Impeachment and acquittal of Bill Clinton

Bill Clinton, the 42nd President of the United States, was impeached by the House of Representatives on two charges, one of perjury and one of obstruction of justice, on December 19, 1998.

Two other impeachment articles, a second perjury charge and a charge of abuse of power, failed in the House, and he was acquitted of them by the Senate on February 12, 1999.[1]

Independent Counsel Ken Starr turned over documentation to the House Judiciary Committee. The Chief Prosecutor, David Schippers, and his team reviewed the material and determined there was sufficient evidence to impeach the president. As a result, four charges were considered by the full House of Representatives; two passed, making Clinton the second United States President to be impeached, and only the third for whom the House had considered such proceedings (Nixon’s presidency is the only one to be ended in the wake of the impeachment process).

The trial in the United States Senate began right after the seating of the 106th Congress, in which the Republicans began with 55 senators. A two-thirds vote (67 senators) was required to remove Clinton from office. Fifty senators voted to remove Clinton on the obstruction of justice charge and 45 voted to remove him on the perjury charge; no Democrat voted guilty on either charge.

1 Independent counsel investigation

The charges arose from an investigation by Independent Counsel Ken Starr. Originally dealing with the failed land deal years earlier known as Whitewater, Starr, with the approval of United States Attorney General Janet Reno, conducted a wide ranging investigation of alleged abuses including the firing of White House travel agents, the alleged misuse of FBI files, and Bill Clinton’s conduct during the sexual harassment lawsuit filed by a former Arkansas government employee, Paula Jones. In the course of the investigation, Linda Tripp provided Starr with taped phone conversations in which Monica Lewinsky, a former White House Intern, discussed having oral sex with Clinton. At the deposition, the judge rejected the plaintiff’s lawyer’s definition of the term “sexual relations”[2][3] that Clinton claims to have construed to mean only vaginal intercourse. Judge Wright then told the attorneys they could be as explicit as necessary in asking their questions. They chose to ask only if he had sex with Monica Lewinsky, thus making his testimony that he had not done so honest.

A much-quoted statement from Clinton’s grand jury testimony showed him questioning the precise use of the word “is.” Contending that his statement that “there’s nothing going on between us” had been truthful because he had no ongoing relationship with Lewinsky at the time he was questioned, Clinton said, “It depends upon what the meaning of the word ‘is’ is. If the—if he—if ‘is’ means is and never has been, that is not—that is one thing. If it means there is none, that was a completely true statement”. Starr obtained further evidence of inappropriate behavior by seizing the computer hard drive and email records of Monica Lewinsky. Based on the president’s conflicting testimony, Starr concluded that Clinton had committed perjury. Starr submitted his findings to Congress in a lengthy document (the so-called Starr Report), and simultaneously posted the report on the internet, replete with lurid descriptions of encounters between Clinton and Lewinsky.[5] Starr was criticized by Democrats for spending $70 million on an investigation that substantiated only perjury and obstruction of justice.[6] Critics of Starr also contend that his investigation was highly politicized because it regularly leaked tidbits of information to the press, in violation of legal ethics, and because his report included lengthy descriptions which were humiliating yet irrelevant to the legal case.[7][8]
2 January 1998 press conference

After rumors of the scandal reached the news, Clinton publicly stated, “I did not have sexual relations with that woman, Miss Lewinsky.” In his Paula Jones deposition, he swore, “I have never had sexual relations with Monica Lewinsky. I’ve never had an affair with her.”[9] Months later, Clinton admitted that his relationship with Lewinsky was “wrong” and “not appropriate.” Lewinsky engaged in oral sex with Clinton several times.[10][11]

3 Impeachment by House of Representatives

Since Ken Starr had already completed an extensive investigation, the House Judiciary Committee conducted no investigations of its own into Clinton’s alleged wrongdoing, and it held no serious impeachment-related hearings before the 1998 midterm elections. Nevertheless, impeachment was one of the major issues in the election. In November 1998, the Democrats picked up seats in the Congress. (The previous mid-term election, in 1994, had been a major debacle for Clinton’s Democratic Party, though the Democrats gained eight House seats in November 1996.)

