
David M. Gold

Historical Background of Legislative Term Limits

Materials

David M. Gold, Historical Background [PowerPoint]

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HISTORICAL BACKGROUND OF LEGISLATIVE TERM LIMITS

CONGRESSIONAL TERM LIMITS

× U.S. Constitution

- + Representatives: 25 years old, citizen for 7 years, resident of state represented
- + Senators: 35 years old, citizen for 9 years, resident of state represented
- + U.S. Term Limits v. Thornton (1995): The qualifications for service in Congress set forth in the Constitution are "fixed," at least in the sense that they may not be supplemented by Congress.

PENN'S FRAME OF GOVERNMENT (1682)

- ✘ That, at the first choice of such provincial Council, one-third part of the said provincial Council shall be chosen to serve for three years, then next ensuing; one-third part, for two years then next ensuing; and one-third part, for one year then next ensuing such election, and no longer; and that the said third part shall go out accordingly . . .; and that no one person shall continue therein longer than three years . . .

PENNSYLVANIA CONSTITUTION (1776)

- ✘ No person shall be capable of being elected a member to serve in the house of representatives of the freemen of this commonwealth more than four years in seven.

JOHN ADAMS (1776)

- ✘ [E]lections, especially of representatives and counsellors, should be annual, there not being in the whole circle of the sciences a maxim more infallible than this, “where annual elections end, there slavery begins.” . . . This will teach them the great political virtues of humility, patience, and moderation, without which every man in power becomes a ravenous beast of prey.

ARTICLES OF CONFEDERATION (1781)

- ✘ [N]o person shall be capable of being a delegate for more than three years in any term of six years.

JAMES WILSON (1787)

- ✘ There is a rotation [of senators]; and every second year one third of the whole number go out. Every fourth year two thirds of them are changed. In six years, the whole body is supplied a new one.

JOSEPH STORY (1840)

- ✘ Thus, the whole body is gradually changed in the course of the six years, always retaining a large portion of experience, and yet incapable of combining its members together for any sinister purposes.

WHY NO TERM-LIMITS MOVEMENT IN THE 19TH CENTURY?

- ✘ The percentage of new members of Congress was rarely less than 40–45%
- ✘ Turnover of 78% from 9th to 10th Ohio House
- ✘ Turnover of 73% from 8th to 10th Ohio Senate
- ✘ From 1822 to 1824, 10% of House members served in all three terms
- ✘ Turnover in Ohio General Assembly between 1896 and 1900 was close to 100%

LENGTHENING TENURES - 1911

- ✘ Of the members of the 1911 General Assembly, only 4% served as many as five terms, and of those just half served all their terms consecutively.
- ✘ For 30% of members, the 1911 General Assembly was the only one in which they would ever participate.

LENGTHENING TENURES - 1931

- ✘ 14% of the members of the 1931 General Assembly won election to the legislature five or more times.
- ✘ Several had careers of eight to twelve terms, and a few served for ten or more years in a row.
- ✘ Only 12% made the 1931 session their sole stop in the legislature.

LENGTHENING TENURES - 1951

- ✘ More than 50% of members served five terms.
- ✘ Careers of ten or more terms were common.
- ✘ Many members had long years of consecutive service. Ted Gray began 43 straight years in the Senate in 1951.
- ✘ Over 90% of the members that year had served before or would serve again.
- ✘ Vern Riffe served 28 years in the House (1967-1994), including a record 20 straight as Speaker.