Impeachment of President Bill Clinton

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1. Introduction

If we think about democracy, first country that comes to our mind is the United States of America, somehow this nation, its politics and its actions has merged with our concept of modern democracy. Of course there were a lot of factors, which facilitated this idea, lets just think of the Declaration of Independence and its famous “Life, Liberty and the pursuit of Happiness” as “the unalienable rights”\(^1\) of the people or the large amount of immigrants, who set off to America, to “the land of the free”, in order to avoid the tyranny and start a new free life.

Even, when the world faced the danger of tyranny, America was the country they looked up to and during the cold war America was the representative of democracy and the so-called leader of the Western Block (Rowe [1971]). I can say that nowadays it is also true, when there is a conflict in the world that endangers democracy the USA is one of the firsts to react, and she is expected to, by the rest of the world.

The leader of this cornerstone of democracy, as we all know, is the President of the United States, the so-called the “Leader of the Free World”, a man of great power. He is the head of the executive branch of the USA and also the commander-in-chief of the United States Armed Forces (Meacham [2008]).

So we see a leader of a very strong and powerful nation with almost limitless opportunities, the question is how to control and limit his actions and, even, if necessary remove him from office?

The Founding Fathers, when formulating the Constitution, were very much influenced by French political philosopher Montesquieu and his work, in the Spirit of the Laws he favored the idea of separating the three branches of government, which was used by the Fathers and taken into the Constitution creating the legislative, the executive and the judiciary branches of the government\(^2\). The main function of separating these branches is that one would have powers to check and control the powers of other branches; the system of separation of powers used in the United States is called checks and balances.

\(^1\) Declaration of Independence
http://www.archives.gov/exhibits/charters/declaration_transcript.html (downloaded: 14/03/2014)

\(^2\) http://www.britannica.com/EBchecked/topic/108283/checks-and-balances (downloaded on: 14/03/2014)
The legislative branch has the power to control the officials working in the other two branches, including the President of the United States of America; in the form of impeachment they can remove an official from office due to misconduct defined in the Constitution (Wood [1998]).

I think with the impeachment process the United States sets a great example to the rest of the world; especially that it also applies to the President.

In my thesis I plan to present the establishment of the impeachment by a real life impeachment procedure of a formal United States President. It is a fascinating mechanism of the modern democracy, which allows different actors of politics, even the public, to set in motion the removal of an important political figure if his conduct requires it.

I decided to demonstrate the impeachment procedure with the trial of President Bill Clinton the second and until this day the last president to be impeached (Posner [1999]). Honestly, after choosing the topic of the impeachment, Clinton seemed to be an obvious choice for many reasons.

First of all, he was a groundbreaking president in a lot of areas. He was the first president to be born after the second world war, also he was the first president elected after the cold war, a president who had a new world order to adapt his country to (Maraniss [2008]). First time after nearly 50 years the USA did not have a constant enemy and the president had to find a new path to lead the country. That is why in my work I concentrate more on Clinton’s domestic policy rather than on his foreign work, because he was focusing on it more himself.

Also I decided to chose Clinton because showing an impeachment trial of a modern day president is completely different, there are a lot more factors to take into consideration. Mainly, I think about the evolution of the media, the presence of the Internet, factors, which made the impeachment a public phenomenon, not to mention the foundations of this particular case, which made it a very interesting topic to write about (Bennett & Lawrence [2001]). The case took place in a very interesting time. The Democrats lost control over both Houses of the legislation, so the trial needed a strong convergence between the Democrats and also tactical moves from the Republican, what also made this case worth writing about.
Finally, I chose Clinton, because of Clinton, I have already mentioned his political challenges, but he was also been a charismatic person (Wayne [1999]). While writing my thesis I will show the characteristics that made him the public favorite even after being impeached and prosecuted in the Senate.

I will divide my attention between the process of impeachment, - showing it step by step in general and using the Clinton trial as a real precedent, - and the Clinton factor of the case, his political decisions, his persona and the attitude of the public towards him.

First, I am going to present the theoretical background of the checks and balances system and the impeachment itself, after introducing the process of an impeachment proceeding, from the House Impeachment until the trial in the Senate.

The next chapter will deal with Bill Clinton’s political career and events, which led to his impeachment. Starting from his Arkansas years, then showing his first presidential term and finishing with the steps and actions leading to his impeachment. Including the introduction of the important characters playing role in his accusations and showing the relevant connections and political maneuvering.

Afterwards, I follow through the impeachment and trial of President Bill Clinton pointing out the significant actions of the parties and the chain of events led to his acquittal, comparing the trail to the impeachment and trial of President Andrew Johnson, emphasizing the similarities and differences between the two trials.

Last I am going also to show the factors that were highly influential on the outcome of the trial, including partisan politics and the effect of the public,

In the end, I want my thesis to introduce the reader to an effective mechanism of democracy, which can limit the power of a leader and also I want to show how various aspects can effect a political decision.

2. Theory of Impeachment

2.1. Separating the powers
In the Introduction part you have been already introduced to the concept of checks and balances, but here I want to show the development of this system to the point that it was in the time President Clinton was impeached, also it will serve as a theoretical background to this topic.

As it was stated before, Montesquieu was a big advocate of the idea of separating the three branches of government. In fact in his book The Spirit of the Laws, published in 1748, he described his desire to limit the sovereign and divide the authority into separate, independent branches to avoid despotism. His idea was to separate the legislative, the executive and the judiciary powers into different bodies. (Montesquieu [1748/2001])

The British government and its structure was the one that inspired Montesquieu, because the king’s ministers, the legislature and the courts of law were functioning with a high degree of independence, higher than any other nations’, although he did not hope that this ideal type of government would be established in France (Tanger [1916]).

After his death there were other scholars, who in their work emphasized the separation of powers, like British jurist Sir William Blackstone, who in his book Commentaries presented analogies between the British government and Montesquieu’s theory, but neither of them thought that a complete separation of powers was possible (Tanger [1916]).

As you could see in the Introduction, the framers of the American Constitution were highly influenced by the work of Montesquieu and after gaining independence from Britain, they were forming the Constitution in the spirit of checks and balances, as it was in practice in the American colonies, however now- without British jurisdiction- all three branches originating locally (Panagopoulos [1985]).

Since the executive and judiciary powers before were controlled from Britain their evolution was yet to follow, although for the framers it was a field of experimenting, they needed to establish an executive and a judiciary power which “would function with sufficient vigor to assure stability of the government, and yet with not so much vigor as to endanger the activity of the legislative branch” (Tanger [1916], pp.3)

In the result a strong executive and judiciary department were created, to balance the power of the legislature, which was divided into two houses.
2.2. Checks and balances between the branches

Although, the jurisdiction of the branches changed over the years, the system of checks and balances worked effectively, but sometimes there were certain jealousy between the powers and necessary actions were taken against encroachments (Tanger [1916]).

In order to fully understand the concept of this doctrine, I am going to present the actual checks and balances with which the branches can control the power of each other.

First lets check the power of the executive branch towards the other two bodies. The executive branch of the American government includes the President of the United States, the Vice President, the Cabinet and federal agencies (Wood [1998]). However the practice of the checks is in the hand of the President. As the head of the executive body, he has the right to veto laws passed by the Congress also he can propose laws to them. He submits the federal budget to the House of Representatives and appoints federal officials to enforce the law. The executive branch checks the judiciary by nominating judges to Supreme and federal courts and also can pardon individuals convicted of crimes (Panagopoulos [1985]).

The Supreme Court executes the checks granted to the judiciary body, it can review law, presidential actions and treaties and rule them as unconstitutional, so forcing the other two branches to discuss their actions again (Howe [1916]).

The legislation as the oldest original body of the government has strong controlling checks over the other two branches. They can return the presidential veto with a two-third-majority vote from both houses and the Senate can reject the presidential nominations of federal officials and judges (Wood [1998]).

Also the Congress can amend the Constitution to overturn the decision of the Supreme Court and impeach judges and remove them from office.

The legislation has the power to impeach the President, the Vice President or any civil official and remove them from office. This is the power that I am going to examine further on in my thesis.

2.3. The law of Impeachment
Impeachment is a power of the legislative branch of the government, which allows charging civil officers for misconduct committed in office. It has two functions, first it protects the interest of people and at the same time secures the officials a reasonable degree of independence (Thomas [1908]), it means that the officers have the right to do whatever they consider necessary in their position, until it hurts the interest of the people and the country.

It was adopted and adapted form the English practice, in 1787 and included into the Constitution of the United States in Article II, 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“3. Although it was taken from the English law, the framers of the Constitution made numerous changes in it. In the United Kingdom it was some sort of political trial for those, who escaped indictment in the common law (Thomas [1908]), so anybody could be impeached, while in the United States it applied only for civil officers, so a common citizen couldn’t be impeached.

In the U.S. practice the offenses for which one could be impeached were also different from the English practice, they were limited to treason, bribery and high crimes and misdemeanors. The limitation was necessary to avoid impeachments for trivial reasons. Treason is defined in the U.S. Constitution in Article 3, Section 3 as an act levying war on United States and adhering their enemies by giving them aid and comfort3, and bribery is a very obvious term, also the managers in the Johnson trial defined that in case of bribery there has to be some sort of substantial agreement including the impeached official. Whereas high crimes and misdemeanors is a term harder to define, usually it means offenses not given a particular name by law, must arise from a violation of a statute law of the United States (Roland [1999]). These crimes alone are not indictable, but the act of committing them must be willfully and knowingly done in violation of law with malicious intention (Thomas [1908], pp. 393)

As I mentioned above only officials can be impeached and as it says in the definition in the Constitution, if he is convicted, he has to be removed from office, so it means, that the accused must still be in office, while the trail is in motion. An official

3 http://www.archives.gov/exhibits/charters/constitution_transcript.html (downloaded: 14/03/2014)
cannot be impeached for acts committed prior his term of office (“Jefferson’s Manual” [1997]). The removal is automatic after the conviction. The impeachment does not touch his person or his property, which means, beyond removing him from office and forbidding him to hold office again, he cannot be taken to custody or suffer material consequences to his actions. Removal from office is mandatory in case of conviction and the disqualification to hold office is discretionary (Fry & Stolarek [1980]).