While the Republicans still maintained majority control of the United States House of Representatives after the 1998 midterm elections, they still suffered a net loss of five seats to the Democrats.[12] The results were a particular embarrassment for House Speaker Newt Gingrich, who, prior to the election, had been reassured by private polling that Clinton’s scandal would result in the GOP gaining as many as thirty House seats.[12] Shortly after the elections, Gingrich, who had been one of the leading advocates for impeachment,[13] announced he would resign from Congress as soon as he was able to find somebody to fill his vacant seat.[12] Gingrich fulfilled this pledge and officially resigned from Congress on January 3, 1999.[14]

Impeachment proceedings were initiated during the post-election, “lame duck” session of the outgoing 105th United States Congress. The committee hearings were perfunctory, but the floor debate in the whole House was spirited on both sides. The Speaker-designate, Representative Bob Livingston, chosen by the Republican Party Conference to replace Gingrich as House Speaker, announced the end of his candidacy for Speaker and his resignation from Congress from the floor of the House after his own marital infidelity came to light.[13] In the same speech, Livingston also encouraged Clinton to resign. Clinton chose to remain in office and urged Livingston to reconsider his resignation.[16] Many other prominent Republican members of Congress (including Dan Burton[15] of Indiana; Helen Chenoweth[15] of Idaho; and Henry Hyde[15] of Illinois, the chief House manager of Clinton’s trial in the Senate) had infidelities exposed around this time, all of whom voted for impeachment. Publisher Larry Flynt offered a reward for such information and many supporters of Clinton accused Republicans of hypocrisy.[15]

Upon the passage of H. Res. 611, Clinton was impeached on December 19, 1998, by the House of Representatives on grounds of perjury to a grand jury (by a 228–206 vote)[17] and obstruction of justice (by a 221–212 vote).[18] Two other articles of impeachment failed – a second count of perjury in the Jones case (by a 205–229 vote)[19] and one accusing Clinton of abuse of power (by a 148–285 vote).[20] Clinton thus became the second U.S. president to be impeached, following Andrew Johnson in 1868. (Clinton was the third sitting president against whom the House of Representatives has initiated impeachment proceedings since 1789. Articles of impeachment against Richard Nixon were passed by the House Judiciary Committee in 1974 and reported to the full House, but Nixon resigned the Presidency before the impeachment resolutions could be considered.)

Five Democrats (Virgil Goode of Virginia, Ralph Hall of Texas, Paul McHale of Pennsylvania, Charles Stenholm of Texas, and Gene Taylor of Mississippi) voted in favor of three of the four articles of impeachment, but only Taylor voted for the abuse of power charge. Five Republicans (Amo Houghton of New York, Peter King of New York, Connie Morella of Maryland, Chris Shays of Connecticut, and Mark Souder of Indiana) voted against the first perjury charge. Eight more Republicans (Sherwood Boehlert of New York, Michael Castle of Delaware, Phil English of Pennsylvania, Nancy Johnson of Connecticut, Jay Kim of California, Jim Leach of Iowa, John McHugh of New York, and Ralph Regula of Ohio), but not Souder, voted against the obstruction charge. Twenty-eight Republicans voted against the second perjury charge, sending it to defeat, and eighty-one voted against the abuse of power charge.

4 Acquittal by the Senate

The Senate trial began on January 7, 1999, with Chief Justice of the United States William Rehnquist presiding. The first day consisted of formal presentation of the charges against Clinton, and of Justice Rehnquist swearing in all arguants in the trial.

Thirteen House Republicans from the Judiciary Committee served as “managers,” the equivalent of prosecutors:

- Chairman Henry Hyde of Illinois
- Jim Sensenbrenner of Wisconsin
- Bill McCollum of Florida
- George Gekas of Pennsylvania
- Charles Canady of Florida
Clinton was defended by Cheryl Mills. Clinton’s counsel staff included Charles Ruff, David E. Kendall, Dale Bumpers, Bruce Lindsey, Nicole Seligman, Lanny A. Breuer and Gregory B. Craig. A resolution on rules and procedure for the trial was adopted unanimously on the following day; however, senators tabled the question of whether to call witnesses in the trial. The trial remained in recess while briefs were filed by the House (Jan. 11) and Clinton (Jan. 13).

