Don't Bench Your Veterans

In January 2017, the New England Patriots trailed the Atlanta Falcons 28-3 at halftime of Super Bowl LI. What followed was the greatest comeback in NFL history (Patriots.com). The comeback didn't happen because the Patriots decided to swap their starting quarterback for another quarterback at halftime, but instead because they had Tom Brady, a quarterback with 17 years of reading defenses, recognizing pressure, and making decisions in fractions of a second. The experience that Brady carried with him into the second half of the game was what clinched the win. Now, imagine a rule that forced Brady off the field after six years. The Falcons win and the Lombardi trophy goes to the less prepared team. This is precisely what U.S. congressional term limits would do, except the opposing team isn't the Atlanta Falcons. It's a $4.4 billion lobbying industry staffed by career professionals who never term out, rotate, or stop learning the game (OpenSecrets). And the stakes are the laws governing artificial intelligence and cybersecurity.

Congress is, at this moment, losing badly. In 2023, during a House hearing on TikTok, Representative Richard Hudson asked CEO Shou Zi Chew whether the app could track users based on their home WiFi network (Tech Policy Press). In 2018, Senator Orrin Hatch had asked Meta CEO Mark Zuckerberg how Facebook makes money if it charges no user fees. Zuckerberg smirked and replied, "We run ads, Senator," a line that quickly became a punchline (Washington Post). These are symptoms of a systemic problem where Congress trails behind on the technology it regulates. Technologies such as AI systems, robotics, and biotech are being governed by people still learning the basics. Rather than solving the problem, term limits could deepen it by replacing lawmakers before they have enough time to gain meaningful experience.

In 2024, lobbying spending in the United States reached an all-time record of $4.4 billion (OpenSecrets). The firms behind that spending employ former congressional staffers, retired legislators, and industry veterans who have spent decades learning the rules of the game. When a freshman congressman arrives in Washington, they are handed a 4,000-page bill drafted by a lawyer who has been working on it for years. That knowledge gap creates a structural advantage that the lobbying industry has built over the years. Term limits would guarantee this advantage in perpetuity. Research on states that enacted term limits, including Michigan and California, amongst the earliest adopters, found that legislators became significantly more dependent on lobbyists for information and guidance, not less (Citizens Research Council of Michigan; Carey, Niemi, and Powell). Studies of these reforms found that while turnover increased, legislative expertise declined, and the influence of lobbyists and unelected staff grew significantly. With lawmakers constantly entering and leaving office, experienced lobbyists often become the most knowledgeable participants in the legislative process. The Center for Effective Lawmaking at the University of Virginia has tracked legislative productivity for every member of Congress since 1973, finding that the most senior members, committee chairs, are roughly four times more legislatively effective than the average member of Congress (Volden and Wiseman). Term limits would not remove the least effective members of Congress. They would permanently remove the most effective ones.

Still, there is a massive push to enact term limits. Supporters argue that term limits could reduce entrenched political power, create opportunities for new leaders, and bring fresh perspectives into government. Congress has maintained an approval rating near historic lows for over a decade, and the sense that career politicians serve donors rather than constituents is widely felt (Gallup). A Princeton study found that U.S. policy outcomes correlate strongly with the

preferences of economic elites and interest groups, and weakly with those of average citizens (Gilens and Page, 2014). If experience has not translated into responsiveness, why not force turnover? At its core, the challenge is accountability. When political systems fail to hold lawmakers responsible for their performance, ineffective leadership can remain in office. Elections give voters the power to reward strong leadership and remove those who fall short. Term limits, by contrast, treat every lawmaker the same regardless of performance. They force experienced, capable legislators to leave office when they may be most effective. In doing so, they reduce the pool of expertise available to Congress at exactly the time when governing has become most complicated.

The framers of the Constitution knew that term limits weren't the right way forward. In Federalist No. 72, Alexander Hamilton argued explicitly against term limits, warning that they would deprive the nation of experienced leadership at exactly the time when that experience had been hard-won. Hamilton also identified a structural incentive where legislators in their final term, with no electoral consequences remaining, have reduced incentive to act prudently or honestly (Hamilton, 1788). Hamilton's preferred mechanism for accountability was competitive elections. Ranked-choice voting is the most direct path to making elections function that way. Under the current system, voters are forced into binary choices. Maine adopted ranked-choice voting in 2016 and Alaska in 2022, with Alaska's open primary and ranked-choice general producing a congressional upset in a historically Republican seat (FairVote; AP). These reforms would allow elections to produce the turnover that underperforming legislators deserve while retaining the legislators who have actually earned their tenure.

The New England Patriots did not win six Super Bowls in the span of 17 years by cycling through quarterbacks. They won because they let performance, not a clock, decide who stayed on

the field. Congress can operate the same way. In an era when the laws governing artificial intelligence, data privacy, and cybersecurity will define the future of American life, the last thing the United States can afford is a legislature permanently stuck in its rookie season. The opposing team, comprised of lobbyists, industry lawyers, and revolving-door consultants, will never voluntarily term out. They will simply wait for the next freshman class. Don't give them the advantage. Fix the draft. Keep your veterans. Win the game.

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