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Constitutional Barriers to Congressional Reform

John M. Greabe

University of New Hampshire School of Law, john.greabe@law.unh.edu

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Additional Information
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Americans celebrate our Constitution as a beacon that can guide us through difficult situations. And justly so. But at times, the Constitution also has stood as a barrier to necessary reform.

Take, for example, the mess that is Congress. Bipartisanship and regular order are things of the past. A senator or representative’s willingness to work with someone across the aisle can trigger a career-ending primary challenge. Highly impactful health care and tax bills have been written in secret and rushed to votes without public hearings or, seemingly, regard for public opinion. Congressmen have used tax dollars to settle sexual harassment charges.

Little wonder, then, that Congress’s approval rating stood at 13 percent in November, according to Gallup. Moreover, 2017 will mark the eighth straight year in which Congress’s average annual approval rating has fallen below 20 percent.

What has caused Congress to become ever more dysfunctional in recent years? It is difficult to say, but many blame the astonishing surge of money in politics and the increased sophistication of partisan gerrymandering. The former tends to render Congress more beholden to special interests than to the collective interest.
Sometimes, there are Constitutional barriers to congressional reform

GREABE FROM D1

1. Term limits. Advocates for term limits—reducing the number of terms senators and representatives can serve—argue that they could help to "drain the swamp." Term limits would ensure that, at any given time, Congress would be staffed by individuals who may elect their preferred congressionals candidates subject only to constitutional citizenship, age, and residency requirements—term limits beyond those specified in the Constitution.

2. Campaign-finance regulations. Federal and state legislation has sought to regulate the impact of money in politics. Provisions have been enacted regulating, among other things, campaign expenditures, campaign contributions, corporate and union support for campaigns, and the timing and veracity of political advertisements. Measures also have been taken to encourage the public financing of elections and to require public disclosure of their sources of political spending.

3. Limits on partisan gerrymandering. Some states have sought to impose qualifications for service in Congress (including term limits) beyond those specified in the Constitution. In these rulings, the Supreme Court has struck down many campaign-finance regulations as inconsistent with the First Amendment's free-speech clause and the right of the people to participate in elections and to require public disclosure of the sources of certain political spending.

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