

NATIONAL REVIEW

Jeff Flake Personifies the Problem with Term Limits

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On the home page today, Doug Bandow offers a smart case for Congressional term limits. Term limits would make elections more competitive, focus the voters more on issues rather than personalities, and block politicians from developing eternal alliances with special interests and lobbyists.

Still, something troubles me — and it's Jeff Flake. Though his status as a maverick had been growing for a while, Senator Flake went full rogue upon announcing in 2017 that he would not run for reelection. Suddenly, he could eschew even lip service to the interests of his Republican base.

The no-longer-worried-about-voters version of Flake not only rejected key positions on which President Trump had been elected but also supported the tactical demands of the Democratic party. For example, he went along with the supplemental FBI investigation of Brett Kavanaugh, even though most Republicans viewed that investigation as merely a stalling tactic.

When asked whether he would have pushed for the investigation if he were running for reelection, Flake stated, “Not a chance.”

Most egregiously, Flake helped prevent the confirmation of dozens of conservative judges at the end of the last term. He withheld his support for all judges unless the Senate would agree to vote on a bill that would protect the special counsel — a bill that many conservatives considered unconstitutional. Needless to say, forsaking conservative judges in favor of boosting Robert Mueller is not a tradeoff that most of Flake's Republican constituents would endorse. Again, when asked whether he would block conservative judges if he were up for reelection, Flake responded, “Probably not.”

Of course, Senator Flake retired voluntarily. But with term limits, a large percentage of all members of Congress would face involuntary retirement at any given time, leaving them unaccountable to voters. How many more Jeff Flakes would emerge from that situation?

Some NR readers probably applauded Flake for standing on principle even at the expense of his voting base, but that's hardly a case for term limits. After all, the point of term limits is to increase democratic responsiveness, not lessen it. The democratic process is not served when a politician is elected on one set of positions and then “grows” or “evolves” in office without the consent of his constituents.

I don't presume to know Flake's motivations. Speaking more generally, however, there is a real danger that term-limited legislators, now unanswerable to voters, will answer instead to

entrenched interests that fete them after their public service is over. I worry especially about grassroots issues such as right-to-life and immigration restriction. These causes don't have lots of fancy think tanks and media outlets to promote them inside the beltway. They require sheer voting power to sustain politicians' interest. When politicians no longer have to face the judgment of those voters, how many will still care? Overall, then, I'm not sure whether term limits cause a net increase or net decrease in democratic responsiveness.