

Chapter 11: Powers of Congress

Section 4

Lecture Notes

AMERICAN

GOVERNMENT

PEARSON

► Objectives

1. Describe the role of Congress in amending the Constitution and its electoral duties.
2. Describe the power of Congress to impeach, and summarize presidential impeachment cases.
3. Identify the executive powers of Congress.
4. Describe the investigatory powers of Congress.

▶ Key Terms

- **successor:** a replacement chosen to fill a vacancy
- **impeach:** to accuse, or bring charges against
- **acquit:** to find not guilty
- **perjury:** lying under oath
- **censure:** a formal condemnation of a person's behavior
- **subpoena:** a legal order directing someone to appear before a committee or court

▶ Introduction

- What nonlegislative powers does the Constitution delegate to Congress?
 - Congress can propose **constitutional amendments**.
 - Congress has some rarely used **electoral duties** when elections must be decided or a new vice president appointed.
 - Congress can **impeach** certain federal officials.
 - The Senate must approve major presidential appointments and **ratify official treaties**.

▶ Amendments

- Congress can propose constitutional amendments by a two-thirds vote of each house and has done so 33 times.
- Congress can also call a national convention of state delegates to propose an amendment, but has never done so.

- If no candidate receives a majority of electoral votes for President or Vice President, Congress chooses the winner.
 - **The House** chooses the President, voting on a state-by-state basis for one of the top three contenders.
 - **The Senate** votes for the Vice President, with individual Senators casting votes.

▶ Electoral Duties

- The House chose the President in 1801 and 1825. The Senate chose the Vice President in 1837.
- When the President appoints a new vice president, a majority of both houses in Congress must approve the choice.

▶ The Impeachment Process

- The Constitution allows Congress to remove the President, Vice President, and all civil officers for treason, bribery, or high crimes and misdemeanors.
 - The House impeaches, or brings charges against, an official. This requires a majority vote.
 - The Senate then acts as a court and tries the official. Convicting an official takes a two-thirds majority.

► Impeachments

- To date, 17 federal officials have been impeached and seven convicted.
 - All those convicted were federal judges.
- President Andrew Johnson was impeached in 1868 after harsh disagreements with the Republican Congress about how to carry out Reconstruction after the Civil War. The Senate found him not guilty by one vote.
- Why was President Johnson impeached?

▶ Watergate

- Richard Nixon resigned the presidency in 1974 under threat of impeachment due to the Watergate Scandal.
 - Investigation into the Watergate burglary uncovered many illegal acts by Nixon's administration, including bribery, perjury, and fraud.
 - Gerald Ford (right) succeeded him as president.



▶ Clinton's Impeachment

- President Clinton was impeached by the House in 1998 but found not guilty by the Senate in 1999.
 - He was charged with perjury and obstruction of justice for withholding information about an inappropriate relationship with a White House intern.
 - Opponents of his impeachment argued that these acts did not qualify as “high crimes and misdemeanors.”

► Penalty

- Checkpoint: What is the penalty if the President is impeached and convicted?
 - Convicted officials, including the President, are removed from office and can be banned from holding office again.



▶ Executive Powers

- All major **presidential appointments** must be confirmed by a majority vote of the Senate.
 - The Senate rarely rejects a Cabinet appointment, though candidates may be withdrawn.
 - The custom of senatorial courtesy means the Senate will only approve appointees supported by the Senators from the appointee's state who belong to the President's party.

▶ Congressional Influence

- The Senate approves high level appointments by the President.
- The President consults with Congress during the negotiation of treaties.
- Presidents may need to make changes in a treaty at the behest of Congress.
- Even after a treaty has been approved, Congress can repeal it.



► Oversight

- Congress has the implied power to **investigate** any matter that falls within the scope of its lawmaking authority.
 - This oversight power is exercised most often by congressional committees.



► **Interpreting Cartoons** In February 2007, the House passed a non-binding resolution opposing the President's plan to send more troops to Iraq. What point does the cartoonist make?

► Congressional Hearings

- Checkpoint: What are some of the reasons that Congress holds hearings?
 - To gather information needed for lawmaking
 - To oversee executive branch agencies
 - To focus public attention on an issue
 - To expose questionable activities of group or individual
 - To promote the interests of members of Congress



Bill Gates

▶ Review

- Now that you have learned about the nonlegislative powers the Constitution delegates to Congress, go back and answer the Chapter Essential Question.
 - What should be the limits on the powers of Congress?