit themselves, than their constituents.” USTL “advocates for term limits at all levels of government.” Since its founding, the organization has “assisted in enacting and defending term limits on state legislatures in 15 states as well as congressional term limits in 23 states.” However, in the



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Supreme Court case of [U.S. Term Limits, Inc. v. Thornton](#) (1994), the Court ruled, by a vote of 5-4, that “the Constitution prohibits States from adopting Congressional qualifications in addition to those enumerated in the Constitution.”

It would take an amendment to the Constitution to override the Supreme Court.

And that is just the route that some members of Congress want to take. Sen. Ted Cruz (R-Tex.) and Rep. Francis Rooney (R-Fla.) recently proposed a constitutional [amendment](#) that would impose term limits on members of both houses of Congress. It reads in part,

No person who has served 3 terms as a Representative shall be eligible for election to the House of Representatives.

No person who has served 2 terms as a Senator shall be eligible for election or appointment to the Senate.

“For too long, members of Congress have abused their power and ignored the will of the American people,” said [Cruz](#). “Term limits on members of Congress offer a solution to the brokenness we see in Washington, D.C. It is long past time for Congress to hold itself accountable. I urge my colleagues to submit this constitutional amendment to the states for speedy ratification.”

Naturally, USTL supports the proposed amendment. The organization has even proclaimed February 27 to be National Term Limits Day. “Presidential term limits have been a big success and remain broadly popular with the public,” says U.S. Term Limits Executive Director [Nick Tomboulides](#). “It is time to celebrate this great reform as we work to expand it to more offices, especially Congress!”

Two comments are in order.

One, we actually already have term limits: they are called elections. Voters can limit any politician to just one term in office if they so choose. It is a myth that powerful, long-serving politicians can never be voted out of office. High-profile Democrats and Republicans have lost elections, including primary elections. Consider the cases of Democrats Dan Rostenkowski, Tom Daschle, and Tom Foley, and Republicans George H.W. Bush and Eric Cantor.

[Rostenkowski](#) was a U.S. Representative from Illinois from 1959 to 1995. He was the Chairman of the House Ways and Means Committee. Yet he was defeated in the general election of 1994.

[Daschle](#) was a U.S. Senator from South Dakota from 1987 to 2005. He was the Senate Majority Leader. Yet he was defeated in the general election of 2004.

[Foley](#) was a U.S. Representative from Washington from 1964 to 1995. He was the Speaker of the House of Representatives from 1989 to 1995. Yet he was defeated in the general election of 1994.

[Bush](#) was the 41st president of the United States. Yet he was defeated in the general election of 1992 by Bill Clinton.

[Cantor](#) was a U.S. Representative from Virginia from 2001 to 2014. He was the House Majority Leader. Yet he was defeated in a primary election in 2014.

According to USTL, a 2018 poll by McLaughlin & Associates found that “congressional term limits have 82 percent support from the American people.” But if Americans want term limits so bad, then why is the [reelection rate](#) of congressional incumbents so high? And if Congress’s approval rating is [so low](#), then why do Americans keep voting for the same people for Congress? There seems to be a strange disconnect between poll responses and actions at election time. But regardless of how Americans vote,



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the Cruz and Rooney bill prohibits Americans from voting for the candidate of their choice. How democratic is that?

Two, and most important, it is not term limits that Congress needs. The national debt now exceeds \$22 trillion. The federal budget now exceeds \$4 trillion a year. And according to economist [Walter Williams](#) of George Mason University,

Tragically, two-thirds to three-quarters of the federal budget can be described as Congress taking the rightful earnings of one American to give to another American — using one American to serve another. Such acts include farm subsidies, business bailouts, Social Security, Medicare, Medicaid, food stamps, welfare, and many other programs.

That would not be the case if members of Congress simply followed the Constitution they swore to uphold.

Consider just ten things:

1. Is the drug war constitutional? Of course not.
2. Are food stamps constitutional? Of course not.
3. Are farm subsidies constitutional? Of course not.
4. Is Medicaid constitutional? Of course not.
5. Is Medicare constitutional? Of course not.
6. Is Social Security constitutional? Of course not.
7. Is Temporary Assistance to Needy Families (TANF) constitutional? Of course not.
8. Is the Small Business Administration (SBA) constitutional? Of course not.
9. Is the Department of Education constitutional? Of course not.
10. Are subsidies for art and culture constitutional? Of course not.

How many new members of Congress who were elected to office last November campaigned on ending the drug war or food stamps or farm subsidies or Medicaid or Medicaid or Social Security or TANF or the SBA or the Department of Education or art and culture subsidies? Not one, of course. Having new statists and socialists in Congress because the old statists and socialists had to leave because of term limits will not change anything.

Term limits are not the answer to the country's woes. Binding members of Congress — in the words of Thomas Jefferson — “from mischief by the chains of the Constitution” is a much better solution.

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