The managers presented their case over three days, from January 14 to 16, with discussion of the facts and background of the case; detailed cases for both articles of impeachment (including excerpts from videotaped grand jury testimony that Clinton had made the previous August); matters of interpretation and application of the laws governing perjury and obstruction of justice; and argument that the evidence and precedents justified removal of the President from office by virtue of “willful, premeditated, deliberate corruption of the nation’s system of justice through perjury and obstruction of justice.” The defense presentation took place from January 19–21.

January 22 and 23 were devoted to questions from members of the Senate to the House managers and Clinton’s defense counsel. Under the rules, all questions (over 150) were to be written down and given to Rehnquist to read to the party being questioned.

On January 25, Sen. Robert Byrd of West Virginia moved for dismissal of both articles of impeachment for lack of merit. On the following day, Rep. Bryant moved to call witnesses to the trial, a question that the Senate had scrupulously avoided to that point. In both cases, the Senate voted to deliberate on the question in private session, rather than public, televised procedure. On January 27, the Senate voted on both motions in public session; the motion to dismiss failed on a party line vote of 56–44, while the motion to depose witnesses passed by the same margin. (In both cases, Russ Feingold of Wisconsin was the sole Democratic vote in the majority.) A day later, the Senate voted down motions to move directly to a vote on the articles of impeachment and to suppress videotaped depositions of the witnesses from public release, Feingold again voting with the Republicans.

Over three days, February 1–3, House managers took videotaped closed-door depositions from Monica Lewinsky, Clinton’s friend Vernon Jordan, and White House aide Sidney Blumenthal. On Feb. 4, however, the Senate voted 70–30 that excerpting these videotapes would
suffice as testimony, rather than calling live witnesses to appear at trial. The videos were played in the Senate on February 6, featuring 30 excerpts of Lewinsky discussing her affidavit in the Paula Jones case, the hiding of small gifts Clinton had given her, and his involvement in procurement of a job for Lewinsky.

On February 8, closing arguments were presented with each side allotted a three-hour time slot. On the President’s behalf, White House Counsel Charles Ruff declared: “There is only one question before you, albeit a difficult one, one that is a question of fact and law and constitutional theory. Would it put at risk the liberties of the people to retain the President in office? Putting aside partisan animus, if you can honestly say that it would not, that those liberties are safe in his hands, then you must vote to acquit.”

Chief Prosecutor Henry Hyde countered: “A failure to convict will make the statement that lying under oath, while unpleasant and to be avoided, is not all that serious...We have reduced lying under oath to a breach of etiquette, but only if you are the President...And now let us all take our place in history on the side of honor, and, oh, yes, let right be done.”

On February 9, after voting against a public deliberation on the verdict, the Senate began closed-door deliberations instead. On February 12, the Senate emerged from its closed deliberations and voted on the articles of impeachment. A two-thirds majority, 67 votes, would have been necessary to convict and remove the President from office. The perjury charge was defeated with 45 votes for conviction and 55 against. (Senator Arlen Specter of Pennsylvania voted "not proven," which was considered by the Chief Justice Rehnquist as a vote of “not guilty.”) The obstruction of justice charge was defeated with 50 for conviction and 50 against.

5 Senate votes

The perjury charge failed with 45 senators (all Republican) voting “guilty” and 55 senators (45 Democrats and 10 Republicans) voting “not guilty”. The obstruction of justice charge failed with 50 senators (all Republican) voting “guilty” and 55 senators (45 Democrats and 5 Republicans) voting “not guilty”. In both cases, a two-thirds majority of 67 senators would have been required for conviction.

The five Republican senators who voted against conviction on both charges were John Chafee of Rhode Island, Susan Collins of Maine, Jim Jeffords of Vermont, Olympia Snowe of Maine, and Arlen Specter of Pennsylvania. The additional five Republican senators who voted “not guilty” only on the perjury charge were Slade Gorton of Washington, Richard Shelby of Alabama, Ted Stevens of Alaska, Fred Thompson of Tennessee, and John Warner of Virginia.

