

**Democratic and Popular Republic of Algeria**  
**Ministry of Higher Education and Scientific Research**



**University of Oran Es-Senia**  
**Faculty of Letters, Languages and Arts**  
**Department of Anglo-Saxon Languages**

**Doctoral School of English**

**2007 – 2010**

**Magister Dissertation in American Civilisation**

# **The (mis) use of American Democracy: Case Study of President Clinton's Impeachment**

**Presented by:**

**Mrs. Gadi Insaf Sonia**

**Members of the jury:**

President: Dr. BOUHADIBA Malika (University of Oran)

Supervisor: Pr. YACINE Rachida (University of Oran)

Examiner: Dr. MOULFI Leila (University of Oran)

**Academic Year**

**2010 - 2011**

*DEDICATION:*

*To the one for whom I wrote this dissertation, my dear son*

## ACKNOWLEDGEMENTS:

*“No human work can be achieved without the contribution of others”*

*This dissertation is the result of an on-going effort; this effort could not succeed without the contribution of a number of people. Here comes the opportunity to thank them:*

*My supervisor, Pr. Yacine, for her patience, availability, suitability of her advice and the extreme richness of her teaching.*

*My teachers of the doctoral school in helping me to broaden my view and knowledge.*

*I also want to thank my husband for his encouragement and sacrifice and my family for their moral support.*

*My friends for their support and my colleagues from the doctoral school for their consideration.*

## **ABSTRACT**

The American democracy is based on the principle that government exists to protect the individuals' rights. In return, the American citizens have to respect the Supreme Law of the country: the US Constitution. Moreover, The US Democracy relies on two main principles: First, the separation of powers between the judiciary, the legislative and the executive, and second, the system of checks and balances which establishes a harmony within the three-part national government. Thanks to this system, the Congress has the power to remove a government official from his office through the impeachment law. The Framers of the US Constitution gave to the Supreme Court the power to interpret the constitutional laws. Then, other federal courts have been established by the Congress. In addition, each state has its own Supreme Court as well as Circuits Courts as a result of the adopted federalist system. Besides, in order to enforce the concept of this system, its founding fathers initiated the Electoral College system in Article II of the US Constitution. It is an indirect method of electing a president, i.e. the American citizens vote for the electors who then vote for the President. In fact, thanks to this method, US history witnessed a succession of elections shared between the two major political parties, and mostly gained by the Republicans. Indeed, since the emergence of those two major parties and during several years, there was a continual competition between those two factions which created a feeling of grudge. One of the main consequences of this bitter competition is President Clinton's impeachment. Indeed, during the period between 1998 and 1999, US political history witnessed an event that was subject to great debates in Government and in the media. This event involved the most prominent US president William Jefferson Clinton because of his illegitimate relation with Monica Samille Lewinsky; a former White House intern. In fact, Clinton's political opponents did everything to publicize this relationship with the precious help of the media. Therefore, there was a malicious political conspiracy aiming to get President Clinton impeached which led to the 1998 charges of perjury and obstruction of justice. However, Sixty-seven votes were needed to remove the president from office; hence, Clinton was finally acquitted by the senate on February 12, 1999. Finally, the case study of President Clinton's impeachment shows that the impeachment law is an undeniable proof of the American democracy, but it was used as a political strategy by the right wing to eject him from power and resume control. There was definitely a crushing of supposed constitutional rights and protections. There was, undeniably, a misuse of the American democracy.

## ملخص

تقوم الديمقراطية في الولايات المتحدة على مبدأ أن الحكومة تعمل على حماية حقوق الأفراد. في المقابل، يجب على المواطنين الأمريكيين أن يحترموا القانون الأعلى للبلاد ألا وهو دستور الولايات المتحدة. كما تقوم ديمقراطية الولايات المتحدة أيضا على مبدئين أساسيين: أولهما فصل السلطات ما بين القضائية والتشريعية والسلطة التنفيذية. أما الثاني، فهو نظام الضوابط والتوازنات الذي يخلق انسجاما داخل الأجزاء الثلاث للحكومة الوطنية. وبفضل هذا النظام، بإمكان الكونغرس إزالة أي مسؤول من منصبه من خلال قانون الإقالة. أعطى مؤطرو الدستور الأمريكي للمحكمة العليا صلاحية تفسير القوانين الدستورية. ثم أنشئت محاكم اتحادية أخرى من قبل الكونغرس. بالإضافة إلى ذلك، فإن كل ولاية لديها محكمتها العليا الخاصة و كذلك محاكم الدوائر كنتيجة للنظام الفدرالي المعتمد في الولايات المتحدة الأمريكية. علاوة على ذلك، و من أجل فرض مفهوم هذا النظام، أسس منهج الهيئة الانتخابية في المادة الثانية من دستور الولايات المتحدة الأمريكية. وهي طريقة غير مباشرة لانتخاب الرئيس، أي أن يصوت المواطنون الأمريكيون على المنتخبين الذين يصوتون بدوهم على الرئيس. في الواقع، بفضل هذا النظام، شهد تاريخ الولايات المتحدة سلسلة من الانتخابات المشتركة بين الحزبين السياسيين الرئيسيين والتي حصل على معظمها الحزب الجمهوري. منذ ظهور هذين الحزبين الرئيسيين، و خلال عدة سنوات كان هنالك تنافس مستمر بين تلك الفصيلتين حيث خلق شعورا من الحقد، و من بين إحدى النتائج الرئيسية لهذا التنافس المرير هو اتهام الرئيس كلينتون. بالفعل، في الفترة ما بين 1998 و 1999، حيث شهد تاريخ الولايات المتحدة حدثا خضع لمناقشات مهمة في الحكومة و في مختلف وسائل الإعلام. هذا الحدث انطوى على أبرز الرؤساء الأمريكيين وليام جفرسون كلينتون بسبب علاقته الغير شرعية مع مونيكا ساميل لوينسكي، متمرنة سابقة في البيت الأبيض. في الواقع، عمل خصوم كلينتون السياسيين كل شيء لنشر هذه العلاقة مع المساعدة الثمينة لوسائل الاعلام. ولذلك، كانت هنالك مؤامرة سياسية خبيثة تهدف لعزل الرئيس كلينتون، التي أدت إلى جنح الحنث باليمين و عرقلة سير العدالة في عام 1998. مع ذلك، كانت هنالك حاجة لسبعة و ستين صوتا لازالة الرئيس من منصبه. و من تم تمت تبرئته من قبل المجلس الأعلى يوم 12 فبراير 1999. وأخيرا، تظهر دراسة حالة الرئيس كلينتون أن قانون الاقالة هو دليل لا يمكن انكاره عن الديمقراطية الأمريكية، ولكنها استخدمت كإستراتيجية سياسية من طرف الجناح اليميني من اجل اخراجه من السلطة و استئناف الحكم. كان هنالك بالتأكيد سحق للحقوق الدستورية و الحماية المفترضة. في الواقع، كان هنالك دون شك سوء استخدام للديمقراطية الأمريكية.

# TABLE OF CONTENTS :

<b>GENERAL INTRODUCTION.....</b>	<b>1</b>
<b>CHAPTER ONE: The Characteristics of the American Democracy.....</b>	<b>5</b>
<b>I. What is Democracy?.....</b>	<b>6</b>
<b>II. The U.S. Constitution.....</b>	<b>7</b>
1. The Origins of the U.S. Constitution.....	8
2. The Bill of Rights.....	10
3. Separation of Powers.....	10
4. System of Checks and balances.....	13
<b>III. The US Legal System.....</b>	<b>15</b>
1. Structure of the Federal Court System.....	15
2. Structure of State Court System.....	16
3. The Main Protagonists of the Judicial System.....	17
<b>IV. The Impeachment Law.....</b>	<b>18</b>
1. Previous Cases of Impeachment in U.S. ....	21
2. Pardon in Cases of Impeachment.....	23
<b>V. The Presidential System.....</b>	<b>24</b>
1. Electing the President.....	24
2. The General Election Campaign.....	26
3. Presidency of the 19 <sup>th</sup> Century.....	27
4. Presidency of the 20 <sup>th</sup> Century.....	28
5. Presidency of the 21 <sup>ST</sup> Century.....	29

<b>CHAPTER TWO: The Evolution of the Political Parties within the American Democratic System.....</b>	<b>32</b>
<b>I. The American Two-Party System.....</b>	<b>33</b>
<b>II. The History of the American Political Parties.....</b>	<b>34</b>
1. The First American Political Parties.....	35
2. The Development of Modern Parties.....	36
<b>III. The Evolution of the Two Major Political Parties.....</b>	<b>38</b>
1. The Democratic Party.....	38
2. The Republican Party.....	39
<b>IV. Republicans VS. Democrats.....</b>	<b>41</b>
1. The Difference between Republicans and Democrats.....	41
2. The Competition between the Republicans and the Democrats.....	43
3. Low blows between the two major political parties.....	47
<b>V. Political Parties' Use of the Media.....</b>	<b>49</b>
 <b>CHAPTER THREE: The Case Study of President Clinton's Impeachment.....</b>	 <b>53</b>
<b>I. William Jefferson Clinton's presidency.....</b>	<b>54</b>
<b>II. Previous Accusations against President Clinton.....</b>	<b>59</b>
1. Whitewater-gate.....	59
2. Travel-gate.....	62
3. File-gate.....	63
4. Trooper-gate.....	64
5. Paula-gate.....	64
<b>III. The Lewinsky Scandal.....</b>	<b>65</b>
<b>IV. Political Conspiracy headed by Kenneth Starr.....</b>	<b>70</b>
<b>V. The Role of the Media in the Conspiracy against President Clinton.....</b>	<b>73</b>
<b>VI. The Impeachment Trial.....</b>	<b>76</b>
<b>VII. The Aftermath.....</b>	<b>80</b>
<b>GENERAL CONCLUSION.....</b>	<b>84</b>
<b>Appendices.....</b>	<b>86</b>
<b>Bibliography.....</b>	<b>106</b>





## GENERAL INTRODUCTION

President Clinton's impeachment (1998 – 1999) was the most publicised case in the US history. What is commonly called “Monica-gate” has aroused thousands of debates all over the country; in the White House, in the Congress, in the media and even in homes. Indeed, all Americans were wondering if Clinton’s impeachment was justified or not. The prosecutors affirmed that President Clinton’s actions were a threat to the rule of Law, and thus to the national security. They also declared that Clinton’s actions were impeachable offences as mentioned in the U.S. Constitution: “high Crimes and Misdemeanours”. Historically, this sentence was defined as a crime against the state, for which removal from office is required upon conviction by the Senate.

Historians argued that President Clinton's conduct did not rise to the level of an impeachable offence because the Constitution contemplates impeachment only “for high crimes and misdemeanours in the exercise of executive power.” In the view of these historians, President Clinton's conduct was not impeachable because it involved merely private conduct, not the exercise of executive power.

## GENERAL INTRODUCTION

---

In addition, Clinton's defenders argued that his actions were immoral but not illegal. They accused their Republican colleagues of being inconsistent in their approach to constitutional interpretation, and they contended that “high crimes and misdemeanours” had a very narrow meaning at the founding of the Constitution. They affirmed that the Republicans used the American Constitution as a political weapon in order to try to remove President Clinton from his office and thus, to resume control. All these debates have driven us to raise the following problematics:

Was President Clinton's impeachment really a democratic act or was it just a right wing conspiracy?

In order to answer this question, we have divided our work into three parts:

In the first Chapter, we wanted to demonstrate the patterns and process of the US Democratic system by defining the characteristics of the American democracy and the principles upon which it rests. The first principle is the U.S. Constitution, which is also the source of its survival. The second principle is the separation of powers between the three branches of the American political system. The third principle is the system of checks and balances in which the impeachment law plays an important role, since it ensures that no one is above the law even the President of the United States. In order to maintain the safeguard of the American Constitution, its framers have set up the Supreme Court. In addition, the Congress has established additional federal courts. All those courts have the entire ability to interpret several amendments of the constitution. Another determinant action in the subsistence of the American democracy is the elections. Every four years, millions of Americans move to schools, church halls and other civic centres to elect their President. Over two-hundred-twenty years, US history witnessed forty-four presidents each one differing from the other by his character and the policy of his party.

In the second chapter, we have analysed the evolution of the political parties within the American democratic system. America has a ‘two party system’ in which only two political parties compete for government office. The two first American political parties have gone through several stages in order to become what is known today, as the Democratic and the Republican Party. During their historical evolution, each party was alternately bringing its new policies and offering new proposals. This changeover of political power has increased the competition between the two factions. Since the media has the power to focus public attention

## GENERAL INTRODUCTION

---

on a particular issue and shape it the way they like, the political parties use them constantly in order to win in each election.

In the third chapter, we focus on the case study of President Clinton's impeachment. We are concerned with Clinton's presidency, so there is an overview of all the projects in which he succeeded and those in which he failed. For many American people, Clinton was the right man for the US Presidency. He contributed to the promotion of the US economy as well as social prosperity. He also managed to establish peace negotiations in various international conflicts. He was often compared to President John Kennedy being both exceptionally charismatic figures who achieved enormous popularity as Presidents. However, his reputation has been blackened by several controversies mostly over his private life. Those allegations were the result of a partisan combination aiming to remove him from office through the impeachment proceedings.

# **CHAPTER ONE**

## **THE CHARACTERISTICS OF THE AMERICAN DEMOCRACY**

# **CHAPTER ONE**

## **THE CHARACTERISTICS OF THE AMERICAN DEMOCRACY**

The American society is characterised by its strong belief in the principles embodied in the American Constitution: Liberty, Equality and Democracy. Those values are represented through a representative government, a freedom of speech, and an equal protection and justice under the law.

In this first Chapter, we wanted to define the main characteristics of the American Democracy:

First, we start by defining the concept of democracy and the principles upon which it rests. Secondly, we deal with the American Constitution; the supreme law of the land under which all American citizens are protected and in return they have to scrupulously respect it. In fact, the American Constitution makes reference to all the American political system, including the separation of powers between the executive, the legislative and the Judiciary. The latest plays an important role in the safeguard of the American Constitution, thus of the American Democracy, so we try to determine the role of the Supreme Court as well as the states courts that were established by the Congress as a result of the federalist system adopted in USA.

The Chief Justice sits as President of the Senate during presidential impeachment trial. This legal procedure was set up by the framers of the US Constitution in order to protect the American people from the Government since it gives them the power to remove any official officer, even the President of the United States. In the last section, we focus on the American presidential system. We define the Electoral College system which is an indirect method of electing a president. We conclude the chapter by outlining the evolution of the American Presidency and describing the careers of the most remarkable Presidents of the United States.

### I. What is Democracy?

*“Were there a people of gods, their government would be democratic. So perfect a government is not for men.”<sup>1</sup>*

Democracy derives from the Greek word ” demos” or ”people” and is defined basically as “the theory of government which, in its purest form, holds that the state should be controlled by all the people, each sharing equally in privileges, duties and responsibilities and each participating in person in the government, as in the city-states of ancient Greece. In practice, control is vested in elective officers as representatives who may be upheld or removed by the people.”<sup>2</sup> In the words of President Abraham Lincoln, Democracy is government “of the people, by the people, and for the people”.<sup>3</sup> And according to the American essayist E. B. White: “Democracy is the recurrent suspicion that more than half the people are right more than half the time”.<sup>4</sup>

Democracy can also be defined as the institutionalisation of freedom. It is indeed a set of ideas and principles about freedom, but it also consists of practices and procedures.

---

<sup>1</sup> Jean Jacques, Rousseau, *The Social Contract and Discoveries* (1762), trans.,G.D.H. Cole, Everyman’s Library edition, 1946, p.33

<sup>2</sup> New illustrated webster’s Dictionary of the English language.  
PAMCO Publishing Company. Inc., New York

<sup>3</sup> Howard, Cincotta, *Democracy in brief*, p.3, available at  
<http://www.america.gov/media/pdf/books/democracy-in-brief.pdf#popup>

<sup>4</sup> Ibid., p.7.

Thus, the people living under a democratic society have the duty to preserve their own freedom.<sup>1</sup>

Democracy rests upon the principles of majority rule and individual rights; for instance, people have the right to elect their leaders through free and fair elections, but they also have the right to change those elected leaders. It also rests upon the principle that government exists to serve the citizens. Thus, the government protects the rights of the citizens, and in turn, they have to be loyal to their government, which means that they have to respect the law.

## **II. The U.S. Constitution:**

The United States Constitution is the supreme law of the country. It was adopted on September 17, 1787 by a convention held in Philadelphia, and after ratification, it was applied since March 4, 1789. Modified by twenty-seven amendments, it is one of the oldest written constitutions still applied. Originally ratified by thirteen states, which are now fifty, it creates a federal state. It establishes a government with limited powers, bound to respect the fundamental rights of citizens, based on the separation of powers with a system of checks and balances. According to Donald J. Boudreaux: “The Constitution is the dominant ideology within us; an ideology that determines what we permit each other to do, as well as we permit government to do”.<sup>2</sup>

---

<sup>1</sup> Howard, Cincotta, Democracy in brief, p.3, available at <http://www.america.gov/media/pdf/books/democracy-in-brief.pdf#popup>.

<sup>2</sup> See “What is the American Constitution”, available at <http://cfcamerica.org/index.php/component/index.php?view=article&catid=3:news&id=731:what-is-the-american-constitution&format=pdf>.

## **1. The Origins of the U.S. Constitution :**

### **A. Ancient Athens:**

The Athenians developed a unique system of Government in which citizens have the power to make important decisions about the country. This system was called “Direct Democracy”. The Founders of the U.S. Constitution took this idea of democracy and they changed it to “Representative Democracy” i.e. Citizens elect representatives to make decisions for them.<sup>1</sup>

### **B. The Magna Carta:**

In 1215, the English nobles used the Magna Carta to demand their rights from the King. Five hundred years later the American colonists used this example to demand their rights from the British King. These rights included the right of jury trial, protection of private property, limits on taxation and some religious freedoms. These rights became part of the Bill of rights thus, of the American Constitution.<sup>2</sup>

### **C. English Bill of Rights:**

In 1688, Parliament forced King William and Queen Mary to sign the English Bill of Rights in order to prevent further abuse by the monarchy for instance:

- The King could not pass or suspend laws without the consent of Parliament.
- Parliament was the only one who could authorise the keeping of an army during peacetime.
- People must have the right to petition the King, and should have the right to bear arms.

---

<sup>1</sup> See “Democracy and the origins of the American Democracy”, available at [www.sullivan-county.com/bush/constitution.htm](http://www.sullivan-county.com/bush/constitution.htm)

<sup>2</sup> Ibid.



While the Bill of rights began by listing the grievances of the nobles against the King, the Declaration of Independence began by listing the grievances of the American Colonists against King George. These rights became part of the American Constitution.<sup>1</sup>

### **D. The Mayflower Compact:**

In 1620, the first colonists agreed on a set of laws that would govern their Plymouth Colony in Massachusetts, this set of laws is called the Mayflower Compact. It stated that the government would make “Just laws and equal” with the consent of the colonists.<sup>2</sup>

### **E. John Locke/ Jean Jacques Rousseau :**

John Locke (1632 – 1704) influenced Thomas Jefferson (the author of the Declaration of Independence) in his writing.<sup>3</sup>

He argued that people were the source of power, not kings. That people were born with “natural” or “inalienable rights”, including the right to life, liberty and property, and that no government could take them away. He also mentioned that people formed governments to protect their rights, which he called a “Social Contract”. He added that if the Government failed to protect people’s rights, they had the right to replace the Government.

Thomas Jefferson also relied on the writings of Jean Jacques Rousseau. Indeed, the latter stated that all men should have the right to take up arms against the government if it did not respect these rights.<sup>4</sup>

---

<sup>1</sup> See “Democracy and the origins of the American Democracy”, available at [www.sullivan-county.com/bush/constitution.htm](http://www.sullivan-county.com/bush/constitution.htm)

<sup>2</sup> Ibid.

<sup>2</sup> Equal treatment of citizens under equal laws

<sup>3</sup> Ibid.

<sup>4</sup> See “Portrait of the USA ”, available at [http://usinfo.org/zhtw/DOCS/portrait/portrait\\_ch4.html](http://usinfo.org/zhtw/DOCS/portrait/portrait_ch4.html)

## **2. The Bill of Rights :**

The Bill of rights is another basic foundation of the American democracy. It consists of 10 very short paragraphs that guarantee freedom and individual rights and forbid interference with the lives of individuals by the government. Each paragraph is an Amendment to the original Constitution.