It is important to say that the impeachment proceedings directed against the person of the impeached, not the office his holding. So, the articles of impeachment do not concern his successor. To avoid the penalties resulted by the impeachment, he might resign and face the penalties imposed in court of law, trusting that the President or the State executive, as impeachment available at state level also, will remove his disabilities by pardon (Thomas [1908])), what is not possible he gets involved into the impeachment trial.

When impeaching an officer usually the lower house of legislation impeaches and the upper house holds the trial and makes the verdict.

2.4. The process of the Impeachment

The procedure of an impeachment is familiar to a prosecution and trail in a criminal court. The impeachment in the House of Representatives serves as the prosecution in a regular court and the trial before the Senate is like a trial before a judge and a jury (Navarro Smelcer [2010]).

There are several ways to set an impeachment in motion. The charges can be made by a member and also by a non-member of the Congress. A Member or a Delegate of the House of Representatives can trigger the impeachment, by presenting on the floor the list of charges under oath; also they can be submitted in a form of memorial, in this case a committee will examine them further. Also a Member can drop a resolution into a mahogany box on the House nostrum⁴, called the hopper, containing the charges for an impeachment, it also goes to a committee, or even a committee can build up an impeachment case (“Jefferson’s Manual” [1997]).

⁴ Merriam-Webster’s Dictionary of Law (1996)
As I mentioned non-members could also initiate an impeachment, the President can impeach by message to the House and the impeachment can also come from a legislature of a State or Territory, a grand jury or by petition from the people.

If the initiative for impeachment is referred to a committee, it has the right to lead an investigation, in which it can call in witnesses, can order depositions, what is an impeachment inquiry and considered privileged, what means it granted precedence over ordinary business because it concerns matters of great importance or urgency (Fry – Stolarek [1980]).

In case the proposition to impeach comes directly to the House it is also a question of high privilege, so it supersedes business otherwise in order, it even supersedes an election case, which is otherwise also considered as privileged. The proposition has to be privileged, even if it was discussed before during the same session of Congress, previous actions not affecting its importance (“Rules of Procedure” [1986]).

As you can see impeachment could come from different sources and the beginning of the process could be also different, like the resolutions introduced through the hopper, which directly impeach an officer, getting to the Committee on the Judiciary only for determining if the act done by the civil officer is impeachable and if so drafting the articles. Although if the resolution calling for an investigation, than the Committee on Rules deal with it before the Judiciary Committee.

The House has always examined the charges by its own committee before it voted (“Jefferson’s Manual” [1997]), in later practice this Committee, as you seen above usually the Committee on the Judiciary. So it examines the charges before voting, during this examination the accused has the right to explain, present witnesses, cross-examine and be represented by counsel. (“Jefferson’s Manual” [1997]). The purpose of this investigation is to determine whether sufficient grounds existed for the impeachment.

After the investigation is finished, it has to be reported to the House that may vote the impeachment; each article requires a simple majority to pass. Whereupon the impeachment has to be presented at the bar of the Senate by one, two, five or nine Members of the House, usually the Members represent both political parties. The
chairman of the committee then impeaches in front of the Senate by oral accusations (Thomas [1908]). It is important, because the Senate needs to be aware of the process in motion.

Later this selected committee of members returns to the House and informs them verbally about the meeting with the Senate. The House adopts the resolution and the articles of the impeachment, then selects managers to officially present the articles originally developed by the Judiciary Committee and conduct the impeachment. The managers are the equivalent of the prosecution in the criminal court. (“Rules of Procedure [1986]) The Senate is notified about the adoption and the resolution regarding the selection of managers. As you can see during the entire process the two bodies of the legislation work in harmony, always notifying each other about the status of the impeachment.

The managers authorized by the House take the necessary preparations for the upcoming trial in the Senate. They receive a message from the Senate, in which the managers are informed that the Senate is ready for the exhibition (“Jefferson’s Manual” [1997]). So the managers appear at the other side of the Capitol and present the articles, which were previously signed by the Speaker of the House and attested by the Clerk, that means they were approved by the practice of the House. Finishing the presentation the managers return to the House and inform them verbally about the events happened in the Senate. After the Senate exhibition the articles can be modified or amended by the House, about which the Senate has to be informed (Navarro Smelcer [2010]).

On the mean time the Senate starts discussing the articles, but before each member takes an oath, about being neutral and rational during the impeachment. In case the impeached person is the President, the Chief Justice of the United States shall preside, he has to be also sworn in, during regular impeachments the Presiding Officer of the Senate is leading the consideration and the trial, he directs all necessary perpetrations, manages all the forms of proceedings, and rules on all questions (Thomas [Thomas [1908]]).

Upon the exhibition of the articles a writ of summons, shall be issued to the person impeached, reciting said articles and notifying him to appear before the Senate on the date and at the place to be fixed by the Senate (“Rules of Procedure” [1986]). A writ is a mandatory percept issued by authority for the purpose of compelling a person
to do something therein mentioned. After the writ was received, the accused shall file his answers to the impeachment articles and also acknowledge that the Senate will make judgment on his case. This writ has to be served to the accused a few days before the fixed appearance day.

On the date, set in the writ, the Senate shall suspend all its legislative and executive business. The accused is then called upon to answer the articles of the impeachment. He can appear either in person or by his attorney, if he fails to do so on the date set, the trial will proceed, as if he plead not guilty. If he appears and pleas guilty then judgment may be entered without continuing the trial ("Jefferson’s Manual" [1997]).

The Presiding Officer of the Senate, if the Senate so orders, has the right to appoint a committee of Senators, who will receive evidence and take testimonies, this committee and its elected chairman can “exercise all the powers and functions conferred upon the Senate and the Presiding Officer of the Senate” (Navarro Smelcer [2010]), also if the Senate not rules otherwise “the procedure and practice of the Senate when sitting on impeachment trials” should govern the work of the committee. It reports to the Senate in writing regarding its hearings, evidence examined also if any testimonies was given before the committee, these reports should be taken into consideration.

On the day of the trial the Senate again has to suspend all its legislative and executive business and concentrate on the proceeding. It shall give a formal notice to the House of Representatives about the trial in the Senate chamber. The House can attend the trial as whole or be represented only by its managers. In case of an impeachment of the President the House has to attend in its full staff ("The Senate Procedure" [1986]).

One person from each side opens the case and all questions should be argued not exceeding one hour. The witnesses can be examined also only by one person on behalf of a party and then cross-examined by someone from the other side, all motions, objections, requests or applications have to be addressed to the Presiding Officer and if

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5 Barron's Law Dictionary (2010)
6 [http://www.senate.gov/artandhistory/history/common/briefing/Senate_Impeachment_Role.htm#4](http://www.senate.gov/artandhistory/history/common/briefing/Senate_Impeachment_Role.htm#4) (downloaded: 12/03/2014)
he or a Senator requires it has to be put in writing. If a Senator is called as a witness, he has to take an oath and give his testimony standing up at his place (Navarro Smelcer [2010]).

The Senate sits the impeachment trial with open doors, the doors can be closed when the Senate deliberating its decision. After the deliberation the members vote on each article separately, they vote in alphabetical order, when a Senator called he shall rise and state if the accused is guilty or not guilty in that particular article. When the Senate deliberates, the House members are not present, but during the voting the whole House is in the Senators Chamber (“Rules of Procedure” [1986]).

For conviction a two-third majority is required, after conviction the accused will be removed from his office immediately (Thomas [1908]).

These laws and an accurately constructed process made the impeachment an effective tool against misconduct of civil officers
3. Bill Clinton and the road to impeachment

On October 8, 1998, the House of Representatives voted to authorize an open-ended impeachment inquiry to determine if grounds for impeachment of President Bill Clinton exist. Therefore, he became the third U.S. President, after Andrew Johnson and Richard Nixon, to be faced with the possibility of an impeachment (Maraniss [1995]), but before covering the process of his impeachment, I am going to introduce the actions, decisions, and the political maneuvering that led to the accusations, starting with his early political career.

Public service was an essential part of Clinton’s life; he was around politics since his childhood years. However, in highschool he had his doubts (Clinton [2004]), in addition of being fascinated by politics, he also was a very talented musician. He talks about it in his autobiography: “sometime in my sixteenth year I decided I wanted to be in public life as an elected official. I loved music and thought I could be very good, but I knew I would never be John Coltrane or Stan Getz. I was interested in medicine and thought I could be a fine doctor, but I knew I would never be Michael DeBakey. But I knew I could be great in public service. I was fascinated by people, politics, and policy” (Clinton [2004] pp. 54).

Eventually he graduated from Yale Law School and returned to his home state Arkansas pursuing his dream to work in politics. His first chance came in 1974 when, after only months of teaching at the University of Arkansas – he ran for United States representative. It was an unsuccessful attempt to launch his career; he lost to Republican incumbent Jon Paul Hammerschmidt (Maraniss [1995]).

Although he lost in his first real political challenge, he still wanted to take part in Arkansas’s public work. He became Attorney General in 1976. When serving as Attorney General, Clinton’s main goals were to hold down the rates for utilities and fighting against pollution.

I think at this time he started to identify the political values, which he would follow throughout his political career. His number one priority were always his people, constantly fighting for better living standards and for better opportunities in job making and education.
3.1. Governor of Arkansas

In 1978 he became the second youngest governor in the state’s history, when he defeated his Republican opponent Lynn Lowe at the age of 32. His first term as a governor was not lacking difficulties. He proposed several reforms in education and to control pollution, but his most important goal was not successful. He planned a program to improve the state’s highways, but to fulfill this he needed a big budget, which he acquired by increasing taxes on motor fuels and raising other fees on vehicles. He irked several industries with his increased vehicle taxes and highway regulations (Maraniss [1995]).

These events made him particularly unpopular among the public, in addition he was also politically hurt by the presence of Cuban refugees at Fort Chafee, sent there by President Jimmy Carter (Clinton [2004]).

In the spring of 1980, Fidel Castro deported 120,000 political prisoners and other “undesirables,” many of them with criminal records or mental problems, to the United States (Clinton [2004]). Some of these refugees -about 18000 - were sent to an Arkansas military base, Fort Chaffee. The refugees broke out and started to riot, several people got injured and buildings destroyed. It effected negatively on Bill Clinton’s reelection campaign. Especially, when a video capturing these rioting Cubans turned up.