Robe worn by Chief Justice William Rehnquist during the proceedings

Notes:  D = Democrat; R = Republican  *= Senator Specter announced his vote as "Not proven," a verdict of Scots Law. As this was not an option, his vote was recorded as “not guilty.”

6 Results

6.1 Contempt of court citation

In April 1999, about two months after being acquitted by the Senate, Clinton was cited by Federal District Judge Susan Webber Wright for civil contempt of court for his “willful failure” to obey her repeated orders to testify truthfully in the Paula Jones sexual harassment lawsuit. For this citation, Clinton was assessed a $90,000 fine, and the matter was referred to the Arkansas Supreme Court to see if disciplinary action would be appropriate.

Regarding Clinton’s January 17, 1998, deposition where he was placed under oath, the judge wrote:
“Simply put, the president’s deposition testimony regarding whether he had ever been alone with Ms. (Monica) Lewinsky was intentionally false, and his statements regarding whether he had ever engaged in sexual relations with Ms. Lewinsky likewise were intentionally false...”[26]

In January 2001, on the day before leaving office, Clinton agreed to a five-year suspension of his Arkansas law license as part of an agreement with the independent counsel to end the investigation. Based on this state bar suspension, Clinton was automatically suspended from the United States Supreme Court bar and allowed 40 days to appeal an otherwise-automatic disbarment; Clinton chose to resign during the appeals period.[27]

6.2 Civil settlement with Paula Jones

Eventually, the court dismissed the Paula Jones harassment lawsuit, before trial, on the grounds that Jones failed to demonstrate any damages. However, while the dismissal was on appeal, Clinton entered into an out-of-court settlement by agreeing to pay Jones $850,000.[28][29]

6.3 Political ramifications

Polls conducted during 1998 and early 1999 showed that only about one-third of Americans supported Clinton’s impeachment or conviction. However, one year later, when it was clear that House impeachment would not lead to the ousting of the President, half of Americans said in a CNN/USA Today/Gallup poll that they supported impeachment but 57% approved of the Senate’s decision to keep him in office and two thirds of those polled said the impeachment was harmful to the country.[30]

While Clinton’s job approval rating rose during the Lewinsky scandal and subsequent impeachment, his poll numbers with regard to questions of honesty, integrity and moral character declined.[31] As a result, “moral character” and “honesty” weighed heavily in the next presidential election. According to The Daily Princetonian, after the 2000 presidential election, “post-election polls found that, in the wake of Clinton-era scandals, the single most significant reason people voted for Bush was for his moral character.”[32][33][34] According to an analysis of the election by Stanford University:

“Simply put, the president’s deposition testimony regarding whether he had ever been alone with Ms. (Monica) Lewinsky was intentionally false, and his statements regarding whether he had ever engaged in sexual relations with Ms. Lewinsky likewise were intentionally false...”[26]

The Stanford analysis, however, presented different theories and mainly argued that Gore had lost because he decided to distance himself from Clinton during the campaign.[35] The writers of it concluded:

“We find that Gore’s oft-criticized personality was not a cause of his under-performance. Rather, the major cause was his failure to receive a historically normal amount of credit for the performance of the Clinton administration...[and] failure to get normal credit reflected Gore’s peculiar campaign which in turn reflected fear of association with Clinton’s behavior.”[35]

According to the America’s Future Foundation:

“'In the wake of the Clinton scandals, independents warmed to Bush's promise to 'restore honor and dignity to the White House.' According to Voter News Service, the personal quality that mattered most to voters was 'honesty.' Voters who chose 'honesty' preferred Bush over Gore by over a margin of five to one. Forty Four percent of Americans said the Clinton scandals were important to their vote. Of these, Bush reeled in three out of every four.'”[36]

