[2] No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Controul of the Congress.

§ 147. States not to lay imposts or duties.

[3] No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

§ 148. States not to lay tonnage taxes, make compacts, or go to war.

ARTICLE II.

SECTION 1. [1] The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four years, and together with the Vice President, chosen for the same Term, be elected, as follows:

§ 149. Terms of the President and Vice President.

George Washington took the oath of office as the first President on April 30, 1789 (III, 1986). The two Houses of the First Congress found, after examination by a joint committee, that by provisions made in the Federal Constitution and by the Continental Congress, the term of the President had, notwithstanding, begun on March 4, 1789 (I, 3). The 20th amendment, declared to have been ratified on February 6, 1933, provides that Presidential terms shall end and successor terms shall begin at noon on January 20. Thus, Franklin D. Roosevelt's first term began on March 4, 1933, but ended at noon on January 20, 1937. Formerly, when March 4

§ 150. Commencement of President's term of office.

fell on Sunday, the public inauguration of the President occurred at noon on March 5 (III, 1996; VI, 449). Following ratification of the 20th amendment, the first time inauguration day fell on Sunday was January 20, 1957, and President Eisenhower took the oath for his second term in a private ceremony at the White House on that day followed by a public inauguration ceremony on the steps of the East Front of the Capitol on Monday, January 21, 1957. A similar scenario was followed at the beginning of the second terms of President Reagan and President Obama, with the oath being given at the White House on Sunday (1985 and 2013), followed by a public ceremony on Monday in the Rotunda (1985) or the East Front of the Capitol (2013). The 22d amendment provides that no person shall be elected President more than twice.

§ 151. Electors of President and Vice President and their qualifications.

[2] Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

§ 152. Questions as to qualifications of electors.

Questions of the qualifications of electors have arisen, and in one instance certain ones were found disqualified, but because their number was not sufficient to affect the result and there was doubt as to what tribunal should pass on the question the votes were counted (III, 1941). In other cases there were objections, but the votes were counted (III, 1972–1974, 1979). In one instance an elector found to be disqualified resigned both offices, whereupon he was made eligible to fill the vacancy thus caused among electors (III, 1975).

§ 152a. Original provision for failure of electoral college to choose.

[3] [The Electors shall meet in their respective States and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat

of Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a majority of the whole Number of Electors appointed: and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice-President.]

This third clause of article II, section 1 was superseded by the 12th amendment (see §§ 219–223, *infra*).

§ 153. Time of choosing electors and time at which their votes are given.

[4] The Congress may determine the Time of chusing the Electors, and the Day on which they shall

give their Votes; which Day shall be the same throughout the United States.

The time for choosing electors has been fixed on "the Tuesday next after the first Monday in November, in every fourth year"; and the electors in each State "meet and give in their votes on the first Monday after the second Wednesday in December next following their appointment, at such place in each State as the legislature of such State shall direct" (III, 1914; VI, 438; 3 U.S.C. 1, 7). The statute also provides for transmitting to the President of the Senate certificates of the appointment of the electors and of their votes (III, 1915–1917; VI, 439; 3 U.S.C. 11).

§ 154. Qualifications of President of the United States.

5 No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

§ 155. Succession in case of removal, death, resignation, or disability of President and Vice President.

6 In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

§ 156. Resignation of the President.

The 25th amendment provides for filling a vacancy in the Office of the Vice President and, when the President is unable to perform the duties of his office, for the Vice President to assume those powers and duties as Acting President. During the 93d Congress, President Richard M. Nixon resigned from office

on August 9, 1974, by delivering a signed resignation to the Office of the Secretary of State, pursuant to 3 U.S.C. 20. Pursuant to the 25th amendment, Vice President Gerald R. Ford became President and the House and Senate confirmed his nominee, Nelson A. Rockefeller, to become Vice President (December 19, 1974, p. 41516).

Congress also has provided for the performance of the duties of the President in case of removal, death, resignation or inability, both of the President and Vice President (3 U.S.C. 19).

§ 157. Compensation of President.

[7] The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be encreased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

The compensation of the President is established by law (3 U.S.C. 102). In addition, the law provides an expense allowance (3 U.S.C. 102) and a travel allowance (3 U.S.C. 103).

§ 158. Oath of the President.

[8] Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

§ 159. Inauguration of the President.

