The BEACON SpotLight
A Study of Constitutional Issues by Topic

Issue 28: Congressional Term Limits are Not the Answer

Many otherwise well-intentioned patriots are fierce proponents of Congressional Term Limits, claiming ratification would help restore limited government.

This paper argues an alternate viewpoint, asserting that ratifying this amendment would backfire and, over time, become widely viewed every bit as dangerous as the 17th Amendment, despite the best intentions of honorable advocates.

Common arguments for a Congressional Term Limits amendment include:

1. Too much power exercised by members of Congress for too long is a threat to liberty; and
2. What proved good for Presidents — Term Limits, in 1951, by the 22nd Amendment — would prove good for Congress.

While "too much power" exercised by members of Congress is indeed a "threat to our freedom," the assertion that individual members exercise this power "for too long" is but an insignificant factor.

Unfortunately, a Congressional Term Limits amendment would only address this immaterial second point, while impotently ignoring the all-important first point.

Concentrating on *how long* individual members of Congress may exercise essentially unlimited powers won't resolve our problem, because replacing people who exercise too much power with others who still haven't been directly restricted to their enumerated powers resolves nothing.

It should be pointed out that the existing system for determining the makeup of Congress — voting and elections — already allows voters to keep the "good" members and vote out the "bad."

It is also important to realize that current election parameters allow the decision, of how long to keep an individual member of Congress, solely within the district being represented.

It is improper to allow other people and outside forces, apart from voters in the individual legislative districts, the opportunity to permanently restrict the voice of district voters, in deciding how many terms they want to keep their yet-willing U.S. Senators and U.S. Representatives.

Indeed, Legislative Representation is the fundamental building block of our Republic, which the Declaration of Independence appropriately labels as "a right inestimable" to the people — a right so important that its true value cannot be adequately estimated.

But, the Declaration of Independence also calls efforts to induce people to relinquish Legislative Representation as being "formidable to tyrants only." The Declaration of Independence warns those willing to listen, that actions which diminish Legislative Representation invariably push towards tyranny.

Ratification of a Congressional Term Limits amendment likely won't even restrict legislative overreach (because it only limits the number of

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allowable terms), but, to the extent that it actually lessened legislative power as advertised, actually indicates its direct potential for harm.

Danger exists — if the amendment works as asserted by proponents — because any theoretical diminishment of legislative power won't be magically confined in a political vacuum, to necessarily revert back to the States or the people.

Instead, as one hundred and even two hundred years of American history already proves, the nearby federal executive and judicial officials stand ever-ready to absorb every available ounce of legislative authority possible, whenever fundamental principles are ignored.

Indeed, the unrelenting growth of The Administrative State — The Deep State — has already long shifted federal power away from voter control in Congress, toward the appointed bureaucrats in the executive and judicial branches.

A Congressional Term Limits amendment, to the extent that it restricted congressional overreach, would simply shift what was once congressional action (and subject to voter influence), invariably into the hands of unelected federal bureaucrats (who answer to no voter ever), a process which meets the textbook definition of tyranny.

Proponents of a Congressional Term Limits amendment seek to restrict voters' voices, diminishing Legislative Representation, to reach an insignificant secondary issue (the number of available terms), hoping that by indiscriminately pushing out good members along with the bad, that limited government may prevail, simply because nothing else has yet proven adequate to the task.

While it is perhaps understandable that desperate people attempt desperate measures, the critical problem is not *who* happens to exercise positions of essentially unlimited legislative powers — the critical problem is this supposed ability of members of Congress (and federal officials) to largely do as they please.

Working to weaken U.S. Representatives and U.S. Senators, at least without first removing illegitimate power from executive and judicial officers, will only make the latter more powerful, playing right into the hands of millions of those people appointed to indefinitely-employed federal offices and "independent" establishments, protected from removal by civil service protections notoriously difficult to penetrate.

Incidentally, the claimed benefit that a Congressional Term Limits amendment would prove every bit as beneficial as the 22nd Amendment's prohibition keeping American Presidents from serving more than two terms, is also wholly off base.

That is because limiting the terms of the President has nothing to do with [Legislative] Representation. Congressional Term Limits and Presidential Term Limits are not one and of the same nature, because no American President ever "represents" any divisible party of people (Presidents nominally act uniformly, for all Americans).

Article IV, Section 4 of the U.S. Constitution guarantees to every State of the Union a "Republican Form of Government," securing Legislative Representation to the States, in Congress.