Clinton lost the election to Republican Frank D. White and had two years to prepare for the next one, In 1982 he returned with a different attitude, hiring locals as his staff -instead of his old college friends- and he concentrated on one goal at the time. After wining the general elections his main issue was education. At the time Arkansas had one of the worst education system in the United States, which transformed to one of the best during the governorship of Clinton. (Maraniss [1995]). He made several changes to the school system, including requiring teachers to take examinations, before teaching students. Also he raised taxes to improve schools and fund programs for children in need. Education remained an important part of Clinton’s politics, getting a major part during his presidency.

The economy in Arkansas was not very promising at the time, so the 1985 legislative session was devoted to the economic development. Clinton and his staff had
a lot of promising solutions such as supporting technology-oriented businesses and making significant changes in banking laws, all which led to economic growth and Arkansas became the best state in new job creation (Decker [1992]). Bill Clinton kept his office for 5 consecutive terms; he made defining chances, which lifted Arkansas from one of the most underdeveloped states in the United States to a functioning mechanism with a top nation education system.

3.2. The Clinton Administration in the first term of presidency

Clinton was a potential candidate in the 1988 presidential elections, but he decided not to run, saying that it would bring to much attention to his family especially to his little daughter Chelsea (Clinton [2004]).

In 1990 he became the chairman of the Democratic Leadership Counsel „a group dedicated to forging a winning message for the Democrats based on fiscal responsibility, creative new ideas on social policy, and a commitment to a strong national defense” (Clinton [2004], pp. 303). This position suited him very much because the DLC had similar values as Clinton and goals like he had as governor. After being a convincing leader of these so-called “New Democrats” he was clearly a frontrunner for the Democratic presidential candidacy.

At this time he faced his first marital infidelity allegation – Gennifer Flowers, a young woman stated that she had a long-running affair with the President – which almost cost him the election -, but with the support of his wife, he defeated the accusations (Maraniss [1995]). The support of Hillary would play a big role in the future allegations.

Bill Clinton won the 1992 presidential election collecting forty-three percent of the votes, though George H. W. Bush had high approval ratings after the Gulf War – around 80 percent -, but tax raises and high unemployment lowered his popularity (Woodward [2005]).

By winning the presidency, he ended a twelve-year Republican rule in the White House.
3.2.1. Domestic and foreign policy

Clinton started his presidency by trying to lower the federal budget deficit, he was advised to do so in order to reassure the bond markets, reduce long-term interest rates, and encourage greater business investment and more jobs (Harris [2006]).

His other important domestic actions include the "Don’t ask, don’t tell" policy, which stated that homosexuals serving in the military were not allowed to talk about their sexual orientation or engage in sexual activity, and commanding officers were not allowed to question service members about their sexual orientation. It was a very divisive act; there were activists, who thought it was not radical enough (Harris [2006]).

As a result of not fulfilling his campaign promises and making controversial decision as the above mentioned "Don’t Ask Don’t Tell" policy, his public ratings were low, in fact he got the highest disapproval ratings for any new President since such surveys began in 1953 (Feinsilber [1993]).

To improve his ratings he initiated some public friendly policies, like the Family and Medical Leave Act, which allowed employees – working for large employers - to take unpaid leave in case of pregnancy or serious medical condition⁷, and the Brady Bill, which imposed a five-day waiting period on handgun purchases⁸. These acts received positive feedback and his ratings went up.

The biggest defeat of his first term was the unsuccessful effort to reform the healthcare system; he wanted to achieve universal coverage. It failed, because of a lack of coordination within the White House (Harris [2006]).

Although at first these domestic acts seem very controversial, they led to prosperity in the country, with strong economics and got Clinton reelected for one more term.

Most notable actions in his foreign policy included the signing of the North America Free Trade Agreement (NAFTA) in 1994; it was strongly supported by the DLC, but faced opposition from anti-trade Republicans and protectionist Democrats. It

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boosted not only the US economy, but also helped the Mexican economy to develop (Livingston & Wink [1997]).

With the disappearance of the bipolar system, the orientation of the foreign policy of the United States also changed; they used their influence and military on protecting the human rights and peacekeeping rather than intimidation. The intervened in hot spots like Haiti and Kosovo (Clinton [2004]).

His first political term showed us a politician with new perspectives, who tried to find the way to accomplish his goals and by the end of his term he was on the right track as his stable approval ratings indicates\(^9\).

3.3. Controversies during the first term

His first term was not lacking controversies and eventually combined with older accusations he got into the middle of a counsel investigation. Here I will present how a failed real estate deal from years ago can lead to an impeachment inquiry.

The first scandal that happened in the Clinton Administration was involving the White House travel office and became popularly known as “Travelgate”. “The travel office functioned as an in-house travel agency. In May 1993, the entire seven-member office was abruptly fired and the White House asked the FBI to examine its books. The officials said the reason of the firings was, that the personnel, working at the travel office failed to account for thousands of dollars. “The White House press secretary said that an outside review of the office by an accounting firm had turned up evidence of "gross mismanagement" and "very shoddy accounting practices" (Berke [1993]).

Although no one cared to explained the involvement of a criminal investigation organization, which the FBI was. Some said, that involving the Bureau was necessary to justify the firings and make room to Clinton’s old friends from Arkansas. It got a lot of media attention, and made the Administration look bad, so eventually most of the employees got reinstated (Harris [2006]). Later it would also be included in Kenneth Starr’s investigation, but there was no proof of Clinton’s involvement.

In July of the same year happened, that a life-long friend of the Clintons Vince Foster, who was working as Deputy White House Counsel, committed suicide and was found dead in a park outside of Washington. He was under a huge pressure working on sensitive cases, in his suicide note he said: “I was not meant for the job or the spotlight of public life in Washington. Here ruining people considered sport.” (Harris [2006] pp. 285). Before his death, he was working on tax returns involving the Whitewater Development Corporation. Some months later, it was revealed that federal investigators had been denied access to Foster’s White House office, but Clinton aides had entered the office within hours of Foster’s death. Speculations arose, that documents related to Whitewater might have been removed.

Whitewater controversy would later be the reason for starting a federal investigation of President Clinton and the First Lady, although in the end the reasons of his impeachment would not be related to these events.

It all started with a small real estate deal in 1978, when a then-Arkansas Attorney General Bill Clinton and his wife Hillary, joined a partnership with James and Susan McDougal to buy 220 acres, which is equal to 890,308.413 square meters, of riverfront land and form the Whitewater Development Corporation (Froomkin [2000]). Their plan was to build vacation homes and sell lots. The partnership did not work out and got dissolved in 1992, leaving Bill and Hillary with a net loss of about 40 thousand dollars.

James McDougal purchased a savings and loan in Little Rock and called it the Madison Guaranty, in 1982, after a few years of functioning it had aroused the attention of federal regulators due to a series of fraudulent loans. A major connection was developed, when McDougal hired the Rose Law Firm, where Hillary Clinton was a partner, to do the legal work and help the suffering institution. Eventually, in 1989 after a number of failed loans the government shut down the Madison Guaranty. During an investigation into the causes of failure in the early 1990s, the Clintons were named as “potential beneficiaries” of the alleged illegal activities at Madison (Harris [2006]).

After the death of Vince Foster, and the fiasco of the missing Whitewater documents, a lot of questions appeared and independent investigation was launched into Whitewater-Madison. The Clinton Administration eventually turned in documents found Foster’s office to the Justice Department. The pressure mounting in Washington
made Clinton to ask Attorney General Janet Reno to appoint a special counsel (Clinton [2004]).

3.4. Independent Counsel Kenneth Starr

An independent counsel was a prosecutor appointed by the federal government to investigate federal government officials. The counsel had “full power and independent authority to exercise all investigative and prosecutorial functions and powers of the Department of Justice, the Attorney General, and any other officer or employee of the Department of Justice”\textsuperscript{10}. The independent counsel was an effective tool in the checks and balances system.

At that time was, that the independent counsel statue had expired, so Janet Reno acted on her own authority, when she appointed prosecutor Robert Fiske a moderate Republican to investigate several issues including Clinton, like the death of Vince Foster and the controversy around the Whitewater land deal. In 1994 the Congress reauthorized the counsel statue, the Attorney General asked a special panel of federal judges to officially appoint an independent counsel to continue the investigations (Posner [1999]). Instead of reappointing Fiske, who was criticized for not being aggressive enough, the panel selected Kenneth Starr.

Kenneth Starr had a remarkable legal past, working as federal appellate judge in the Reagan era and as solicitor general under the Bush Administration, although many considered choosing him as a bad decision. First of all, he had no experience working as a prosecutor and moreover he had considered running for U.S. Senator for Virginia as a Republican, so either his competence or his objectivity can be questioned (Fisher [1999]). His jurisdiction was expanded several times by Janet Reno, giving him in, addition to what he inherited form Fiske, the firing of the White House Travel Office staff and the White House use of confidential FBI files on federal employees, sometimes referred as “Filegate”. In 1998 he asked and received another case into his investigation, the affair between Clinton and Lewinsky.

Expending Starr’s jurisdiction was not a particularly good idea; he was getting new assignments, but failed to finish his initial ones. His progress on “Travelgate” and

\textsuperscript{10} Authority and duties of independent counsel \url{http://www.law.cornell.edu/uscode/text/28/594} (downloaded: 25/03/2014)
“Filegate” was minimal, besides he had numerous activities outside his independent counsel tasks. He kept his private practice, taught law at New York University Law School, and travelled around the country giving speeches, often to anti-Clinton groups, which is once again questioned his objectivity (Fisher [1999]).

So in 1994 began a four-year-long investigation of the Clintons, which because of a set of extraordinary circumstances would eventually move away from Whitewater and dig deep into the private life of Clinton and ultimately would lead to his impeachment trial for events completely different for Whitewater.

