

The Fight for Term Limits: Reinvestigating DeMint's Defense of His Failed Amendment

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In our modern political atmosphere, it's easy to see why many Americans would be quick to support a system of strict term limits for members of Congress. The national political system is regularly derided by media and citizens alike as fraught with partisan bickering and legislative gridlock, bent to the whims of special interests rather than the will of the American public. National polls regularly demonstrate Americans' desires to "throw the bums out." For instance, a [2013 NBC News/Wall Street Journal poll](#) found 60% of Americans said that they would vote to "defeat and replace every single member of Congress, including [their] own representative" if they could (Montanero). Meanwhile, a [2013 Gallup poll](#) found that 75% of Americans would support a potential law that would introduce term limits for members of Congress, including majorities of Republicans, Democrats, and independents alike (Saad).

Yet in spite of strong popular support for term limits, the policy has made little ground in Congress itself. Indeed, when South Carolina Senator Jim DeMint [proposed an amendment in 2012](#) introducing term limits for members of the Senate and House of Representatives, it was shot down in a resounding 24-75 vote (Ryan). We could easily argue over some of the motivations members of Congress might have for voting against term limits. Some might argue they're selfishly extending their own power and preserving the existing Congressional hierarchy, while others would say that they're trying to ensure skilled legislators stay in office and protecting the right of Americans to vote for who they want.

But it's also important that we take another look at the arguments Senator DeMint made in defense of his amendment to explain why it failed so decisively. Regardless of whether or not Congressional term limits would improve the state of politics, if DeMint made a poor argument in favor of term limits then there's no reason Congress should have moved to enact them. On closer inspection, many of the claims DeMint made in favor of term limits lack any real evidence that they would improve the state of Congress. Some of his statements are vague and unsupported, while others don't sufficiently address how term limits would

address Congress's issues. And much of his rhetoric appeals heavily to popular opinion and implies that term limits would reform Congress overnight, failing to address other underlying issues with the American political system. Overall, Senator Jim DeMint's arguments don't fit together to make a very compelling case for term limits.

One of the most important parts of DeMint's argument is his claim that enacting term limits would help weaken the influence of lobbyists and special interests on members of Congress. In a statement released by his office, DeMint claimed, "As long as members have the chance to spend their lives in Washington, their interests will always skew toward ... relationship building among lobbyists" (qtd. in Federal News Service). Supposedly, ensuring new legislators are regularly entering office will help make them independent of special interests and more responsive to the will of the American public. However, Senator DeMint fails to offer any real evidence in support of this claim. In fact, there's evidence that suggests the *opposite* is true – that is, term-limited politicians are actually more dependent on lobbyists than those that aren't subject to term limits. A [study published by Wayne State University](#), for example, found that, after Michigan imposed term limits on its state legislature in 1992, "lobbyists' influence over legislators was not only maintained ... but may have increased" (O'Connor). Before term limits were introduced in Michigan, new legislators could get advice on votes from more experienced lawmakers. However, with a term limit system, new legislators had to resort to lobbyists and interest groups to get information about critical political issues that were up for a vote. We can likely conclude that the US Congress would act similarly if term limits were introduced.

Tom Schaller, a writer for the [FiveThirtyEight Politics blog](#), makes another important point: "In a Congress full of rookies, the interest group community will have greater influence because it has longer institutional memory and control over information." We might be able to limit how long a legislator stays in office, but lobbyists can maintain their influence on Washington as long as they want. After all, "There are no term limits on the interest group community, and no way to throw all those 'bums' out" (Schaller). Eventually, interest groups would still make up a great deal of the Washington establishment, and they would lack a congressional establishment to potentially rein them in. Perhaps a term limit system would lead to greater Congressional independence if it was accompanied by broad reform and

regulation of special interest groups and lobbyists, but DeMint failed to propose any alongside his amendment.

