

INQUIRING MINDS...MAY 4, 2018

TOPIC.. TERM LIMITS

MODERATOR... AL KAPLAN

The concept of Term Limits for members of Congress has again returned to the forefront, with the senate candidacy of Governor Rick Scott of Florida for the Senate, and .the introduction of the Thomas Jefferson Public service Act in the House of Representatives by Francis Rooney of Florida.

As pointed out in the articles offered, the idea of limitation of terms in office is not new and has numerous arguments pro and con.

The rationales include as mentioned.

- ..Experience in service
- ..Monies during terms, to be elected, and post congressional service
- ..Attempts to "drain the swamp."

Among others, as expressed in the articles enclosed.

The articles have been edited for brevity, and the originals may be found as noted.

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Rick Scott's term limits idea: Hugely popular and highly unrealistic

(Tampa Bay Times staff writer Steve Contorno contributed to this report. April 23, 2018.

WASHINGTON — Gov. Rick Scott's first policy idea as a U.S. Senate candidate will not happen and most of his fellow Republicans do not support it.

But it is a surefire applause line at political rallies.

Scott wants term limits for members of Congress: 12 years and no more in an entrenched system where power is determined almost entirely by longevity.

"In Washington, they say this cannot be done. That's nonsense," a relaxed looking Scott says in his first campaign TV ad, standing before an outline of the U.S. with a red felt tip pen in his hand.

"We don't work for them. They work for us."

It sounds good, but it's almost impossible. Scott, 65, has seized on a popular issue in a race in which his opponent, Democrat Bill Nelson, 75, is a veteran of three terms in the Senate who was first elected to the Florida Legislature in 1972, the year that President Richard Nixon won re-election.

There is a reason why term limits do not exist for Congress. It requires an amendment to the U.S. Constitution, an enormous political undertaking that would require the support of two-thirds of members of Congress followed by three-fourths of the states.

"Scott is running on something that's popular, but is almost impossible to make happen," said Aubrey Jewett, a political scientist at the University of Central Florida. "It's a symbolic thing, and he's about 20 years late."

Term limit proposals swept the country more than two decades ago. Florida

voters in 1992 voted to impose eight-year term limits on all state legislators and Cabinet members.

The change created a revolving-door Legislature in which many House members spend years jockeying for Senate seats, and critics say term limits have made lobbyists and staff members more powerful. Supporters of Florida's "Eight is Enough" term limit law wanted it to apply to Congress, too.

But the U.S. Supreme Court ruled in 1995 that Florida and every other state with term limits could not pass state laws that alter the qualifications of members of Congress. Scott's fellow Republicans are careful not to criticize the idea but are not enthusiastic and raised several concerns.

"If it was on the ballot or a vote up here, I would vote for it," said Sen. Marco Rubio, who has signed term-limit pledges as a candidate. "But it would have to apply to every state. I would not want to unilaterally disarm Florida."

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Only a handful of members of Florida's congressional delegation have supported limiting members time in office. They are Rubio and Reps. Matt Gaetz, Ron DeSantis, Tom Rooney and Brian Mast. All are Republicans. Rep. Peter King, an outspoken Republican from New York who is in his 13th term, called term limits "anti-democratic."

"People should have the right to vote for anyone they want to. Also, you need experience, people with institutional knowledge," King said.

Scott has an ally in Rep. Francis Rooney, R-Naples, who's in his first term. Rooney filed legislation that he says would effectively bring term limits without having to amend the Constitution. After lawmakers reach 12 years, their annual salary would drop to \$1. Rank-and-file members earn \$174,000. Scott is not shy about asking career politicians in Washington to help him. He held a fund-raiser in downtown Washington D.C. last week where the headliner was Senate Majority Leader Mitch McConnell, R-Ky. who has held office for 33 years.

Scott's proposal, however unrealistic, amplifies a main attack line he and the GOP use against Nelson.

"This concept of career politicians has got to stop," Scott said at his campaign kickoff on April 9 in Orlando.

"He can talk all he wants about that," Nelson responded in an interview. "I'm going to talk about my priorities, which are making sure Medicare and Medicaid are not savaged, making sure there is not oil drilling off the coast and making sure that we have new high paying jobs for the new economy."

He added: "You talk to anybody in the state Legislature and they say what has happened in term limits is there is so much turnover that it's the legislative staff and especially the lobbyists that run the show in Tallahassee."

Scott is sure to keep talking about term limits for Congress, even though it won't happen. "It's an extremely popular idea," said Tom Piccolo, a Florida political consultant who advises Republicans and does polling on their behalf. "It's off the charts popular."

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Five reasons to oppose congressional term limits

Casey Burgat • Thursday, January 18, 2018. Brookings Institution

"Nothing renders government more unstable than a frequent change of the persons that administer it." –Roger Sherman, open letter, 1788.

