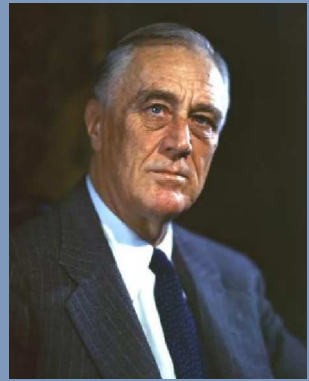




Civics is all around us. There is a lot to know about the government and how "We the People" interact with the government and each other. Let's help each other expand our civic literacy.

On Sunday, March 30, 2025, President Donald Trump hinted again at potentially running for a third presidential term in 2028. Given the parameters of the [22nd Amendment](#) to the U.S. Constitution, which bars anyone from being elected president more than twice, is there a possibility of the president's musings coming to fruition? To consider this question, let's take a deeper look at the creation of the 22nd Amendment.



Until [President Franklin D. Roosevelt's](#) unprecedented third run for the presidency in 1940, no other sitting chief executive had opted to break the [unwritten rule](#) of running for that office more than twice. In fact, not only did President

Roosevelt run and win in 1940, he also ran a fourth time in 1944 and won that election too (he died 82 days into his fourth term), making FDR the longest-serving president in U.S. history at 12 years and 39 days.

Following the [midterm election](#) of 1946, the Republican Party regained control of the United States House of Representatives and the United States Senate. Given FDR's decision to run for a third term in 1940 and a fourth term in 1944, the Republican Party committed itself to establishing presidential term limits as part of its [party platform](#) in each of those years. When the [80th Congress](#) was seated in January of 1947, both chambers had introduced resolutions to amend the U.S. Constitution to include presidential term limits. By February, the House approved [H.J. Res. 27](#) by a vote of [285 to 121](#). On March 12, the Senate passed the

resolution with amendments by a vote of 59 to 23. Despite the Senate's version of the resolution containing amendments to the House's original version, the House chose to side-step the [conference committee process](#) and take up the full Senate version on March 21. That same day, the House passed the Senate's version of H.J. Res. 27.



22nd Amendment (H.J. Res. 27)

- No person could be elected to the office of President more than twice.
- Any person who has held the office of President or acted as President for more than two years of a predecessor's term could be elected once.
- Any person who has held the office of President or acted as President for less than two years of their predecessor's term could be elected twice.
- The amendment would not apply to any person serving as President when it was proposed or when it was ratified.

On March 24, 1947, the Congress proposed the amendment to the states for ratification, which was ratified on February 27, 1951.

Despite its intended purpose, the very nature of the 22nd Amendment's text offers a possible [loophole](#) through which one might mount a constitutional return to the presidency for a third time. The loophole rests on the term "elected." The Amendment bars someone from being "elected" president more than twice. It does not bar a person from "serving" more than twice. So a constitutional question that has been floated since the of the Eisenhower Administration is whether a president who was elected to two terms could be then be elected vice president and then succeed to the presidency as a result of the sitting president's death, resignation, or removal from office since they would have been elected vice president and not president? Another part of this question is would it be constitutionally permissible for a former president, elected to two terms, to succeed the presidency and serve for a third time if they were chosen to be Speaker of the U.S. House of Representatives, president pro tempore of the U.S. Senate, or confirmed as a senior cabinet member as provided in the [Presidential Succession Act of 1947](#)?

Time will tell if these scenarios remain hypothetical or materialize as constitutional realities. Until a person who has been elected to the presidency twice legally tests these questions, it is perhaps best to reflect on the words of former Secretary of State Dean Acheson when asked about this in 1960: "It may be more unlikely than unconstitutional."

To Think and To Do: It is important to note that some scholars have argued that the [12th Amendment's](#) provision preventing a person constitutionally ineligible to be president is also ineligible to be vice president. This would mean a former president covered under the 22nd Amendment would be barred from serving as vice president. What do you think? Is there a constitutional difference between the terms "elected" and "serve," or is it implied that they are the same through the 22nd and 12th Amendments of the U.S. Constitution? Explain your thinking.