***President’s Third Term Talk Defies Constitution and Tests Democracy***

**The 22nd Amendment is clear: President Trump has to give up his office after his second term. But his refusal to accept that underscores how far he is willing to consider going to consolidate power.**

***The New York Times*, Peter Baker, the chief White House correspondent, April 6, 2025**

After President Trump said last year that he wanted to be a [dictator for a day](https://www.nytimes.com/2023/12/05/us/politics/trump-fox-news-abuse-power.html), he insisted that he was only joking. Now he is saying that he may try to hold onto power even after the Constitution stipulates that he must give it up, and this time [he insists he is not joking](https://www.nytimes.com/2025/03/30/us/trump-third-term.html).

Maybe he is and maybe he isn’t. Mr. Trump loves stirring the pot and getting a rise out of critics. Talk of an unconstitutional third term distracts from other news and [delays the day he is seen as a lame duck](https://www.nytimes.com/2025/03/31/us/politics/trump-third-term.html). Certainly some in his own camp consider it a joke as Republican leaders laugh it off and White House aides mock reporters for taking it too seriously.

But the fact that Mr. Trump has [inserted the idea into the national conversation](https://www.nytimes.com/2025/02/10/us/politics/trump-third-term.html) illustrates the uncertainty about the future of America’s constitutional system, nearly 250 years after the country gained independence. More than at any time in generations, a president’s commitment to limits on power and the rule of law is under question and his critics fear that the country is on a dark path.

After all, Mr. Trump already tried once to hold onto power in defiance of the Constitution when he sought to overturn the 2020 election despite losing. He later called for [“termination”](https://www.nytimes.com/2022/12/04/us/politics/trump-constitution-republicans.html) of the Constitution to return himself to the White House without a new election. And in the 11 weeks since he resumed office, he has [pressed the boundaries](https://www.nytimes.com/2025/02/05/us/trump-federal-law-power.html) of executive power more than any of his modern predecessors.

“This is in my mind a culmination of what he has already started, which is a methodical effort to destabilize and undermine our democracy so that he can assume much greater power,” Representative Daniel Goldman, Democrat of New York and lead counsel during Mr. Trump’s [first impeachment](https://www.nytimes.com/2019/12/18/us/politics/trump-impeached.html), said in an interview.

“A lot of people are not talking about it because it’s not the most pressing issue of that particular day,” he said on Friday as stock markets were plunging in reaction to Mr. Trump’s newly declared trade war. But an attack on democracy, he added, “is actually in motion and people need to recognize that it is not hypothetical or speculative anymore.”

To Mr. Trump’s allies, such talk is hyperbolic, the over-the-top grievances of an opposition party that lost an election and cannot come to terms with it. Mr. Trump, who is 78, is not really going to run for a third term, they maintain, and even if he found a way around the Constitution, it would still be up to voters to decide whether to re-elect him.

“I wish we could have him for 20 years as our president,” Attorney General Pam Bondi said on “Fox News Sunday.” “But I think he’s going to be finished probably after this.” When pressed on her use of “probably,” Ms. Bondi acknowledged that circumventing the Constitution “would be a heavy lift.”

While his allies contend that Mr. Trump is not serious, he has a way of throwing out ideas that seem outrageous at first, only to socialize them over time through repetition until they are treated as if they are somehow normal or at least no longer quite so shocking. There was a time it would have been unthinkable for a president to threaten to [seize Greenland](https://www.nytimes.com/article/trump-greenland-why.html) and [Canada](https://www.nytimes.com/2025/03/07/world/canada/trump-trudeau-canada-51st-state.html) or to [pardon rioters](https://www.nytimes.com/2025/01/20/us/politics/trump-pardons-jan-6.html) who stormed the Capitol to stop the transfer of power and beat police officers. But in the Trump era, the journey from unthinkable to reality has been remarkably short.

Mr. Trump’s autocratic tendencies and disregard for constitutional norms are well documented. In this second term alone, he has already sought to [overrule birthright citizenship](https://www.nytimes.com/2025/03/13/us/politics/trump-birthright-citizenship-supreme-court.html) embedded in [the 14th Amendment](https://constitution.congress.gov/constitution/amendment-14/), effectively co-opted the power of Congress to determine what money will be spent or agencies closed, purged the uniformed leadership of the armed forces to enforce greater personal loyalty and punished dissent in academia, the news media, the legal profession and the federal bureaucracy.

