

1999

**THE CLINTON
IMPEACHMENT**

Ten years ago, 100 U.S. Senators served as jurors and deliberated whether to remove President Bill Clinton from office after his impeachment by the House of Representatives

BY ANTHONY DEPALMA

Every four years, Americans witness the dignified ceremony of a presidential inauguration, as we did last month for Barack Obama. But 10 years ago, a very different proceeding in Washington was something that no living American had seen—the impeachment and trial of a sitting President.

On the morning of Jan. 7, 1999, the checks and balances built into the Constitution came into stark relief as all three branches of government intersected over a single issue: whether Bill Clinton, the 42nd President, was unfit for office, and should be removed.

Presiding over Clinton's impeachment trial in the Senate was the Chief Justice of the United States, William H. Rehnquist, in a black judicial robe with four gold stripes on each sleeve. Seated before him were the 100 U.S. Senators, who had been sworn in as jurors. And lined up at a table in the well of the Senate were 13 U.S. Representatives who had led the impeachment proceedings in the House.

Though he was not physically present, Clinton was there, too, as the defendant.

A month later, Rehnquist called the Senate to order and asked "Is respondent William Jefferson Clinton guilty or not guilty?" A guilty verdict would make Clinton the first President ever removed from office. The mood was grave as the Senators, one by one, stood at their desks for the roll call and, in a grim whisper or defiant exclamation, gave their answers.

Although impeachment has been a part of the Constitution from the beginning, it's been used so infrequently that it is

shrouded in mystery and misunderstanding.

Impeachment is in the Constitution because some delegates to the Constitutional Convention in Philadelphia in 1787 wanted a way to remove a President (and other officials) who had committed serious crimes like bribery or treason. They looked to Britain where Parliament had used impeachment to check the King's power by removing judges and ministers he had appointed. Future President James Madison called impeachment "indispensable."

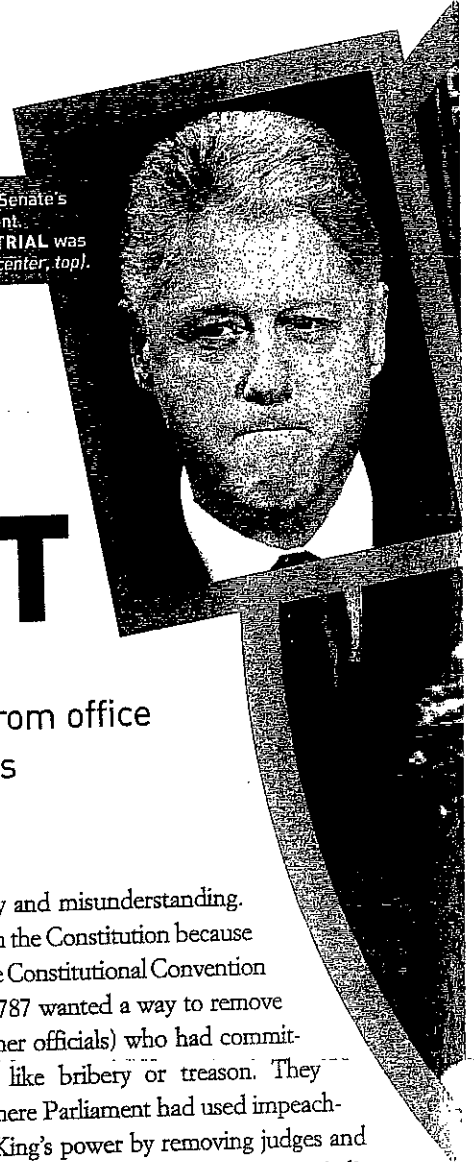
The Convention agreed, rejecting arguments that impeachment would limit the President's independence and violate the separation of powers, and also rejecting the idea that an election every four years was enough to kick out a scoundrel.