The taking of this oath, which is termed the inauguration, is made the occasion of certain ceremonies that are arranged for by a joint committee of the two Houses (III, 1998, 1999; VI, 451). For many years the oath was normally taken at the east portico of the Capitol, although in earlier years it was taken in the Senate Chamber or Hall of the House (III, 1986–1995). On March 4, 1909, owing to inclement weather, the President-elect took the oath and delivered his inaugural address in the Senate Chamber (VI, 447). And when Vice President Fillmore succeeded to the vacancy in the Office of President, Congress being in session, he took the oath in the Hall of the House in the presence of the Senate and House (III, 1997). In 1945 Franklin D. Roosevelt, who had been elected for his fourth term as President, took the oath of office on the south portico at the White House. On August

9, 1974, Gerald R. Ford, who as Vice President succeeded to the Presidency following the resignation of President Nixon on that day, was sworn in in the East Room of the White House. The West Front of the Capitol was first used for the inaugural ceremony for Ronald W. Reagan, Jan. 20, 1981. Because of extreme cold, the public administration of the oath was for the first time held in the Rotunda of the Capitol, rather than on the West Front, as scheduled, on January 21, 1985. Permission for such use is authorized by concurrent resolution (see, *e.g.*, Oct. 9, 1984, p. 30926).

SECTION 2. [1]The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

§ 160. The President the Commander in Chief.

§ 161. Opinions of the President's advisers.

§ 162. President grants reprieves and pardons.

The 93d Congress passed over the President's veto Public Law 93–148, relating to the power of Congress to declare war under article I, section 8, clause 11 (§ 127, *supra*) and the power of the President as Commander in Chief under this clause. For further discussion of the reports to Congress required and the procedure for congressional action provided under Public Law 93–148, see § 128, *supra*.

§ 163. War powers of Congress and the President.

In 1974, President Ford exercised his power under the last phrase of this clause by pardoning former President Nixon for any crimes he might have committed during a certain period in office (Proclamation 4311, September 8, 1974). The former President had resigned on August 9, 1974, following the decision of the Committee on the Judiciary to report to the House a recommendation of impeachment (H. Rept. 93–1305, Aug. 20, 1974, p. 29219).

§ 164. Pardon of former President.

[2]He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the

§ 165. President makes treaties.

Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law; but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

§ 166. Appointing power of the President.

The power of the President to appoint diplomatic representatives to foreign governments and to determine their rank is derived from the Constitution and may not be circumscribed by statutory enactments (VII, 1248). In Buckley *v.* Valeo, 424 U.S. 1 (1976), the Supreme Court held that any appointee exercising significant authority (not merely internal delegable authorities within the legislative branch) pursuant to the laws of the United States is an Officer of the United States and must therefore be appointed pursuant to this clause, and that Congress cannot by law vest such appointment authority in its own officers or require that Presidential appointments be subject to confirmation by both Houses. For a discussion of the role of the House with respect to treaties affecting revenue, see § 597, *infra*.

[3] The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

§ 167. President's power to fill vacancies during recess of the Senate.

Decision of the Supreme Court of the United States: National Labor Relations Bd. *v.* Noel Canning, 573 U.S. __ (2014).

§ 167a. Decision of the Court.

SECTION 3. He shall from time to time give to the Congress Information of the State of the Union, and recommend

§ 168. Messages from the President.

to their Consideration such Measures as he shall judge necessary and expedient; * * *

In the early years of the Government the President made a speech to Congress on its assembling (V, 6629), but in 1801 President Jefferson discontinued this practice and transmitted a message in writing. This protocol was followed until April 8, 1913, when the custom of addressing Congress in person was resumed by President Wilson and, with the exception of President Hoover (VIII, 3333) has been followed generally by subsequent Presidents. A message in writing is usually communicated to both Houses on the same day, but an accompanying document can be sent to but one House (V, 6616, 6617). The President's State of the Union message delivered in person to the 95th Congress, second Session, together with separate hand-delivered written messages, were referred on motion to the Union Calendar and ordered printed (Jan. 19, 1978, p. 152). In early years confidential messages were often sent and considered in secret session of the House (V, 7251, 7252).

§ 169. Messages required by law.

By law (31 U.S.C. 1105), the President is required to transmit the budget to Congress on or after the first Monday in January but not later than the first Monday in February each year. In addition, the President is required to submit a supplemental budget summary by July 16 each year (31 U.S.C. 1106). Submission of the Economic Report of the President is required within 10 days after the submission of the budget (15 U.S.C. 1022). The Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 601) requires the transmittal to Congress by the President of amendments and revisions related to the budget on or before April 10 and July 15 of each year. In addition, the Act provides for the transmittal of messages proposing rescissions and deferrals of budget authority (2 U.S.C. 682).