The [two-term limit on the presidency](https://www.nytimes.com/article/trump-third-term-2028-constitution.html) that Mr. Trump wants to contravene has its roots in the beginning of the republic when George Washington voluntarily stepped down after eight years as the country’s first president, setting a precedent for those who would follow.

A few of his successors toyed with breaking that precedent, including Ulysses S. Grant, Theodore Roosevelt and Woodrow Wilson. But none actually took it all the way until Franklin D. Roosevelt, a Democrat, won a third term in 1940 as World War II raged overseas and then a fourth term in 1944.

In response, Congress, with strong Republican support, passed [the 22nd Amendment](https://constitution.congress.gov/constitution/amendment-22/) declaring that “no person shall be elected to the office of the president more than twice,” a measure then ratified by the states in 1951.

Since then, some presidents have expressed second thoughts about the term limit. Ronald Reagan said in 1987 that he would [favor repealing the 22nd Amendment](https://www.nytimes.com/1987/11/29/us/reagan-wants-end-of-two-term-limit.html), not for himself “but for presidents from here on.” Bill Clinton in 2003 mused that the Constitution [should only limit a president to consecutive terms](https://www.nytimes.com/2003/05/30/us/washington-talk-assessing-clinton-s-aspirations-again.html). “For future generations, the 22nd Amendment should be modified.”

No president has sought to circumvent it for himself, however, and it is unclear how Mr. Trump might proceed if he were to try. Representative Andy Ogles, Republican of Tennessee, has introduced [a constitutional amendment](https://ogles.house.gov/media/press-releases/rep-ogles-proposes-amending-22nd-amendment-allow-trump-serve-third-term) allowing a president who did not win two consecutive terms to run again. But that is not a serious prospect since an amendment requires a two-thirds vote of each house of Congress and ratification by three-quarters of the states.

Because of that, some Trump allies said it was pointless for them to advocate a third term for the president or for his opponents to worry about it. “If Congress passes a constitutional amendment by the necessary majorities and the requisite number of states ratify the amendment, then he could run,” said former Speaker Newt Gingrich. “Without that, it is a cocktail party conversation idea.”

Still, it is a cocktail party conversation that Mr. Trump likes to have. While asserting that for now “it is far too early to think about it,” [he told NBC News recently](https://www.nbcnews.com/politics/donald-trump/trump-third-term-white-house-methods-rcna198752) that he is “not joking” about the possibility and claimed that “there are methods” to get around the constitutional limit.

Karoline Leavitt, the White House press secretary, would not elaborate on what such “methods” might be and there was no sign that the administration is pursuing any at the moment. “He has four years,” she told reporters. “There’s a lot of work to do.”

Some have suggested that he could bypass the term limit by running for vice president in 2028 with a pliant candidate at the top of the ticket who could then resign and allow Mr. Trump to assume the presidency again without violating the ban on being “elected” more than twice.

Scholars debate whether [the 12th Amendment](https://constitution.congress.gov/constitution/amendment-12/) would bar such a scenario because it says that “no person constitutionally ineligible to the office of president shall be eligible to that of vice-president of the United States.” Would Mr. Trump still be “eligible” to be president if he could not be elected to the office again?

Such a debate is esoteric and, to some, a pointless distraction. “I don’t take Trump seriously about this,” said John Yoo, a law professor at the University of California at Berkeley, and former Justice Department official under President George W. Bush. “There are some outlandish ways he could serve another term, which no doubt were once plot lines on ‘24’ or ‘The West Wing.’ But none of them are realistic.”

Even some critics of Mr. Trump said the president’s musings about a third term should not consume much attention. “We have plenty of genuine threats to our constitutional order that Trump and his allies are posing, and I think we should be focused on those,” said Larry Diamond, a senior fellow at Stanford University’s Hoover Institution who specializes on democracy issues.