Congressional term limits have long been argued to be an easy mechanism for improving the effectiveness of Congress and government at large. More specifically, advocates suggest term limits would allow members to spend less time dialing for dollars and more time on policymaking, allow them to make unpopular but necessary decisions without fear of retaliation at the ballot box, and avoid the corruptive influence of special interests that many assume is an inevitable result of spending too much time in Washington, D.C. Plus, proponents reason, new blood in Congress is a good thing. New members bring fresh ideas and aren't beholden to the old ways of Washington that have left so many voters frustrated and [Congress' approval rating](#) in shambles. At the very least, term limits would prevent members from being reelected despite serving long past their primes. In a political environment where bipartisan agreement on any issue of any size is rarely enjoyed, this proposal is incredibly popular. [Seventy-four percent](#) of likely voters are in favor of congressional term limits. In fact, many members— the very people who would be affected should such a policy be put in place— have shown their desire to limit the number of terms they themselves are eligible to serve by [introducing legislation](#) in nearly every congressional session since 1943 that would add a term-limit amendment to the U.S. Constitution. Even then-candidate Donald Trump [argued term limits](#) would effectively help him “drain the swamp” when elected, much to the delight of his anti-establishment base.

The implicit argument is that Washington, with its corrosive practices, corrupts even the most well-intentioned lawmakers. Because of this, the best —and maybe only— form of inoculation is to limit, constitutionally, the time elected officials can spend in power. At their core, limit advocates contend that elections can't be trusted to produce incorruptible representatives.

Much of the term-limit reasoning makes sense. However, it ignores the very real downsides that would result. Despite widespread support, instituting term limits would have numerous negative consequences for Congress.

Limiting the number of terms members can serve would:

1. Take power away from voters: Perhaps the most obvious consequence of establishing congressional term limits is that it would severely curtail the choices of voters. A fundamental principle in our system of government is that voters get to choose their representatives. Voter choices are restricted when a candidate is barred from being on the ballot.

2. Severely decrease congressional capacity: Policymaking is a profession in and of itself. Our system tasks lawmakers with creating solutions to pressing societal problems, often with no simple answers and huge likelihoods for unintended consequences. Crafting legislative proposals is a learned skill; as in other professions, experience matters. In fact, as expert [analysis has shown](#) with the recently passed Senate tax bill, policy crafted by even the most experienced of lawmakers is likely to have ambiguous provisions and loopholes that undermine the intended effects of the legislation. The public is not best served if inexperienced members are making policy choices with widespread, lasting effects.

Being on the job allows members an opportunity to learn and navigate the labyrinth of rules, precedents and procedures unique to each chamber. Term limits would result in large swaths of lawmakers forfeiting their hard-earned experience while simultaneously requiring that freshman members make up for the training and legislative acumen that was just forced out of the door.

Plus, even with term limits, freshman members would still likely defer to more experienced lawmakers—even those with just one or two terms of service— who are further along the

congressional learning curve or who have amassed some level of institutional clout. Much as we see today, this deference would effectively consolidate power in members that have experience in the art of making laws. In other words, a new, though less-experienced, Washington “establishment” would still wield a disproportionate degree of power over policymaking.

Even in instances where staffers, rather than members, lead the charge in crafting policies, it is often the member-to-member interactions that solidify a measure’s final details, build coalitions, and ultimately get legislation passed. Take, for example, the recent Sen. Graham-Sen. Durbin alliance that has recently proposed a [bipartisan immigration compromise](#). Such a partnership is due in no small part to the pair’s long history—Graham and Durbin served two years together in the House and the Senate for 21 years and counting. Term limits would severely hamper the opportunity for these necessary relationships to develop. Strangers in a new environment are in a far worse position to readily trust and rely on their colleagues, particularly from across the aisle.

3. Limit incentives for gaining policy expertise: Members who know their time in Congress is limited will face less pressure to develop expertise on specific issues simply because, in most cases, the knowledge accrued won’t be nearly as valuable in a few short years. We have [seen a semblance](#) of this effect after Republicans limited House committee chairs to six years at the helm. The incentives for chairs to dive deep into the policy details of their committee’s jurisdiction are now limited, given that chairs know they will soon be forced to give up the gavel. (In the 115th Congress alone, an alarming [seven House Chairs](#) have announced their retirements from Congress.) Thus, term limits would impose a tremendous brain drain on the institution.

Fewer experienced policymakers in Congress results in increased influence of special interests that are ready and willing to fill the issue-specific information voids. Additionally, a decrease in the number of seasoned lawmakers would result in greater deference to the executive branch and its agencies that administer the laws on a daily basis, given their greater expertise and longer tenure.

4. Automatically kick out effective lawmakers: No matter how knowledgeable or effectual a member may be in the arduous tasks of writing and advancing legislation, term limits would ensure that his or her talents will run up against a strict time horizon. In what other profession do we force the best employees into retirement with no consideration as to their abilities or effectiveness on the job? Doesn’t it make more sense to capitalize on their skills, talents and experience, rather than forcing them to the sidelines where they will do their constituents, the public and the institution far less good? Kicking out popular and competent lawmakers simply because their time runs out ultimately results in a bad return on the investment of time spent learning and mastering the ins and outs of policymaking in Congress.

