

## Could Nancy Pelosi be the next president of the United States?

By Allan Lichtman,

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It is unlikely, but now at least possible, that [Nancy Pelosi](#) will be the next president of the United States. It will not happen by election in 2020, but by succession to the White House this year. Some of you might recall that after the near assassination of Ronald Reagan, chaos ensued in the White House. Secretary of State Alexander Haig told reporters, "Constitutionally, gentlemen, you have the president, the vice president and the secretary of state, in that order." He added, "As for now, I am in control here, in the White House, pending the return of the vice president." He was wrong.

Other than the vice president, the Constitution does not specify an order of succession to the Oval Office, which is determined by federal statute. Under the Presidential Succession Act of 1947, the Speaker of the House of Representatives, not the secretary of State, is in line for the presidency after the vice president. Therefore, if both [Donald Trump](#) and [Mike Pence](#) are either removed from office or resign, then Pelosi becomes president.

The removal or resignation of Trump and Pence has perhaps become more plausible with the New York Times revelation that the FBI opened an investigation into whether the president had been working for the Russians after he fired [James Comey](#) in 2017. This investigation aligns what former British intelligence officer Christopher Steele said in his derided but not debunked dossier that the "Russian regime has been cultivating, supporting, and assisting Trump for at least five years."

If special counsel [Robert Mueller](#) has taken on this investigation and can prove beyond reasonable doubt that Trump was indeed working for the Russians, Trump would have committed the kind of high crime that our founders had in mind when they adopted the impeachment clause of the Constitution. James Madison said that a president might "betray his trust to foreign powers" with an outcome "fatal to the republic." Alexander Hamilton said that foreign powers could be our "most deadly adversaries" and could perhaps seek to "gain an improper ascendant in our councils."

A president working for a hostile foreign power would at least be guilty of conspiracy against the United States, and perhaps of treason, a ground for impeachment under the Constitution. True, treason does require a state of war. Yet, Russia has been engaged in acts of war against the United States, not with bullets and bombs, but through cyberattacks on our democracy. Valery Gerasimov, chief of the general staff of the Russian Armed Forces, declared that the "rules of war" have changed and the "role of nonmilitary means of achieving political and strategic goals has grown."

If Trump is found to have committed felonies on behalf of the Russians, Pence would likely be implicated as well, even if he was not involved directly. One has to assume

that Pence is either the most out of touch politician, or that he was at least aware of the betrayal. Remember, it was Pence who, as head of the Trump transition team, backed the hiring of Michael Flynn as national security adviser. Acting Attorney General [Sally Yates](#) at the time had warned the White House that federal officials believed that Flynn was “compromised with respect to the Russians.”

If there is evidence of Trump selling out to the Russians, and Pence took any part in covering it up, then the vice president could also be found guilty of an impeachable crime or the concealment of a felony. The United States Code clearly provides that an individual “having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined under this title or imprisoned not more than three years.”

If Trump and Pence are swept away by conviction or resignation, then Pelosi becomes president under the law. Under the 25th Amendment, and with the consent of Congress, she can then appoint a vice president of choosing, just as Richard Nixon appointed Gerald Ford after Spiro Agnew pleaded guilty to tax evasion and resigned. This is how, in the great irony of ironies, Nancy Pelosi could become president of the United States.

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