3.5. Paula Jones civil lawsuit and Monica Lewinsky

In the shadow of Whitewater and the newly started counsel investigation, a new situation arose for President Clinton to handle. A woman from Arkansas, Paula C. Jones, started making allegations, saying, that in 1991 at the time Governor Clinton sexually harassed her by dropping his trousers in a Little Rock hotel room (Harris [2006]).

These accusations did not get the attention that Jones believed they would, they were too lurid and too obviously linked to conservative partisans, since first Jones appeared with the story at a gathering of conservative activists in Washington (Posner [1999]).

However, in May 6, 1994 she filed a civil lawsuit against the President in federal district court of Arkansas, asking for $700,000 in damages along with a personal apology from Clinton (Clinton [2004]). The main goal of the President’s lawyers was to achieve that the lawsuit would be postponed until after Clinton finished his term of office. The High Court officially rejected it in 1997, stating that it would not take away a significant amount of his time form his presidential duties (Harris [2006]).

Back in 1995 in the middle of the Paula Jones suit, the President began a sexual affair with a twenty-two-year old White House intern, Monica Lewinsky.

She arrived at the White House from California and started working as an intern, but soon she accepted a low paying job in the White House Office of Legislative Affairs. Their first encounter was at an informal birthday party in the White House
during the government shutdown, Lewinsky openly flirted with Clinton, after what the President invited her to his private study, where they had their first kiss. Later that night they had their first sexual encounter (Morton [1999]).

The affair continued even after Lewinsky got a paying job and it lasted 18 months, during which they had numerous sexual encounters, some of them in the Oval Office suite, including times, when the President was discussing domestic matters on the phone with Congress members (Harris [2006]).

In 1996 Lewinsky got transferred from the White House to a public affairs position at the Pentagon, removing her from the President’s immediate circle. There she befriended Linda Tripp, who was also a former White House employee. Lewinsky started to share her secret, about the affair, and soon Tripp began recording their phone conversations (Posner [1999]).

Monica Lewinsky did not like her new position at the Pentagon and wanted to return to the White House, she asked the President to help her get back, Clinton assured her that he would deal with it after the 1996 presidential elections (York [1998]).

In 1997 Lewinsky, who was still in the Pentagon, got information, that Clinton had no intention to bring her back to the White House, she got furious and threatened the President to tell about the affair, Clinton promised to help her find a job in the private sector in New York, although he reminded her that it was illegal to threaten the President of the United States (Harris [2006] pp. 346).

Clinton asked his old friend Vernon Jordan, who was a very influential lawyer in Washington and one of the best-connected men in the USA (York [1998]), to help Lewinsky find a job in the private sector in New York.

In the meantime the lawyers of Paula Jones tried to find other women, who had also have sexual encounter of some sort with the President. They received an anonymous phone call about the affair between Clinton and Lewinsky, so they subpoenaed Monica Lewinsky (Morton [1999]). A subpoena is a writ issued under authority of a court to compel the appearance of a witness at a judicial proceeding. Clinton knowing about it used Jordan’s help and connections to find Monica Lewinsky

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a lawyer to sign an affidavit, which is a sworn statement made under oath\textsuperscript{12}, where she denies, that she ever had a sexual relationship with the President. For his help in this case Jordan would be also investigated later in the impeachment trial. In this affidavit Lewinsky declared under oath, that she never had sex with Clinton and had no information, which can help with the Paula Jones lawsuit\textsuperscript{13}.

Investigators working with Starr learned, that Vernon Jordan helped Lewinsky – who at the time had nothing to do with the investigation - with the job search and the affidavit, also since Jordan once was involved with a Whitewater figure Webb Hubbell, who after his resignation from his White House position received income from Clinton’s friends, including Jordan (Harris [2006]), Starr saw an opportunity and asked for permission from the U.S. Justice Department to expand the Whitewater investigation, now checking into the Jordan-Lewinsky connection (Fisher [1999]).

Linda Tripp helped both Kenneth Star’s investigation and the Paula Jones case with her information from Monica Lewinsky, at first she lured Lewinsky in a hotel room in Washington, where FBI agents were waiting and she was asked to cooperate with the Clinton investigation (Morton [1999]), later Tripp went home, where she met with one of Jones’s lawyers and told him about the entire affair.

On the following day, January 17, the President arrived at his lawyer’s office, where had a scheduled pretrial deposition in the Jones case. It was a six-hour, videotaped questioning, during which the lawyers asked Clinton whether he ever had “sexual relations” with Monica Lewinsky\textsuperscript{14}. Under oath Clinton denied having sexual relations with her according to the definition provided by Jones’s lawyers, also he stated, that he didn’t remember ever being alone with her (Harris [2006]). These under oath denials later would be used as the basis for one article of his impeachment.

Clinton kept denying the allegations, in fact at January 26 at the Roosevelt Room in the White House, standing alongside First Lady Hillary Clinton and Vice President Al Gore he waged his finger at news cameras and said “But I want to say one thing to the American people. I want you to listen to me. I’m going to say this again: I

\textsuperscript{12} Merriam-Webster's Dictionary of Law (1996)  
\textsuperscript{13} The Lewinsky Affidavit http://www.washingtonpost.com/wp-srv/politics/special/pjones/docs/lewinskyaffidavit.htm (downloaded on 15/04/2014)  
\textsuperscript{14} The Paula Jones Deposition http://www.washingtonpost.com/wp-srv/politics/special/pjones/docs/jonestext022198.htm (downloaded on 13/04/2014)
did not have sexual relations with that woman, Miss Lewinsky. I never told anybody to lie, not a single time—never. These allegations are false. And I need to go back to work for the American people\(^{15}\).

This media performance had several effects. The most important was to freeze the events for a while. Before the interview there were speculations, rumors about Clinton and his further actions, even about his resignation. Now there was a standoff, Kenneth Starr had his ongoing investigation, Clinton was in denial, and it seemed to be like this for the indefinite future (Posner [1999]). And it was, for the next seven months nothing happened except that everybody connected to Clinton, advisors, friends, even the First Lady, made numerous TV interviews, where they were denying the affair. It was a risky move from Clinton, because he lied to the public, but it paid off, because he got himself a little time to prepare for the following actions.

In the middle of the scandal, some good news got to the President on April 1, 1998. The U.S. District Judge Susan Webber dismissed the Paula Jones sexual harassment lawsuit without a trial, she stated even if the President’s alleged behavior in the hotel room was “boorish and offensive”, it did not meet the standard of sexual harassment\(^ {16}\).

The dismissal would not affect Kenneth Starr and his ongoing investigation; he kept pursuing his goal, and even talked to Lewinsky and granted her full immunity in exchange for cooperation. The Lewinsky agreement had a big bonus for Starr, who received a blue Gap dress from Lewinsky with the President’s “genetic material” on it. In possession of the dress Starr asked for a blood sample from the President to check if the DNAs were matching. The DNAs were a match, so now the sexual encounter between Clinton and Lewinsky was undeniable (Harris [2006]). It was a turning point in the investigation, because Clinton had to decide if he would continue denying the actions or would start to tell the truth.

In August 1998 both Lewinsky and Clinton appeared in front of the grand jury, Lewinsky was questioned concentrating on her sexual relationship with Clinton. She revealed extremely intimate details, but she denied accusations about that the President

\(^{15}\) Response to the Lewinsky Allegations
http://millercenter.org/scripps/archive/speeches/detail/3930 (downloaded on 13/04/2014)

and his aides forced her to lie or offered a job to keep quiet about the affair (Morton [1999]).

Clinton decided not to tell the truth, but he could not keep on lying, because lying in front of a federal grand jury was a felony and the kind of thing people went to prison for, instead he was avoiding answers and formulating his responses carefully. His lawyers advised not to testify, to use his right provided by the Fifth Amendment. The Fifth Amendment of the Constitution includes the right against self-incrimination, which allows citizens to refuse testimony in against themselves. Eventually he went voluntarily and was questioned for hours. His testimony later became the basis for another impeachment article. Later that night on national TV he admitted having a relationship and misleading the people (Posner [1999]).

3.6. The Starr Report

In September 1998 Kenneth Starr finished his investigation and turned in a 453-page report accompanied with 36 boxes of evidence to the House of Representatives, showing 11 impeachable offenses allegedly committed by Bill Clinton (Posner [1999]).

The Judiciary Committee, which was controlled by the Republicans, started to release the content of the report to the public via Internet. The report was full with near-pornographic details and descriptions of sexual encounter between Clinton and Lewinsky. Although none of these sexual details have anything to do with the articles of impeachment that were brought against the President (Fisher [1999]). It was a partisan attack to cripple Clinton’s presidency and weaken the Democratic Party, then expecting them to lose seats in the 1998 midterm elections.

“While the President was on the telephone, according to Ms. Lewinsky, ‘he unzipped his pants and exposed himself’, and she performed oral sex” (“The Starr Report” [1998], pp.63). The entire document was written in this manner concentrating on the tawdry details.

17 http://www.archives.gov/exhibits/charters/constitution_transcript.html (downloaded: 14/03/2014)
The report cost American taxpayers 70 million dollars, and eventually led to impeachment articles, that has nothing to do with the original goal of the independent counsel investigations (Palermo [2007]).
4. Impeachment of the President

4.1. The House Impeaches Clinton

In this part we are going to see the actual impeachment and trial of the President, already knowing how it was supposed to go in theory we will see how it is different in practice also taking random unseen factors into consideration.

After Kenneth Starr turned his report, the House of Representatives approved a resolution, which authorized the Judiciary Committee to review the report, and the Committee determined that the Starr investigation was thorough enough, so it would not initiate an investigation on its own (Harris [2006]). On October 8 the House voted on House Resolution 581, which directed the Judiciary Committee to determine if any sufficient ground for impeachment existed\(^\text{18}\). So the Judiciary Committee, which contained 21 Republicans and 16 Democrats, began their hearing and started reviewing evidence.

They also sent 81 written questions to the President asking various details from the Starr Report. Clinton responded and denied lying under oath, making these answers a basis for another impeachment article. In the end the Committee drafted four impeachment articles based on the inquiry and the enormous amount of sworn testimonies, grand jury transcripts, depositions, statements, affidavits, video and audio tapes (Posner [1999]).

