



Written by [Joe Wolverton, II, J.D.](#) on April 28, 2023

Why We Don't Need Term Limits

Once again, the Convention of States organization is calling for a Constitutional Convention to get a term-limit amendment added to the U.S. Constitution.

Here's their pitch from their own website:

If Americans want it [congressional term limits], it's the job of their representatives to do it. But Washington will never limit itself, and the Founders knew that which is why they gave us Article V.

It's time to use Article V to rein in the out-of-control federal government. More than 80% of America wants it, and we only need three-fourths of the states to ratify proposed amendments.



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For people who prattle incessantly about their fondness for the Constitution, they sure do want to re-write it.

There are many, many constitutional and historical problems with the COS push for a congressional term-limits amendment.

First, it should be cause for concern to their supporters that a self-described conservative/constitutional group would adopt such a progressive and paternalistic attitude toward the right of the people to elect their representatives, one of the most fundamental rights in a free society.

That right is so sacrosanct, in fact, that although the COS "constitutional scholars" likely won't understand, there is a persuasive argument to be made that an amendment limiting the number of terms for which the people of a state could elect one of their representatives would be a violation of Article IV of the Constitution.

Article IV reads, in relevant part:

The United States shall guarantee to every state in the union a republican form of government....

A republic, as defined by James Madison in *The Federalist*, No. 10, is "a government in which the scheme of representation takes place."

Now, if COS is arguing that the people should no longer be allowed to elect the representative of their own choice, are they not in equal measure arguing against the continuing guarantee of republican government, as set forth in Article IV?



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Yes, they are.

They won't admit that. They might not understand that.

Additionally, when it comes to limiting terms, supporters like to focus on the ability to "curb" the time a politician can remain in office. The truth of the matter, however, is that no matter what you or I may think of the person elected by this or that constituency, it is the right of the people of a district or state to elect the person of their choice to represent them, regardless of the opinion of other constituencies.

That's the very definition of republicanism.

The solution to the problem of other people electing politicians you don't like is for you to elect other politicians to prevent those politicians from enacting policies with which you disagree. The solution isn't to prevent people from electing whomever they choose!

That would be the very definition of fascism, as well as, once again, a denial of the republican form of government guaranteed in the Constitution.

Finally, let me provide the honest seeker of solutions — solutions that don't involve opening the Constitution to the tinkering of those who have spent millions of dollars to make that happen — a bit of a historical perspective on this issue. To my way of thinking, I'd rather support my position on this issue with statements from our Founding Fathers rather than an opinion poll conducted by an organization that lists neocon and career Washington, D.C., bureaucrat Anthony Lake as one of its advisors.

So, here's a bit of historical perspective from our Founding Fathers:

Alexander Hamilton in *The Federalist*, No. 72 expressed his sense of the question of term limits: "Nothing appears more plausible at first sight, nor more ill-founded upon close inspection."

During the debates on the subject at the original Constitutional Convention in Philadelphia in 1787, Connecticut delegate Roger Sherman expressed a similar opinion: "Frequent elections are necessary to preserve the good behavior of rulers. They also tend to give permanency to the Government, by preserving that good behavior, because it ensures their re-election."

In *The Federalist*, No. 53, James Madison wrote:

No man can be a competent legislator who does not add to an upright intention and a sound judgement a certain degree of knowledge of the subjects on which he is to legislate. A part of this knowledge may be acquired by means of information which lie within the compass of men in private as well as public stations. Another part can only be attained, or at least thoroughly attained, by actual experience in the station which requires the use of it.... A few of the members [of Congress], as happens in all such assemblies, will possess superior talents; will, by frequent re-elections, become members of long standing; will be thoroughly masters of the public business, and perhaps not unwilling to avail themselves of those advantages. The greater the proportion of new members and the less the information of the bulk of the members, the more apt will they be to fall into the snares that may be laid for them.

At the Constitutional Convention of 1787, Gouverneur Morris spoke on the subject, too. Madison records Morris saying:



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The ineligibility proposed by the [term limits] clause as it stood tended to destroy the great motive to good behavior, the hope of being rewarded by a re-appointment. It was saying to him, “make hay while the sun shines.”

Last one: John Adams wrote in his *Defense of the Constitutions of the United States of America*:

There is no right clearer, and few of more importance, than that the people should be at liberty to choose the ablest and best men, and that men of the greatest merit should exercise the most important employments; yet, upon the present [term limits] supposition, the people voluntarily resign this right, and shackle their own choice.... They must all return to private life, and be succeeded by another set, who have less wisdom, wealth, virtue, and less of the confidence and affection of the people.

There is wisdom in the Founders’ wariness of the concept of limiting corruption by limiting terms of representatives.

When viewed through the Founders’ lens, it becomes clear that an elected representative would be less attached to the attitudes of his constituents if he knew that no matter how he performed in Congress, his time among the lobbyists would eventually expire.

In that case, a corrupt and designing politician would take maximum advantage of his access to graft in the limited time available to him.

In summary, let’s not try to fix the Constitution without first trying to follow it.





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