In the Bill of Rights, Americans are guaranteed freedom of religion, of speech and of the press. They have the right to assemble in public places, to protest government actions and to demand change. They have even the right to own weapons. Because of the Bill of Rights, neither police nor soldiers can stop and search a person without good reason. They also cannot search a person's home without legal permission from a court to do so.

The Bill of Rights guarantees Americans the right to a speedy trial if accused of a crime. The trial must be by a jury and the accused person must be allowed representation by a lawyer and must be able to call in witnesses to speak for him or her. Cruel and unusual punishment is forbidden.<sup>1</sup>

Some current issues such as abortion and death penalty are subject of conflicts over how the Bill of Rights should be interpreted. Much of the wording in the Constitution and its amendments is general; therefore, many Americans disagree on how this language applies to certain situations. Ultimately, it is the responsibility of the Supreme Court of the United States to determine the meaning of the Constitution.

## **3. Separation of Powers :**

The framers of the American Constitution divided the government's powers into three branches. Thus, the constitution determines which powers each branch may exercise. The three branches are as follows: The legislative branch, the executive branch and the judicial branch.

---

<sup>1</sup> See "Portrait of the USA", available at [http://usinfo.org/zhtw/DOCS/portrait/portrait\\_ch4.html](http://usinfo.org/zhtw/DOCS/portrait/portrait_ch4.html)

**A. The Legislative Branch:**

The legislative branch, which is defined in the Article I of the American Constitution, is composed of elected representatives from all the states and is the only branch that can make federal laws, levy federal taxes, declare war or put foreign treaties into effect. It consists of a Congress that is divided into two houses:

The House of Representatives comprises lawmakers who serve two-year terms. Each House member represents a district in his or her home state. The number of districts in a state is determined by a count of the population taken every 10 years. The most populated states have more districts and, therefore, more representatives than the smaller states.

The Senate comprises lawmakers who serve six-year terms. Each state has two senators. This means that both small and big states have equal voice in the Senate. The terms of the senators are altered, so that only one-third of the Senate is elected every two years. The main duty of the Congress is to make laws. A law begins as a proposal called a "bill". It is read, studied in committees, commented on and amended in the Senate or House chamber in which it was introduced. It is then voted upon. If it passes, it is sent to the other house where a similar procedure occurs. Groups who try to persuade congressmen to vote for or against a bill are known as "lobbies." When both houses of Congress pass a bill on which they agree, the president has to sign it. Finally the bill becomes a law.<sup>1</sup>

**B. The Executive Branch:**

The chief executive of the United States is the president, who, together with the vice president, is elected to a four-year term. A president can be elected to only two terms. The vice president has the right to succeed to the president in case of resignation or death. But also he can serve as the presiding officer of the Senate; the vice president may vote in the Senate only in the event of a tie (equality in number of votes).

---

<sup>1</sup> See "Federal Government of the United states", available at [http://usinfo.org/zhtw/DOCS/portrait/portrait\\_ch4.html](http://usinfo.org/zhtw/DOCS/portrait/portrait_ch4.html)

The president has great but limited powers. He is the chief formulator of public policy, thus, he often proposes legislation to Congress. The president can also veto any bill passed by Congress. The veto can be overridden by a two-thirds vote in both the Senate and House of Representatives. As head of his political party, with ready access to the news media, the president can easily influence public opinion regarding issues and legislation that he considers to be important. The president has the authority to appoint federal justices, including members of the Supreme Court. All such court appointments are subject to confirmation by the Senate.

The President is the commander in chief of the armed forces. He has also the power to issue regulations and directives regarding the work of the federal government's departments and agencies. The president appoints the heads and senior officials of the executive branch agencies. The major departments of the government are headed by appointed secretaries who collectively compose the president's cabinet. Each appointment must be confirmed by a vote of the Senate. Today, these 14 departments are: State, Treasury, Defence, Justice, Interior, Agriculture, Commerce, Labour, Health and Human Services, Housing and Urban Development, Transportation, Energy, Education, and Veterans Affairs.

The president is primarily responsible for foreign relations with other nations. The president appoints ambassadors and other officials, subject to Senate approval, and, with the secretary of state, formulates and manages the nation's foreign policy. The president often represents the United States abroad in consultations with other heads of state, and, through his officials, he negotiates treaties with other countries. Such treaties must be approved by a two-thirds vote of the Senate. Presidents also negotiate with other nations less formal "executive agreements" that are not subject to Senate approval.<sup>1</sup>

---

<sup>1</sup> See "Federal Government of the United states", available at [http://usinfo.org/zhtw/DOCS/portrait/portrait\\_ch4.html](http://usinfo.org/zhtw/DOCS/portrait/portrait_ch4.html).

### **C. The Judicial Branch:**

The judicial branch is defined in the article three of the American constitution. It is headed by the Supreme Court, which is the only court which has been determined by the Constitution. In addition, the Congress has established 11 federal courts of appeal and, below them, 91 federal district courts. Federal justices are appointed for life or voluntary retirement, and can only be removed from office through the process of impeachment and trial in the Congress. Federal courts have jurisdiction over cases arising out of the Constitution, laws and treaties of the United States for instance; maritime cases, issues involving foreign citizens or governments.

The Supreme Court consists of a chief justice and eight associate justices. With few exceptions, all its cases reach the Court on appeal from lower federal or state courts. Most of these cases concerns disputes about the interpretation of laws and legislation. Consequently, the Court's most important function consists of determining whether congressional legislation or executive action violates the Constitution.

## **4. System of Checks and Balances :**

When Americans talk about their three-part national government, they often refer to what they call its system of "checks and balances." This system works in many ways to keep serious mistakes from being made by one branch or another. First, the Legislative branch makes the law. Second, the Executive branch executes the law. Last, the judicial branch interprets the law. Thus, each branch has an effect on the other.

**A. Examples of checks and balances:<sup>1</sup>**

**Legislative Branch:**

The legislative branch has the power to check on the executive branch by different ways. For instance, through the impeachment proceedings and the selection of the President (House) and Vice President (Senate) in the case of no majority of electoral votes. The legislative branch checks on the Judiciary by proceeding to the impeachment of the judges, approving federal judges, initiating constitutional amendments, setting courts inferior to the Supreme Court and limiting jurisdiction of those courts. The legislative branch is bicameral, which means that it has a degree of self-checking; for instance, the bills must be passed by both houses of Congress.

**Executive Branch:**

The executive branch essentially checks on the Legislature by the Veto power. The Vice President is also the President of the Senate. The Executive checks on the Judiciary using the power to appoint judges and the pardon power. The executive branch has also a degree of self checking since the Vice President and Cabinet can vote that the President is unable to discharge his duties for any reason. It is mentioned in Section 4 of the 25<sup>th</sup> amendment and it provides a remedy considerably short of impeachment.<sup>2</sup>

**Judicial Branch:**

The judicial branch basically checks on the Legislature and the Executive through the judicial review (the ability of the courts to interpret the constitution). In addition, the Chief Justice sits as President of the Senate during presidential impeachment.

**B. The judicial review:**

The principle of judicial review was first asserted by Supreme Court Chief Justice John Marshall in *Marbury v. Madison* (1803), when the court ruled that it had the authority to void national or state laws.

---

<sup>1</sup>See “Constitutional topic: Checks and Balances” , available at [http://www.usconstitution.net/consttop\\_cnb.html](http://www.usconstitution.net/consttop_cnb.html)

<sup>2</sup> See “Twenty-fifth Amendment to the United States Constitution ”, available at [http://en.wikipedia.org/wiki/Twenty-fifth\\_Amendment\\_to\\_the\\_United\\_States\\_Constitution](http://en.wikipedia.org/wiki/Twenty-fifth_Amendment_to_the_United_States_Constitution)

The judicial review plays an important role in the American democracy, since it is used as an instrument of control. It rests on the idea that the Constitution is the supreme law of the land; so, the courts and especially the Supreme Court have the entire ability to interpret the Constitution.

### **III. The US Legal System:**

#### **1. Structure of the Federal Court System :**

##### **A. The Supreme Court:**

According to the Constitution, it is the duty of the president – with the advice and consent of the Senate – to make the appointments of the Supreme Court and the lower federal courts. The Senate Judiciary Committee ordinarily conducts hearings on nominations to the Supreme Court, and a simple majority of the full Senate is required for confirmation. When the position of chief justice is vacant, the president may appoint a chief justice from outside the court or elevate an associate justice to the position. In both cases a simple majority of the Senate must approve the appointment. Members of the Supreme Court are appointed for life terms, though they may be expelled if they are impeached by the House of Representatives and convicted in the Senate. Only one justice was impeached, Samuel Chase, who was acquitted in 1805. In 1969 Abe Fortas resigned under the threat of impeachment for alleged financial improprieties unrelated to his duties on the court. The Congress established two levels of federal courts below the Supreme Court: The United States District Courts and the United States Circuit Courts of Appeals.

##### **B. The United States District Courts:**

United States District Courts are on the first level and are the trial courts (courts of first instance) of the federal system. There are 94 such district courts throughout the United States. At least one district court is located in each state. In addition to district judges, bankruptcy judges (who hear only bankruptcy cases) and magistrate judges (who assist the trial judge) are located within the district courts.<sup>1</sup>

---

<sup>1</sup> See “Outline of the US legal system/understanding federal and state courts” available at <http://www.america.gov/media/pdf/books/legalotln.pdf>.

### **C. The United States Circuit Courts of Appeals:**

United States Circuit Courts of Appeals are on the next level. There are 12 of these regional intermediate appellate courts located in different parts of the country.

Panels of three judges hear appeals from the district courts. A party to a case may appeal as a matter of right to the circuit court of appeal. These regional circuit courts also hear appeals from decisions of federal administrative agencies. One non-regional circuit court hears appeals in specialized cases such as cases involving patent laws and claims against the federal government.<sup>1</sup>

## **2. Structure of State Court Systems:**

The structure of state court systems varies from state to state. Each state court system has unique features. Most states have courts of limited jurisdiction presided by a single judge who hears minor civil and criminal cases. States also have general jurisdiction trial courts that are presided by a single judge. These trial courts are usually called circuit courts or superior courts and hear major civil and criminal cases. Some states have specialized courts that hear only certain kinds of cases such as traffic or family law cases.

All states have a highest court, usually called a state supreme court, which serves as an appellate court. Many states also have an intermediate appellate court called a court of appeals that hears appeals from the trial court. A party in a case generally has one right of appeal.<sup>2</sup>

---

<sup>1</sup> See "Outline of the US legal system/understanding federal and state courts" available at <http://www.america.gov/media/pdf/books/legalotln.pdf>, [http://www.uscourts.gov/outreach/resources/fedstate\\_lessonplan.htm](http://www.uscourts.gov/outreach/resources/fedstate_lessonplan.htm)

<sup>2</sup> Ibid.



### **3. The Main Protagonists of the Judicial System:**

#### **A. Judges:**

Justices of the United States Supreme Court and other federal judges are appointed for life by the President of the United States. Persons nominated to be federal judges must be approved by a majority vote of the United States Senate.

Generally, Presidents always nominate persons to be judges who are members of their own political party. Persons appointed are usually distinguished lawyers, law professors, lower federal court or state court judges. Once these judges are appointed, their salaries cannot be reduced. Federal judges may only be removed from office through an impeachment process in which charges are made by the House of Representatives and a trial is conducted by the Senate. These protections allow federal judges to exercise independent judgment without political or outside interference or influence in deciding cases.<sup>1</sup>

#### **B. Prosecutors:**

Prosecutors in the federal system are part of the United States Department of Justice in the executive branch. The Attorney General of the United States, who heads the Department of Justice is appointed by the president. The chief prosecutors in the federal court districts are called United States Attorneys and are also appointed by the President.

Each state also has an attorney general in the state executive branch who is usually elected by the citizens of that state. There are also prosecutors in different regions of the state, called state's attorneys or district attorneys. These prosecutors are also usually elected.<sup>2</sup>

---

<sup>1</sup> See "Outline of the US legal system", available at <http://www.america.gov/media/pdf/books/legalotln.pdf>

<sup>2</sup> Ibid.

### C. Lawyers:

The U.S. legal system uses the adversarial process. Lawyers are essential to this process. Lawyers are responsible for presenting their clients evidence and legal arguments to the court. Based on the lawyers' presentations, a trial judge or jury determines the facts and applies the law to reach a decision before judgment is entered.

Individuals are free to represent themselves in American courts, but lawyers are often necessary to present cases effectively. An individual who cannot afford to hire a lawyer may attempt to obtain one through a local legal aid society. Persons accused of crimes who cannot afford a lawyer are represented by a court-appointed attorney or by federal or state public defender offices.<sup>1</sup>

## IV. The Impeachment Law:

The impeachment occurs when an authorised legislative body votes to bring a charge of serious misconduct in office against a government official. The impeached person may continue to perform the duties of office until he or she has been tried and found guilty of the charges. The term "Impeachment" may also refer to the entire process by which a government official is removed from office.<sup>2</sup>

The impeachment law exists for centuries; it was practiced firstly by the British, as well known as "felony" or "levying war." It was a sort of political trial, generally used to reach offenders who might have escaped indictment at the common law. It was designed both to protect the state and to punish the offender. All the king's subjects were liable to impeachment, whether officials or not, and for any offence.<sup>3</sup> In an impeachment proceeding, the House of Commons served as prosecutor while the House of Lords served as judge.

---

<sup>1</sup> See "Outline of the US legal system", available at <http://www.america.gov/media/pdf/books/legalotln.pdf>

<sup>2</sup> *Encyclopedia Webster 2007*, pp. 91- 92.

<sup>3</sup> David Y.Thomas, 'The law of Impeachment in the U.S.', in *The American Political Science Review*, Vol.2, No.3, May, 1908, p.378.

The Good Parliament of 1376 produced the first recognised cases of impeachment, the most important being that of William, 4th Baron Latimer, who had been closely associated with the government of Edward III. Subsequent subjects of impeachment have often been political figures, usually royal ministers. Latimer's case also marks the point at which impeachment became not merely a means of initiating criminal proceedings but also a method of trial. Then, from 1621 until 1679, many chief officers of the crown were compromised by this powerful parliamentary weapon; among them St Duke of Buckingham (1626), the Earl of Strafford (1640), Archbishop William Laud (1642), the Earl of Clarendon (1667), and Thomas Osborne, Earl of Danby (1678). In the last case, it was decided that the king's pardon could not stop an impeachment against his minister.<sup>1</sup>

With the unsuccessful trial of impeachment of Warren Hastings (1788 – 1795), the impeachment started to decline gradually, until the 19th century when the acceptance of the principle that cabinet ministers are responsible to Parliament (rather than to the sovereign) impeachment became unnecessary, and the procedure fell into disuse after the unsuccessful trial of Lord Melville in 1806.

Later, the Americans brought certain modifications to the impeachment law. They rejected the sentence by execution and limited the offences for which one could be impeached to *Treason, bribery, or other crimes and misdemeanours*.

### U.S. Const. Art. I § 2, cl. 5.

*The House of Representatives shall choose their Speaker and other Officers; and shall have the sole Power of Impeachment.*<sup>2</sup>

### U.S. Const. Art. I § 3, cl. 6

*The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall*

---

<sup>1</sup> *Encyclopedia, Britannica*, 2007.

<sup>2</sup> See “A Brief Guide to Impeachment”, available at <http://faculty.ils.edu/manheim/cl1/impeach.htm>

*be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.*<sup>1</sup>

U.S. Const. Art. I § 3, cl. 7

*Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honour, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.*<sup>2</sup>

U.S. Const. Art. II § 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 Misdemeanours.*<sup>3</sup>

So, In the federal government of the United States the House of Representatives institutes the impeachment proceedings, and the Senate acts as judge.

“*Treason*” was defined restrictively by the framers of the Constitution. History had taught them that men in power might falsely or loosely charge treason against their opponents; therefore, they denied Congress the authority to enlarge or reshape the offence.

---

<sup>1</sup> See ‘A Brief Guide to Impeachment’, available at <http://faculty.ils.edu/manheim/cl1/impeach.htm>

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

Treason against the United States “shall consist only in levying War against them, or in adhering to their Enemies, giving them aid and comfort.”<sup>1</sup>

“*Bribery*” is a well-known term; it is the act of promising, giving, receiving or agreeing to receive money or some other item of value with the corrupt aim of influencing a public official in the discharge of his official duties.<sup>2</sup>

However, “*High crimes and misdemeanours*” is less definite and more open to interpretation than the two others are. It rests with the senate alone to decide what are impeachable high crimes and misdemeanours. The members of the senate must do this according to common law and parliamentary practice.<sup>3</sup>

The framers of the Constitution wisely provided that in the trial of the President, the Chief Justice should preside, because the vice-president would be interested in the result.

## **1. Previous Cases of Impeachment in U.S.:**

During the 17<sup>th</sup> century:

The first American impeachments may be characterised as experiments. With some vague idea of the procedure, and a sharper idea of its effectiveness, colonial lower houses “impeached” individuals for “crimes.” At least the basic elements of English impeachment were present. A violation of public trust, a misuse of official power, or a felony committed by someone in a position of authority could lead to indictment by the lower house and trial in the upper house.

The first impeachment action in the English colonies took place in Virginia. In April 1635, Governor John Harvey was informed that the House of Burgesses and a

---

<sup>1</sup> David Y. Thomas, ‘The law of Impeachment in the U. S.’, in *The American Political Science Review*, Vol.2, No. 3, May, 1908, pp. 379- 393.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*

portion of the Council were dissatisfied with his Indian land grant, and trade policies, as well as with his friendly relations with Maryland. Shortly thereafter, he left the colony under a cloud of controversies. This "thrusting out" of Harvey was called by his opponents a "petition of grievances," and by his friends a "mutiny." One hundred years later, William Keith, ex-governor of Pennsylvania, first termed these actions an "impeachment".

Few years later, other impeachments occurred such as the one of John Morecroft, Thomas Trueman, Charles James, and Jacob Young in Maryland (1669-1683), and also Pennsylvania Chief Justice Nicholas More (1685).<sup>1</sup>

### Between 1797 and 1989:

The House of Representatives has voted articles of impeachment 15 times (12 judges and two presidents). The Senate has convicted only seven people (all judges).

So only one president, *Andrew Johnson*, has been impeached (1868) for violation of the Tenure of Office Act, corrupt use of the veto power, interference at elections, and other high crimes and misdemeanours. The votes in the Senate were one short of the two-thirds needed to convict, so he was acquitted.

Another president, *Richard M. Nixon* (Watergate - 1974) resigned before the House voted on articles of impeachment recommended against him by the House Judiciary Committee.<sup>2</sup>

### Between 1998 and 1999:

On December 19, 1998, President Clinton was impeached by the House of Representatives on grounds of perjury to a grand jury and obstruction of justice. He was acquitted by the senate on February 12, 1999.

---

<sup>1</sup> Peter C.Hoffer and N.E.H. Hull., 'The First American Impeachments', in *The William and Mary Quarterly*, 3rd Ser; Vol.35, No. 4, Oct 1978, pp 656-657.

<sup>2</sup> *Encyclopedia Webster* 2007, pp. 91- 92.

## 2. Pardon in Cases of Impeachment:

In the constitution of the United States, there is nothing that specifies any kind of pardon in case of impeachment. However, it is different with the state's constitutions; for instance there are two state's constitutions that deal with legislative pardons in impeachment cases:

a. The constitution of Vermont: "...There shall be no remission or mitigation of punishment (in cases of impeachment) but by an act of legislation" (Ch. I, section 20).<sup>1</sup>

b. The Constitution of Tennessee:

*The legislature now has, and shall continue to have, power to relieve from the penalties imposed, any person disqualified from holding office by the judgment of a court of impeachment. (Art. V., Section 4).*<sup>2</sup>

In Illinois (Art. V, sec. 13), Kansas (Art. I, sec. 7), Montana ( Art. VII, sec. 9) and Washington (Art. 3, sec. 9), there are no restrictions upon the scope of the Governor's pardoning power. In Oregon (Art. VII, sec. 6), the impeachment process has been abolished.<sup>3</sup>

Generally the chief function of a pardon in an impeachment case in U.S. would be only a retrenchment of any disqualification imposed by the judgment of conviction.