A Democratic movement formed in the House that was fighting for a censure resolution, which only a reprimand and does not have that serious consequences as an impeachment conviction, the most important is, after a censure the accused could keep his office, but the resolution failed to stand in the House (Baker & Dewar [1999]).

On November 3 the 1998s mid-term election were held, what means that the entire House of Representatives and about the third of the Senate were up to election. The Republican were holding the majority in the House with 228 members to Democrats 206. The Republicans were hoping to gain some seats from the other party,

but it happened completely on the contrary, the Democrats stole five seats in the House (Abramowitz [2001]). It happened mostly because of the impeachment process, the public seen enough of the Republican’s partisan, unfair behavior.

After a few days of the elections the House Speaker Newt Gingrich resigned, saying that he was taking responsibility for the defeats at the elections, although later it revealed that he had had an extramarital affair with a colleague (Tapper [2007]). At that time there were several other members of the House, who came forward with their infidelities, including Speaker-designate Representative Bob Livingston, who announced the end of his candidacy at the beginning of the House impeachment proceedings (Karl [1998]).

The full House of Representatives was called together for December 17, but unexpected events happened, President Clinton ordered airstrikes against Iraq, because of Saddam Hussein’s refusal to cooperate with U.N. weapons inspectors. Due to these actions the Democrats wanted to postpone the impeachment proceedings, claiming it would be improper to debate removing America's Commander in Chief while U.S. pilots were in harm's way (Harris [2006]). Eventually the Republicans allowed only a 24-hour delay, saying that impeachment proceeding were in progress against Nixon, when U.S. troops were still in Vietnam.

As we can see the impeachment was already full with circumstances, which are normally not present during such process. These elements had a notable effect on the outcome of the trial

Finally on December 18 the full House gathered to discuss and vote on the impeachment articles, drafted by the Judiciary Committee. After a thirteen-hour long partisan debate, where over 200 members raised to speak, on the morning of December 19 the House of Representatives voted on the four impeachment articles, needing only a simple majority, 218 votes, to approve each article. Two of the four articles got passed the House, one for committing perjury, when providing false and misleading testimony to the grand jury regarding the Paula Jones case and his relationship with Monica Lewinsky and the second for obstruction of justice in an effort to delay, impede, cover up and conceal the existence of evidence related to the Jones case. The other two articles, one for abuse of power by making perjurious, false and misleading statements
to Congress and other for another perjury in the deposition of the Paula Jones case, failed to pass (“Articles of Impeachment” [1998]).

4.2. Trial in the Senate

On January 7 1999 started the impeachment trial of President William Jefferson Clinton in the Senate chambers, only the second in America’s history. 13 Republican House representatives, who were elected as managers, represented the prosecution and the White House Counsel staff defended the President (Aaseng [1999]).

The trial started with Henry Hyde, Chairman of the Judiciary Committee reading the two articles of impeachment against the President. The prosecutors arrived before the reading, they walked in silence across the Capitol, followed by cameras broadcasting the trail live worldwide (Cohen [2000]). Due to high media attention and publicity the trial was the main event at almost every major news program in the world.

As I mentioned before, when sitting an impeachment of the President the U.S. Chief Justice should preside, so the trail started official, when Chief Justice William Rehnquist arrived and was sworn in to preside the trail and also sworn in the 100 Senators as jurors. Later that day the managers presented the case against the President. Democrats were hoping in a quick trail, but Republicans said it must take whatever time was necessary to prove the allegations.

The prosecution had three days from January 14 until January 17 to present the articles to the Senate. They began with saying repeatedly that Clinton put himself above the law and betrayed his oath of office. On the first day the managers asked the Senate to see the events leading to impeachment and Clinton’s actions as a whole, not separately, because maybe one by one they did not meet the standards for an impeachment, but when looking at them as a whole it is a different case (Aaseng [1999]).

Two managers then presented the cases; Arkansas Representative Asa Hutchinson started with the obstruction of justice, using slick charts detailing meetings and phone calls between President Clinton, Monica Lewinsky and Mr Clinton's adviser, Vernon Jordan, he demonstrated the high activity in the period when Miss Lewinsky gave the signed affidavit in the Paula Jones sexual harassment case (Cohen [2000]).
California Representative James Rogan later detailed the perjury case. He started with telling the Senate, that Clinton took an oath of telling the truth, when he testified before the grand jury and as Yale-educated lawyer he should have known the consequences of his actions (Aaseng [1999]).

On the next day the presentation continued with discussing the law and penalties for the crimes allegedly committed by Clinton. The Republicans kept coming back to the witness matter, what is that they wanted to call in witnesses to testify in front of the Senate, because as they argued there are certain things that best understood if hearing it from the witness himself (Posner [1999]). This question had really polarized the Senate, Democrats argued that the amount of evidence collected by the independent counsel and the Judiciary Committee should be more than enough. The question would be discussed later in the trial.

The managers finished with highlighting the Senate’s patriotic duty to protect the rule of law. The last day of the three days of the prosecution they summed the allegations and again highlighted the most important thought and arguments they came up with in the last days.

The defense took their turn in the next stage of the trial. First spoke White House Counsel Charles Ruff, who tried to tear apart the case built by the prosecution in the last three days. He stated that there was no ground for these articles and highlighted that the Senators had to judge the President of the United States, not Bill Clinton the person (Cohen [2000]). Difference between private and public matter was an important element during the trial.

In the following two days the White House Counsel was still trying to undermine the prosecution’s case, stating that the articles both vague and unfounded. The cases built around allegations, which were not legally or structurally sound enough to remove any president from office. Lawyers of the President also argued that the charges were based on circumstantial evidence. They summed up the defense repeating that the case had no ground and that impeachments like this were a threat to the political system (Posner [1999]).

While his lawyers were defending him, the President held a 77-minute long State of the Union speech, where he did not mention his trial at all, instead he spoke
about the education, war against crime, country’s economy, so he was taking care of business as usual, that was his general approach to the impeachment process (Harris [2006]).

The State of the Union speech defined in the Constitution as an annual message to Congress in which the president reports on the state of the nation and outlines a legislative program: required by the constitution (Article II, Section 3)

On Friday, the 22nd of January, after two weeks of hearings and presentations the Senate finally had their chance to question the prosecution and the defense. They had to put questions in writing and give them to Chief Justice William Rehnquist (Posner [1999]). The Republican Senators used their chance to advance the argument of calling in witnesses, on the other hand the Democrats used their questions to empathize that the trial did not need further evidence; calling in witnesses would prolong the procedure unnecessarily (Cohen [2000]).

Senator Robert Byrd, a prominent Democrat, called for case against the President to be dismissed. He argued that the President did not do anything wrong, in fact he caused enough pain to his family, friends and the nation (Aaseng [1999]), again the importance of privacy manifested.

On Wednesday January 27 two votes went down in the Senate, one for the dismissal of the trial and one for calling witnesses. The Democrats failed to carry through their motion of ending the trial; they lost only 44-56, the Senators were voting along party lines. Although they lost the vote it showed that the Republicans could not collect two-third of the votes, what would be necessary later for the removal of the President. The second vote was successful, again voting along party lines, so over the next weekend three witnesses would be examined, their testimony would be videotaped during a series of private interviews, where one Senator from each party would be present (Cohen [2000]).

The prosecution had a list of 15 witnesses to call, they had to narrow it down to three, remained only Monica Lewinsky, Vernon Jordan and Sidney Blumenthal (Clinton [2004]). I think the first two names were obvious choices, Lewinsky as the crown

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witness of the impeachment and Vernon Jordan, who allegedly helped Clinton obstruct justice. Sidney Blumenthal was however a surprising choice for witness number three. He was selected, because he was one of the first person to whom Clinton lied about having an affair with Monica Lewinsky (Clinton [2004]). The prosecution also wanted Clinton to come in and testify, but the White House refused this request.

Meanwhile the public had enough of the impeachment and recent polls indicated that two-third of Americans wanted to end the trial immediately (Kagay [1999]).

Miss Lewinsky was questioned on Monday the 1st of February for 6 hours by the prosecutors, the White House Counsel had no questions for her. Questions were not directing the sexual affair between her and the President (Morton [1999]). After taking this interview the chief prosecutor asked for a live testimony of Monica Lewinsky before the Senate, saying she was more credible and had details only a live interview could reveal. The Senate would decide it later, but even some Republicans thought it was an unnecessary act.

Jordan was interviewed on the next day for three hours, during which he confessed helping Miss Lewinsky finding a job on the request of Clinton, but stating it was not because the President wanted to buy her silence. He also admitted helping her with the affidavit denying sexual relationship with the President (Posner [1999]).

Wednesday was the last day of testimonies, Sidney Blumenthal, was questioned in the White House, where he said that he believes Clinton lied to him about having an affair with Lewinsky (Cohen [2000]).

After the testimonies it was almost certain that Clinton would not be removed from office, even Republicans doubted that they would collect two-third of the votes (Baker & Dewar [1999]).

Democrats again brought up the idea of censure the President, it would say that he gave false or misleading testimony and impeded discovery of evidence in judicial proceedings (“Let Justice Roll” [1999]) and would leave the President open to future criminal and civil actions. Eventually this attempt to condemn the President would fail, because a lack of support from the Republicans. They said that the Democrats came up with the idea only to show the people that they did not condone the President’s behavior.
After hearing the closing arguments from both sides the Senate started its deliberations behind closed doors, they decided to leave the public and the cameras out of the chambers (Posner [1999]).

Senators voted on each article separately by alphabetical order, standing up and saying guilty or not guilty. Although the outcome of the trial was almost certain, the voting ran neck-to-neck in both articles (Cohen [2000]).

On February 12 William Jefferson Clinton got acquitted from both charges, on the article of perjury, senators voted 45 guilty, 55 not guilty, and on obstruction of justice, members were split down the middle, voting 50 guilty, 50 not guilty. In the first case 10 and in the second 5 Republicans joined the Democrats and voted in favor of the President (Posner [1999]).

The Chief Justice concluded the trial with saying some word of farewell and praising the Senators of both parties for their deliberations. After he was escorted out by a phalanx of Senators (Baker & Dewar [1999]).

The vote signals an end to the long-running Monica Lewinsky scandal, which at times had threatened to topple the world's most powerful man (“Clinton in the Clear” [1999]).

