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Congressional Briefing

Historical Perspectives on Congressional Oversight of Presidential Misconduct

Friday, December 13, 2019 at 10:00am in Rayburn House Office Building 2186
#nhcbriefing

The current impeachment proceedings in the House are the latest iteration of a long history of Congressional actions to assert oversight of presidents accused of misconduct. That history will be discussed in this briefing by several leading historians of American presidents and politics.

James M. Banner, Jr., a Washington, D.C. historian, is the editor of Presidential Misconduct: From George Washington to Today. While a member of the history department of Princeton University, he was one of the authors of a report, edited by C. Vann Woodward, on presidents' responses to charges of misconduct requested in 1974 by the Impeachment Inquiry of the House Committee on the Judiciary. The current book is an expansion of that report through the presidency of Barack Obama. A specialist in the history of the United States between 1765 and 1865, he is currently completing a study of revisionist history, which will be published by Yale University Press.

Jeremi Suri holds the Mack Brown Distinguished Chair for Leadership in Global Affairs at the University of Texas at Austin, where he is also a professor in the Department of History and the Lyndon B. Johnson School of Public Affairs. Professor Suri is the author and editor of nine books on American politics and foreign policy. He also writes frequently for major newspaper and magazines, and he is an occasional guest on television and radio news programs. Professor Suri's research and teaching have received numerous awards, including the 2018 Pro Bene Meritis Award for Contributions to the Liberal Arts.

Kathryn Cramer Brownell is associate professor of history at Purdue University. Her research and teaching examine the intersections of media, politics, and popular culture, with a particular emphasis on the American presidency. Her first book, *Showbiz Politics: Hollywood in American Political Life*, examines the institutionalization of entertainment styles and structures in American politics and the rise of the celebrity presidency. She is now working on a new book project that traces the political history of cable television. She writes regularly for national media outlets including *Reuters*, *Time*, *Washington Post*, and *NBC Think*, and serves as a co-editor of the history section of the *Washington Post*, *Made By History*.

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Historical Perspectives on Congressional Oversight and Presidential Misconduct

Historical continuities from 1789 to 2017

- Presidential misconduct is common in American history, but usually not central to daily presidential behavior.
- Most 19th century presidential misconduct involved favors for domestic friends and supporters.
- In the 20th and 21st centuries, presidential misconduct has often involved the misuse of American force and aid overseas.
- Presidents have frequently lied to the American people and Congress.
- Congress has investigated most presidents for misconduct, especially since WWII.
- Congress exposed criminal wrong-doing in many presidential administrations, but few direct links from criminal actions to the president. (President Nixon is the exception.)
- Presidents have almost always cooperated with congressional investigations, providing documents and encouraging their advisers to testify.
- Presidents did not drive government business toward their personal enrichment while in office.
- Presidents did not intentionally jeopardize American electoral or national security for personal benefit, and the benefit of foreign associates.

Historical discontinuities resulting from the Nixon and Clinton impeachments

- Impeachment of Nixon transformed presidential misconduct into a central aspect of modern politics, spurring investigative reporting by press, ethical investigations by Congress, and increasing partisanship.
- Congress passed post-Watergate reforms to set legal limits on presidential behavior, including campaign finance reform, War Powers Act (1973), Ethics in Govt Act (1978), and Foreign Intelligence Surveillance Act (1978).
- Reforms and legal rulings refuted the central argument Nixon made about presidential misconduct: “when the president does it, it’s not illegal.”
- Post-Watergate era brought increased partisan warfare that used scandal to attack political opponents. Investigative journalism placed increasing spotlight on the personal lives of presidents.
- What counted as presidential misconduct shifted with Clinton impeachment. It was about personal misconduct and moral failings, not public liability.
- The Clinton case set new norms that threaten to undermine the role of Congress in determining what misconduct is unethical and what is illegal and unconstitutional. Private indiscretions have become political liabilities. Impeachment has become a partisan tool that the president combats with spin and an effective ‘war room’.