---

<sup>1</sup> Maurice T., Vanhek,, ' Pardons in Impeachment Cases', in Michigan Law Review, Vol. 24, No. 7, USA, The Michigan Law Review Association, 1926, pp. 659-660-664.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

## **V. The Presidential System:**

### **1. Electing the President:**

During the constitutional convention held in Philadelphia on May 25, 1787, there were many debates about the creation of an executive branch. There was a first proposal that Congress should select the executive. In this case, the former would be dependant of the later and that was against the principle of separation of powers. On early September 1787 (two weeks before the end of the convention), the delegates put forward another proposal based upon the principle of federalism but also considered as a safeguard against uneducated masses making uninformed decisions and choice. Therefore, they proposed an indirect method of electing the president called the Electoral College.<sup>1</sup>

#### **A. The original Electoral College:**

In Article 2 – Section 1 of the Constitution, the founders established a plan for electing the president: Each state would choose electors equal to the number of senators and representatives it had in congress. These electors would meet in their own states for one candidate and a second vote for another candidate. The candidate who receives the highest majority of votes would become president. The candidate who receives the second highest majority would become vice president. In case of a tie, the House of Representatives would choose the president, as it was the case of George Washington who became the first president of the United States in 1789. George Washington was apolitical which means that he did not claim any political party affiliation. His will was to be the best president.

However, with the rise of political parties and with the elections of 1796 when the Federalist John Adams won the presidency and the Democratic-Republican Thomas Jefferson won the vice presidency, but also with the elections of 1800 when the former won the presidency against the later, a modification in the rules of elections was needed. Hence, the 12<sup>th</sup> Amendment was added to the Constitution. It requires the following:

---

<sup>1</sup> Bernard Feder, *“The Process of American Government: cases and problem”*, USA, Noble and Noble, 1972.



- a) The electors would cast separate ballots for president and vice president.
- b) If there is a tie in electing the president, the House chooses from the three candidates with the highest majority while if there is a tie in electing the vice president, the senate chooses from the top two candidates for vice president.<sup>1</sup>

**B. The Electoral College now:**

The Electoral College system is still the method of choosing the president and vice president. It is a “winner-take-all” system, under which the candidate who receives the largest popular vote in a state will take all of the state’s electoral votes.

Political parties choose their nominees for President in conventions that are held in late summer of an election year. Voters cast their ballots every four years on the Tuesday after the first Monday in November. The voters do not vote for their President and Vice President directly. Nevertheless, they vote for their party’s electors in their state.

On the Monday following the second Wednesday in December, the electors meet in the capital of each state in order to cast their electoral ballots which are then sent to the president of the Senate in Washington, D.C., for a formal count.

On January 6, both Houses of Congress meet in the House of Representatives where the ballots are counted. The candidate who receives a majority of the electoral vote is declared President.

Finally, the new president (the president-elect) takes office on January 20 in the year following the presidential elections. Then, the President has to take the following oath:

*I do solemnly swear (or affirm), that I will faithfully execute the office of President of the United States, and*

---

<sup>1</sup> Bernard Feder, “*The Process of American Government: cases and problems*”, USA, Noble and Noble, 1972.

*will, to the best of my ability, preserve, protect and defend the Constitution of the United States.*<sup>1</sup>

**C. Critics on the Electoral College system:**

1. The winner take all is criticised because within this system the candidates lose all their state's votes.
2. The third party candidate can bargain to release his/her electoral vote to one of the two major party candidates or force the election into the House of Representatives.
3. Election by the House of Representatives:
  - a. Each state has one vote (whether small state or big one).
  - b. If there is a tie within the states' representative votes, the state loses its vote.
  - c. If some members of the House vote on a 3<sup>rd</sup> party candidate, it would be very difficult for a candidate to get 26 votes needed to win.

**2. The General Election Campaign:**

The presidential candidates have to convince the public to vote for them, so, they have to use all kinds of means and they need lot of money for that. The public financing of the campaign was introduced in the 1970s through a taxpayer check-off system. The candidates must in return spend the equal amount of funds they receive plus a personal contribution of \$50 000.<sup>2</sup>

Actually, the party candidates use media, by interacting in televised debates. Besides, all the candidates' speeches are filmed and broadcasted on TV and on the internet. During their campaigns, the candidates have to control all their gestures and each single word they pronounce publicly, they have always to keep their purpose in mind. There is for instance a famous image that comes often during presidential campaigns called: "press the flesh". It consists of shaking hands and kissing babies in order to be closer to the voters.

---

<sup>1</sup> Richard C.Remy, Larry Elowitz and William Berlin, *Government in the United States*, Mac millan N.Y., Publishing Company, a division of Macmillan, Inc. 1984

<sup>2</sup> Ibid.

Family is very symbolic for the American people so the candidates have to introduce also their respective families to them; therefore, they have to endure intensive scrutiny of their entire public and private lives by the media.

### **3. Presidency of the 19th Century:**

Jefferson brought a new shape to the American presidency; he considered the presidency as a symbol of the people and he focused on the principle of limiting government.

After Jefferson, three presidents marked the 19<sup>th</sup> century; among them Andrew Jackson (1829-37) who used the veto in an extravagant way in order to undermine the Bank of the United States by removing federal deposits. The second one was James K. Polk (1845- 49) who brought the United States into the Mexican War and only later sought a formal congressional declaration. The third one was Abraham Lincoln (1861–65) who was defending the same principles as Jefferson ‘*Salus populi suprema lex esto*’<sup>1</sup>. He ran forcefully over the Constitution during the American Civil War.

Abraham Lincoln was then assassinated and replaced by his successor the Democrat Andrew Johnson (1865-69). The Radical Republicans wanted then to reduce the presidency to zero; they wanted to prove that the Congress could be more powerful than the president could. Johnson was impeached on several grounds, including his violation of the Tenure of Office Act, which forbade the president from removing civil officers without the consent of the Senate. Although Johnson was not convicted, he and the presidency were weakened.<sup>2</sup>

---

<sup>1</sup> Latin: ‘Let the good of the people be the supreme law’ or ‘The welfare of the people shall be the supreme law’, in Cicero's *De Legibus* (book III, part III, sub. VIII), available at [http://en.wikipedia.org/wiki/Salus\\_populi\\_suprema\\_lex\\_esto](http://en.wikipedia.org/wiki/Salus_populi_suprema_lex_esto)

<sup>2</sup> *Encyclopedia. Britannica* 2007.

#### 4. Presidency of the 20th Century:

This period was marked with new transformations brought by remarkable presidents. The first one was with President Theodore Roosevelt (1901–09) who regarded the presidency as a prominent political position that provides an opportunity for expounding his views. He could get from the Congress generous funds for railroad travels. Then came Woodrow Wilson (1913–21) who led the United States into World War I to make the world “safe for democracy.” He introduced the notion of the president as legislator in chief.

Another prominent president was Franklin D. Roosevelt who was considered as a new lease of life for the American people during the Great Depression. He proposed the New deal with which he could redress the financial situation of the country; Thanks to Roosevelt, “*capitalism was saved in eight days*” observed Raymond Moley, a member of the president's famous “brain trust” (Roosevelt advisors).<sup>1</sup> After that, Congress granted him unprecedented powers, and when it declined to give him the powers he wanted, he simply assumed them; after 1937 the Supreme Court acquiesced to the changes. In addition to that, the popular perception of the presidency started to change. In fact, the president was seen by the people as the saver, the one who could resolve all their problems.

During the following years, the presidency conserved its level with the passing of H. S. Truman, D. D. Eisenhower, J. F. Kennedy and L. B. Johnson. The nomination of President Richard M .Nixon (1969-74) and his indictment in the Watergate Scandal had stained the image of the American presidency. The American citizens became cynic about politics and elected officials. Nixon was then forced to resign.

Came later, the President Ronald Reagan who was known as the “Great Communicator” he was trying to restore the nation’s self-confidence. He was struggling against the Soviet Union. Another President marked the late 20<sup>th</sup> Century. It was President George Bush who met with Soviet leader Mikhail Gorbachev in Paris and signed a mutual nonaggression pact, a symbolic conclusion to the Cold War. When Iraq invaded Kuwait in

---

<sup>1</sup> *Encyclopedia. Britannica* 2007.

1990, G. Bush led a worldwide UN-approved embargo against Iraq to force its withdrawal and launched the “Gulf War”.

## **5. Presidency of the 21<sup>st</sup> Century:**

This period started with the nomination of President Bill Clinton (1993-01). His first term was marked by numerous successes, including the passage by Congress of the North American Free Trade Agreement. Clinton also appointed several women and minorities to significant government posts throughout his administration. His second term was pointed by the Lewinsky scandal and his impeachment in 1998. The Senate acquitted him in 1999.

Clinton was succeeded by President George W. Bush (2001-08) who followed the steps of Woodrow Wilson by declaring war against terrorism after the September 11 attacks of 2001. He launched several attacks against el Qaeda in Afghanistan. In 2002 his administration shifted its attention to Iraq, charging the government of Saddam Hussein with possessing and actively developing weapons of mass destruction. Finally, U.S. invaded Iraq in 2003.<sup>1</sup> Bush was succeeded by the first African American President Barack Obama (2009 - ), who represents the realisation of the American dream.

## **CONCLUSION:**

Most citizens view the United States as the freest society in the world because its people have so many rights guaranteed to them by the Constitution and the Bill of Rights.

Indeed, through the principle of separation of powers introduced by the framers of the constitution, each part of the government knows its limits. First, the Legislative branch makes the law. Second, the Executive branch executes the law. Last, the judicial branch interprets the law.

---

<sup>1</sup> *Encyclopedia. Britannica* 2007.

## CHAPTER ONE: The Characteristics of the American Democracy

---

The American citizens are limited by these laws, as well as they are protected by them. They have also the right to amend the constitution if they disagree with a decision of the Supreme Court or if they think additional rights need to be extended to them. The American citizens not only have the right to choose their leaders through fair and frequent elections, but also have the right to change those leaders.

The framers of the U.S. Constitution have introduced the impeachment law in order to protect the people and the Constitution from leadership that has become a danger to the country. This law also reflects the role of checks and balances in the American constitutional system. Therefore, the American democratic system establishes an interaction between the Constitution the Government and the people that shapes the interpretation of the Constitution and the role of the latter in the American democracy.

# **CHAPTER TWO**

## **THE EVOLUTION OF THE POLITICAL PARTIES WITHIN THE AMERICAN DEMOCRATIC SYSTEM**

# CHAPTER TWO

## THE EVOLUTION OF THE POLITICAL PARTIES WITHIN THE AMERICAN DEMOCRATIC SYSTEM

The U.S. Constitution makes no mention of political parties, yet parties began to form shortly after its ratification. Today, American democracy would not work without them.

As we have seen in the previous chapter, the American democracy can be defined as “Government by popular representation”. Besides, political parties can be described as institutionalised mediators between the American society and those who decide and implement decisions. Consequently, they enable their members and supporters’ demands to be represented in government.

In this chapter, we analyse the American political system. So first, we review the American ‘two party system’. All American presidents and almost all members of Congress elected since the Civil War have been either Democrats or Republicans. We refer to the origins and the evolution of the two major American political parties. We also raise the problem of the bitter competition between these two factions, and the strong sentiment of partisanship in both sides.



The mass media is also essential to the health of Democracy, since it ensures that elected representatives uphold their oaths of office and carry out the wishes of those who elected them. However, we will see also that it is used as an instrument of competition between the political parties.

## **I. The American Two-Party System:**

The American party system is one of the oldest political institutions in the history of democracy. The United States has always had a two-party system; it started with the opposition between the Federalists and the Anti-Federalists, then in the competition between the Republicans and the Democrats. The two-party system has contributed to the success of the running of Presidential elections since it has relatively simplified the choice for the voters.

From the beginning the American parties were different from the European ones. Indeed, they were not tied to the great social and ideological movements. There were socialist parties at various times in the history of the United States, but they had never challenged the dominance of the two major parties encouraged by the continuing expanding economy.<sup>1</sup>

During the elections, Republicans and Democrats are usually found on both sides. In fact, there is an alliance between liberal Republicans and Democrats against conservative Republicans and Democrats. However, neither of the two coalitions is stable, and the alignment varies from one vote to another. Therefore, despite the existence of a two-party system, no stable legislative majority is possible. Therefore, the President of the United States must carefully try to gather the necessary votes on every question in order to have his budget adopted and his legislation passed. He has also to take in charge the task of constantly forming alliances.<sup>2</sup>

---

<sup>1</sup> Giovanni Sartori, *Parties and party systems: a framework for analysis*, Colchester: ECPR, 2005.

<sup>2</sup> Ibid.

## II. The History of the American Political Parties:

At the beginning, the idea of political parties was not accepted in the United States. In the early years of the Republic, parties were seen as threats to the social order.<sup>1</sup> In Federalist 10, written in 1787, James Madison warned his readers of the dangers of factions. He said that it was inevitable that substantial difference would develop between factions and that each faction would try to persuade the government to adopt policies that favoured it at the expense of others.<sup>2</sup> He described the evils of faction by using phrases like “adversaries to liberty”<sup>3</sup> and “superior force of an interested and overbearing majority”<sup>4</sup>

In his Farewell Address to the nation, written in 1796, President George Washington also warned his fellow citizens to avoid partisan politics:

*I have already intimated to you the danger of Parties in the State, with particular reference to the founding of them on Geographical discriminations. Let me now take a more comprehensive view, & warn you in the most solemn manner against the baneful effects of the Spirit of Party, generally.*

*This Spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human Mind. It exists under different shapes in all Governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness and is truly their worst enemy.*<sup>5</sup>

---

<sup>1</sup> Encyclopaedia Britannica 2007

<sup>2</sup> K. Janda, J. M. Berry, J. Goldman and K. W. Hula. The Challenge of Democracy :Second Edition, USA, Wadsworth, cengage learning, 2009.

<sup>3</sup> See ‘The Federalist Papers: Federalist No. 10’, available at [http://thomas.loc.gov/home/histdox/fed\\_10.html](http://thomas.loc.gov/home/histdox/fed_10.html)

<sup>4</sup> Ibid.

<sup>5</sup> See ‘George Washington’s Farewell Address’, September 19, 1796, available at <http://www.earlyamerica.com/earlyamerica/milestones/farewell/text.html>

## **1. The First American Political Parties:**

Madison and Jefferson believed that Alexander Hamilton Washington's secretary of the treasury was leading the country in the wrong way, so they joined to organise a political party. John Adams, Washington's vice president and eventual successor agreed with many of Hamilton's views. As a result, Washington, Adams, and Hamilton, represented the Federalist Party, while Jefferson and Madison, represented the Democratic-Republican Party.

In 1796, G. Washington announced that he would not seek a third term. Nevertheless, both T. Jefferson and J. Adams wanted to take his position. Congressional opponents of Hamilton's views organised a campaign for T. Jefferson by writing to the constituents for support. However, J. Adams defeated T. Jefferson in the elections and in 1797, he became the second president of the United States. T. Jefferson contented to be his vice president. However, in 1800, T. Jefferson got his revenge by being elected President of the United States and the second runner to the presidency; Aaron Burr became his vice President.

Soon after the election of 1800, the Federalists became little more than a New England sectional party. Their policies were too conservative to appeal to the nation, and their leaders made little effort to compromise in order to gain popularity. Anglophiles to the end, they opposed Congress's declaration of war against Britain in 1812. Thus, by 1820 the Democratic-Republicans were without major challengers.

The first party period in American history ended with the disappearance of the Federalists. Even the citizens had not had time to develop loyalty to a party as an institution. Their loyalty was to the leaders.

In his first inaugural address, Jefferson said that, “every difference of opinion is not a difference of principle. . . . We are all Republicans, we are all Federalists.”<sup>1</sup>

## **2. The Development of Modern Parties:**

During the early years of the American republic, the division between the Federalists and the Democratic Republicans defined partisanship. However, when the Federalists disappeared, that division also disappeared. Thus, following the burnout of the Federalists, electoral competition was within the Democratic-Republicans. For instance, all four candidates who ran in the election of 1824 - John Quincy Adams, Henry Clay, William J. Crawford, and Andrew Jackson - were Democratic-Republicans. Finally, J. Q. Adams became the sixth president of U.S.<sup>2</sup>

In 1828, Jackson, running as a Democratic-Republican, challenged President Adams, the candidate of the National Republicans, and easily defeated him. Soon after this victory, the Jackson party was claiming all government patronage jobs for their own, throwing out supporters of Adams. The Whig party replaced the National Republicans as the main opposition to the Democrats from 1836 to 1852. Then, in 1854, the Republican Party was formed as a major alternative to the Democrats, confronting them on the issue of slavery. By 1856, the Whigs had all but disappeared.

The Democrats and the Republicans have dominated American electoral politics as the two major parties since that time; and in a time of rapid industrialisation in the nation, the leaders of industry dominated both parties. They backed candidates, many of them generals from the Civil War, who would support their programs of economic advancement. Immigrants flooded the nation’s shores and supported the party that was in power in the urban centres to which they moved, because that party, tied to the area’s industrialists, would guarantee jobs and security. The 1896 election realigned the electorate. The

---

<sup>1</sup> L. Sandy Maisel, *American political Parties and elections*, New York, Oxford University Press, 2007.

<sup>2</sup> Ibid.

## CHAPTER TWO: The Evolution of the Political Parties Within the American Democratic System

---

Republicans became the party of the cities, of workers and industrialists; the Democrats remained dominant in the South and Border States, but still a minority party. Thanks to the southern strategy of Richard Nixon in the 1960s, the South has moved more and more toward the Republicans, not only for presidential elections but also for state and local offices.

In addition, the Vietnam War had an impact on the division of the electorate. Much of the opposition to that war came from Democrats; many traditional blue-collar Democrats felt that opposing a war while troops were in harm's way was unpatriotic; they moved to the Republican Party in protest. Others left the Democrats because they felt the party had become isolationist, not willing to stand up to the rest of the world.

The presidency of Ronald Reagan stretched traditional loyalties further. He favoured a strong defence and lower taxes, cutting welfare programs and supporting traditional social values. Leaders of more conservative, but traditionally Democratic unions joined his supporters. By the end of the twentieth century, the rise of conservative Christians as a political force further influenced the division of the electorate. Many conservative Christians who should have favoured the Democrats for economic reasons voted Republican.

Now the two major political parties are divided on different issues; economic, social, or even international ones (see APPENDIX III). In fact, these concerns are at several times subject of conflict between them, which makes partisan politics increasingly bitter.

### **III. The Evolution of the Two Major Political Parties:**

#### **1. The Democratic Party:**

When the Jeffersonian Party splintered in 1824, Andrew Jackson emerged as the leader of one of its four factions. In 1830, Jackson's group became the Democratic Party. This party was known to have the strongest national organisation and to be the party of the common man. Labourers, immigrants, and settlers west of the Alleghenies were quickly attracted to this new party.<sup>1</sup> From 1828 to 1860, the Democratic Party was the dominant force in American politics. During this period, Democrats emphasised on the importance of interpreting the Constitution literally, upholding states' rights, and limiting federal spending.

In 1860, the issue of slavery split the Democrats along geographic lines. In the south, many Democrats served in the Confederate government. In the North, one faction of the party (the Copperheads) opposed the war and advocated negotiating a peace with the South. Thus, four years after the war, Republicans denounced the Democrats as the "party treason".

The Democratic Party was not able to regain its political strength until the Great Depression. In 1933, Democrat Franklin D. Roosevelt entered the White House and the Democrats won control of Congress as well. Roosevelt's New Deal coalition, composed of Catholics, Jews, blacks, farmers, intellectuals, and members of organised labour, dominated American politics until the 1970s.

The Democrats were never fully united. In Congress, southern Democrats often aligned with Republicans in the "conservative coalition" rather than with members of their own party. However, the Democratic Party remained America's majority party, usually controlling both Congress and the White House, for nearly four decades after 1932.

---

<sup>1</sup> B. Ginsberg, T. J. Lowi and Margaret Weir, *We the people: An introduction to American Politics, Shorter Fourth Edition*, USA, W. W. Norton & Company, 2003, p. 324.

By the 1980s, the Democratic coalition faced serious problems. The once-solid South often voted for the Republicans, along with many white, blue-collar northern voters. On the other hand, the Democrats increased their strength among African American voters and women. They also sought to broaden the support of the middle-class. This helped the Democrats to elect a president in 1992.

However, in 1994, the growth of the Republican strength in the South led to the loss of the Democrats' control of both houses of Congress for the first time since 1946. Although the Democrat President Bill Clinton was able to win re-election to the White House in 1996, democrats were unable to recapture control of the Congress. Some Democrats argued that the party needed to move even further to the political right and abandon its traditional support for social programs and affirmative action. Others argued that the party should re-double its efforts to appeal to poor and working-class Americans.