Jim DeMint also claims that term limits would help urge members of Congress to [“focus on national priorities”](#) (Sink) and to become “a chamber of true citizen legislators” (Federal News Service). According to DeMint, with term limits imposed, Congress would become more productive and focused on serving the interest of the public. However, he yet again offers no evidence that term-limited politicians would be significantly more concerned with creating legislation in the public’s interest. [Christopher Olds’s findings](#) that term-limited legislatures overall produce less legislation could, in fact, indicate the opposite. Olds theorizes that “electoral uncertainty, both perceived and real,” may urge members of state Houses of Representatives to focus more on amassing what political influence they can and less on actual legislating (58). In turn, the state senates may become “less likely to rely on policies originating in the house” due to the House’s decreased and lower-quality output (60). The previously mentioned Wayne State University study, meanwhile, indicated that the term limit system sharply lowered the amount of oversight the Michigan legislature exercised over state bureaucratic agencies. Without the guidance of more experienced senior legislators, “many legislators elected after term limits don’t even realize [bureaucratic oversight] is part of their job” (O’Connor). Ultimately, introducing term limits to Congress clearly isn’t a sure bet to get its members to focus on the needs of the public. In many ways, term limits might actually distract lawmakers from their essential jobs of legislating and running the government.

DeMint also claims that the reason congressional term limits weren’t enacted as part of the “Contract with America” legislative plan promised by Republican leadership in 1994 was that “we forced our best advocates for reform to go home, while ... career politicians waited them out” (Federal News Service). He apparently implies that conservative Republicans elected in 1994 were suppressed by senior leadership to prevent their platform from being enacted. This just [doesn’t appear to be the case](#): every other part of the Contract with America was enacted, and “nearly all House Republicans were true to their signatures” on the term limit vote (Elving). The Republicans simply lacked the supermajority necessary to amend the Constitution in order to enact term limits, since the Supreme Court ruled congressional term limits unconstitutional in normal legislation. DeMint misleadingly paints

the term limit issue in 1994 as one between the establishment and grassroots, making the rest of his argument suspect.

Another troubling part of DeMint's argument for term limits is his appeal to public opinion to justify them. "Americans know," the Senator asserts, that "real change in Washington will never happen until we end the era of permanent politicians" (Federal News Service). DeMint's certainly right in implying that there's broad public support for introducing term limits – 75% in favor, as mentioned above. However, that fact alone is an appeal to popularity and a logical fallacy; just because many Americans believe in a certain position doesn't mean that it should necessarily become policy.

Additionally, DeMint's argument for term limits leans on popular discontent with Congress and implies that term limits would resolve many of the issues that face the American political system. [DeMint claimed on the Senate floor that](#) "we must reassure Americans that we're here to serve them and not ourselves," alluding to the American public's massive disapproval of the system. It's tempting to look for an easy-to-understand, easy-to-enforce fix for this phenomenon like term limits, especially when public opinion is so low. But DeMint's argument critically overlooks the source of the issue – Americans are still re-electing the politicians they claim to be so upset with. As [Gregory Hession points out in *The New American*](#), "times of political discontent or flux are the ones in which term limits are needed least, since the voters are most keen to ... try some new blood. We can simply let voting do what it was designed to do." If Americans don't actually change how they decide their votes, term limits will simply lead to "one bad representative being replaced with another" (24). Perhaps Americans are just overstating how little they think of Congress when asked; maybe there's a greater societal issue preventing Americans from voting for qualified and honest members of Congress. Either way, DeMint's argument fails to address both possibilities in favor of appealing to the public's disapproval of the Washington establishment.

All this certainly isn't to say there aren't valid arguments in favor of some sort of term limit system for Congress. However, Senator Jim DeMint's claims about the issue just don't add up to a very strong argument for the introduction for term limits. His various claims are unsubstantiated, aren't supported by the facts, and resort heavily to appeals to popular opinion. If congressional term limits are to go anywhere in the Senate, their supporters will

need a more compelling and fact-based case than the one presented by DeMint in 2012 if they want any hope of being passed. As the argument played out, it's no wonder Senator DeMint's term limit amendment was so decisively shot down by America's highest deliberative body.

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