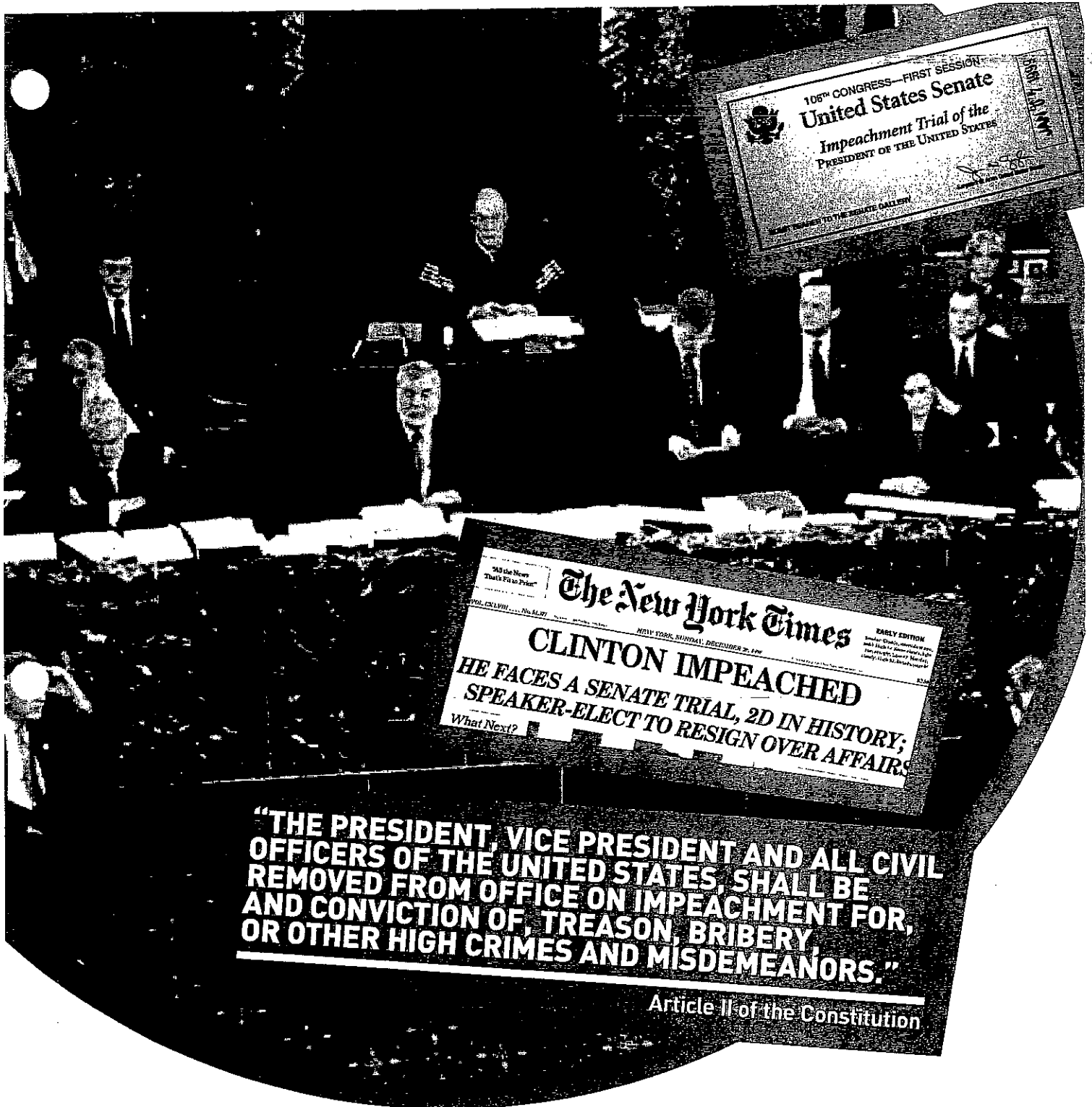
ANDREW JOHNSON

Impeachment can be thought of as akin to a prosecutor bringing an indictment. Under Article II, Section 4, of the Constitution, impeachment is initiated by the House of Representatives, which holds hearings into alleged wrongdoing that can lead to formal charges known as articles of impeachment. A trial is then held in the Senate, and if two thirds of the Senators vote to convict, the President is removed from office.

Understanding that impeachment could be abused for partisan reasons, the Founding Fathers restricted its use to cases of "bribery, treason and high crimes and misdemeanors." (Misdemeanors were considered serious infractions in the 18th century.) The Constitution applies impeachment to the President, the Vice President and other "civil officers," which

BILL CLINTON (right) after the Senate's vote on the articles of impeachment. **PRESIDING OVER CLINTON'S TRIAL** was Chief Justice William Rehnquist (center, top).





has come to be understood over the years to mean federal judges.

Clinton was only the second President to be impeached. In 1868, radical Republicans in the House opposed President Andrew Johnson's accommodating approach to reconciliation with the South after the Civil War. They impeached Johnson, who had become President when Abraham Lincoln was assassinated in 1865, for firing a member of his Cabinet in violation of the Tenure of Office Act, a controversial measure that became law over the President's veto a year earlier.

After a 37-day trial, the vote in the Senate was one short of

the two-thirds majority (36 votes) needed to convict and remove Johnson. Seven of the 42 Republicans broke with their party and voted to acquit. "I cannot agree to destroy the harmonious working of the Constitution for the sake of getting rid of an unacceptable President," James W. Grimes, a Republican from Iowa, said after the vote.