With the strategy of “triangulation”, President Clinton sought to pursue a moderate course that placed him midway between the positions of conservative Republicans and liberal democrats.<sup>1</sup> Thanks to this strategy the Democratic Party nearly regained control of the House of Representatives in the 1998 national elections after which President Clinton survived an effort by republicans to impeach him in the Lewinsky affair.

## **2. The Republican Party:**

The Kansas-Nebraska Act of 1854 gave each American territory the right to decide whether to permit slavery or not.<sup>2</sup> Opposition to this policy galvanised antislavery groups and led them to create a new party, the Republicans. It drew its membership from existing political groups – former Whigs, know-Nothing, Free Soilers, and antislavery Democrats.

---

<sup>1</sup> B. Ginsberg, T. J. Lowi and M. Weir, *We the people: An introduction to American Politics, Shorter Fourth Edition*. USA, W. W. Norton & Company, 2003, p 328.

<sup>2</sup> Ibid.

## CHAPTER TWO: The Evolution of the Political Parties Within the American Democratic System

---

The early republican platforms appealed to commercial as well as antislavery interests. The Republicans favoured homesteading, internal improvements, the construction of a transcontinental railroad, and protective tariffs, as well as the containment of slavery. In 1858, The Republican Party won control of the House of Representatives. In 1861, the Republican candidate Abraham Lincoln became President. He was re-elected in 1864 and assassinated on April 1865 by a Southern partisan.

With the victory of the northern armies in 1865, the Republicans dominated the national political life until 1932. Indeed, between 1860 and 1932, Republicans occupied the White House for fifty-six years, they controlled the senate for sixty years, and the House for fifty. During these years, the Republicans came to be closely associated with big business. The party of Lincoln became the party of Wall Street. When Andrew Johnson (ex-vice President of Lincoln) succeeded to Lincoln, he cut the ties with the radical Republicans and started to constitute an alliance between the moderate Democrats and Republicans in order to give back to the Southerners their political rights. However, during the elections of 1866, the radicals won again the majority of seats in the Congress and they imposed their political vision of the reconstruction of the South. Taking advantage of their domination, they tempted to remove President Johnson through the impeachment proceedings but they failed because of one missing vote.

In 1868, Johnson was constrained to solicit a new term, and left the presidency to a radical Republican, the general Ulysses S. Grant. Thus, the Radicals were controlling the White House, the Congress, the Republican Party, and the Army.

In 1910, the Republicans lost the control of the House of Representatives because they were divided between Roosevelt's progressives and conservatives. In 1912, Roosevelt cut the ties with the Republicans and presented himself as a progressist candidate against the leaving president, the Republican William H. Taft. This Republican division led the Democrat candidate, Woodrow Wilson, to the white House and led the Democrats to gain a majority in the Senate. The Republican Party took back the control of both the White House and the Congress by the beginning of the 1920s.



In 1932, for the first time from the Civil War, the Republicans lost the control of the White House and the Congress. 1936 was the worst political year in the history of the Republicans. During the presidential elections, the Democrat Franklin D. Roosevelt was successfully re-elected against the Republican Alf Landon.

In 1984, Ronald Reagan was re-elected, and then in 1989 his vice President Georges Bush was elected President. When the democratic candidate Bill Clinton won the presidency in 1993, the Republicans succeeded to constitute a conservative program entitled "Contract with America".<sup>1</sup>

In 1994, the Republican Party finally won a majority in both houses of Congress, in large part because of the party's growing strength in the South. During the 1990s, the Republican Party was divided into two wings; the "Religious Right" whose principal concerns were the opposition to abortion and support for school prayer, and the "country-club" Republicans, whose major interests were matters such as taxes and federal regulation of business. The coalition between these two factions won control of both houses of Congress in 1994 and was able to retain control of both houses in 1996, despite President Clinton's re-election. In the 1998 congressional elections, the Republican Party lost several House seats, which brought the Speaker Newt Gingrich to resign.

### **3. Republicans vs. Democrats:**

#### **1. The Difference between Republicans and Democrats:**

The Republicans and the Democrats are the two major political parties of the United States. However, each party has its own beliefs and ideologies: Republicans are more conservative and they usually follow the established tradition. Democrats on the other hand, are more liberal and they believe in change. The Republicans believe in small

---

<sup>1</sup> See 'The Republican party', available at [http://fr.wikipedia.org/wiki/Parti\\_r%C3%A9publicain\\_\(%C3%89tats-Unis\)](http://fr.wikipedia.org/wiki/Parti_r%C3%A9publicain_(%C3%89tats-Unis)).

## CHAPTER TWO: The Evolution of the Political Parties Within the American Democratic System

---

federal government and strong state governments; whereas, the Democrats believe in a large federal government.

The Republicans profess the ideology that each person is responsible for his/her status in the society and the government should intervene only when society is unable to act on its own. The Democrats believe that it is the responsibility of the government to take care of the individual citizens. They often argue that the federal bureaucrats know better about the need of the individuals than the locally elected officials.

Regarding economy, the Republicans believe in economic growth by free enterprise and want people to use their own innovative ideas and talents. The Democrats believe that economy is too tough for individuals to handle. According to them, the government officials can better guide business decisions.

Republicans are more disposed to Government spending for national defence. For instance, President Ronald Regan portrayed the democrats as big spenders, but the defence build-up during just his first administration cost the country over one trillion. Democrats are more disposed to government spending a lot of money to advance social welfare and hence to promote equality and they have the philosophy that actual security depends on the negotiations with foreign countries.<sup>1</sup>

The Republicans do not believe in strict gun control, whereas the Democrats favour strict gun control. With reference to law, the Republicans are in favour of death penalty; whereas, the Democrats are against death penalty. The Republicans believe that abortion is wrong and gay people are sinners. On the other hand, the Democrats believe in equality and argue that the right for abortion should be with women. They also support gay rights and gay civil unions.

---

<sup>1</sup> K. Janda, J. M. Berry, J. Goldman and K. W. Hula. *The Challenge of Democracy :Second Edition*, USA, Wadsworth, cengage learning, 2009, p 285 – 289.

## **2. The Competition between the Republicans and the Democrats:**

### **A. Historical Divergence:**

As we have seen previously, American parties were born in the policy conflict between Hamilton and Jefferson during the Washington administration. Federalists were known as being persons of old wealth, respectable occupations, and higher levels of formal education. By contrast, the Democratic-Republican drew support from less elite elements of society. They were fearful of the strong national government emerging under the Federalists and were protectors of agricultural interests. By 1832, a new party known as the Whigs was formed in opposition to Jackson's policies (Democratic Party). During two decades, the two parties were both engaged in an intense struggle as well as in popularised campaigning.

During the 1840s and the 1850s, both the North and the South became culturally and economically distinct from each other. The South was harbouring the institution of slavery while the North was supporting its abolition. The South was relying almost exclusively on agriculture, especially cotton, while the North was becoming more industrial, urban, and mixed in its ethnic composition. Thus, these economic and cultural differences inevitably led to political conflicts.

Issues like whether slavery would be permitted in the territories and whether the new states would be admitted as slave or Free states were also subjects of debates within both the Congress and the parties therefore the balance of power in the national government was varying according to the number of free and slave states.<sup>1</sup>

After the elections of 1854, the Whig party was dissolved and left the place to the Republican Party composed of abolitionists, Free Soilers, and dissident northern Whigs and Democrats. The party was dominant during the period between 1864 and 1874. In fact

---

<sup>1</sup> See 'The Party Battle in America', available at <http://spot.colorado.edu/~mcguire/partysys.html>

## CHAPTER TWO: The Evolution of the Political Parties Within the American Democratic System

---

the party forged an alliance of farmers through the Homestead Act and free land in the West, business and labour through support for a high protective tariff, entrepreneurs through federal land grants to build transcontinental railroads linking the West and North (and bypassing the South), and veterans through pensions.

By imposing Reconstruction upon the South, the post-Civil War Radical Republicans in Congress wanted to control the South through black votes. After 1874 and the end of Reconstruction, the Republicans and Democrats started to compete on a more even basis until 1896. They alternated control of the presidency and Congress, but the post-Civil War period was primarily an era of Republican dominance in national political life.

The period following the Civil War was a period of immense social and economic change with far-reaching consequences for electoral politics. Although the Republicans won the election of 1928, the election returns gave evidence of expanding Democratic strength. Democratic support was developing in the growing metropolitan and manufacturing centres, while the GOP tended to be dominant in northern and eastern rural precincts. The South, especially after the disenfranchisement of blacks via devices like the poll tax, became even more overwhelmingly Democratic. In the rest of the nation, however, the Republicans were dominant.

The election of 1932 was a major benchmark in American political history. It marked a realignment of the electorate from a Republican to a Democratic majority.

Indeed, with the rising of unemployment, blue-collar workers, especially organised labours, rallied to support Roosevelt. The Black society who was severely rocked by the depression, abandoned the party of Lincoln to support the Democrats. Jews, who had been principally Republican, also became identified with the Democratic Party because of the Depression and Roosevelt's leadership against Nazi Germany.

The dominance of the Democrats lasted until 1952 with the arrival of “a national Hero”, General Dwight D. Eisenhower, the charismatic commander of Allied forces in Europe during World War II. This time, the Republicans did not revoke the policies of the

## CHAPTER TWO: The Evolution of the Political Parties Within the American Democratic System

---

New Deal. Rather, they accepted the New Deal programs and made only minor modifications.

The normal Democratic majority reassured itself in 1960 and 1964 with the elections of John E Kennedy and Lyndon B. Johnson. However, from the middle of the 1960s, the divisions within the Democratic Party have intensified as the party has split over such issues as race relations, the Vietnam War, defence policy, crime and civil disorder, and social policy. Another point is that, the class-based distinctions between supporters of the two parties diminished as the Democrats competed more evenly with the Republican Party for the votes of middle class, professional, and business people. Besides, the Republicans have gained considerable polls among blue-collar workers and even members of organised labours. They have also carried the white Catholic vote in 1980, 1984, and 1988. The electorate had become less predictable and capable of mobilisation by either party. It was a highly instable electorate subject to wide swings of sentiment from election to election. Thus, the competition between the two major parties has gained more and more intensity and complexity through the passing years.

### **B. Financial Divergence:**

The United States is a capitalist country in fact it is run by a rich elite that enjoys immense power over all areas of society and which intends to maintain this power, at all cost. Through elections, people make their choice between two major parties: The Republican and the Democratic Party.

Instead of admitting that they represent the richest people in the country, the Republicans make their arguments on ideological bases claiming that their ideas represent the “common sense”. On the other hand, Democrats use to state that they represent working people and are against the on-going massive increasing flow of money into the hands of the richest people of society. Those two political parties are different but at the same time, they are representing the same ruling elite at the top. However, among this later there are significant differences of opinion. The two principal differences are the following:

## CHAPTER TWO: The Evolution of the Political Parties Within the American Democratic System

---

Firstly, a serious split on the best ways to maintain them-selves at the top and keep everybody else down; in other words, tactical differences. Here the Republicans believe that the way to maintain power is to continually attack and to extract the maximum at all times with no mercy. On the other hand, Democrats consider that it is not the right way to press down continually on people because this will make people too anxious, so they will eventually fight back, feeling they have nothing to lose. Therefore, it is better to push when and where it is possible, but to be prepared to make concessions at other points as a safety valve.

Secondly, the growing divergence of interests between Wall Street (the financial industry) and Main Street (industrialists). Knowing that, the later refers also to small businesses and shopkeepers. Therefore, the “Wall Street vs. Main Street” conflict also represents big business vs. small business. Indeed, there is an inherent tension between the interests of Wall Street (the financial industry, or finance capital) and the interests of industrialists (the direct owners and operators of the means of production).

The historical balance between the Republicans and the Democrats has given way to dominance by Wall Street, the interests of the two sides often conflict. As the struggle between the two sides has intensified since the start of the Reagan era, the industrialists have adhered to the Republican Party, while the Democrats have come to represent Wall Street. Important evidence to this is George W. Bush’s choice of treasury secretary - upon taking office in 2001 - the head of Alcoa, an industrialist. Normally, the head of the Treasury Department is from Wall Street, since the department exists to benefit finance capital. Bill Clinton’s treasury secretaries, for instance, were drawn from Wall Street’s biggest investment banks.

These differences are not absolute. There are Democrat industrialists (in certain industries, such as entertainment) and Republican Wall Streeters. These later, however, are far more common than Democrat industrialists are. The Democrats who worked within Clinton’s administration, knew that the party must try harder to be the official party of Wall Street while also trying to appeal to industrialists who might be won over. They also

knew that the party must be driven ever further to the Right to achieve this. In this way, the Democrats felt that their party could compete on an equal footing with the Republicans.<sup>1</sup>

### **3. Low Blows between the Two Major Political Parties:**

As in any war, in the competition between the two major political parties, all blows are permitted. Those low blows started also from the beginning of the American party competition. Here is a journal of various facts illustrating the different tricks:<sup>2</sup>

*In 1844, the Democrat James Polk was accused of having had some of his slaves branded with his initials, as supposed proof that he had sold slaves to fund his campaign. No allegation was true and he went on to win the election.*

*In 1880, a forged letter was published suggesting that James Garfield had written to a union endorsing the right of a firm to hire the cheapest labour possible, including people from China. Garfield proved it was not his handwriting and went on to win the White House.*

*In 1884, Grover Cleveland was portrayed as a lecherous drunk after he admitted he had fathered an illegitimate child. His opponent was accused of having had premarital sex with his wife. Cleveland won.*

*In 1964, Supporters of President Lyndon Johnson's campaign funded an advertisement against the Republican candidate, Barry*

---

<sup>1</sup> Pete Dolack, 'Republicans and Democrats: What's the Difference', available at <http://www.greens.org/s-r/33/33-16.html>

<sup>2</sup> See 'A catalogue of lies and stratagems.', available at <http://www.telegraph.co.uk/news/worldnews/northamerica/usa/1472077/A-catalogue-of-lies-and-stratagems.html>

## CHAPTER TWO: The Evolution of the Political Parties Within the American Democratic System

---

*Goldwater, depicting a little girl and a giant mushroom cloud.  
Goldwater lost in a landslide.*

*In 1968, The Republicans are believed to have persuaded the  
South Vietnamese to abandon a peace conference backed by  
Lyndon Johnson.*

*In 1972, Nixon's campaign organised a burglary of the Democratic  
Party's headquarters in the Watergate building, Washington, in  
search of documents. Nixon was re-elected but later had to resign  
in disgrace.*

Many media commentators have reported about those dirty tricks between the parties.<sup>1</sup> David Broder, the veteran Washington Post columnist:

*The first campaign I covered was 1960 [between JFK  
and Richard Nixon], when there was all sorts of  
underground anti-Catholic [anti-Kennedy] stuff cast  
out throughout the country with no one taking  
responsibility for it. We haven't seen anything like that.*

He also stated that the Republicans have a monopoly on delivering "below the belt" attacks and that the Democrats play a cleaner game. "That's a lot of baloney. There have been smear artists on both sides as far back as I can remember."

Bill Schneider; commentator at Washington post observes:

"The history of campaigns being rambunctious goes back to the start of the republic; there is a long history of this going back to Jefferson."

---

<sup>1</sup> See 'Low blows and dirty tricks in grand tradition', available at <http://www.telegraph.co.uk/news/worldnews/northamerica/usa/1472078/Low-blows-and-dirty-tricks-in-grand-tradition.html>



Walter Shapiro, the chief commentator for USA Today, who has covered campaigns since the mid-1970s, said: “The main difference between the two parties in 2004 was that the Republicans are more effective in their attacks”. He added:

*There is a glimmer of truth to the martyr approach of the Democrats because the Right-wing 'transfusion' media works so fast in spreading the message. But I am not overwhelmed by the morality difference between the parties. If there is a difference, it is of aptitude rather than values.*

#### **4. Political parties' use of the Media:**

The use of the media by the politicians is not something new. Indeed two illustrious members of Washington's cabinet -- Alexander Hamilton and Thomas Jefferson -- established competing newspapers. Hamilton created the Gazette of the United States, the organ of the Federalist Party, and Jefferson helped to establish the National Gazette, the mouthpiece of the newly formed Republican Party.<sup>1</sup>

Today, the American political parties work with significantly more media than has been the case in the past. They use the media for two main reasons: Firstly, to win the election into office. Secondly, to keep this position as long as possible. They use the media, not only through newspapers, but also via magazines, the internet, and radio and more particularly via television, since they seek to appear as much as possible to deliver their messages to the public. Indeed television is widely considered as the most important instrument for campaigning and communication. Besides, the media can help the political

---

<sup>1</sup> See ‘The evolution of the Mass Media’, available at [http://www.cliffsnotes.com/study\\_guide/The-Evolution-of-the-Mass-Media.topicArticleId-65383,articleId-65496.html](http://www.cliffsnotes.com/study_guide/The-Evolution-of-the-Mass-Media.topicArticleId-65383,articleId-65496.html)

## CHAPTER TWO: The Evolution of the Political Parties Within the American Democratic System

---

parties to reach people but also to give a bad effect to certain people by broadcasting wrong information.

An important point about the media is that not every single media group has the same point of view, they have different views, and they can describe an issue or problem the way they want. Now, most of the media are owned and controlled by political parties. For example; Lincoln Journal Star of Nebraska, The Detroit Free Press, and Birmingham Post-Herald of Alabama are Democratic newspapers. While, The Las Vegas Review Journal of Nevada, The Wichita Eagle of Kansas and The Charlotte Observer of North Carolina are Republican newspapers.

Those media are the most concerned by the election outcomes, but at the same time, they are immune from most systems of media regulation. If a newspaper is simply a campaigning sheet for the party that owns it, it is not effectively bound by any of the professional or legal standards that govern the behaviour of the media as a whole.<sup>1</sup> In fact, there is a danger of misuse of the political party power through those media.

### **CONCLUSION:**

It is clear that political parties are essential to the American democracy. In fact, they simplify the choice to voters and unify the electorate. They also help in bridging the separation of power and fostering the cooperation among branches of government. In addition, they play a big role in translating public preferences into policy. Parties are also vital in the process of government. They are organised around elected offices at the state and local levels. Congress is also organised around parties and judicial and many executive branch appointments are based in large part on partisanship.

---

<sup>1</sup> See 'Party Media', available at [http://aceproject.org/main/english/me/meb03a05.htm?set\\_language=en](http://aceproject.org/main/english/me/meb03a05.htm?set_language=en)

## CHAPTER TWO: The Evolution of the Political Parties Within the American Democratic System

---

Within this democratic system, the American political parties have rights such as freedom of organisation, of speech and assembly. They have also obligations, for instance provision of a fair and peaceful competition and media access and fair reporting.

With the passing years, the American parties have experienced several reforms and significant development in terms of organisation. They went also through multiple internal divisions and experienced critical elections and realignments. However, the most precarious evolution was the growing party competition, which bifurcates more and more towards bitterness and animosity.

Indeed, the political parties, which are supposed to represent democratically the needs of all the US citizens, became the supporters of their own interests using all kinds of instruments and tricks - including the trampling of the private life of politicians - in order to win the elections and to take power.

# **CHAPTER THREE**

## **THE CASE STUDY OF PRESIDENT CLINTON'S IMPEACHMENT**

# **CHAPTER THREE**

## **THE CASE STUDY OF PRESIDENT CLINTON'S IMPEACHMENT**

The Monica Lewinsky scandal, commonly known as Monica-gate by the media in reference to the Watergate scandal that led to the initiation of impeachment proceedings against President Nixon in the early 1970s, broke 25 years later in January 1998. This case is of particular importance since it marked American politics during the second term of Bill Clinton's presidency, but mainly because it failed to lead to his removal.

The impeachment, which had previously been engaged against an American president only twice (for Johnson and Nixon), can only be instituted by Congress because of a serious offense committed by a civilian official or the President or the Vice-President. Then, the House of Representatives decides the indictment by a simple majority and the Senate, under the chair of the Chief Justice, decides for the impeachment on the outcome of two-thirds majority.

In this chapter, we try to find out why a president as popular as Bill Clinton has been threatened by an impeachment. We start our study by determining the origin of

## CHAPTER THREE: THE CASE STUDY OF PRESIDENT CLINTON'S IMPEACHMENT

---

Clinton's popularity by going through all the phases of his presidency, the best and the worst. We figured out that Clinton has contributed to the spread of a liberal democracy and to the development of the U.S. economy. Besides, Clinton had several political enemies particularly from the right wing. Nevertheless, Clinton tried to establish a compromise between his party and the Republican one. One major attempt was the strategy of "triangulation" in 1996.