But other legal scholars said that Mr. Trump’s scorn for the law was made palpable by the third-term talk. “The president is, again, taunting and insulting the American people and mocking the Constitution of the United States,” said J. Michael Luttig, a conservative former federal appeals judge.

Most Americans do not support Mr. Trump trying to stay for a third term but they do not take it as a joke either. A [YouGov survey](https://today.yougov.com/topics/politics/survey-results/daily/2025/03/31/49322/2) last week found that 60 percent oppose him seeking another term even as 56 percent expect him to try nonetheless.

Mr. Trump has publicly teased opponents that he might stay beyond the limit as far back as his first term. At times, he has demonstrated willingness to disregard rules to retain office. In July 2020, he floated the idea of [postponing the fall election](https://www.nytimes.com/2020/07/30/us/politics/trump-delay-2020-election.html), citing the Covid-19 pandemic, prompting unusually firm pushback from senior Republicans.

After losing to Joseph R. Biden Jr. that November, Mr. Trump pressured governors, state lawmakers, Congress and his vice president to toss out the results so that he could hold onto power, a scheme that got him [indicted by federal](https://www.nytimes.com/2023/08/01/us/politics/trump-indicted-election-jan-6.html) and [state prosecutors](https://www.nytimes.com/live/2023/08/14/us/trump-indictment-georgia-election) before his re-election last fall all but mooted those cases.

Lucian Ahmad Way, the author with Steven Levitsky of “Revolution and Dictatorship: The Violent Origins of Durable Authoritarianism,” said Mr. Trump’s latest musings about ignoring the two-term limit should not be discounted.

“I can only assume that he is completely serious and that if his health holds that he will attempt to run for a third term,” said Mr. Way, a political science professor at the University of Toronto. “Efforts to avoid term limits have been a key component of fully authoritarian and competitive authoritarian rule in Belarus, Russia and a range of African states.”

Indeed, some of the world’s most notorious autocrats have found ways to circumvent constitutional provisions to stay in charge — among them, Alexander Lukashenko of Belarus (now in power for 31 years), Vladimir V. Putin of Russia (25 years) and Xi Jinping of China (12 years), each of whom got around a two-term limit.