4.3. After the impeachment

As you could see, the Senate acquitted President Bill Clinton on both perjury and obstruction of justice, what allowed him to complete the remaining 708 days of his term as President of the United States.

Two hours after the finish of the trial Clinton, who was not watching the proceedings and was informed by telephone, gave an interview from the Rose Garden, in which he told the nation, that he was “profoundly sorry” for his actions and the “great burden they have imposed on the Congress and on the American people”. He said they had to concentrate on the future and that this can be a chance to reconciliation and renewal for America (Baker & Dewar [1999]).

Even the Republican managers thought that this was enough and this topic had to be finished and they asked Ken Starr to stop pursuing new criminal charges against
Clinton. They said it was time to finish his report and move on. Republican Representative Asa Hutchinson said "I don't think our country needs to be under the continued cloud of investigation after the trial is concluded in the Senate" (Baker & Dewar [1999]).

4.3.1. Contempt of court

Although it was not quite over for President Clinton, U.S. District Judge Susan Webber Wright, -the one, who dismissed the Jones civil lawsuit- filed for contempt of court for giving intentionally false testimony about his relationship with Monica Lewinsky in the Paula Jones lawsuit, making him the first sitting President who being sanctioned for disobeying a court order (Biskupic & Suro [1999]).

Judge Wright said that he responded to the plaintiffs’ questions by giving false, misleading and evasive answers that were designed to obstruct the judicial process (Dejevsky [1999]).

Judge Wright singled out specific answers, related to his denials of the affair with Miss Lewinsky, like the infamous sentence from the Paula Jones deposition: "I have never had sexual relations with Miss Lewinsky." After the impeachment and Monica Lewinsky’s testimony and stained blue dress, it was clear that these answers were false and formulated to contempt, although this particular charge was approved just by the House Judiciary Committee, the House voted it down (Posner [1999]).

Since the Paula Jones case was a civil lawsuit the Judge’s ruling did not expose Clinton to prosecution, unless of course the Arkansas state judiciary decided to take it further. It did not happen but Judge Wright ordered Clinton to pay “any reasonable expenses, including attorneys' fees, caused by his willful failure to obey this court's discovery orders” (Biskupic & Suro [1999]) and the case was referred to the Arkansas Supreme Court to see if any disciplinary actions would be necessary.

Eventually in January 2001, Clinton, before leaving office, agreed on a five-year suspension of his Arkansas law license to finally end the investigation. He was also suspended from the United States Supreme Court bar based on the

suspension that he violated the integrity of the U.S. judiciary system, he decided to resign and not practice law in front of this court again\(^{21}\).

### 4.3.2. Starr and the information leaking during the trial

The other main character of the trial, Kenneth Starr, held his office as independent counsel until the October of 1999.

Due to the impeachment he became a household name (Kagay [1999]). He received a lot of criticism during and after the trial, mostly, as I mentioned before, for his alleged partiality to the Republicans and for making it a personal attack on Clinton’s persona. The Democrats were considering filling a court complaint accusing Starr of leaking material about the case to the press; they considered it illegal and partisan. Starr was denying the incident and in the end the Democrats decided not to go through with it (Fisher [1999]).

The Office of the Independent Counsel was replaced in 1999 and was replaced by the U.S. Justice Department Office of Special Counsel\(^{22}\).

### 4.4. Impeachment of Andrew Johnson

Now after we followed through the trial of President Bill Clinton, I want to introduce the first impeachment trial of a US President.

President Andrew Johnson was the 17\(^{\text{th}}\) President of the United States; he followed Abraham Lincoln after his assassination, it was the era of Reconstruction, after the Civil War. His policies got him into numerous confrontations with the –Republican majority – Congress (Bacon et al. [1995]).

Although he was a southerner he was against the Southern secession during the war and Radical Republicans thought they got an ally, who would help them carry through their Reconstruction policies of protecting the newly freed slaves and punishing the former slave owners. Instead he rejected the Radicals and was in favor of


readmitting the Southern states to the Union. He also offered general amnesty for most former Confederates; in fact the Southern states restored most of them to power (Foner [1990]).

In 1866 he vetoed the extension of a bill that provided civil rights and relief to destitute blacks. During his term the Congress was able to override some of his vetoes, leading to a constant tension between the legislation and the President. Throughout the next year the House Judiciary Committee, irritated by Johnson’s approach to the Congressional agenda, investigated possible illegal actions committed by the President, but failed to convince the House that grounds for impeachment existed (Bacon et al. [1995]).

Johnson himself provided the opportunity to the Committee, when he violated the Tenure of Office Act in 1867. The act was designed to keep Secretary at War Edwin M. Stanton in office; it said that the President couldn’t remove any member of the Cabinet without concurrence of the Senate. (Benedict [1973]). Despite of the act he removed Stanton from office without the Senate’s approval, appointing first General Ulysses S, Grant, then after his resignation Lorenzo Thomas as Secretary at War. The Senate refused to approve the move subsequently, so grounds for impeachment now existed (Bacon et al. [1995]).

On February 24, 1868 the House of Representatives voted to impeach President Andrew Johnson of high crimes and misdemeanors, the House adopted eleven articles of impeachment, mostly about the violation of the Tenure of Office Act (Benedict [1973]).

At the start of the trial the defense asked the Senate for forty days to collect evidence and witnesses, but the Senate allowed only ten. The trial continued in the end of March, when Senator Garrett Davis, a Democrat, asked to adjourn the trial, because not all states were represented in the Senate, the motion was voted down. The proceedings continued and the defense asked for thirty more days, saying the ten provided before were not enough for collecting all the evidence they needed, they got six more days for investigation (Foner [1990]).

On March 30 the prosecution opened the trial with a long speech, pointing out how Johnson violated the Tenure of Office Act and sent direct orders to Army officers
without sending them to General Grant. The defense claimed that President Johnson did not violate any act, because Lincoln did not reappoint Stanton in his second term, so he was a leftover appointment from the 1860 cabinet, therefore the Tenure in Office act did not apply to him (Foner [1990]).

Both parties started to call witnesses to the trial, the defense called Lorenzo Thomas, but he did not provide useful information for the defense, instead the prosecution tried to use his words for their advantage. The next witness was General William T. Sherman, who testified that the President wanted to appoint him as Secretary at War, because he wanted the department to be effectively administered. The prosecution was damaged by his testimony, because they expected him to say that Johnson wanted to appoint him, because he planned to deliberately violate the Act (Bacon et al. [1995]).

President Johnson got acquitted, as a result of the positive testimonies and some Republicans, who broke ranks because they were afraid of removing a president for largely political reasons and opposed the Radical’s political agenda (Foner [1990]).

He promised not to obstruct the process of Reconstruction, but ironically the impeachment trial ended the dominance of the Radicals, the failure to remove the President damaged their morale and support (Benedict [1973]).

4.5. Comparing the two trials

Now that we have seen both trials I want to compare a few important elements in order to show the difference between the two and also highlight the change in politics over the years. The two trials were 130 years apart and a lot changed, but there are certain factors than can be compared.

First the causes of the impeachment, in the Clinton trial were perjury and obstruction of justice, while in the Johnson case it was violating an act created by the Senate. Both presidents were charged with high crimes and misdemeanors, but clearly the reasons behind the impeachment of Johnson were more political than in the Clinton case. Clinton’s allegations arose from a civil lawsuit and, even, if there was a little political pressure from the opposition the reason of the impeachment was not political. While President Johnson violated an act designed for the sole purpose of limiting his
powers, also in the previous years before the trial, he was constantly battling with the Radical opposition in the Congress, so we can say that the Johnson impeachment was started because of political reasons (Benedict [1973]).

The opposition was also an issue, in both cases the other party held majority in the Senate during the trail, although the Democrats in the Clinton case made it clear that they would stick together and not break the party vote while Johnson needed a lot of external influence to dispel all doubts (Posner [1999]).

As for the external influence I want to point out the effect of the witnesses and the support of the public during the trial. In the Johnson trial the witnesses played a bigger role than in Clinton’s, because they were interrogated in front of the Senate, while the Senators in the Clinton trial saw only video footage of witness testimonies. However the public was on Clinton’s side (Sonner & Wilcox [1999]), he had huge job approval ratings and the people wanted the trial to end, saying this is a private matter of the Clinton family and has nothing to do with his presidency. While Johnson lost the support of the public after his disastrous Swing Around the Circle campaign tour during which he shocked the nation with his undisciplined speeches and confrontation with the audience (Foner [1990]).

So we see that there are a lot of differences between the two trials, but in the end we still got two impeached presidents who got acquitted and could finish their term. Regarding the change of politics over the years, Clinton’s trial were influenced more by the public, and the public was better informed not just because the evolution of the information technology, but because the politics became the part of the people’s life, for example the Johnson trial was a closed door trial, while Clinton’s were open to the public (Bennett – Lawrence [2001]).
5. External factors affecting the trial

We have seen how an impeachment process is supposed to happen in theory and later analyzed the Clinton trial step by step. It is apparent that a presidential trial is affected by a lot of circumstances; Clinton’s was not an exception. Here I want to present the few of the most influential elements that were not directly connected to the trial.

5.1. The Clinton Persona

As the first external factor I want to show Clinton as a person and leader, highlighting the qualities that made him exceptional and memorable. This is important, because his personality played an important role in the approach of the public and his fellow Democrats.

William J. Clinton is one of the most remembered and most talked about President in the modern era, and this is not just because he was impeached, but the way he approach the people and politics in general, his persona.

His personal dimension combine his political character, his seductive style and his survivor mentality, (Wayne [1999]) all these characteristics made him an effective leader and a public favourite.

People tended to love him and he could develop a connection with them. It can be traced back to his southern working-class origins, personal charisma and eloquence. His style of presenting his speeches was captivating, (Wayne [1999]) when he was speaking he was like an artist performing, George Stephanopoulos made an interesting observation about it: “When he was “on” before a live audience, Clinton was like a jazz genius jamming with his pals. He poured his whole body into the speech, swaying to the rhythms of his words, losing himself in a wonky melody, soaring from the texts with riffs synthesized from a lifetime of hard study and sympathetic listening.” (Stephanopoulos In: Wayne [1999]).