Political commentators, however, have argued that Gore’s refusal to have Clinton campaign with him was a bigger liability to Gore than Clinton’s scandals.[35][37][38][39][40] The 2000 US Congressional election also saw the Democrats gain more seats in Congress.[41] As a result of this gain, control of the US Senate was split 50-50 between both parties,[42] and Democrats would regain control over the US Senate after Republican Senator Jim Jeffords defected from his party in the spring of 2001 and agreed to caucus with the Democrats.[43] 

Al Gore reportedly confronted Clinton after the election, and “tried to explain that keeping Clinton under wraps [during the campaign] was a rational response to polls showing swing voters were still mad as hell over the Year of Monica.” According to the AP, “during the one-on-one meeting at the White House, which lasted more than
6.4 Ensuing events for 13 House managers

Of the 13 members of the House who managed Clinton’s trial in the Senate, only one lost to a Democrat in his 2000 bid for re-election (James E. Rogan, to Adam Schiff). Charles Canady retired from Congress in 2000, following through on a previous term limits pledge to voters, and Bill McCollum ran unsuccessfully for the U.S. Senate. Asa Hutchinson, after being re-elected in 2000, left Congress after being appointed head of the Drug Enforcement Administration by President George W. Bush. In 2002, two former House managers lost their seats after redistricting placed them in the same district as another incumbent (Bob Barr lost to John Linder in a Republican primary, and George Gekas lost to Democrat Tim Holden), while two more ran for the U.S. Senate (Lindsey Graham successfully, Ed Bryant unsuccessfully). The other five remained in the House well into the 2000s (decade), and two (Jim Sensenbrenner and Steve Chabot) are still members (although Chabot lost his seat to Steve Driehaus in the 2008 elections; Chabot defeated Driehaus in a 2010 rematch). In 2009, Sensenbrenner served again as a manager for the impeachment of Judge Samuel B. Kent of Texas as well as serving in 2010 as Republican lead manager in the impeachment of Judge G. Thomas Porteous, Jr. of Louisiana.

7 See also

- Impeachment of Andrew Johnson
- 106th United States Congress
- List of federal political scandals in the United States
- List of federal political sex scandals in the United States
- Second-term curse
- Oval Office
- Lewinsky scandal
- Sexual misconduct allegations against Bill Clinton

8 References

[14] https://news.google.com/newspapers?id= u6VAAAAAIBAI&sjid=NQgEAAAAIBAJ&pg=4793, 3174090&dq=newt+resigns+from+congress&hl=en


[24] Specter, Arlen (February 12, 1999). “Sen. Specter’s closed-door impeachment statement”. CNN. Retrieved March 13, 2008. My position in the matter is that the case has not been proved. I have gone back to Scottish law where there are three verdicts: guilty, not guilty, and not proved. I am not prepared to say on this record that President Clinton is not guilty. But I am certainly not prepared to say that he is guilty. There are precedents for a Senator voting present. I hope that I will be accorded the opportunity to vote not proved in this case. [...] But on this record, the proofs are not present. Juries in criminal cases under the laws of Scotland have three possible verdicts: guilty, not guilty, and not proven. Given the option in this trial, I suspect that many Senators would choose ‘not proven’ instead of ‘not guilty’. That is my verdict: not proven. The President has dodged perjury by calculated evasion and poor interrogation. Obstruction of justice fails by gaps in the proofs.


[26] Clinton found in civil contempt for Jones testimony – April 12, 1999


[34] Bishin, B. G.; Stevens, D.; Wilson, C. (Summer 2006). “Singerauthorsbookon”.


“Sensenbrenner to Serve as House Manager for Porteous Impeachment” (Press release). Congressman Jim Sensenbrenner. March 11, 2010. Archived from the original on January 22, 2011. Retrieved January 22, 2011. Sensenbrenner was selected to serve as one of the five House Managers who will try the case in the Senate after the resolution passed.

9 External links

- “Articles of Impeachment and Judiciary Committee Roll Call Votes”. *The Washington Post* (December 19, 1998)
- “Dale Bumbers: Closing Defense Arguments - Impeachment Trial of William J. Clinton”
- Famous Trials: The Impeachment Trial of President William Clinton, University of Missouri-Kansas City Law School
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