Besides Johnson and Clinton, 14 federal officials have been impeached since 1787. The last to be impeached and removed from office was Judge Walter L. Nixon Jr., a federal

Anthony Depalma is a former reporter for The New York Times.

judge in Mississippi, in 1989. (States also have impeachment laws. In January, Illinois Gov. Rod Blagojevich was impeached and removed for trying to sell Barack Obama's vacant U.S. Senate seat.)

'SWORD OF DAMOCLES'

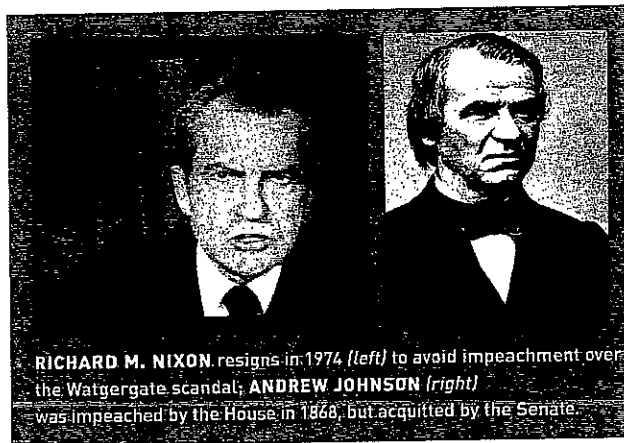
But it is impeachment of a President that has the greatest potential impact on the nation. Impeachment has been described as a "sword of Damocles" hanging over the head of every President.

That was certainly the case in 1974, when President Richard M. Nixon, facing almost certain impeachment by the House during the Watergate scandal, became the first and only President to resign.

Clinton's troubles centered on the accusation that he lied to a grand jury in 1998 about whether he had an affair with a 22-year-old White House intern named Monica Lewinsky. (His relationship with Lewinsky had come under scrutiny as part of a lawsuit by a former state employee in Arkansas who accused Clinton of sexual harassment when he was Governor.) The President was also accused of obstructing justice by trying to get Lewinsky to lie about the affair.

Despite the scandal, which played out in public for more than a year, Clinton's approval ratings remained strong and many people considered the Lewinsky affair a private matter for which he should be forgiven.

"Our Fathers created a system of government of men, not of angels," said Representative Richard A. Gephardt of Missouri, the Democratic House Minority Leader.



RICHARD M. NIXON resigns in 1974 (left) to avoid impeachment over the Watergate scandal; ANDREW JOHNSON (right) was impeached by the House in 1868, but acquitted by the Senate.

But a closely divided House, led by Republicans, voted to impeach Clinton on Dec. 19, 1998, on charges of perjury and obstruction of justice.

While there were no live witnesses at the televised Senate trial two weeks later, four people—including President Clinton and Lewinsky—were interviewed on videotape. Clinton's defense lawyers conceded that he had acted badly, but argued that an acquittal would be the best outcome for the nation.

But Representative Henry J. Hyde, the Illinois Republican

who led House prosecutors during the trial, said the President's conduct was unforgivable.

"The matter before the House is a question of lying under oath. This is a public act, not a private act. This is called perjury," and perjury, Hyde said, "cannot be reconciled with the office of the President of the United States."

On Feb. 12, Chief Justice Rehnquist asked for a vote

"The process went forward as the Framers intended.... whatever happens to the reputation of individual Presidents, the presidency remains strong."

—SENATOR JOHN MCCAIN

on whether President Clinton was guilty of the charges against him. Although Republicans controlled the Senate with a 55-45 majority, there was little chance of a two-thirds majority voting to convict. Nonetheless, the vote was somber and dramatic.

The Senate found Clinton not guilty on the perjury charge by a vote of 55 to 45, with 10 Republicans voting not

guilty. Clinton was also found not guilty of obstruction of justice on a 50-50 vote, far short of the two-thirds majority needed to convict.

Two hours after the vote, Clinton apologized to the nation. "I want to say again to the American people how profoundly sorry I am for what I said and did to trigger these events and the great burden they have imposed on the Congress and the American people," he said.

But some of Clinton's opponents were not ready to forgive him. "Children now have the lesson that lying, cheating, and breaking the law are permissible on the pathway to success," said former Republican Congressman Randy Tate of Washington.

Even some Democrats who opposed impeachment were left feeling dissatisfied with how it all turned out. "The President should take no solace from this," said Senator Byron Dorgan of North Dakota. "There are no winners."

Indeed, the impeachment of Bill Clinton left most Americans feeling that the affair had tarnished everyone and everything involved, except the Constitution itself.

"You can argue that the House overstepped the line by impeaching the President," said Senator John McCain of Arizona, who had voted to convict Clinton on both articles of impeachment. "You can argue that we should have removed him from office. But for me, the point is that the process went forward the way the Framers intended. That revalidates the Constitution and it means that whatever happens to the reputation of individual Presidents, the Presidency remains strong." ●