However his opponents tend to see Clinton manipulative, as a person who tries to please others to further his own political ambitions and provide salve for his ego.
This argument came up a lot during his trial, where the opposition argued that he manipulates people using his charisma to get away with his missteps, like when convincing Lewinsky to sign the affidavit. When he was still governor in Arkansas, he got the nickname “Slick Willie” from a columnist, because of his tendency to tell people what they wanted to hear (Brummett In: Wayne [1999]).

After winning the elections he showed, that he had excellent leadership qualities too, he was not a perfect leader, but definitely an effective one, he was passionate about politics, tried to know every segment of his scope, constantly studying (Greenstein [1993]).

He also had the desire to please; he needed to be liked, which would be a contrast to his childhood with an alcoholic stepfather (Maraniss [1995]). Therefore he was uncomfortable with conflicts and was constantly seeking consensus. This was the reason why he was avoiding the topic of the impeachment, in his public appearances and not participated in the trail. Even during the darkest hour he was dealing with “business as usual” (Wayne [1999]).

Even after all the adversity he received he was able to rebound and continue working, which is also a remarkable feature Greenstein [1993]). Following the acquittal he still had 708 day of his term as president, and he was able to put the impeachment behind him and finish his term with the highest approval rating of a US President ever at that point (Newman [2002]).

All in all, Clinton’s persona or charisma - doesn’t matter how you call it – was an influence of the process, not just directly, but also it influenced the public and his fellow politicians.

5.2. First term of presidency

Earlier I presented the first term of the Clinton Administration, for two reasons. First to introduce the political attitude of the President, show his policies and goals, to get a picture of him as a politician. The second reason is that I knew that his first term was an influential factor during the trial.
It was a major tool in the hand of the defense, one of their main arguments was that the Senate had to distinguish between private and public matter, and in case of public matter they used his as a president as an example.

Several times was emphasized during the trial that as a president Clinton did an exceptional job, with rising economy and stable foreign relations, saying that it had to be taken into consideration, and leave the Lewinsky matter to the Clinton family.

It not only influenced the Senators, but also like the persona it was a big matter to the public.

5.3. Public opinion

As you could see before a lot of factors affected not just the outcome of the trial, but also the opinion of the public, now we are going to see how the public influenced the trial itself.

Number of scholars have been interested in this element and numerous research papers have been published. It was researched a lot, because of its uniqueness; Clinton’s approval ratings were unusual considering the situation he was in.

I use the term approval rating instead of opinion, because that is how the public opinion is measured in politics; in fact presidential approval ratings are the most frequently measured and best-known political “fact” in the current American political environment (Ragsdale In: Newman [2002]), the Dow Jones for Politics (Brehm In: Newman [2002]).

By unusual ratings I mean high and not just high, but the highest of any president at that point in their term, at the beginning of the impeachment trials his job approval rating was the highest of his term with 73%23. Although it started completely different, the first term of his presidency was marked by low and failing approval ratings, and only after his re-election they started to rise and be above 50 percent for a longer period. The policies he started in his first term paid off.

In addition Clinton finished his term at 67 percent approval, which was also the highest approval rating of any president leaving office, and we are talking about a President, who had several controversies during his presidency and was impeached for high crimes and misdemeanor.

So what could be the explanation for such high approval ratings and public support for President Bill Clinton? Many pundits found the same reasons, so in the following few pages I am going to check them one by one.

The first important factor of Clinton’s popularity was the performance of the economy, simply put presidents are generally popular when the economy is strong, and are much less so when the economy is weak (Sonner & Wilcox [1999]). And in this case the economy was booming, in fact in a poll in 1999, 60 percent of the people said the economy was “the best it had been in their lifetime” (Newman [2002]).

Most of the American people enjoyed higher income, lower mortgage payments, greater job security and buy power, and finally they felt some stability and security.

We can say that the economic boom during his presidency definitely influenced his approval.

I want to note that not only the stable economy was a positive and dominant policy of Clinton’s which affected his public approval ratings, also important was the peaceful foreign relations of the county. I excluded the situation on the Balkan and the bombing of Iraq, because these situations did not affect the American people directly and not threaten the United States.

Another major factor in his high approval ratings was the people’s capability of recognizing and focusing on what really matters, (Kagay [1999]) as a result they could make a difference between public and private matters. They considered the affair with Monica Lewinsky as a private matter, which should concern only them and Hillary Clinton. Most of the American people agreed that they should focus on their country and Bill Clinton’s policies rather than on his private life.

In a Los Angeles Times poll 41 percent of respondents answered the Congress should drop the matter and on the question why 35 percent said, because it was a family
matter. The second largest group answered that it should be dropped; because a lot of people have affairs and lie about them and the third biggest answer group said that the case should be dropped because he was an effective president (Bennett & Lawrence [2001]). We can see in this poll that most of the people considered this issue private and nothing to do with the presidency, also when they were asked that why was the Clinton-Lewinski relationship wrong 63 percent rejected to answer “because Clinton is the President not an ordinary citizen”, so rejecting the idea of him having higher standards when it comes to morals (Bennett & Lawrence [2001]).

As I mentioned earlier his persona, style and policies made him very likable for people. Clinton represented a sympathetic character, despite the sex scandal, especially because they already knew Clinton’s philanderer side –after the incident with Gennifer Flowers and Paula Jones - and it was easier them to accept (Kagay [1999]).

There were group which had a positive attitude towards Clinton all trial, like low-income groups who accepted his behavior more, because they were likely to believe that they benefited more from his policies, also for them Clinton was the symbolic profile of “The Man From Hope”, a poor child, who rose to the White House and this mattered to them more than did his sexual behavior (Bennett & Lawrence [2011]).

African Americans also were consistently more supportive of Clinton during the impeachment than were whites. This could be explained with many factors, like that blacks traditionally supported Democrats throughout the years, but it went beyond that. They tend to approve Clinton personally and see the proceedings against him as unfair. Toni Morrison argued in the New Yorker that black Americans saw Clinton as the “first black president” (Bennett & Lawrence [2001], pp.440), whether it is true or not they were on Clinton’s side during the trial.

They saw a reflection of their own experiences with the American criminal justice system (Bennett & Lawrence [2001]) saw the President as someone who is being pursued by a law enforcement, and most of blacks blamed Clinton’s political enemies for the impeachment.

Blaming Clinton’s enemies were common not only among African Americans, many people saw the impeachment proceedings as a partisan attack, attacking the President
out of political motivation and not acting as impartial investigators (Kagay [1999]) The public thought that Kenneth Starr’s investigation with all the embarrassing sexual details was also partisan and throughout the scandal the Republicans main goal was not to make justice, but to remove Clinton form the office.

As we can see the public supported Clinton for numerous reasons, which was unusual, but had a big influence on the trial. First the trial was a media sensation and the Senate chamber was full with audience, it was the major news in every news station, but as time passed, the interest was gone too. The public had enough and wanted the trial to end as soon as possible and as we seen with the acquittal of the President. And public pressure is an important fact during any political decision.

5.4. Partisanship and Midterm elections

Party affiliation was also an influential factor in the outcome of the impeachment, in fact the entire impeachment process was charged with partisan politics. When Attorney General Janet Reno appointed Kenneth Starr as independent counsel, many had their doubts because of his Republican ties. As it was mentioned above, he was planning to run for Senator as a Republican candidate and also was seen at anti-Clinton meetings, before he became Independent Counsel.

He led the investigation in the same partisan manner, his focus was not in bringing justice and finding out the truth, but to harm and humiliate Clinton and eventually remove him from office. We can see his partisan behavior during the investigation, because as we know first he was appointed to investigate the Watergate controversy and when he couldn’t find any ground to trial Clinton, he asked to expand his jurisdiction to other cases, which eventually led to Monica Lewinsky. Also his report was filled with inappropriate details of the President’s sexual encounters with Miss Lewinsky, which had nothing to do with the impeachment process, they were there just to humiliate the President (Fisher [1999]).

The partisan atmosphere remained during the House impeachment and the Senate trial also, with the Republicans holding majority in both houses the Democrats needed an organized cooperation. The House votes went down party line, collecting the
simple majority, but due to a coordinated Democratic movement Clinton got acquitted (Baker & Dewar [1999]).

Although the Republicans had the majority in Congress, the midterm elections changed the scenery a bit. As we discussed the Republican leadership speculated a big success in the elections, gaining several seats in both Houses, but in the end they lost seats to Democrats (Abramowitz [2001]).

The connection between the impeachment and the elections was two-sided, because the impeachment effected the elections and vice versa. The Republicans was defeated in the elections and it disrupted the moral leading to fragmentation in the Party.

These factors combined made a huge impact on the outcome of the impeachment. Maybe if not these elements the result of the trial would be completely different.
6. Conclusion

I decided to write about this topic, because I was interested in Anglo-American politics and diplomacy, above all the American political structure created by educated scholars like Benjamin Franklin and Thomas Jefferson. The level of independence secured by the American Constitution fascinated me, especially since growing up in Central and Eastern Europe I was surrounded by freshly formed democracies, which were experimenting and adopting a completely new system. Comparing to them America has a more then 200 years old democratic system, which they learned and adapted over years.

In American democratic policies and mechanism there were a lot of interesting cases to write about, but I chose the process of the presidential impeachment, because I wanted to analyze what could an advanced democracy do to avoid or punish a leader’s misconduct.

As I stated in the Introduction I followed through an impeachment process of a US President showing the political actions and maneuvers necessary in such case. With concentrating not only the trial, but paying attention on Clinton himself we could observe a young ambitious politician from a poor household in Arkansas becoming (Clinton [2004]) a President of the United States an example of the American Dream.

During the impeachment process we saw political maneuvering and carefully constructed moves from both sides, a glance to the political life of Washington.

The entire system of the impeachment is an effectively working mechanism, which has a written script and a standard process, but as we seen it can adopt to any new circumstance, like in this case the witness question or the high media attention.

For me the impeachment and trial period showed that the American democracy is functioning effectively, but as any system it has its flaws, in this situation I meant the heavy partisanship, which basically led the President.