§ 170. Reception of messages from the President.

When the President has expressed desire to address Congress in person a concurrent resolution is adopted by both Houses arranging for a joint session to receive the message. The Speaker presides and the President of the Senate (the Vice President) sits to the right of the Speaker, but in the absence of the Vice President, the President pro tempore sits to the left of the Speaker (Nov. 27, 1963, p. 22838).

The ceremony of receiving a message in writing is simple (V, 6591), and may occur during consideration of a question of privilege (V, 6640–6642) or before the organization of the House (V, 6647–6649) and in the absence of a quorum (V, 6650; VIII, 3339; clause 7 of rule XX).

But, with the exception of vetoes, messages are regularly laid before the House only at the time prescribed by the rule for the order of business (V, 6635–6638) within the discretion of the Speaker (VIII, 3341). Although a message of the President is always read, the latest rulings have not permitted the reading of the accompanying documents to be demanded as a matter of right (V, 5267–5271; VII, 1108). A concurrent resolution

providing for a joint session to receive the President's message was held to be of the highest privilege (VIII, 3335).

§ 171. Power of President as to convening and adjourning Congress.

* * * he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; * * *

In certain exigencies the President may convene Congress at a place other than the seat of government (I, 2; 2 U.S.C. 27). Congress has on occasion been convened by the President (I, 10, 11; Nov. 17, 1947, p. 10578; July 26, 1948, p. 9362), and in one instance, when Congress had provided by law for meeting, the President called it together on an earlier day (I, 12). The Congress having adjourned on July 27, 1947, p. 10521, and on June 20, 1948, p. 9350, to a day certain, the President called it together on an earlier date than that to which it adjourned (Nov. 17, 1947, p. 10577; July 26, 1948, p. 9362). There has been some discussion as to whether or not there is a distinction between a session called by the President and other sessions of Congress (I, 12, footnote).

§ 172. President receives ambassadors, executes the laws, and commissions officers.

* * * he shall receive Ambassadors and other public Ministers; he shall take Care That the Laws be faithfully executed, and shall Commission all the officers of the United States.

§ 173. Impeachment of civil officers.

SECTION 4. The President, Vice President, and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

§ 174. As to the officers who may be impeached.

In the Blount trial the managers contended that all citizens of the United States were liable to impeachment, but this contention was not admitted (III, 2315), and in the Belknap trial both managers and counsel for respondent agreed that a private citizen, apart from offense in an office, might not be impeached (III, 2007). But resignation of the office does not prevent impeachment for crime or misdemeanor therein (III, 2007, 2317, 2444,

2445, 2459, 2509). In Blount's case it was decided that a Senator was not a civil officer within the meaning of the impeachment provisions of the Constitution (III, 2310, 2316). Questions have also arisen as to whether or not the Congressional Printer (III, 1785), or a vice consul-general (III, 2515), might be impeached. Proceedings for the impeachment of territorial judges have been taken in several instances (III, 2486, 2487, 2488), although various opinions have been given that such an officer is not impeachable (III, 2022, 2486, 2493). A committee of the House by majority vote held a Commissioner of the District of Columbia not to be a civil officer subject to impeachment under the Constitution (VI, 548). An independent counsel appointed under 28 U.S.C. 593 (a statute currently ineffective under 28 U.S.C. 599) may be impeached under 28 U.S.C. 596(a), and a resolution impeaching such an independent counsel constitutes a question of the privileges of the House under rule IX (Sept. 23, 1998, p. 21560).

§ 175. Nature of impeachable offenses.