Clinton's presidency was marked by several controversies, but the most significant one was the Lewinsky scandal. After several investigations, we found out that the result of this scandal was the purpose of a huge political conspiracy against President Clinton. Finally, we followed the course of the impeachment trial of President Clinton and the aftermath of this event, that marked the history of the United States.

### **I. William Jefferson Clinton's presidency:**

William Jefferson "Bill" Clinton (born William Jefferson Blythe III, August 19, 1946), commonly known as Bill Clinton was the 42<sup>nd</sup> president of United States from January 20, 1993 to January 20, 2001. Clinton was described as a "New Democrat" and was a founding member of the Democratic Leadership Council, a centrist group of Democrats, who promoted moderate policies such as the North American Free Trade Agreement and welfare reform.<sup>1</sup>

Candidate for presidential election in 1992, against the Republican president, George H. W. Bush, he chose Al Gore as running mate. The latter was also a politician from a southern state. The election campaign was full of personal attacks, because Clinton did not perform his military service, admitted to having smoked marijuana, but without having swallowed the smoke, have had several affairs with women of his entourage and have concluded some dubious contracts. In November 1992, he was elected President with

---

<sup>1</sup>See 'Bill Clinton', available at [http://en.wikipedia.org/wiki/Bill\\_Clinton](http://en.wikipedia.org/wiki/Bill_Clinton).

## CHAPTER THREE: THE CASE STUDY OF PRESIDENT CLINTON'S IMPEACHMENT

---

a large majority of electoral votes (370 against 168) but only 43% of the votes against 37.4% to George Bush. In his inaugural address on January 20, 1993, he made the following declaration:

*Our democracy must be not only the envy of the world but the engine of our own renewal. There is nothing wrong with America that cannot be cured by what is right with America.*<sup>1</sup>

The Clinton administration started chaotically, especially because Clinton appointed many of his colleagues more or less at the last moment and some were not suitable for the position, such as his Chief of Staff Mack McLarty, a close friend, who was replaced the following year. The appointment of the Attorney General of the United States was also problematic, where the first two choices of Clinton, Zoe Baird and Kimba Wood, were both forced to give up the appointment for having employed foreigners in irregular situation. His attempt to fulfil a campaign promise to end discrimination against gay men and lesbians in the military was met with criticism from conservatives and some military leaders including Gen. Colin Powell, the chair of the Joint Chiefs of Staff. In response, Clinton proposed a compromise policy summed up by the phrase “Don't ask, don't tell”.

One other error of Clinton's administration was the health care reform plan proposed by the first lady Hillary Clinton, which was subject of criticism by the conservatives who joined lobbyists to the insurance industry, small-business organizations, and the American Medical Association to campaign vehemently against the task force's proposal, the Health Security Act. In part, because of its complexity and its institutional aspect, the Democratic majority in Congress also blocked the project. In fact, despite prolonged negotiations with this later, all efforts to pass compromise legislation failed.

Despite these early missteps, Clinton's first term was marked by numerous successes. He has appointed unprecedented numbers of Black people and other

---

<sup>1</sup>See 'Bill Clinton', available at [http://en.wikipedia.org/wiki/Bill\\_Clinton](http://en.wikipedia.org/wiki/Bill_Clinton).

## CHAPTER THREE: THE CASE STUDY OF PRESIDENT CLINTON'S IMPEACHMENT

---

"minorities" and women to positions of prominence within his administration. He has also appointed an unprecedented number of gay people to White House staff posts and nominated an openly gay person for an ambassadorship. In addition, reversing the stand of the two previous Presidents, the Clinton administration has opposed attempts to make abortion illegal.

Clinton promoted another controversial issue during this period: The passage by Congress of the North American Free Trade Agreement, which created a free-trade zone for the United States, Canada, and Mexico. This proposal was also subject to opposition by both anti-trade Republicans, protectionist Democrats and supporters of Ross Perot. He has also worked for the expansion of the existing Earned Income Tax Credit, aimed at working class families just above the poverty line, which helped ensure that it made sense for them to work rather than seek welfare.

Another successful point is that, during Clinton's first term, Congress enacted a deficit-reduction package (the Omnibus Budget Reconciliation Act of 1993) as well as some 30 major bills related to education, crime prevention, the environment, and women's and family issues, including the Violence Against Women Act and the Family and Medical Leave Act.

In January 1994, Attorney General Reno approved an investigation into business dealings by Clinton and his wife with an Arkansas housing development corporation known as Whitewater. Led from August by independent counsel Kenneth Starr, the Whitewater inquiry lasted several years and consumed more than \$50 million but did not find out a conclusive evidence of wrongdoing by the Clintons.

The renewal of the Whitewater investigation under Starr, the continuing bitter debate in Congress over Clinton's health care initiative, and the liberal character of some of Clinton's policies, all contributed to Republican electoral victories in November 1994 (mid-term elections). Indeed, the republicans gained the majority of both houses for the first time in forty years.



## CHAPTER THREE: THE CASE STUDY OF PRESIDENT CLINTON'S IMPEACHMENT

---

Consequently, Clinton tempered some of his policies and accommodated some Republican proposals. He has also included a more forceful deficit-reduction plan and a substantial renovation of the country's welfare system while, he continued to oppose Republican efforts to cut government spending on social programs.

During his first term, President Clinton was forced to confront numerous international conflicts. He involved the armed forces of the United States several times and at the same time reduced defence budget and staffing. Since late 1992, U.S. troops were engaged in Somalia as part of the Operation "Restore Hope" and tried to restore stability in the country; an operation to arrest a local warlord went wrong on the 3rd and the 4<sup>th</sup> of October 1993. Eighteen U.S. soldiers were killed. Confronted to a strong criticism about those deaths, Clinton decided to withdraw all U.S. troops.

Under the Oslo Accords - officially called Declaration of Principles – between Palestinians and Israelis in 1993, President Clinton has invited Israeli Prime Minister Yitzhak Rabin and Palestine Liberation Organization chairman Yasir 'Arafat to Washington to sign a historic agreement that granted limited Palestinian self-rule in the Gaza Strip and the West Bank.

The army was also involved in helping Haiti President Jean-Bertrand Aristide, the victim of a coup.<sup>1</sup>In 1995, during the attack on the Croatian region of Krajina (Serb-majority) protected by the UN, the U.S. military provided logistical and strategic support during the operation named "Oluja". This operation caused the death of thousands of civilians and the greatest human exodus (250,000 persons expelled) since 1945.

The conflicts between the President and Congress Republican in majority, from January 1995, resulted into several delays in passing the budget and the government was obliged to close all departments for several days. Indeed, Clinton refused to yield to the Republicans on the budget and they eventually adopted the budget proposed by Clinton.

---

<sup>1</sup>See 'Bill Clinton', available at [http://monde.fil-info-france.com/bill\\_clinton\\_ancien\\_president\\_etats\\_unis.htm](http://monde.fil-info-france.com/bill_clinton_ancien_president_etats_unis.htm)

## CHAPTER THREE: THE CASE STUDY OF PRESIDENT CLINTON'S IMPEACHMENT

---

In 1996, Clinton was re-elected President of United States, particularly thanks to his achievement in setting a strong economy. The economic growth continued during his second term. By 1998, the Clinton administration was running the first balanced budget since 1969 and the largest budget surpluses in the country's history. The solid economy also created high levels of home ownership and the lowest unemployment rate in nearly 30 years.

In 1998, because of issues surrounding personal indiscretions with a young woman White House intern, Clinton was impeached by the House of Representatives for perjury and obstruction of justice. He was tried in the Senate and acquitted of the charges brought against him in 1999. He apologised to the nation and to his family for his actions and continued to have unprecedented popular approval ratings (65%) for his job as president.<sup>1</sup>

In foreign affairs, Clinton ordered a four-day bombing campaign against Iraq in December 1998 in reply to Iraq's refusal to cooperate fully with United Nations weapons inspectors. In 1999, U.S. troops also participated in NATO missions in the Yugoslav wars and in keeping peace in Kosovo. It was under the leadership of Clinton that NATO conducted air attacks, known as humanitarian bombings on Serbia to prevent "ethnic cleansing" of Bosnian Muslims. Clinton pushed back the Serbian President Milosevic and initiated the peace plan in the Balkans. He was responsible of the illegal arming of the Croatian and Bosnian Muslim paramilitary forces. In 1998 and 2000, Clinton was greeted as a peacemaker in visits to Ireland and Northern Ireland, and in 2000, he became the first U.S. president to visit Vietnam since the end of the Vietnam War. He spent the last weeks of his presidency in a vain effort to achieve a final peace agreement between the Israelis and the Palestinians.

Finally, Bill Clinton left a great impact on the US politics, policies and programs during the 1990s. Indeed, during his presidency, the U.S. enjoyed more peace and economic well-being than at any time in its history. In addition, despite the difficulties encountered during his two terms, Clinton was able to survive and at present, he knows

---

<sup>1</sup>See 'William Jefferson Clinton', available at <http://www.whitehouse.gov/about/presidents/williamjclinton.htm>

how to brighten his image and remains involved in the political sphere, through humanitarian missions.

## **II. Previous Accusations against President Clinton:**

Before and during his presidency Clinton was the target of several attacks especially from the Republican Party. Indeed, many web sites – mostly belonging to Republicans voters - were devoted entirely to those allegations.<sup>1</sup> Nevertheless, we will focus on the most relevant.

### **1. Whitewater –gate:**

This story started in 1978, with a real estate investment of then-Arkansas Attorney General Bill Clinton, his wife, Hillary and their associates Jim and Susan McDougal. Indeed, they managed to buy 220 domains of riverfront land and form the Whitewater Development Corp. They aimed to build and sell hunting lodges and vacation homes. However, instead of realising a substantial profit, the business did poorly and finally went bankrupt in 1992. Jim McDougal also owned a savings and loan association, for which Hillary Clinton did legal work. Due in part to a series of fraudulent loans, McDougal's Madison Savings and Loan also failed in the 1980s. The McDougals were both found guilty of fraud.

In exchange for payments from representatives of the so-called Arkansas Project, David Hale, a former Arkansas municipal judge and former banker, alleged in November 1993 that Clinton pressured him to provide an illegal \$300,000 loan to Susan McDougal. Clinton denied this accusation.<sup>2</sup> The original Whitewater special prosecutor was Robert B. Fiske, a moderate Republican selected in January 1994 by Attorney General Janet Reno,

---

<sup>1</sup>See 'The A to Z Guide of Clinton Scandals', available at <http://www.io.com/~cjburke/clinton/clinatoz.html>

<sup>2</sup>DanFroomkin, '*Untangling Whitewater*', available at <http://www.washingtonpost.com/wp-srv/politics/special/whitewater/whitewater.htm>

## CHAPTER THREE: THE CASE STUDY OF PRESIDENT CLINTON'S IMPEACHMENT

---

who had the authority to make the appointment because the independent counsel law had expired.

In August 1994, with the renewal of the law and Robert B. Fiske under fire from conservatives for being insufficiently aggressive in pursuit of the president, the three-judge panel of the US Court of Appeals for the District of Columbia Circuit in charge of appointing independent counsels shortly replaced him with a conservative activist named Kenneth W. Starr. The latter had been a top aide in the Reagan Justice Department, a federal appeals court judge and then solicitor general under President George Bush.

In the first Whitewater trial, which ended in May 1996, the McDougals and Arkansas Gov. Jim Guy Tucker were convicted of most of the fraud and conspiracy charges brought against them by Starr. President Clinton testified on videotape about one of the loans but was not accused of wrongdoing. Jim McDougal received a reduced sentence of three years for cooperating with Whitewater investigators after his trial. He died in jail.

Susan McDougal, convicted of lesser charges, was condemned to two years. She started serving that sentence in May 1998, after 18 months in jail on a contempt of court citation for refusing to testify before Starr's Little Rock grand jury. She was then indicted again – this time for criminal contempt and obstructing Starr's investigation. In April 1999, after a five-week trial, an Arkansas jury acquitted McDougal of obstructing justice in the Whitewater investigation and deadlocked on the two other charges, resulting in a mistrial. Tucker, who succeeded Clinton as governor, was convicted of conspiracy and fraud, and was sentenced to 18 months of home detention because of poor health. He resigned after the verdicts.<sup>1</sup>

At the second Whitewater trial, which ended in August 1996, a federal jury cleared two Arkansas bankers of four felony charges involving their bank and donations to Clinton's 1990 statewide campaign.

---

<sup>1</sup>Dan Froomkin, 'Untangling Whitewater', available at <http://www.washingtonpost.com/wp-srv/politics/special/whitewater/whitewater.htm>

## CHAPTER THREE: THE CASE STUDY OF PRESIDENT CLINTON'S IMPEACHMENT

---

The thirteen-month-long Senate Whitewater hearings, which ended in June 1996, had not led to a determinant result. Republicans, in their report, accused the Clinton White House of hiding the truth but revealed no clear evidence of illegal conduct; Democrats stated that the Clintons had been unfairly victimised. They described the investigations' assumptions as "*a legislative travesty*", "*a witch hunt*," and "*a political game*" that had produced only "*totally speculative insinuations*" and "*superheated and untenable conclusions*."<sup>1</sup>

In February 1997, Starr suddenly announced that he would resign as special prosecutor to take a job as a law school dean. He changed his mind days later, but his original announcement was interpreted as a sign that his investigation was not going well. By April 1998, Starr's investigations in Arkansas were ending, partly overshadowed by the new source of Starr's attack; the Lewinsky scandal and by the fact that the mandate of his little grand jury in Little Rock was about to expire the following month. Jim Guy Tucker and Susan McDougal and another previous associate of Mrs Clinton all had declined to cooperate with Starr, and each of them were later pardoned by President Clinton.

In May 1998, when the grand jury in Arkansas finally concluded their work after thirty months, Starr invented a contempt indictment against Susan McDougal. Although she refused to testify about the involvement of Bill Clinton in Whitewater, Susan McDougal declared to the media that the Clintons were not lying in their account of the loan and had cast doubt on the motives that urged her former husband to cooperate with Starr. Susan McDougal also declared to the press that her husband told her that one of Clinton's political enemies was paying him to talk about the " Whitewater affair "in The New York Times.

---

<sup>1</sup>Brian Knowlton, 'Republican Report Stokes the Partisan Fires : Whitewater Unchained,' available at [http://www.nytimes.com/1996/06/19/news/19iht-white.t\\_2.html](http://www.nytimes.com/1996/06/19/news/19iht-white.t_2.html)

## 2. Travel-gate:

In May of 1993, soon after a brief FBI investigation requested by the White House, seven Travel Office lifelong staff members were dismissed by the White House charged with incompetence and possible criminal activity. However, those redundancies were subject to several suspicions. For instance, Congressional Republicans accused the White House of pushing out those long-time staffers so that friends of the Clintons could take over the Travel Office. They declared White House officials asked the FBI to investigate criminal charges against them only to justify the dismissals.

Therefore, the FBI and the Department of Justice, the White House itself, the General Accounting Office, the House Government Reform and Oversight Committee, and the Independent Counsel Kenneth Starr have undertaken further investigations. All these investigations took place over the following years. Billy Dale, the Office Director was tried in 1995 on embezzlement charges but was found “not guilty” by a jury. The six other employees were exonerated and were offered jobs in other agencies of the government. Mrs Clinton was also involved in this matter; in fact, she was accused of being behind those dismissals and making false statements about her role in it.

In 1998, Independent Counsel Kenneth Starr exonerated President Clinton of any involvement in this affair, but not the First Lady. In 2000, Robert Ray replaced Kenneth Starr as prosecutor. This later put an end to this story by announcing publicly that he would not seek any criminal charges against Hillary Clinton because of insufficient evidence. Some Democrats stated that this was politically motivated in an attempt to influence the 1996 presidential elections while President Clinton in an interview described the allegations and investigation as “a fraud”.<sup>1</sup>

---

<sup>1</sup>See ‘White House travel office controversy’, available at [http://en.wikipedia.org/wiki/White\\_House\\_travel\\_office\\_controversy](http://en.wikipedia.org/wiki/White_House_travel_office_controversy)

### **3. File-gate:**

File-gate is the White House FBI files controversy of the Clinton Administration. This affair happened in June 1996 about inappropriate access in 1993 and 1994 to FBI security-clearance documents. Craig Livingstone, Director of the White House's Office of Personnel Security, wrongly requested, and received from the FBI, around 900 background reports without asking the permission of the subject individuals.

The incident was subject of criticism because many of the files covered White House employees from previous Republican administrations (Bush and Reagan). For instance, former Secretary of State James Baker, former National Security Advisor Brent Scowcroft, and Newt Gingrich's spokesman Tony Blankley were found to be on the requested list. Under pressure from critics, Livingstone resigned from his position. Accusations were made that senior White House figures, including Mrs Clinton, may have requested and read the files for political purposes, and that the First Lady had authorized the hiring of Livingstone.

The White House stated that an employee working with an out-dated list mistakenly requested the files and that it was an innocent "snafu". The matter was investigated by the Independent Counsel Kenneth Starr, who found in 2000 that there was no criminal activity by anyone, and that there was no credible evidence that senior White House figures or the First Lady had requested the files or had acted improperly or testified improperly regarding Livingstone's hiring.

Judicial Watch, a conservative watchdog group, engaged in long-running litigation over the White House personnel file controversy. These lawsuits lasted fourteen years. In March 2010, Judge Royce C. Lamberth dismissed the case. She stated: "This court is left to conclude that with the lawsuit, to quote Gertrude Stein, 'there's no there there'". Former White House Counsel Bernard Nussbaum, who was also named in the suit, said: "It is sad

that in that day and age, and in this day and age, the politics of personal destruction continues.”<sup>1</sup>

#### **4. Trooper-gate:**

Trooper-gate is a story about the allegations of two Arkansas State Troopers - Larry Patterson and Roger Perry - who stated that they had arranged sexual liaisons for Bill Clinton when he was Governor. The accusations were first reported by David Brock in “*The American Spectator*” in December 1993, then, confirmed the next day in “*The Los Angeles Times*”.

The story mentioned a woman named Paula, a reference to Paula Jones, who received an offer to be Clinton’s girlfriend. The concerned woman later prosecuted Clinton for sexual harassment in Jones vs. Clinton. Later, David Brock discovered that the troopers that he interviewed were paid for their interviews by a conservative fundraiser behind his back. In April 1998, Brock addressed an open letter to President Clinton published in *Esquire*; he apologised for his "Trooper-gate" expose, about which he stated that it was written not “in the interest of good government or serious journalism,” but as part of an “anti-Clinton crusade”.<sup>2</sup>

#### **5. Paula-gate:**

Paula Jones sued Bill Clinton in 1994, stating that three years before, when Clinton was Governor of Arkansas and she was a low-level state employee, he invited her in an Arkansas hotel room in order to discuss about a promotion but instead of that, he tried to seduce her. From the start, Clinton denied any wrongdoing. He accused Jones of being an

---

<sup>1</sup>See ‘Filegate Suits Against Clinton White House Finally Dismissed’, available at <http://legaltimes.typepad.com/blt/2010/03/filegate-suits-against-clinton-white-house-finally-dismissed.html>

<sup>2</sup>‘*David Brock Interview*’, available at <http://www.npr.org/programs/atc/features/2001/jul/010702.brock.html>



## CHAPTER THREE: THE CASE STUDY OF PRESIDENT CLINTON'S IMPEACHMENT

---

opportunist who went public with her story to make money and to destroy him politically.<sup>1</sup> In May 1997, the Supreme Court dismissed Clinton's attempt to delay the trial until he left office. In June 1997, Clinton offered a \$700,000 settlement payment to charity, but Paula Jones asked for an apology too.

Lawyers on both sides of the lawsuit engaged in a pitiless fight during February and March, with the Jones team (the Rutherford Institute, a conservative legal organisation, and a Dallas law firm) filing hundreds of pages of legal documents. However, U.S. District Judge Susan Webber Wright sided with the Clinton's team motion for a "summary judgment" throwing out the case before it could come to trial. Judge Wright stated that there was no proof that Jones was emotionally afflicted or punished in the workplace for refusing him. She added: "There are no genuine issues for trial in this case".<sup>2</sup> However, Jones filed an appeal and both parties began a second round of settlement debates. The case has raised many talks. On November 13, 1998, Clinton settled with Jones for \$850,000, the entire amount of her claim, but without asking for an apology.