Executive officers and judicial officials never represent any person or place, but are merely the hired guns who carry out the expressed will of Congress, acting within members' constitutional authority, made known by enacted law.

A Congressional Term Limits amendment is a wolf in sheep's clothing, which cannot restore limited government, because attacking irrelevant symptoms will never restore limited government.

We must quit living in a fantasyland, naively believing in fairies and fairy tales.

A Congressional Term Limits amendment imprudently buys into the false argument that those persons who win elections (or, even worse, those merely appointed to political office) may steer American government in a direction wholly of their own choosing, even away from the Constitution.

No good can ever come from any tactic which accepts that false premise, including the Congressional Term Limits amendment.

Neither can one accept present-day conditions as the proper starting place for needed reform, casting our hope on anything that promises to be better than our current condition, for one cannot concede to and accept 200 years of evil corruption that is turning

American government inside-out and upside-down. First, we must right the sinking ship, by exposing the lies which are currently viewed as gospel truth.

Don't listen to those who claim magical powers for direct exercise throughout the Union, for they are only accomplished con men and practiced illusionists, who claim they are all-powerful genies and magical wizards.

Instead, follow the lead of the small dog with a little brain, but who nevertheless trusts his powerful nose, and sniff out the source of the putrid stench that emanates from behind the curtain. Pull back the curtain, and then bark like crazy, to expose the fraud, to anyone who can learn to ignore the wizard who frantically begins to proclaim "Pay no attention to the man behind the curtain."

It is important to cast one's entire attention to the events transpiring behind the curtain, and seek to realize the important ramifications of the grand illusion that have been believed for far too long.

A ratified Congressional Term Limits amendment would diminish Legislative Representation, to treat an irrelevant symptom (*who* exercises unlimited powers) so that the fundamental problem (the *amount of power* members may exercise) may be wholly ignored.

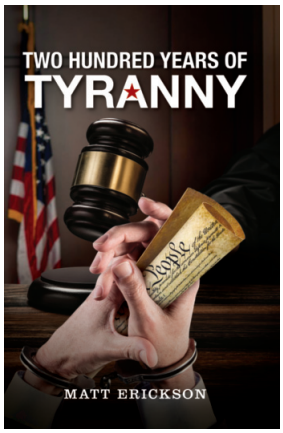
No amendment which fails to directly counter the exercise of inherent power by federal servants, which instead only attacks irrelevant symptoms, will ever be up to the task.

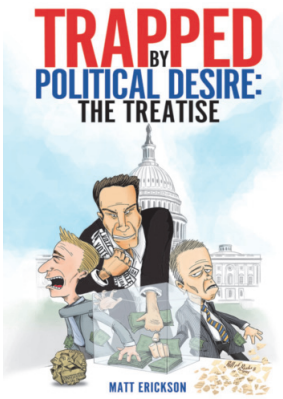
A Congressional Term Limits amendment is a bad idea, recommended by well-intentioned but misguided patriots, who are throwing darts at a wall, to see what will stick, without concern for all the holes that are developing on the beautiful and historic wall, that lay behind the missed dartboard.

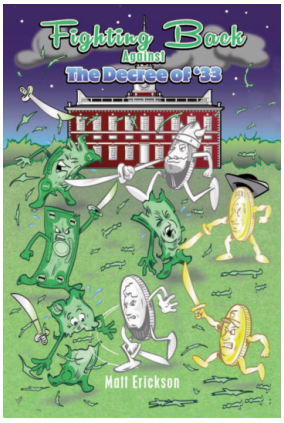
Instead, patriots need to exert directed effort towards learning how members of Congress and federal officials have curiously been able to bypass their normal parameters under the Constitution, with impunity. By doing so, they will see that a forced cycling out of all members of Congress would ultimately do more harm than good.

Americans truly wanting to know how to end the false reign of "bad" members of Congress and federal officials may see any of the author's 12 public domain books, all freely available electronically online, at www.PatriotCorps.org and a number of public websites (including www.Archive.org, www.Scribd.com, and www.Issuu.com).

For those preferring non-fiction, perhaps start with *"Two Hundred Years of Tyranny,"* and those who like fiction, may start with *"Trapped by Political Desire: The Treatise"* (those wanting the easiest reading of the novels may want to try *"Fighting Back against The Decree of '33").*







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by Matt Erickson
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