As to what are impeachable offenses there has been much discussion (III, 2008, 2019, 2020, 2356, 2362, 2379–2381, 2405, 2406, 2410, 2498, 2510; VI, 455; Impeachment of Richard M. Nixon, President of the United States, Committee on the Judiciary, H. Rept. 93–1305, Aug. 20, 1974, p. 29219; Associate Justice William O. Douglas, Final Report by the Special Subcommittee on H. Res. 920, Committee on the Judiciary, Sept. 17, 1970; Impeachment of William Jefferson Clinton, President of the United States, H. Rept. 105–830, Dec. 16, 1998). For a time the theory that indictable offenses only were impeachable was stoutly maintained and as stoutly denied (III, 2356, 2360–2362, 2379–2381, 2405, 2406, 2410, 2416); but on the 10th and 11th articles of the impeachment of President Andrew Johnson the House concluded to impeach for other than indictable offenses (III, 2418), and in the Swayne trial the theory was definitely abandoned (III, 2019). Although there has not been definite concurrence in the claim of the managers in the trial of the President that an impeachable offense is any misbehavior that shows disqualification to hold and exercise the office, whether moral, intellectual, or physical (III, 2015), the House has impeached judges for improper personal habits (III, 2328, 2505), and in the impeachment of President Johnson one of the articles charged him with "intemperate, inflammatory, and scandalous harangues" in public addresses, tending to harm the Government (III, 2420). There was no conviction under these charges except in the single case of Judge Pickering, who was charged with intoxication on the bench (III, 2328–2341). As to the impeachment of judges for other delinquencies, there has been much contention as to whether they may be impeached for any breach of good behavior (III, 2011, 2016, 2497), or only for judicial misconduct occurring in the actual administration of justice in connection with the court (III, 2010, 2013, 2017). The intent of the judge (III, 2014, 2382) as related to mistakes of the law, and the relations of intent to conviction have been discussed at length (III, 2014, 2381, 2382, 2518, 2519). The statutes make nonresidence of a judge an impeachable offense, and the House has taken steps

to impeach for this cause (III, 2476, 2512). There has, however, been some question as to the power of Congress to make an impeachable offense (III, 2014, 2015, 2021, 2512). Usurpation of power has been examined several times as a cause for impeachment (III, 2404, 2508, 2509, 2516, 2517). There also has been discussion as to whether or not there is distinction between a misdemeanor and a high misdemeanor (III, 2270, 2367, 2492). Review of impeachments in Congress showing the nature of charges upon which impeachments have been brought and judgments of the Senate thereon (VI, 466). The report accompanying a resolution to impeach President Clinton, and the debate in the House thereon, included discussion of the nature of an impeachable offense (H. Rept. 105–830; Dec. 18, 1998, p. 27828). Of the four articles of impeachment of President Clinton reported by the Committee on the Judiciary ((1) perjury in grand jury, (2) perjury in a civil deposition, (3) obstruction of justice, and (4) improper responses to written questions from the Committee on the Judiciary), only the first and third were adopted by the House (Dec. 19, 1998, p. 28110). The President was acquitted by the Senate on each article (Feb. 12, 1999, p. 2376).

§ 176. Other impeachment inquiries.

The articles of impeachment adopted by the House in 1936 against Judge Ritter charged a variety of judicial misconduct, including violations of criminal law. The seventh and general article, upon which Judge Ritter was convicted by the Senate, charged general misconduct to bring his court into scandal and disrepute and to destroy public confidence in his court and in the judicial system (Impeachment by the House, Mar. 2, 1936, p. 3091; Conviction by the Senate, Apr. 17, 1936, p. 5606). Following his conviction by the Senate, former Judge Ritter brought an action for back salary, contending that the Senate had tried and convicted him for nonimpeachable offenses. The U.S. Court of Claims held that the Senate's power to try impeachments was exclusive and not subject to judicial review. Ritter *v.* United States, 84 Ct. Cls. 293 (1936), cert. denied, 300 U.S. 668 (1937).

In 1970 a special subcommittee of the Committee on the Judiciary considered charges of impeachment against Associate Justice Douglas of the Supreme Court. The subcommittee recommended against his impeachment but concluded that a Federal judge could be impeached (1) for judicial conduct that is a serious dereliction from public duty and (2) for nonjudicial conduct that is criminal in nature (Associate Justice William O. Douglas, Final Report by the Special Subcommittee on H. Res. 920, Committee on the Judiciary, September 17, 1970).

In 1974 the Committee on the Judiciary investigated charges of impeachment against President Nixon (Feb. 6, 1974, p. 2349), and determined to recommend his impeachment to the House. The President having resigned, the committee reported to the House without submitting a resolution of impeachment, and the House accepted the report by resolution (Aug. 20, 1974, p. 29361). The report of the committee included the text of the three articles of impeachment adopted by the committee. The committee had

concluded that impeachable offenses need not be indictable offenses and recommended impeachment of the President (1) for violating his oath of office and his duty under the Constitution by preventing, obstructing, and impeding the administration of justice; (2) for engaging in a course of conduct violating the constitutional rights of citizens, impairing the administration of justice, and contravening the laws governing executive agencies; and (3) for failing to honor subpoenas issued by the Committee on the Judiciary in the course of its impeachment inquiry (Impeachment of Richard M. Nixon, President of the United States, Committee on the Judiciary, H. Rept. 93–1305, Aug. 20, 1974, printed in full in the Cong. Record, Aug. 22, 1974, p. 29219).