### **III. The Lewinsky Scandal:**

In May 1995, Miss Lewinsky, with a psychology degree, started working in the White House with an unpaid internship. On December 1995, she got a job in the Office of Legislative Affairs of the White House. However, the superiors of Monica noticed that she was spending too much time with President Clinton, therefore, in April 1996; she was suddenly transferred to the Pentagon, after getting a promise of a possible return, once President Bill Clinton re-elected.

In the Pentagon, where she stayed until December 1997, Monica met Linda Tripp. This later was also transferred from the White House in August 1994. She has testified in Congress and with the cooperation of Kenneth Starr in the July 1993 suicide of another

---

<sup>1</sup> Dan Froomkin, 'Case Closed', available at <http://www.washingtonpost.com/wp-srv/politics/special/pjones/pjones.htm>

<sup>2</sup>Ibid.

## CHAPTER THREE: THE CASE STUDY OF PRESIDENT CLINTON'S IMPEACHMENT

---

lawyer in the White House, Vincent Foster. She alleged that some documents have been moved from his office after his death. She also declared to the *Newsweek* newspaper that a certain Kathleen Willey have received a proposition from Clinton in 1993, when she was applying for a job. Bill Clinton's lawyer, Robert Bennett, stated that Ms Tripp was not credible.<sup>1</sup> The lawyers of Paula Jones, the Arkansas woman who accused Bill Clinton of sexual harassment when he was governor, reacted. They pursued to prove that Clinton was used to extramarital affairs and improper conduct, and asked Kathleen Willey to testify under oath in preparation for the trial scheduled for May. They made the same request to Linda Tripp and Monica Lewinsky. Kathleen Willey had confirmed her declaration under oath.

In the meantime, Tripp became the confidant of Lewinsky; however, behind her back, she was recording all their phone conversations. Then, she contacted Kenneth Starr and gave him seventeen tapes of conversation in which Monica confessed to Tripp that she had an affair with Bill Clinton. In those records, Monica Lewinsky was also explaining to Tripp that Vernon Jordan – a Clinton's friend - has intervened for her to get a job within the company *Revlon cosmetics* but in exchange, she had to sign an affidavit denying any relation with the President.

On January 7, 1998, Monica Lewinsky testified under oath at the request of the lawyers of Paula Jones, who pursued the President of the United States for sexual harassment. She affirmed in her written statement that she "never had improper relation with the president," who has "always acted with her in a proper manner."<sup>2</sup>

On January 13, Linda Tripp Monica invited Lewinsky for a drink in a hotel near the Pentagon. With the complicity of Kenneth Starr, she concealed a microphone and recorded the conversation. Lewinsky has given to Linda Tripp a written document explaining what

---

<sup>1</sup>See 'A Chronology Key Moments In The Clinton', available at [http://articles.cnn.com/1998-09-26/politics/1998\\_resources\\_lewinsky\\_timeline\\_1\\_tripplewinsky-lewinsky-moves-taping-conversations?\\_s=PM:ALLPOLITICS](http://articles.cnn.com/1998-09-26/politics/1998_resources_lewinsky_timeline_1_tripplewinsky-lewinsky-moves-taping-conversations?_s=PM:ALLPOLITICS)

<sup>2</sup> See 'Congressional Record', Vol. 145, No. 9, p. S821, available at <http://books.google.fr/>

## CHAPTER THREE: THE CASE STUDY OF PRESIDENT CLINTON'S IMPEACHMENT

---

to say in her deposition with Paula Jones' lawyers. The purpose was to protect the President.

On January 16, Starr organised a new meeting between the two women in the same hotel. FBI agents and investigators confronted Monica to the recordings, and offered her immunity in exchange for her cooperation. The young woman claimed her mother, who refused any agreement before consulting their lawyer. The following day, Bill Clinton also interrogated under oath by Paula Jones' lawyers. On a question about Monica Lewinsky, he has denied any relation with her.<sup>1</sup>

On January 21, ABC News, Washington Post, Los Angeles Times and Associated Press announced that Monica Lewinsky and Bill Clinton had an affair. Clinton said on PBS television, "I have not asked anyone to say something that is not true."<sup>2</sup> The following day, The Washington Post affirmed that Bill Clinton has admitted for the first time during his deposition of January 17, have had, an affair with Gennifer Flowers, a former cabaret singer when he was governor of Arkansas. He also recognised having given gifts to Monica Lewinsky. Bill Clinton reaffirmed, however, that he had "never asked anyone to lie"<sup>3</sup> to justice. Several Cabinet members were defending Bill Clinton. "I believe that the allegations are completely untrue,"<sup>4</sup> said Secretary of State Madeleine Albright.

On January 27, in an interview on NBC's Today, Hillary Clinton said that the new scandal that splashed her husband was one more episode in the political campaign waged by the rivals of Bill Clinton. She said, "The great story here for anybody willing to find it, write about it and explain it is this vast right-wing conspiracy that has been conspiring

---

<sup>1</sup>See 'Lewinsky Scandal', available at [http://www.encyclopedia.com/topic/Lewinsky\\_scandal.aspx](http://www.encyclopedia.com/topic/Lewinsky_scandal.aspx)

<sup>2</sup> Jim Lehrer, 'President Bill Clinton,' available at [http://www.pbs.org/newshour/bb/white\\_house/jan-june98/clinton\\_1-21.html](http://www.pbs.org/newshour/bb/white_house/jan-june98/clinton_1-21.html)

<sup>3</sup>See 'What Clinton Said', available at <http://www.washingtonpost.com/wpsrv/politics/special/clinton/stories/whatclintonsaid.htm>

<sup>4</sup> See 'The History Place: Impeachment :Bill Clinton', available at <http://www.historyplace.com/unitedstates/impeachments/clinton.htm>

## CHAPTER THREE: THE CASE STUDY OF PRESIDENT CLINTON'S IMPEACHMENT

---

against my husband since the day he announced for president". Mrs Clinton reminded that she and her husband had been accused of many things in the past, including murder.<sup>1</sup>

Bill Clinton counterattacked by accusing the independent counsel Kenneth Starr of being the source of many leaks in the investigation into the Lewinsky scandal and on the witnesses' allegations. In a virulent letter to Kenneth Starr, the personal lawyer of President Clinton, David Kendall, accused him of disclosing information and spreading lies in order to manipulate public opinion and potential witnesses in the Monica Lewinsky case. Indeed, the Lewinsky affair became an open war between the White House and the Independent Counsel.

The President's advisers were forced to testify one by one. To prevent them from revealing what they know about Lewinsky, Bill Clinton thought to invoke the executive privilege, which is a presidential prerogative. This privilege exempts the occupant of the White House and his staff to testify or deliver documents to the court. Richard Nixon had unsuccessfully invoked the privilege to try to keep secret recordings during the Watergate scandal.

On March 5, The Washington Post published the testimony given by the President on January 17 in the Paula Jones case. This testimony should have remained secret. Bill Clinton accused his political enemies. On May 28, Kenneth Starr appealed to the Supreme Court of United States for a speedy and final decision concerning his dispute with President Bill Clinton on the issue of executive privilege. He declared: "It is entirely in the interest of the nation that this case be resolved quickly so that the grand jury investigation may lead faster,"

On August 6, Monica Lewinsky testified in front of the grand jury. Protected by the immunity granted by Kenneth Starr, she admitted having had a relation with Bill Clinton. In addition to her testimony, she handed over to the investigators an irrefutable proof that would implicate the president. Monica Lewinsky also revealed that she had promised the

---

<sup>1</sup>See "Hillary Clinton defends her husband ", available at <http://news.bbc.co.uk/2/hi/51010.stm>

## CHAPTER THREE: THE CASE STUDY OF PRESIDENT CLINTON'S IMPEACHMENT

---

President to keep their affair secret. However, she added that no one had ever asked her to lie about it.

On August 17, Bill Clinton testified before the grand jury via a closed circuit video. During his testimony, he declared that his political enemies “just thought they would take a wrecking ball to [him] and see if they could do some damage.” Three hours after his testimony, he addressed the nation and admitted having had an “improper relationship” with Monica Lewinsky. He said, “It constituted a critical lapse in judgement and a personal failure on my part, for which I am solely and completely responsible... I misled people, including even my wife. I deeply regret that”. He was also very concerned about protecting his own family.” He stressed the fact that, “It [was] nobody's business but theirs” and that “even presidents have private lives”.<sup>1</sup> Three days later, Monica Lewinsky made a second testimony under oath in which she contradicted the testimony of Bill Clinton stating that their relation went further than what he had declared in his televised speech.

On September 10, Kenneth Starr sent his report to the Congress and on the following day, the report was published on the internet. It included 11 motives, which might lead to the impeachment of the President.<sup>2</sup> Kenneth Starr accused the president of having lied under oath during his deposition in the Paula Jones case and before the grand jury. He also accused him of obstruction of justice by concealing his affair with Monica Lewinsky. Finally, the Starr report stated that the acts committed by Bill Clinton were incompatible with the constitutional duty of the president.

---

<sup>1</sup>See ‘Americas Clinton confesses’, available at <http://news.bbc.co.uk/2/hi/americas/153099.stm>

<sup>2</sup>‘Starr Report’, available at <http://www.gpoaccess.gov/icreport/report/2toc.htm>

#### **IV. Political Conspiracy headed by Kenneth Starr:**

One might argue that the Republicans viewed the impeachment issue as one that could help the party spring back from the defeat in the November elections. Indeed, if the November elections had gone differently, America may not have had an impeachment vote against President Clinton. In fact, it seems to be evident that the partisanship that fuelled the impeachment process was nothing more than the continuation of the previous unsuccessful Republican efforts against President Clinton. As we have seen previously, the most persistent enemy of Clinton, Kenneth Starr, headed most of those efforts.

President George H. Bush named Starr U.S. solicitor general. The latter represented the federal government at oral arguments before the Supreme Court. After Bush lost his reelection in 1992, Starr expected to keep this position under the Clinton administration, but he returned to private practice with a corporate law firm. Starr took that personally, which created in him a strong personal dislike for Bill Clinton.

Several years before the first hint of impeachment, James Carville, a political consultant argued that Kenneth Starr was an interested witness by virtue of his financial ties to right-wing fundraisers and his professional and personal relationship with figures suing the president.<sup>1</sup> There was a conflict of interest between Starr's investigation and the Arkansas Project; a secret \$2.4 million project (mostly funded by Starr's former patron, the conservative billionaire Richard Mellon Scaife) to undermine the Clintons.

Starr had spent thousands of hours and millions of dollars trying to get Bill Clinton impeached and Hillary Clinton thrown in prison. In his obsessive pursuit of the president, Kenneth Starr used all kinds of manipulations and underhand tactics. Lacking a fundamental sense of fairness and judicial proportion, Starr sought first to build his

---

<sup>1</sup> Timothy Brennen, 'The organizational Imaginary', in *Cultural Critique* 43, Regents of University of Minnesota, 1999, pp. 84 - 85.

## CHAPTER THREE: THE CASE STUDY OF PRESIDENT CLINTON'S IMPEACHMENT

---

Whitewater real estate case against Clinton using corrupt testimony, and then, when this failed, he latched onto Paula Jones' hapless civil suit. Then, when that failed, he supported Linda Tripp and finally trapped Clinton on adultery - a crime that is frequent and common among many politicians from both parties.

For instance, Thomas Jefferson was dogged throughout his presidency by rumours of his affairs with female slaves. Andrew Jackson was widely criticised for marrying a woman who was still married to another man.<sup>1</sup> President George W. Bush was accused in a criminal complaint and lawsuit of raping Margie Schoedinger, who later died in a questionable case of suicide. Bush was also accused by Tammy Phillips, a former stripper, who was quoted in the National Enquirer in 2000 saying she had an affair with Bush that had ended in 1999.<sup>2</sup> Nevertheless, all of the above were not impeached.

The determination of Starr urged him to go after every woman in America who Bill Clinton might have been alone with, for more than two minutes. Starr claimed it was related to his investigation for national security reasons.

During the Whitewater investigation, two troopers (Roger Perry and Ronald B. Anderson) stated that FBI agents and prosecutors, who were working for Starr, questioned Arkansas state troopers about their knowledge of any extramarital relationships Bill Clinton might had while he was Arkansas governor. Perry said in an interview with The Washington Post. "...I was left with the impression that they wanted to show he was a womanizer. . . . All they wanted to talk about was women." He said that he was interviewed for more than one hour and half by an attorney in Starr's office and an FBI agent.<sup>3</sup>

In another interview with The Washington Post, Anderson said he refused to answer the questions about personal relationships Clinton might had with women. He said:

---

<sup>1</sup> Robert J. Spitzer, 'Clinton's Impeachment Will Have Few Consequences for the Presidency', in Political Science and Politics, Vol. 32, N° 3, American Political Science Association, 1999, p 544.

<sup>2</sup> See 'Examples of Republican hypocrisy on moral values', available at [http://www.dkosopedia.com/wiki/Examples\\_of\\_Republican\\_hypocrisy\\_on\\_moral\\_values](http://www.dkosopedia.com/wiki/Examples_of_Republican_hypocrisy_on_moral_values)

<sup>3</sup> Bob Woodward and Susan Schmidt, 'Starr Probes Clinton Personal Life', available at <http://www.washingtonpost.com/wp-srv/politics/special/whitewater/stories/wwtr970625.htm>

## CHAPTER THREE: THE CASE STUDY OF PRESIDENT CLINTON'S IMPEACHMENT

---

“If he has done something illegal, I will tell you. But I'm not going to answer a question about women that he knew because I just don't feel like it's anybody's business.”<sup>1</sup> Perry also stated that he was asked whether Clinton had provided one of the women with gifts purchased from a Little Rock department store. He said investigators also asked whether another of the women they named had given birth to Clinton's child, and whether the child looked like Clinton. In addition, he said, “They asked me about Paula Jones, all kinds of questions about Paula Jones, whether I saw Clinton and Paula together and how many times,” adding that he saw Clinton and Jones together once or twice in Little Rock in public places engaged in casual, passing conversation.

In 1994, Kenneth Starr had dealings with Paula Jones' attorneys in her pending lawsuit. In fact, he had prior involvement with the Paula Jones case. In October 1997, an entity called the Rutherford Institute (an extreme conservative Christian Constructionist group) found some new attorneys for Paula Jones and became heavily involved in the case.

Moreover, during the week preceding Clinton's deposition in the Jones case, Starr and his deputies used Linda Tripp by providing her with information to forward to Jones' lawyers on the eve of the deposition. In 1998, Starr summoned the President, but also all the persons around, including his lawyers precipitating the substantial erosion of the law of attorney-client privilege as applied to government lawyers. Thus, Starr wanted to gather as much information as possible in order to set up his September report and send it to Congress (including a 453-page summary, 3,000-plus page of appendices to the summary, and 60,000 pages of additional related materials). He sought also to make the conveyance of that report as dramatic and public as possible.

The report was published on the internet on the following day evoking all the investigations' facts including lots of salacious details calculated to embarrass the President to the greatest possible extent; this angered many people. Judge Posner described the report as “the mountain of evidence assembled” by Starr as “*an* astonishing farrago of

---

<sup>1</sup> Bob Woodward and Susan Schmidt, ‘Starr Probes Clinton Personal Life’, available at <http://www.washingtonpost.com/wp-srv/politics/special/whitewater/stories/wwtr970625.htm>



## CHAPTER THREE: THE CASE STUDY OF PRESIDENT CLINTON'S IMPEACHMENT

---

scandal, hearsay, innuendo, libel, trivia, irrelevance, mindless repetition, catty comments about people's looks, and embarrassing details of private life".<sup>1</sup>

Marc Perkel, Democratic Candidate for Congress for the 7th district of Missouri in that time, announced on September 14, 1998 that he has filed a federal civil rights lawsuit against the United States House of Representatives asking the court for an order to remove X-rated material from Kenneth Starr's Independent Counsel Report. He also added that Starr Report contained secret grand jury material that was not supposed to be publicly disclosed.<sup>2</sup>

The report was not only brazen but also hostile, advocating the impeachment of Clinton. Starr was not simply presenting the facts to the House of Representatives with credible information. Rather, he was briefly arguing that the President had committed impeachable offences based on the several traps he used during his extensive investigations. He even testified for a full day before the House Judiciary committee as part of his impeachment inquiry in November 1998 and by forcing Lewinsky to meet with the House of Managers during the Senate trial under threat of losing her immunity from prosecution.

A great perseverance, a personal dislike, a high political and financial support and a good mastery of the art of manipulation are the ingredients that have allowed Kenneth Starr to achieve his aim in his race against the president and to trap him.

---

<sup>1</sup>K. A. Popp, 'The Impeachment of President Clinton: An Ugly Mix of Three Powerful Forces', in *Law and Contemporary problems*, Vol. 63, No.1/2.

<sup>2</sup> See 'Marc Perkel sues Congress over StarrReport', available at <http://www.perkel.com/congress/plead.htm>

## **V. The role of the Media in the Conspiracy against President Clinton:**

There are few countries in the world where the media have a political activity as important as the American media. Indeed, the US media are considered as the "fourth estate"; however, it can make or break reputations, help to promote or to destroy political careers. The media can also build support for or rally opposition to programs and institutions. In fact, outrageous media over coverage of politics can lead to the violation of the privacy of public figures and candidates.

During the Lewinsky affair and for several months, television channels, newspapers, and the internet struggled to publish freely and without any precautions, the indiscretions of the independent counsel Kenneth Starr and his staff. Instead of sticking to the facts, they spread unfounded rumours. They were so greedy in their reporting that even when Bill Clinton confessed and asked for forgiveness, the media still wanted more.

This excessive media coverage occurred because of two reasons: The first one was competitive. Indeed, the more the news were exclusive and saucy, the more the audience rate increased and therefore the media earned more money. For example, MSNBC, a 24-hour cable news network, and the internet service that Microsoft and NBC launched together on July 15, 1996 became the all-Monica, all-the time networks. A nightly broadcast called "the Big Show" focused on the Clinton/Lewinsky matter relentlessly night after night: the audience was 148 per cent larger in October 1998 than it was a year before.<sup>1</sup> The second reason was political. In fact, the media intended to manipulate the public opinion and to influence the vote of the representatives. Republicans funded several media; therefore, the door was open to all kinds of accusations and calumnies. For example, The Charlotte Observer, North Carolina, was claiming that "...*It's time for responsible Republican leaders to lead*". The Manchester Union Leader and Sunday News, New Hampshire made the following statement:

---

<sup>1</sup>K. A. Popp, 'The Impeachment of President Clinton: An Ugly Mix of Three Powerful Forces', in *Law and Contemporary problems*, Vol. 63, No.1/2, the Constitution under Clinton: A critical Assessment, USA, Duke University School of Law, 2000., p. 232.

## CHAPTER THREE: THE CASE STUDY OF PRESIDENT CLINTON'S IMPEACHMENT

---

*Nixon finally had the great good sense and love of country to resign his office.... [Clinton] can resign. He can for once do the honourable thing and perhaps help to repair the dishonour his actions have done to the White House and to the office and to the nation. If he will not do so, if he continues to delay, delay, and use every political and legal trick in the book, then the House of Representatives must and should do the honourable thing and vote his impeachment.*<sup>1</sup>

There was a very significant magazine called “*The American Spectator*”, owned by the conservative R. Emmett Tyrrell, Jr who was one of those behind the “Arkansas Project”<sup>2</sup>, financed by Richard Mellon Scaife, to improve the Spectator's investigative journalism. Indeed the latter gave to the magazine \$1.8 million to dig up all the dirt they could on Bill and Hillary Clinton. This magazine was focusing exclusively on the Clintons spreading all kinds of allegations. It turned to a real obsession. It was evident; this magazine became the central publication of the right wing conspiracy.

Richard Melon Scaife was the owner of “*The Pittsburgh Tribune*”, another magazine seeking solely to destroy the Clintons. There was another interesting paper called “Regnery Publishing”, specialised in conservative books, owned by Alfred Regnery, a long-time friend of Kenneth Starr. Since 1996, he published several books accusing the Clintons; for instance, *The Secret Life of Bill Clinton: the Unreported Stories* by Ambrose Evans-Pritchard. *The Clintons and Their America* by Roger Morris. *How the Clinton Administration Undermined American Security* by Bill Gertz. *The Impeachment of William Jefferson Clinton: a Political Docu-Drama* and *Boy Clinton: the Political Biography* by R. Emmett Tyrrell. In his article “Hillary was Right” Nicholas Confessore, then writer for the liberal American Prospect, made the following statement: “*Yet Regnery Publishing seems not just to encourage conspiracy theorizing from its authors, but to demand it*”.