5. Do little to minimize corruptive behavior or slow the revolving door: Because term limits have never existed on the federal level, political scientists have studied states’ and foreign governments’ experiences with term limits to project what effects the measure would have on Congress. These [studies regularly find](#) that many of the corruptive, ‘swampy,’ influences advocates contend would be curtailed by instituting term limits are, in fact, exacerbated by their implementation.

Take lobbyist influence, for example. Term limit advocates contend lawmakers unconcerned with reelection will rebuff special interest pressures in favor of crafting and voting for legislation solely on its merits. However, the term limit literature commonly finds that more novice legislators will look to fill their own informational and policy gaps by an [increased reliance](#) on special interests

and lobbyists. Relatedly, lawmakers in states with term limits have been found—including from [this 2006 50-state survey](#)—to increase deference to agencies, bureaucrats, and executives within their respective states and countries simply because the longer serving officials have more experience with the matters.

Advocates also suggest that limiting the number of terms lawmakers can serve will ultimately result in fewer members looking to capitalize on their Hill relationships and policymaking experience by becoming lobbyists themselves. Establishing term limits, however, would likely worsen the revolving door problem between Congress and the private sector given that mandating member exits ensures a predictable and consistently high number of former members available to peddle their influence. The revolving door phenomenon is considered a normative problem without term limits and relatively few departing members per cycle. With term limits, the number of influential former members would drastically increase, giving more private sector landing spots to members whose time has run out. More lobbying firms would have members able to advance their special interests with former members making use of their relationships and deep understanding of the ways of the Hill.

On the surface, the case for term limits is strong given their potential to curtail the forces of corruption that so many assume dictate the ways of Washington.

But, precisely because the creation of successful public policies by even the most experienced of officials is so difficult and uncertain, we should not mandate that our most effective and seasoned lawmakers be forced out of the institution. Instead, as constituents, we should rely on the most effective mechanism available to remove unresponsive, ineffectual members of

Congress: elections.

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[Rooney: My proposal will work for term limits - Francis Rooney April 20, 2018 News-Press](#)

The idea of citizen legislators, espoused by our Founding Fathers, centers on the discussion of term limits. Many voters across the country and legislators across party lines have expressed support for term limits, making the idea one which attracts bi-partisan support.

When my home state of Florida passed term limits, 76% of Sunshine State voters voted in favor. In fact, Florida is one of 15 states to currently have legislative term limits. This year, a nationwide poll conducted by McLaughlin & Associates found that 82% of voters support Congressional term limits, including 89% of Republicans, 83% of independents, and 76% of Democrats.

Despite clearly expressed views of the American people, some argue that term limits would overly empower unelected staff and bureaucracy. Others argue that a semi-permanent legislative class is the best way Congress should function, despite how the Founders fought a revolution to get away from exactly this.

The Brookings Institute wrote recently that, in its opinion, “policymaking is a profession in and of itself,” that “crafting legislative proposals is a learned skill,” and that “the public is not best served if inexperienced members are making policy choices.” I doubt many Americans who live outside of

Washington, DC, would agree.

Although 15 states have instituted term limits, the situation is more complicated at the federal level. Heretofore, federal term limit discussions have focused on proposals which require amending the Constitution. These well-intentioned efforts, in the form of at least 12 bills in the current session of Congress, with over 90 co-sponsors, are stymied by the arduous process of amending the Constitution.

As former Senator Tom Coburn wrote during the 2016 election, “Americans haven’t agreed on much during ... the presidential primary, but one thing seems clear: they are frustrated with the federal government.” Perhaps a new approach to the issue of term limits would enact the will of the people.

To this end, along with seven of my fellow Congressmen, I have introduced the Thomas Jefferson Public Service Act of 2018. This proposal offers a means of effectively putting capitated service, i.e. “term limits,” in place without amending the Constitution. The Act will reduce the salary of an elected Member of Congress to \$1 a year after they serve six consecutive terms in the House or two consecutive terms in the Senate, and does not require a Constitutional amendment. Is it possible that a disruptive, game-changing measure like this could instill public confidence in Congress and set the stage for a wave of innovation and accomplishment?

From the time of Cincinnatus, who twice entered public service to save Rome from attack and then duly returned to work his farm, to Presidents George Washington and Thomas Jefferson, who refused to consider public service as a career, history is replete with examples of leaders who served their country for a time and returned to private life, or who went on to serve in a different way. For example, after serving as President, John Quincy Adams became a member of the House and had been a Senator prior to service as our Ambassador to Russia and the United Kingdom. Even though some Washington pundits and some of the so-called “special interests” might disagree, I would argue that regular rotation of elected officials would stimulate more fresh ideas and make our legislators more independent. Once these limits take root, a new culture might arise which would be indomitable.

Many states have had this positive experience with their term limits. They certainly work well in Florida. Contrary to arguments that term limits would overly empower unelected voices, the experience with term limits in Florida demonstrates otherwise. State government has shrunk, spending is under control, and the people overwhelmingly support this system.

The Thomas Jefferson Public Service Act could help more closely align the Congress with the electorate.

Francis Rooney is the U.S. Representative for Florida's 19th congressional district. He is the Vice-Chairman of the House Foreign Affairs Committee and serves on the Committee on Education and the Workforce.