In 1986, for the first time since 1936, the House agreed to a resolution impeaching a Federal district judge. Judge Harry Claiborne had been convicted of falsifying Federal income tax returns. His final appeal was denied by the Supreme Court in April, and he began serving his prison sentence in May. Because he declined to resign, however, Judge Claiborne was still receiving his judicial salary and, absent impeachment, would resume the bench on his release from prison. Consequently, a resolution of impeachment was introduced on June 3, and on July 16, the Committee on the Judiciary reported to the House four articles of impeachment against Judge Claiborne. On July 22, the resolution was called up as a question of privilege and agreed to by a recorded vote of 406 yeas, 0 nays. After trial in the Senate, Judge Claiborne was convicted on three of the four articles of impeachment and removed from office on October 9, 1986.

In 1988, the House agreed to a resolution reported from the Committee on the Judiciary and called up as a question of the privileges of the House impeaching Federal district judge Alcee L. Hastings for high crimes and misdemeanors specified in 17 articles of impeachment, some of them addressing allegations on which the judge had been acquitted in a Federal criminal trial (Aug. 3, 1988, p. 20206). No trial in the Senate was had before the adjournment of the 100th Congress. In the 101st Congress, the House reappointed managers to conduct this impeachment in the Senate (Jan. 3, 1989, p. 84); the Senate began its deliberations on March 15, 1989 (p. 4219); conviction and removal from office occurred on October 20, 1989 (p. 25335). Also in the 101st Congress, the Senate convicted Federal district judge Walter L. Nixon on two of the three impeachment charges brought against him (Nov. 3, 1989, p. 27101). For further discussion of the continuance of impeachment proceedings in a succeeding Congress, see § 620, *infra*.

In 1998 the House agreed to a privileged resolution reported from the Committee on Rules, referring to the Committee on the Judiciary a communication from an independent counsel transmitting under 28 U.S.C. 595(c) evidence of possible impeachable offenses by President Clinton, and restricting access to the communication and to meetings and hearings thereon (Sept. 11, 1998, p. 20020). Later, the House adopted a privileged resolution reported from the Committee on the Judiciary authorizing an impeach-

ment inquiry by that committee and investing it with special investigative authorities to facilitate the inquiry (Oct. 8, 1998, p. 24679). The Committee on the Judiciary filed with the House a privileged report accompanying a resolution containing four articles of impeachment against President Clinton that alleged: (1) the President gave perjurious, false, and misleading testimony to a grand jury; (2) the President gave perjurious, false, and misleading testimony in a Federal civil action; (3) the President prevented, obstructed, and impeded the administration of justice relating to a Federal civil action; and (4) the President abused his office, impaired the administration of justice, and contravened the authority of the legislative branch by his response to 81 written questions submitted by the Committee on the Judiciary (Dec. 17, 1998, p. 27819). The chair of the Committee on the Judiciary called up the resolution on December 18, 1998 (p. 27828).

In 2008, the House agreed to an unreported resolution authorizing an impeachment inquiry of Federal district judge G. Thomas Porteous by the Committee on the Judiciary and investing it with special investigative authorities to facilitate the inquiry (Sept. 17, 2008, p. 19517), which was continued in the next Congress (Jan. 13, 2009, p. 568). In 2010, the House adopted a resolution reported from the committee and called up as a question of the privileges of the House impeaching the judge for high crimes and misdemeanors specified in 4 articles of impeachment (Mar. 11, 2010, p. 3147).

In 2009, the House agreed to a resolution reported from the Committee on the Judiciary and called up as a question of the privileges of the House impeaching Federal district judge Samuel B. Kent for high crimes and misdemeanors specified in 4 articles of impeachment, some of them addressing allegations on which the judge had been convicted in a Federal criminal trial (June 19, 2009, p. 15747).

A resolution offered from the floor to permit the Delegate of the District of Columbia to vote on the articles of impeachment was held not to constitute a question of the privileges of the House under rule IX (Dec. 18, 1998, p. 27825). To a privileged resolution of impeachment, an amendment proposing instead censure, which is not privileged, was held not germane (Dec. 19, 1998, p. 28100).

For further discussion of impeachment proceedings, see §§ 601–620, *infra*; § 31, *supra*, and Deschler, ch. 14.

ARTICLE III.

§ 177. The judges, their terms, and compensation.

SECTION 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from