---

<sup>1</sup> K. A. Popp, ‘The Impeachment of President Clinton: An Ugly Mix of Three Powerful Forces’, in *Law and Contemporary problems*, Vol. 63, No.1/2, the Constitution under Clinton: A critical Assessment, USA, Duke University School of Law, 2000., p. 232.

<sup>2</sup> See ‘Arkansas Project’, available at [http://en.wikipedia.org/wiki/Arkansas\\_Project](http://en.wikipedia.org/wiki/Arkansas_Project)

## CHAPTER THREE: THE CASE STUDY OF PRESIDENT CLINTON'S IMPEACHMENT

---

After all, it is obvious that the U.S. Media played an important role in the conspiracy against Clinton. Indeed, neither Independent Counsel Starr nor the House of representatives could bring about the impeachment of President Clinton without the help of the media especially those that were ran by conservatives. Indeed, the media's persistent coverage, from the beginning, of every sordid detail of the Lewinsky story played an important role in the accomplishment of Starr's purpose.

### **VI. The Impeachment Trial:**

After the submission of the report set up by Kenneth Starr, the House of Representatives, still Republican in majority, voted on the 8<sup>th</sup> of October, to begin impeachment hearings. First, the Judiciary Committee would have to decide whether to recommend impeaching Clinton; then the House would have to vote to impeach; and then the Senate would vote on whether to convict Clinton and remove him from office.

The House Judiciary Committee began the impeachment hearings on November 19 with the Independent Counsel Kenneth Starr as the main witness. Clinton submitted written answers to eighty-one questions from the House Judiciary Committee concerning a series of events relating to the Lewinsky scandal and his prior testimony.<sup>1</sup>

On Friday, December 11, the Judiciary Committee voted mainly along party lines to approve the first three articles of impeachment, accusing Clinton of committing perjury before Starr's grand jury and in the Jones case, and obstruction of justice in the Jones case. Only one Republican on the committee sided with Democrats by casting a no vote on Article 2 charging Clinton with perjury in the Jones case.

On Saturday, the fourth article was approved, accusing Clinton of making false statements in his answers to the eighty-one written questions. The four articles were

---

<sup>1</sup>See 'The History Place: Clinton's impeachment', available at <http://www.historyplace.com/unitedstates/impeachments/81-questions.htm>

## CHAPTER THREE: THE CASE STUDY OF PRESIDENT CLINTON'S IMPEACHMENT

---

forwarded to the full House of Representatives for consideration. Republicans controlled the House. There were 228 Republicans, 206 Democrats and 1 Independent who normally sided with the Democrats.

Thus, on Friday, December 18, 1998, the full House of Representatives gathered in order to judge President Clinton's impeachment. Thirteen hours of fiery partisan oratory followed in which the Republicans were insisting that Clinton's actions amounted to "high crimes and misdemeanours", while the Democrats were trying to negotiate a compromise under which Clinton would be censured and the impeachment charges dismissed, but the Democrats' efforts repeatedly failed.

During the debates Ike Skelton, a Democrat from Missouri said:

*I have studied the phrase carefully. The word "other" is important because I believe it is crucial to our deliberation on impeachment. I have concluded that the correct legal interpretation and the intent of the framers of that document is that the general phrase "other high crimes and misdemeanours" must be limited to the kinds of class or things within specific words "treason" and "bribery..."<sup>1</sup>*

John Lewis, a Democrat from Georgia stated:

*Mr Speaker, I come before you to speak for the principle of democracy, the doctrine of fairness and the spirit of forgiveness. America is sick... Today our nation stands at a crossroad, at the intersection of participatory democracy and the politics of personal destruction. Today, my colleagues, you must choose, as Dr. Martin Luther King Jr. wrote, between community*

---

<sup>1</sup>See 'The debate on articles of impeachment against President Clinton', available at <http://www.nytimes.com>.

## CHAPTER THREE: THE CASE STUDY OF PRESIDENT CLINTON'S IMPEACHMENT

---

*and chaos. You must choose the course of partisan  
destruction or national reconciliation...<sup>1</sup>*

John Conyers, a Democrat from California added:

*...I want to remind you that I am witnessing, in the  
most tragic event of my career in the Congress, in  
effect, a Republican coup d'état in process. We are  
using the most powerful institutional tool available to  
this body, impeachment, in a highly partisan manner.  
Impeachment was designed to rid this nation of traitors  
and tyrants, not attempts to cover up extramarital  
affairs. This resolution trivialises our most important  
tool to maintain democracy...<sup>2</sup>*

On December 19, The House of Representatives, decided to impeach President Clinton on grounds of perjury before Independent Counsel Ken Starr's grand jury (by a 228-206 vote) and obstruction of justice related to the Jones case (by a 221-212 vote). They rejected the two other articles; the second count of perjury in the Jones case (by a 205-229 vote) and the one accusing Clinton of abuse of power by making false statements to Congress in his answers to the eighty-one questions posed by the Judiciary Committee (by a 148-285 vote).<sup>3</sup>

Unexpectedly, Bob Livingston, a Republican leader in the House of Representatives, admitted having had extramarital affairs, resigned and called President Clinton to do the same. In the evening of the same day, on the South Lawn of the White House, President Clinton thanked those who voted against the impeachment articles and

---

<sup>1</sup> See 'The debate on articles of impeachment against President Clinton', available at <http://www.nytimes.com>.

<sup>2</sup> Ibid.

<sup>3</sup> See 'Clinton impeached', available at [http://news.bbc.co.uk/2/hi/events/clinton\\_under\\_fire/latest\\_news/238784.stm](http://news.bbc.co.uk/2/hi/events/clinton_under_fire/latest_news/238784.stm)

## CHAPTER THREE: THE CASE STUDY OF PRESIDENT CLINTON'S IMPEACHMENT

---

stated: "We must stop the politics of personal destruction". ...We must get rid of the poisonous venom of excessive partisanship, obsessive animosity, and uncontrolled anger."<sup>1</sup>

After the approval of the two articles by the House of Representatives, Senate Majority Leader Trent Lott announced that President Clinton's impeachment trial would begin in the Senate on Thursday, January 7, 1999. The Senate met to vote on a motion by Democratic Senator Harry Byrd of West Virginia to dismiss the impeachment case against the President. Forty-four Democratic senators voted in favour of this motion while fifty-five Republican senators and one Democrat, Russ Feingold of Wisconsin, voted against it. The Senate passed on the same vote (56 to 44) to call three witnesses: Monica Lewinsky, Vernon Jordan (Clinton's lawyer and friend) and Clinton's adviser Sydney Blumenthal. The video testimony of Monica Lewinsky, Vernon Jordan, and Sidney Blumenthal did not contain any new revelation.

Several Republican senators admitted that they will not have enough votes to impeach President Clinton and started to think about the motion of censure, which would be the most honourable way to end the trial. The Republican senators were increasingly worried that a vote against impeachment might be interpreted as a victory of the White House. Furthermore, they were aware that unlike the impeachment vote, which required a two-thirds majority, a motion of censure might be adopted with only an absolute majority.

On Friday, February 12, 1999, the impeachment trial of President Clinton came to its end. Indeed, Bill Clinton was acquitted of the first charge of perjury brought against him by the House of Representatives, with an absolute majority of fifty-five votes against forty-five. The second vote on the charge of obstruction of justice ended in a tie of fifty against fifty. Sixty-seven votes were needed to remove the president from office.

After his acquittal, Clinton reiterated his apologies to the American people and Congress for his role in the Lewinsky affair:

---

<sup>1</sup>William Saletan, 'Clinton's Final Escape', available at <http://www.slate.com/id/11736/>

## CHAPTER THREE: THE CASE STUDY OF PRESIDENT CLINTON'S IMPEACHMENT

---

*Now that the Senate has fulfilled its constitutional responsibility, bringing this process to a conclusion, 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 on the American people.<sup>1</sup>*

In his first post-acquittal news conference, on February 19, Clinton stated:

“I think the Constitution has been in effect re-ratified, and I hope that presidency has not been harmed. I don't believe it has been.”

### **VII. The Aftermath:**

After years of continuous investigation and a long hurting and humiliating impeachment process, President Bill Clinton was finally safe. President Clinton could achieve his term without any menace, and the media could finally talk about something else. Nevertheless, Clinton did not emerge unscathed from this harsh phase of his life. Judge Susan Webber D. Wright held him in contempt of court for his "wilful failure" to testify truthfully in the Paula Jones sexual harassment lawsuit.<sup>2</sup> For this citation, Clinton was assessed a \$90,000 fine.

On January 19, 2001, the day before leaving office, Clinton agreed to pay \$25,000 fine and a five-year suspension of his Arkansas law license as part of an agreement with the independent counsel Robert Ray to end the Monica Lewinsky investigation. Based on this suspension, Clinton was automatically suspended from the United States Supreme Court bar, from which he then chose to resign.

---

<sup>1</sup> See 'The History Place: Impeachment: Bill Clinton', available at <http://www.historyplace.com/unitedstates/impeachments/clinton.htm>

<sup>2</sup> See 'Clinton's contempt citation not a surprise to many', available at <http://edition.cnn.com/ALLPOLITICS/stories/1999/04/13/contempt.reaction/index.html?iref=allsearch>



## CHAPTER THREE: THE CASE STUDY OF PRESIDENT CLINTON'S IMPEACHMENT

---

The Lewinsky scandal and the impeachment of Clinton had a tremendous impact on the people around him. However, like his family, the American people continued to support him. After all, he was still seen as a sympathetic figure with a symbolic profile as “The Man from Hope”. His cabinet continued to function relatively well while his staff continued also to support him even though they were demoralised and torn apart in that crisis by being forced to answer questions about their boss’s private life. In his autobiography, “My Life”, Clinton notes:

*After the impeachment ordeal, people often asked me how I got through it without losing my mind, or at least the ability to keep doing the job. I couldn't have done it if the White House staff and cabinet, including those who were angry and disappointed over my conduct, hadn't stayed with me. It would have been much harder if the American people hadn't made an early judgment that I should remain President and stuck with it.<sup>1</sup>*

As for Clinton’s sworn enemy, Mr Kenneth Starr who spent an amount of forty-five million dollars for his investigations, used twenty-eight lawyers, seventy-eight police officers, federal security and an undetermined number of private agents, was prosecuted by the judicial ministry on charges of abuse of power and forgery.

Finally, there were winners and losers. The winners were Hillary Rodham Clinton, Bill Clinton, Paula Jones who gained the \$850,000, the Democrats, the Media, especially the internet, and Wall Street, which was not affected by the scandal, preferred to devote its efforts to the institutions in danger. The losers were Kenneth Starr, the Republicans, Monica Lewinsky, Paula Jones, and Bill Clinton.

---

<sup>1</sup>Bill Clinton, ‘My Life’, New York, Alfred A. Knopf, 2004, p.780.

## CHAPTER THREE: THE CASE STUDY OF PRESIDENT CLINTON'S IMPEACHMENT

---

### **CONCLUSION:**

During his presidency, Bill Clinton lived his greatest glories and his worst disappointments. He succeeded where no other Democrat had since Franklin Roosevelt: he was re-elected to a second term. He managed to remake the image of the Democratic Party by making the party more attractive to white middle-class Americans and providing for the disadvantaged, regulating the excesses of the private market place, supporting minorities and women, and using government to stimulate economic growth. Despite all the criticism launched against his policy, Clinton also defied them by turning the greatest fiscal deficit in American history into a surplus and presiding over the greatest level of economic prosperity since the early 1960s.

On the other hand, Clinton capitalised on growing dissatisfaction with far right-wing extremism within the Republican Party. Indeed, He endured unrelenting personal attacks from several members of the Right, among them, journalists, publishers, authors, women, senators, and lawyers. The billionaire Richard Mellon Scaife, who provided the bulk of the financial backing to Kenneth Starr, the Paula Jones suit and other legal and political campaigns directed against the White House. As a congressional Democrat observed, "You can do a lot of damage with a billion dollars."

The Lewinsky scandal as well as all the previous controversies, are only representations of a continuing attempt to "get Clinton", to disgrace him within ruling class circles and in his public image aiming to deprive him of political power, and to force him out of office. This attempt almost succeeded with the impeachment trial.

The impeachment process was based on party politics; The Republicans consistently presented a nearly united front in condemning the President and removing him from office, while the Democrats were remarkably consistent in their defence of Clinton. The final trial votes came from several Republicans voting "not guilty" along with every single Democrat. Not one of the forty-five Democratic senators found the evidence against the president convincing.

## CHAPTER THREE: THE CASE STUDY OF PRESIDENT CLINTON'S IMPEACHMENT

---

Finally, the conclusion drawn from this case is that Clinton's relationship with Lewinsky is of no concern to anyone outside Clinton's family, despite the prurient interest of Kenneth Starr and all his allies. The notion that Clinton faced impeachment because he violated a taboo of Christian morality was only a pure simple hypocrisy, based on political interests.

## GENERAL CONCLUSION

The Constitution of the United States has been established in order “to form a perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to the American citizens and their posterity”<sup>1</sup>. Indeed, this document is essential to the survival of the American democracy, since it provides for the principal of separation of powers, the system of checks and balances, the right to vote and the possibility to remove the president from his office through the impeachment law.

In the US Constitution, there is no provision for political parties; its framers have even warned the American citizens about the dangers of factions. However, the different conflicts between the leaders led to the creation of two major political parties. Those two factions have experienced different phases of evolution during which they shared the power alternately. The positive thing is that by this alternation of power all American classes are represented. It allows the voters to vote according to their varied needs. The negative thing is that, in order to win as much votes as possible, the two major parties enter in a harsh competition using all kinds of tricks. This continuing struggle for power has

---

<sup>1</sup> See “ The Constitution of the United States’”, available at <http://www.usconstitution.net/const.html#Preamble>

## GENERAL CONCLUSION

---

created resentment between the two sides. Therefore, their only interest is to resume control in each election by fair means or foul.

President William Clinton had a significant influence on the direction of the Democratic Party. Thanks to his engaging personality and the different social and economic benefits that he brought to his country, he has urged millions of Americans to vote for his party for two complete terms. Clinton was not different from the people that elected him; he was a normal person with his qualities and his defaults. However, the Republican party has taken advantage of his imperfections by exposing them as often as possible in order to manipulate the public opinion and to tarnish his image. For several years, his rivals have entered into a whirlpool of intrigues and accusations in order to reach their objective by initiating impeachment proceedings against him.

However, the Articles of Impeachment that were presented to the Senate did not concord with what the Founding Fathers had in mind when they placed in the hands of the Congress the power to impeach and remove a President from office. They did not concord with what the American people required to be shown and proven before their democratic choice was reversed. They did not also concord with what a respectable prosecutor would require before presenting a case to a judge or jury.

The opponents of Clinton's party claimed that President Clinton's impeachment was a Democratic act, according to the second article of the American Constitution. Nevertheless, in this case, the impeachment law was used as a political weapon against President Clinton and his party. There was in fact a right-wing conspiracy. There was a concerted strategy by the Republicans and those allied with them to "get" Clinton and to force him out of office. More essentially, there was a determined, many-sided effort by powerful forces within American society to put into effect an aggressively conservative political and social agenda. There was definitely a constant intrusion into people's everyday lives and more particularly in Clinton's one, and a crushing of supposed Constitutional rights and protections. Consequently, we consider that the case of Clinton's impeachment is an evident example of an abuse of political power by the Republicans and a misuse of the American Democracy.

## APPENDIX I:

**Picture 1: Reproduction of painting of G. Washington, B. Franklin and others signing the U.S. Constitution in Philadelphia, Pennsylvania**



**Source:** Hy. Hintermeister, 'The foundation of American government', Newark, New Jersey : Osborn Co, available at <http://www.loc.gov/pictures/item/93504023/>

## APPENDIX II:

**Table 1: PRESIDENTS AND VICE PRESIDENTS OF THE UNITED STATES**

N°	PRESIDENT	BIRTH PLACE	POLITICAL PARTY	TERM	VICE PRESIDENT	BIRTH PLACE	TERM
1	<a href="#">George Washington</a>	Va	<a href="#">Federalist</a>	1789-97	<a href="#">John Adams</a>	Mass.	1789-97
2	<a href="#">John Adams</a>	Mass	<a href="#">Federalist</a>	1797-1801	<a href="#">Thomas Jefferson.</a>	Va	1797-1801
3	<a href="#">Thomas Jefferson</a>	Va.	<a href="#">Democratic-Republican</a>	1801-09	<a href="#">Aaron Burr</a> <a href="#">George Clinton</a>	N.J. N.Y	1801-05 1805-09
4	<a href="#">James Madison</a>	Va	<a href="#">Democratic-Republican</a>	1809-17	<a href="#">George Clinton</a> <a href="#">Elbridge Gerry</a>	N.Y. Mass	1809-12* 1813-14*
5	<a href="#">James Monroe</a>	Va	<a href="#">Democratic-Republican</a>	1817-25	<a href="#">Daniel D. Tompkins</a>	N.Y.	1817-25
6.	<a href="#">John Quincy Adams</a>	Mass	National Republican	1825-29	<a href="#">John C. Calhoun</a>	S.C.	1825-29
7	<a href="#">Andrew Jackson</a>	S.C	<a href="#">Democratic</a>	1829-37	<a href="#">John C. Calhoun</a> <a href="#">Martin Van Buren</a>	S.C. N.Y.	1829-32** 1833-37
8	<a href="#">Martin Van Buren</a>	N.Y	<a href="#">Democratic</a>	1837-41	<a href="#">Richard M. Johnson</a>	Ky	1837-41
9	<a href="#">William Henry Harrison</a>	Va	<a href="#">Whig</a>	1841*	<a href="#">John Tyler</a>	Va	1841
10	<a href="#">John Tyler</a>	Va	<a href="#">Whig</a>	1841-45			
11	<a href="#">James K. Polk</a>	N.C	<a href="#">Democratic</a>	1845-49	<a href="#">George Mifflin Dallas</a>	Pa.	1845-49
12	<a href="#">Zachary Taylor</a>	Va	<a href="#">Whig</a>	1849-50*	<a href="#">Millard Fillmore</a>	N.Y.	1849-50
13	<a href="#">Millard Fillmore</a>	N.Y	<a href="#">Whig</a>	1850-53			

APPENDICES :

14	<a href="#">Franklin Pierce</a>	N.H	<a href="#">Democratic</a>	1853-57	<a href="#">William Rufus de Vane King</a>	N.C.	1853*
15	<a href="#">James Buchanan</a>	Pa.	<a href="#">Democratic</a>	1857-61	<a href="#">John C. Breckinridge</a>	Ky	1857-61
16	<a href="#">Abraham Lincoln</a>	Ky	<a href="#">Republican</a>	1861-65*	<a href="#">Hannibal Hamlin</a> <a href="#">Andrew Johnson</a>	Maine N.C.	1861-65 1865
17	<a href="#">Andrew Johnson</a>	N.C	Democratic (Union)	1865-69			
18	<a href="#">Ulysses S. Grant</a>	Ohio	<a href="#">Republican</a>	1869-77	<a href="#">Schuyler Colfax</a> <a href="#">Henry Wilson</a>	N.Y. N.H.	1869-73 1873-75*
19	<a href="#">Rutherford B. Hayes</a>	Ohio	<a href="#">Republican</a>	1877-81	<a href="#">William A. Wheeler</a>	N.Y.	1877-81
20	<a href="#">James A. Garfield</a>	Ohio	<a href="#">Republican</a>	1881*	<a href="#">Chester A. Arthur</a>	Vt.	1881
21	<a href="#">Chester A. Arthur</a>	Vt.	<a href="#">Republican</a>	1881-85			
22	<a href="#">Grover Cleveland</a>	N.J	<a href="#">Democratic</a>	1885-89	<a href="#">Thomas A. Hendricks</a>	Ohio	1885*
23	<a href="#">Benjamin Harrison</a>	Ohio	<a href="#">Republican</a>	1889-93	<a href="#">Levi Morton</a>	Vt.	1889-93
24	<a href="#">Grover Cleveland</a>	N.J	<a href="#">Democratic</a>	1893-97	<a href="#">Adlai E. Stevenson</a>	Ky	1893-97
25	<a href="#">William McKinley</a>	Ohio	<a href="#">Republican</a>	1897- 1901*	<a href="#">Garret A. Hobart</a> <a href="#">Theodore Roosevelt</a>	N.J. N.Y.	1897-99* 1901
26	<a href="#">Theodore Roosevelt</a>	N.Y	<a href="#">Republican</a>	1901-09	<a href="#">Charles Warren</a> <a href="#">Fairbanks</a>	Ohio	1905-09
27	<a href="#">William Howard Taft</a>	Ohio	<a href="#">Republican</a>	1909-13	<a href="#">James Sherman</a>	N.Y.	1909-12*
28	<a href="#">Woodrow Wilson</a>	Va	<a href="#">Democratic</a>	1913-21	<a href="#">Thomas R. Marshall</a>	Ind.	1913-21
29	<a href="#">Warren G. Harding</a>	Ohio	<a href="#">Republican</a>	1921-23*	<a href="#">Calvin Coolidge</a>	Vt.	1921-23



