



Term limits can limit the bad and the good (Opinion by J. Pepper Bryars)

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Sen. Trip Pittman, R-Montrose, has written a bill calling for term limits in the Alabama legislature.

There's an old saying about Congress: "They're all a bunch of crooks, but our guy is pretty good."

That adage helps explain why the overall institution can have abysmal approval ratings – 13 percent last month, [according to Gallup](#) – but its individual members enjoy high reelection rates – 90-percent in 2012, [according to Bloomberg](#).

Congressmen and senators represent a region's ideological views, become familiar to its voters and build war chests of campaign cash to frighten challengers. They usually only leave by choice. The recent "once in a lifetime" open congressional races in Mobile and Birmingham are perfect examples of the lack of turnover.

It's called the power of incumbency, and conservative Sen. Trip Pittman, R-Montrose, wants to shatter the practice in Alabama. He recently introduced a bill to establish a constitutional amendment limiting our state legislators to three four-year terms. It [cleared an important state Senate committee](#) last month and awaits consideration in the full chamber. It must also win approval from the House and eventually voters statewide.

Should conservatives support the amendment?

When weighing any legislative effort, it's often useful to see who opposes or supports its passage. While there are many arguments for term limits, a key indicator is that they are opposed by most of the establishment – from career politicians to special interest groups.

"Some career politicians oppose term limits on ideological, outcome-based grounds," [wrote Patrick Basham](#) in an essay published by the Cato Institute. "They correctly assume that term limits produce both legislators and legislative incentive structures that are inherently more inclined toward more limited government."

Basham also wrote that "freshman term-limited legislators tend to ask tougher questions of bureaucrats and demand a higher level of performance from government agencies."

Terms limits gained popularity within the conservative movement because they're believed to restrain government growth by checking career-minded politicians. Even ideological conservatives end up earmarking money for their districts or defending funding to programs and institutions they helped create, all while lamenting increased government spending. The good guys will eventually become part of the problem, term limits supporters would say.

That's true in many cases, but conservatives may have a few concerns with term limits.

The first is on principle: term limits restrict the liberty of otherwise qualified citizens from placing their names on a ballot, and prohibits voters from choosing their preference if they like the incumbent. That limits individual freedom; it doesn't expand it.

Supporters reference term limiting presidents and governors as proof the practice is sound. Fair point. However, the case for limiting terms for an office where so much power is vested in a single person is stronger than limiting the terms of hundreds who wield very little individual power.

The second concern is practical: Inexperienced lawmakers may be out-manuevered by the unelected establishment.

"Term limits sound like a nice idea, but they have the net effect of shifting power from elected representatives to bureaucrats and lobbyists," [wrote Jonathan Bernstein](#) in The American Prospect magazine. He added that lawmakers "frequently report that it simply takes time to learn the issues – and to learn how to get reliable information from bureaucrats."

It's a real concern. Longtime staffs of lawmaking committees often hold significantly more power than some of the committee's newly elected officials. Heads of government agencies could also simply "wait out" a particularly challenging lawmaker.

While the benefits of term limits may come with unintended consequences, there might be another method of limiting the power of incumbency.

"Perhaps a better option would be the reduction or repeal of current ballot access laws to allow greater competition for elected governmental positions," wrote Leigh LaChine, chair of the [Libertarian Party of Alabama](#), in an email. "Due to the fact that Alabama has some of the most stringent ballot access laws in the nation, it reduces the number of choices people have when it comes time to cast their vote."

LaChine has a point. It's very difficult for independent candidates and smaller parties to get on the ballot. Maybe we should change that and give voters more of a choice, not less. Then the free market of democracy could better sort out whether an incumbent should be considered another crook or one of the good guys.

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