As I mentioned the process could adopt to every circumstance, also reacting to external influences. When evaluating these factors I concluded that their effect on the
trial was significant, especially the opinion of the public, which was also very democratic.

All in all, I can say that this is a successfully working tool of check and balances, which had a lot of stages in order to determine if the allegations are legitimate. Although it works effectively, impeaching a president is a very serious procedure and has to have solid and unquestionable grounds. I hope this mechanism will not be used much in the future of the United States.
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Összefoglalás

A dolgozatomban egy hivatali személy közjogi felelősségre vonásával foglalkoztam, az általam választott személy pedig, az Amerikai Egyesült Államok 42. elnöke Bill Clinton volt.

Több okból döntöttem mellette. Először is, biztos voltam abban, hogy amerikai hivatalnokról fogok írni, mert amellett, hogy nagy múltja van ennek a mechanizmusnak (a két vádlott elnökön kívül, számos bíró ellen is indult eljárás) az országban, az amerikai politikai rendszert is érdekszűkítőnek találtam. Amikor az Egyesült Államokra esett a választásom a személy már magától adódott, Bill Clinton egy meghatározó egyénisége volt az amerikai politikai színtéren, mind politikusként, úgy emberként is.

Amikor demokráciára gondolunk akaratlanul is eszünkbe jut az Amerikai Egyesült Államok, ami szép lassan összeolvadt a népuralom fogalmával. Ehhez természetesen szükség volt a több mint 200 éves időszak, ami alatt az USA magára formálta a politikai rendszerét és arra, hogy az elmúlt majd 100 éven terjessze és védje a demokráciát. A múlt században, akármikor zsarnokság veszélye fenyegette a világot, Amerika volt az az ország, aki közbelépett, és manapság, ha már csak a zsarnokság veszélye is felmerül ő az első, akinek a beavatkozására számítunk.

Ennek az országnak az elnökét a „Szabad Világ Vezetőjének” is szokták nevezni, egy nagyhatalommal rendelkező ember, aki amellett, hogy az ország első számú embere, olyan feladatokat is ellát, mint a hadsereg vezetőjének a szerepe.

Dolgozatom arra a folyamatra összpontosult, ami képes ezt a nagy hatalommal rendelkező embert felelősségre vonni, ha visszaáll az alapítókat.

Az Egyesült Államok Alapító Atyái már az Alkotmány megalkotásánál figyeltek arra, hogy a frissen függetlenedett országuk soha ne kerüljön önkényuralmi helyzetbe. Ezért a hatalmi ágak szétválasztása mellett döntöttek, nagy hatással volt rájuk ebben Montesquieu francia politikai filozófus munkássága is. A törvényhozás, az igazságsgoláltatás és a végrehajtó hatalom szétvált külön szervekre az amerikai politikai rendszerben, a három ág kölcsönösen felügyelhette egymás működését és bizonyos esetekben korlátozhatta azt, ezt nevezzük Amerikában „fékek és egyensúlyok” rendszerének.
A törvényhozás egyik féke a másik két hatalmi ág felé, hogy képes felelősségre vonni azok hivatalnokait, ha viselkedésük és tetteik ezt megkövetelik. Ebbe a felelősségre vonási rendszerbe beletartozik az Egyesült Államok alelnőke és elnőke is. A felelősségre vonás azaz impeachment intézményét az angoloktól vették át az amerikaiak, azonban jelentős változásokat eszköztettek az eredeti rendszerben, például míg ott akárki ellen indítható ilyen eljárás, addig, mint láthattuk az USA-ban csak a végrehajtás és az igazságszolgáltatás hivatalnokai ellen.

Az impeachment eljárás már az Alkotmányval belekerült az amerikai politikai életbe és fontos eszköze volt a törvényhozásnak, ugyan leggyakrabban bírók ellen használták, az évek alatt sorra került két elnöki felelősségre vonás is. Az egyik Andrew Johnson volt, aki ellen 1868-ban indult eljárás, míg a másik a fent említett Bill Clinton volt.

Dolgozatom a Bill Clinton ellen indult felelősségre vonási eljárás körül összpontosul.

Az ügy hatalmas szenzáció volt a múlszázad végén, nem csak politikai körökben, de a média és a híradás fejlődésének köszönhetően az emberek mindennapjaiban is. Hozzájárult az ügy népszerűségéhez az is, hogy egy közéleti botrányból fejlődött ki az eljárás és lázban tartotta a világot közel fél éven keresztül. Clintont hatalommal való visszaéléssel és az igazságszolgáltatás akadályozásával gyanúsították, mivel hamis adatokat szolgáltatott a Monica Lewinsky-vel folytatott intim viszonyal kapcsolatban.

A célon dam az volt ezzel a dolgozattal, hogy bemutassak egy hazánkban nem használt, hatásos demokratikus mechanizmust, egy megtörtént eljárás és tárgyalás alapján. A munkám során megosztottam a figyelmemet maga a folyamat és a vádlott személyre között.

Bill Clinton egy szegény családban született Arkansas államban, az ő karrierje szinte mintapéldája az úgynevezett „Amerikai Államnak”, a poros vidéki kisvárosból a Fehér Házba jutott teljesen saját magára támaszkodva. Azért is választottam őt, mert teljesen magával ragadott a politikai pályafutása, a kormányzói éveitől kezdve egészen az elnöksége végéig. Demokrata politikus volt, tagja a párt úgynevezett „Democratic Leadership Council” nevű ágának, ami a hozzá hasonló fiatal, ambiciózus demokraták közössége volt, akik el akartak vezetni a Demokrata Pártot az akkori politikai szemléletétől és új irányvonalat választani, olyan ügyeket támogattak, mint például az egészségügyi reformja. Clinton hamar vezéregyénisége lett ennek a közösségnek, a vezető „New Democrat”.
Amellett, hogy innovatív nézetekkel megáldott politikus volt, rendkívüli karizmával rendelkezett, ami sokak kedvencévé tette, köztük a gyengébbik nem képviselőit is. Ebből rengeteg gondja származott az évek során, mind Arkansasban úgy a Fehér Házban is. Ahogy említettem az impeachment eljárásnak is ez volt az egyik fő oka.

Amellett, hogy a munkám során ismertettem az impeachment eljárást elméleti és gyakorlati szempontból és a gyakorlati példa során kitértem Clinton politikai döntéseire is, foglalkoztam azokkal a tényezőkkel, amik nem feltétlenül kötthetők az eljáráshoz vagy a tárgyaláshoz, de jelentős hatással voltak a végső döntés meghozatalára.

Ezek voltak a már említett Clinton karizma, vagyis a személyisége, politikai stílusa és annak befolyásoló hatása a tárgyalásra, az elnöksége alatt hozott döntések és az alatt megteremtett jólét kihatásai, illetve a nép befolyásoló hatalma, a felsoroltak közül az utóbbi volt a legjelentősebb. Emellett foglalkoztam még a párhovatartozás hatásairól a tárgyalásra, és a közben tartott kongresszusi választások okozta manöverezésekkel.

Dolgozatom kezdetén ismertettem a „fékek és egyensúlyok” rendszerét, bemutatva annak kialakulását az Egyesült Államokban és elmezve az egyes ágak egymásra gyakorolt hatalmát. Ezt követte az impeachment folyamat megvizsgálása, kezdve annak alapvető törvényeivel és szabályaival, majd leírva annak folyamatát, elméletben hogyan kellene lezajlania egy ilyen procedúrának.

A következő fejezet azokat az eseményeket és döntéseket mutatta be, amik elvezettek ahhoz, hogy Bill Clintont a Szenátus előtt felelősségre vonják. Kezdve a politikai karrierjével, a kormányzóság és az elnökség első ciklusát alapul véve, vizsgáltam a politikai értékrendjét, döntéseit és azok kimenetelét. Ezután következtek azok a lépések, amelyek elvezettek, ahhoz, hogy ő legyen a második elnök Amerika történetében aki impeachment eljárásban vett részt. Elemeztem a folyamatokat és kiemeltem az események fontosabb szereplőit, követve a történéseket egészen a szavazásig a Képviselőházban.

A harmadik fejezet a munkámnak bemutatta a Clinton impeachment procedúra teljes menetét, kezdve a Képviselőházban és folytatva a tárgyalással a Szenátusban. Vizsgáltam az egyes felek szerepét a tárgyalások során, követve a annak menetét, ezzel együtt megnezzük, hogy mennyiben érvényesül a korábban elemzett elméleti folyamat a gyakorlattal.
A fejezet következő részében leírtam a másik felelősségre vonatkozó elnök Andrew Johnson eljárását, a kialakulástól kezdve a tárgyalásig, ezt követően a két elnök impeachment folyamatát hasonlítottam össze, hasonlóságokat és különbségeket keresve.

Ezek után vizsgáltam a már említett tényezőket, amelyek hatással voltak a tárgyalás menetére, különös figyelmet fordítva a nép, a közösség befolyásoló erejére, kitérve a politika mindennapokok kerülésére, a média fejlődése okán. Ebben a fejezetben megnéztem a párthovatartozás hatásait egy ügy tárgyalása során.

A dolgozat során bemutattam az impeachment folyamat hatékonyságát, mely során, egy hoszú folyamat alatt, külső befolyásoló tényezők hatására, képes volt egy olyan döntést hozni. Ez a döntés ugyan nem volt kedvező mindkét párt számára, mégis nem követte több esemény, mely mutatja a döntés tiszteletben tartását és a demokrácia fejletségi szintjét az Amerikai Egyesült Államokban.

Sikerült megvizsgálnom azt is, hogy az elméleti eljárás mennyiben különbözik a gyakorlattól és összehasonlítva két impeachment eljárást, két különböző korszakból láthattuk, hogy mennyit változott a politika az évek során.

Illetve láthattuk, hogy egyes külső tényezők miképpen képesek befolyásolni egy politikai mechanizmus menetét, és akár a végső döntés kimenetelét is.

Mindent összevetve, a felelősségre vonásáraljárás egy működő „fegyver” a „fékek és egyensúlyok” rendszerében, mely ugyan hatékonynak működik, de egyben rendkívül komoly is. Egy elnök felelősségre vonása a legvégső megoldás, remélem a jövőben sem lesz gyakran használva.