[According to a 2019 study](https://download.ssrn.com/19/03/27/ssrn_id3361286_code1293257.pdf?response-content-disposition=inline&X-Amz-Security-Token=IQoJb3JpZ2luX2VjEKP%2F%2F%2F%2F%2F%2F%2F%2F%2F%2FwEaCXVzLWVhc3QtMSJHMEUCIQDBmjYXvQst6fsg%2FtV4ExMhzvF4tRs%2Fa9KsVOfHVF5yCwIgTxeqZ6pKGRnbpQCnFm6lv3cv1LCWXbxellO8rzaZWVsqvgUIGxAEGgwzMDg0NzUzMDEyNTciDEMtkb20BJsoi5VCHyqbBa8StNHMrHAK3gIQLTSBAn1mk7Cb8XKYnscUQ9DLvJ1G%2BJvLIN6wGUZDnbCF9JunrJ2IAyGrn%2BNDCtdKEb3FzR6SJqnqfO1Qkh1jJadoyAVKxGloxdzgvI6aJEElDPTLfBOSollE9Zm%2BiytaqfdetcLCbZ8ZKptsa3J8xuIwIRUfLb2RWfOCbrl8Cp4lmW8mpbJUZPiF2LArxdQAd5ynnnHWz53SVl1NLFQJfbH3H50uXHu1EG%2FdcQwEaWb0Y9a6fWivPxIFb%2FP%2BMTY6Am7vcPHfM%2Fi%2Fd%2BOghpHx%2B7GrE5PSYqckkGWbkW9%2B3W9IMBx2jhNBJ14CWVr6IJL36JO3nRNjWvh%2Bz711YCD81M1f63Sb1%2BKOu3zuuAyX4sGMStu5YPUyd019JcTMUoJxZDoa4TOYylzECj%2FPRebKNULNAjUOB5hFlJinXH6drDkSCdS0IhacpjIiQquG%2FJLvodK7cilZyUaMkk04h77bcLnfuMzF7ZGow2vE5sXnQ9%2FmX9ny33Di1OCkOI5ChtxDYyWSTNLXHGPhDQoJFqqaBwVunf8jEAshHPGbUm3ra3oVC7PK5fJkUQTbuwLyWkxLw322XOf4AgTIEi%2BN1eseT%2BI1N%2BbcbOI%2BAgACMjo9k9476vSQgsKrzGZweYuP3B%2BxNkaJInJ7leRWtSabc56m29bBFk4KEBfY8v761KHyFVMn2eWGp6J9aI4LkcCp0Pu573afYHT7fLu5ZXRjUugfJmhUF8rhNP4E66ZO3S0qa6%2BhlFiWLX7EqlKOr6rwlgfK%2FhSKaPu1%2BshqXS4eIH7LrAxXl94S1hMAivgnxJoxOisDuy2ueL5jHfRybX4ndHYdMQG6dMdybG9bNeUe4eHFh7FBffAnaBjz8IaelEMoSRcwnsbAvwY6sQGvOCowYDFHTZ9Oc%2FIxJutBC%2FPLyzkXZ5JgpvvphfPQukD2yTrWZkh7WOEgZi9VF1E2cidqHGKUEQM8kY4GM4aFFmU4lneGodDZSJ%2FhKU9EWY2ClWsETqSgDmsZJdzWhLXDf2AWbDtQjyJpbyVTo4SSLique4K8LNsd6reTIoOHx%2Bl4nDfvzm6LtXsoEMOu42R%2BgsWPe7sZCByXyXAqMhLEKcqJbLe%2Fw7iGe8mT%2F%2FfPc4I%3D&X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Date=20250404T191409Z&X-Amz-SignedHeaders=host&X-Amz-Expires=300&X-Amz-Credential=ASIAUPUUPRWEUA6DPD77%2F20250404%2Fus-east-1%2Fs3%2Faws4_request&X-Amz-Signature=fc916c4017d9cf36f7ff06df3ee2d7b326346dbef17d050a892aa1f4cd4fb6d9&abstractId=3359960), one-third of the world’s incumbent leaders who reach the end of their constitutional terms try to keep power, a proportion that rises to one-half if the most advanced democracies are not counted. Among 234 incumbents in 106 countries examined, none explicitly ignored their constitutions, but sought to evade limits through supposed loopholes, novel interpretations or constitutional revisions.

Mila Versteeg, a law professor at the University of Virginia and the study’s lead author, said such leaders try to wrap their power grabs in the veneer of legality. “This is such a clear constitutional rule,” she said. “Four plus four is eight, and anyone who can count knows if you’re in year nine, you’re violating the Constitution.”

Some Trump allies have advanced ideas. Stephen K. Bannon, his former chief strategist, has suggested that Mr. Trump [should be able to run again](https://www.yahoo.com/news/steve-bannon-suggests-trump-run-105251419.html) because his two terms were not consecutive. The 22nd Amendment makes no allowance for that, but just to be sure, Mr. Goldman introduced a resolution reaffirming that the two-term limit applies whether the terms were consecutive or not.

Others have suggested that Mr. Trump could run and essentially dare the courts or states to remove him from the ballot. The Supreme Court [rejected efforts by several states to remove Mr. Trump](https://www.nytimes.com/2024/03/04/us/politics/trump-supreme-court-colorado-ballot.html) from the 2024 ballot under [a 14th Amendment](https://constitution.congress.gov/constitution/amendment-14/) provision disqualifying insurrectionists from public office. But the term limits in the 22nd Amendment are more clearly defined, and Mr. Trump’s chances of persuading the justices would seem more remote.

At the most extreme are fears that Mr. Trump would simply refuse to leave office, a scenario not dispelled by his replacement of the senior uniformed military leadership. During his bid to overturn his 2020 defeat, some allies urged Mr. Trump [to declare martial law and rerun the election](https://x.com/atrupar/status/1339730530661789696) in states he lost, advice he did not follow knowing that the military leadership of that moment would not go along.

The United States is a more durable democracy than most, and Ms. Versteeg said she doubts Mr. Trump would succeed at staying in power after Jan. 20, 2029. Still, the desire is strong. “All these guys like their job, and they want to find a way to keep it,” she said. “That’s very, very common.”