APPENDICES :

30	<a href="#">Calvin Coolidge</a>	Vt	<a href="#">Republican</a>	1923-29	<a href="#">Charles G. Dawes</a>	Ohio	1925-29
31	<a href="#">Herbert Hoover</a>	Iowa	<a href="#">Republican</a>	1929-33	<a href="#">Charles Curtis</a>	Kan.	1929-33
32	<a href="#">Franklin D. Roosevelt</a>	N.Y	<a href="#">Democratic</a>	1933-45*	<a href="#">John Nance Garner</a> <a href="#">Henry A. Wallace</a> <a href="#">Harry S. Truman</a>	Texas Iowa Mo.	1933-41 1941-45 1945
33	<a href="#">Harry S. Truman</a>	Mo	<a href="#">Democratic</a>	1945-53	<a href="#">Alben W. Barkley</a>	Ky	1949-53
34	Dwight D. Eisenhower	Texas	<a href="#">Republican</a>	1953-61	<a href="#">Richard M. Nixon</a>	Calif.	1953-61
35	<a href="#">John F. Kennedy</a>	Mass	<a href="#">Democratic</a>	1961-63*	<a href="#">Lyndon B. Johnson</a>	Texas	1961-63
36	<a href="#">Lyndon B. Johnson</a>	Texas	<a href="#">Democratic</a>	1963-69	<a href="#">Hubert H. Humphrey</a>	S.D.	1965-69
37	<a href="#">Richard M. Nixon</a>	Calif	<a href="#">Republican</a>	1969-74**	<a href="#">Spiro T. Agnew</a> <a href="#">Gerald R. Ford</a>	Md. Neb.	1969-73** 1973-74
38	<a href="#">Gerald R. Ford</a>	Neb	<a href="#">Republican</a>	1974-77	<a href="#">Nelson A. Rockefeller</a>	Maine	1974-77
39	<a href="#">Jimmy Carter</a>	Ga.	<a href="#">Democratic</a>	1977-81	<a href="#">Walter F. Mondale</a>	Minn.	1977-81
40	<a href="#">Ronald Reagan</a>	Ill	<a href="#">Republican</a>	1981-89	<a href="#">George Bush</a>	Mass.	1981-89
41	<a href="#">George Bush</a>	Mass	<a href="#">Republican</a>	1989-93	<a href="#">Dan Quayle</a>	Ind.	1989-93
42	<a href="#">Bill Clinton</a>	Ark.	<a href="#">Democratic</a>	1993-2001	<a href="#">Albert Gore</a>	Wash., D.C.	1993-2001
43	<a href="#">George W. Bush</a>	Conn	<a href="#">Republican</a>	2001-2009	<a href="#">Richard Bruce Cheney</a>	Neb.	2001-2009
44	Barack Obama	Honolul u	<a href="#">Democratic</a>	2009-	Joe Biden	Penn	2009-

\*Died in office. \*\*Resigned from office

**Source:** 'Encyclopaedia. Britannica 2007'

## APPENDIX III:

**Table 2: Republicans VS. Democrats**

<b>Democrat</b>	<b>vs.</b>	<b>Republican</b>
Judicial Activist	vs.	Strict Constructionist
Representative Democracy	vs.	Representative Republic
Active Government	vs.	Limited Government
Regulated Capitalism	vs.	Free Enterprise
Higher Taxes	vs.	Lower Taxes
Left Wing	vs.	Right Wing
Liberal	vs.	Conservative
Pro Choice	vs.	Pro Life
Environmental Protection	vs.	Economic Growth
Public Education	vs.	School Vouchers

**Source:** See '10 major differences between Republicans and Democrats', available at <http://newsflavor.com/politics/us-politics/10-major-differences-between-republicans-and-democrats/>

## **APPENDIX IV:**

### **A BRIEF GUIDE TO IMPEACHMENT LAW**

#### **Constitutional and Statutory Authority**

U.S. Const. Art. I § 2, cl. 5.

The House of Representatives shall choose their Speaker and other Officers; and shall have the sole Power of Impeachment.

U.S. Const. Art. I § 3, cl. 6

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

U.S. Const. Art. I § 3, cl. 7

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

U.S. Const. Art. II § 1, cl. 6

In case of removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

## APPENDICES :

---

### U.S. Const. Art. II § 2, cl. 1

The President shall ... have Power to grant Reprieves and Pardons for Offenses against the United States, except in Cases of Impeachment.

### U.S. Const. Art. II § 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.

### U.S. Const. Amendment XXV.

Section 1: In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

Section 2: Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

### United States Code, Title 3, § 19. Vacancy in offices of President and Vice President

(a)(1) If, by reason of death, resignation, removal from office, inability, or failure to qualify, there is neither a President nor Vice President to discharge the powers and duties of the office of President, then the Speaker of the House of Representatives shall, upon his resignation as Speaker and as Representative in Congress, act as President.

(b) If ... there is no Speaker, or the Speaker fails to qualify as Acting President, then the President pro tempore of the Senate shall, upon his resignation as President pro tempore and as Senator, act as President.

(c) An individual acting as President under subsection (a) or subsection (b) of this section shall continue to act until the expiration of the then current Presidential term...

(d)(1) If ... there is no President pro tempore to act as President under subsection (b) of this section, then the officer of the United States who is highest on the following list, and who is not under disability to discharge the powers and duties of the office of President shall act as President: Secretary of State, Secretary of the Treasury, Secretary of Defense, Attorney General, Secretary of the Interior, Secretary of Agriculture, Secretary of Commerce, Secretary of Labor, Secretary of

## APPENDICES :

---

Health and Human Services, Secretary of Housing and Urban Development, Secretary of Transportation, Secretary of Energy, Secretary of Education, Secretary of Veterans Affairs.

### Title 28, § 595. Congressional oversight of Independent Counsel

(c) Information relating to impeachment.--An independent counsel shall advise the House of Representatives of any substantial and credible information which such independent counsel receives, in carrying out the independent counsel's responsibilities under this chapter that may constitute grounds for an impeachment. Nothing in this chapter or section 49 of this title shall prevent the Congress or either House thereof from obtaining information in the course of an impeachment proceeding.

**Source:** See 'A Brief Guide to Impeachment', available at <http://faculty.lls.edu/manheim/cl1/impeach.htm>

## APPENDIX V:

### President Clinton's interview on January 21, 1998

JIM LEHRER: Mr. President, welcome

JIM LEHRER: The news of this day is that Kenneth Starr, independent counsel, is investigating allegations that you suborn perjury by encouraging a 24-year-old woman, former White House intern, to lie under oath in a civil deposition about her having had an affair with you. Mr. President, is that true?

#### **"There is no improper relationship"**

That is not true. That is not true. I did not ask anyone to tell anything other than the truth. There is no improper relationship and I intend to cooperate with this inquiry, but that is not true.

JIM LEHRER: No improper relationship, define what you mean by that.

PRESIDENT CLINTON: Well I think you know what it means. It means that there is not a sexual relationship, an improper sexual relationship or any other kind of improper relationship.

JIM LEHRER: You had no sexual relationship with this young woman?

PRESIDENT CLINTON: There is not a sexual relationship. That is accurate. We are doing our best to cooperate here, but we don't know much yet, and that's all I can say now. What I'm trying to do is to contain my natural impulses and get back to work. It's important that we cooperate. I will cooperate, but I want to focus on the work at hand.

JIM LEHRER: Just for the record, make sure I understand what your answer means and there is no ambiguity about it --

PRESIDENT CLINTON: There is no ambiguity.

JIM LEHRER: You had no conversations with this young woman, Monica Lewinsky, about her testimony, possible testimony, before -- in giving a deposition?

## APPENDICES :

---

PRESIDENT CLINTON: I did not urge anyone to saying anything that was untrue. I did not urge anyone to say anything that was untrue. That's my statement to you.

JIM LEHRER: Did you talk to -- excuse me.

PRESIDENT CLINTON: Beyond that, I think it's very important that we let the investigation take its course. But I want you to know that that is my clear position. I didn't ask anyone to go in there and say something that's not true.

JIM LEHRER: What about your having -- another one of the allegations is that you may have asked or the allegation has been investigated is that you asked your friend, Vernon Jordan, to do that.

PRESIDENT CLINTON: I absolutely did not do that. I can tell you I did not do that. I did not do that. He is in no way involved in trying to get anybody to say anything that is not true at my request. I didn't do that. Now, I don't know what else to tell you. I don't even know, all I know is what I have read here. But I'm going to cooperate. I didn't ask anybody not to tell the truth. There is no improper relationship. The allegations I have read are not true. I do not know what the basis of them is other than just what you know. We'll just have to wait and see, and I will be vigorous at it but I have got to get back to the work of the country. I was up past midnight with Prime Minister Netanyahu last night , I've got Mr. Arafat coming in. We have got action all over the world and the state of the union to do. I'll do my best to cooperate with this just as I have through every other issue over the past several years, but I have got to get back to work.

JIM LEHRER: Would you acknowledge though Mr President, this is very serious business, this charge against you that has been made?

PRESIDENT CLINTON: And I will cooperate with the inquiry of it.

JIM LEHRER: What's going on? If it's not true, that means that somebody made this up. Is that --

PRESIDENT CLINTON: Look, you know as much about this as I do right now. We'll just have to look into it and cooperate, and we'll see. But meanwhile, I've got to go on with the work of the country. I got hired to help the rest of the American people.

**Source:** See 'Online NewsHour: President Bill Clinton', January 21, 1998, available at [http://www.pbs.org/newshour/bb/white\\_house/jan-june98/clinton\\_1-21.html](http://www.pbs.org/newshour/bb/white_house/jan-june98/clinton_1-21.html)

## **APPENDIX VI:**

### **President Clinton's interview on January 26, 2000**

JIM LEHRER: A difficult question, a matter of history, that I feel compelled to ask you, Mr. President. We sat - you and I - two years ago - almost to the day - and I - it was the day that the Monica Lewinsky story broke in the Washington Post and Los Angeles Times - and you denied that you had had an improper sexual relationship with Ms. Lewinsky. In retrospect, if you had answered that differently right at the beginning - not only just my question - but all those questions at the beginning - do you think there would have been a different result and that, in fact, you might not even have been impeached?

PRESIDENT CLINTON: I don't know. I don't know. I just don't know. I wish I knew the answer to that, but I don't. But the thing I regret most - except for doing the wrong thing - is misleading the American people about it. I do not regret the fact that I fought the Independent Counsel. And what they did was in that case and generally was completely overboard and now rational retrospectives are beginning to come out -- with people who have no connection to me - talking about what an abuse of power it was and what a threat to the American system it was. And I'm glad that our people stuck with me and that the American people stuck with me, and I was able to resist what it was they attempted to do. But I do regret the fact that I wasn't straight with the American people about it. It was something I was ashamed of and pained about, and I regret that.

### **The Starr investigation**

JIM LEHRER: There was another interview that we did before that in which I asked you if you agreed with Susan McDougal that Kenneth Starr was out to get you, and your answer was interpreted by Mr. Starr and others that, well, the facts speak for themselves, is what you said. There have been many facts since then; that interview was even before two years ago. Do you think the facts have spoken on that?

PRESIDENT CLINTON: Oh, absolutely. I mean, that's not even close anymore; everybody knows what the deal was. And more and more there will be people who didn't have a vested interest in trying to promote some view they had previously taken who will evaluate this and come to the same conclusion. And, as I said, even though I'm sorry about what I did and sorry about the developments there, I really felt once the last chapter of this played out that I was defending the



## APPENDICES :

---

Constitution and the presidency. And I feel a lot more strongly today. I think, you know, they knew for a long time there was nothing to Whitewater. They knew it was a bunch of bull; they had no evidence. In fact, if either the law we had or the one we had before the Independent Counsel Law had been in place, then there would have been a special counsel, because it didn't meet the standards. The only reason I agreed to ask Janet Reno to appoint one in the first place was I really believed that the people that were talking about it wanted to know the truth. And I knew that they'd just look at Whitewater and find out it was a big bunch of bull and, you know, go on. And what I found out was that a lot of the people who wanted it didn't want to know the truth, and they wanted somebody that could hang on until they could find something that they could - you know - find about me or Hillary; that they knew for a long time. You know, they knew before 1996 that there was nothing to it, which is why they had to get rid of Mr. Fiske and get Mr. Starr in there, so it went right past the '96 election. And I think the evidence of history will show that too, so I'm relaxed about that, and I don't spend much time thinking about it. Again, to me, I had to make amends to the American people and to my family and to my friends and to my administration. I've done my best to do that. Now, the only way I can do that is just keep looking toward the future to stay excited, to stay upbeat, and to stay focused, and that's what I'm trying to do.

### **Looking back and finding satisfaction**

JIM LEHRER: Do you have moments, private moments, of pleasure and satisfaction, knowing that if, in fact, there was a conspiracy to run you out of office, it didn't work, you're still sitting in the Oval Office?

PRESIDENT CLINTON: I don't spend much time thinking about it like that. You know, maybe when I'm gone, I will. I'm grateful that -- for whatever reason - you know - my friends and my family stayed with me, the American people stayed with me. I believe I defended the Constitution against a serious threat. I'm sorry I did something wrong, which gave them an excuse to really go overboard; I'm very sorry about that. But mostly what I try to do is to focus on trying to be a better President, trying to be a better person, trying to be a better husband and father, just trying to do the things that I can do. You can't - none of us ever gets ahead in life, I don't think, by taking big satisfaction in victories or looking down on other people, or keeping our anger pent up. You know, one of the things I learned in this whole deal is, you know, you've got to let all that go. Life will always humble you if you give into your anger or take some satisfaction that you defeated somebody or some satisfaction that, well, no matter how bad I am at least I didn't do this, that, or the other thing. Life will always humble you. And I have just tried to be grateful and to keep serving, and to just worry about myself and not think about other people. I mean, in terms of what are you doing right or wrong - and that's all I can do. What - I'm actually - the way I feel every day is I'm just happy. You know, my family was all here for Christmas. We had this fabulous

## APPENDICES :

---

Christmas. My administration - I've been fortunate by having all these people stay with me. The ones that leave are going off to do exciting things, and we've got - I feel that when I took office, the country had so many problems it's like we turned it around now. We're going in the right direction. And now we've got a chance to really dream big dreams for our children. And that's a great thing to be doing your last year in office; it's great - and not only to dream those things but to actually take some big steps toward achieving them. So I'm just happy. I can't be mad or - it's hard for me to think about all that stuff. It just happened. I've come to terms with it, and I'm just trying to go on.

### **What's next?**

JIM LEHRER: When this next year is over, you'll leave office and you'll be the youngest former President since Teddy Roosevelt. You'll be in your 50's; you'll have a lot of time and energy. Are you worried about that at all - staying connected?

PRESIDENT CLINTON: No. No. I'm so excited about it. You know, I have - I mean, I'm worried I'll have to go back to - you know - learning basic things - you know - but I'm excited about that too - driving a car, shopping for food, paying the bills when the house - you know - the pipes freeze - you know - all that kind of stuff - you've got to go back to living your life like an ordinary person. I think that's good. But Theodore Roosevelt had an interesting life when he left office. And I - of course, I've said this many times - I think President Carter has basically set the standard for what presidents should do in terms of his public service at home and around the world. And that shows you that there's just world of possibilities out there. I'm very excited about it. There are all kinds of things that I will have to do because I'll have to make a living. I hope I'll have to make a living to support a wife who's continuing our family's tradition of public service but -

JIM LEHRER: Do you think she's going to win?

PRESIDENT CLINTON: I do, yeah. I do.

JIM LEHRER: Why? Why do you think so?

PRESIDENT CLINTON: Well, I think they're both very strong, formidable people and strong, formidable candidates. You know, you get all these elections where you've got to bad mouth one candidate to like another and you know, you think I'd certainly be there in the race involving my wife, but the truth is, the mayor and Hillary are both strong, formidable people; they have impressive achievements in their lives that relate to public service. But I think that she's much better suited for the work of a Senator, and this whole legislative process, and I think that the passions of her life, 30 years of work and achievement in education and health care and the challenges that children and families face and the whole philosophy she has about community are

## APPENDICES :

---

more consistent with where New York is today and what they need in the future. And so that's why I think she'll win, not because I think he's a bad guy or something, because I think they're both very strong people. But I think New York will believe that in the end that what she represents and where she wants to go and what her skills are and what she knows and cares most about is a little closer to where they are than his whole approach. And I think she'll win. So I'll have to worry about that. But once I figure out how to support my wife's public service - she supported mine for many years - and - and fulfill my other family obligations, I want to find a way through the center I'm going to build in Arkansas with my library - and in other ways - to be a public servant. You don't have to be an elected official to be a public servant. You can be a servant in other ways. And I can help others and do things and that's what I want to do.

JIM LEHRER: Mr. President, thank you very much.

PRESIDENT CLINTON: Thank you.

**Source:** See 'Online NewsHour: NewsMaker: President Clinton, January 26, 2000', available at [http://www.pbs.org/newshour/bb/white\\_house/jan-june00/clinton\\_1-26c.html](http://www.pbs.org/newshour/bb/white_house/jan-june00/clinton_1-26c.html)

## APPENDIX VII:

### **President Bill Clinton's Address to the Nation on Grand Jury Testimony in the Lewinsky Affair on August 17, 1998**

*"Good evening.*

*This afternoon in this room, from this chair, I testified before the Office of Independent Counsel and the grand jury.*

*I answered their questions truthfully, including questions about my private life, questions no American citizen would ever want to answer.*

*Still, I must take complete responsibility for all my actions, both public and private. And that is why I am speaking to you tonight.*

*As you know, in a deposition in January, I was asked questions about my relationship with Monica Lewinsky. While my answers were legally accurate, I did not volunteer information.*

*Indeed, I did have a relationship with Miss Lewinsky that was not appropriate. In fact, it was wrong. It constituted a critical lapse in judgment and a personal failure on my part for which I am solely and completely responsible.*

*But I told the grand jury today and I say to you now that at no time did I ask anyone to lie, to hide or destroy evidence or to take any other unlawful action.*

*I know that my public comments and my silence about this matter gave a false impression. I misled people, including even my wife. I deeply regret that.*

*I can only tell you I was motivated by many factors. First, by a desire to protect myself from the embarrassment of my own conduct.*

*I was also very concerned about protecting my family. The fact that these questions were being asked in a politically inspired lawsuit, which has since been dismissed, was a consideration, too.*

*In addition, I had real and serious concerns about an independent counsel investigation that began with private business dealings 20 years ago, dealings I might add about which an independent federal agency found no evidence of any wrongdoing by me or my wife over two years ago.*

*The independent counsel investigation moved on to my staff and friends, then into my private life. And now the investigation itself is under investigation.*

*This has gone on too long, cost too much and hurt too many innocent people.*

## APPENDICES :

---

*Now, this matter is between me, the two people I love most -- my wife and our daughter -- and our God. I must put it right, and I am prepared to do whatever it takes to do so.*

*Nothing is more important to me personally. But it is private, and I intend to reclaim my family life for my family. It's nobody's business but ours.*

*Even presidents have private lives. It is time to stop the pursuit of personal destruction and the prying into private lives and get on with our national life.*

*Our country has been distracted by this matter for too long, and I take my responsibility for my part in all of this. That is all I can do.*

*Now it is time -- in fact, it is past time to move on.*

*We have important work to do -- real opportunities to seize, real problems to solve, real security matters to face.*

*And so tonight, I ask you to turn away from the spectacle of the past seven months, to repair the fabric of our national discourse, and to return our attention to all the challenges and all the promise of the next American century.*

*Thank you for watching. And good night."*

**Source:** See 'Text of Bill Clinton's August 17 speech to the American public re: Monica Lewinsky', August 17, 1998, available at <http://www.zpub.com/un/un-bc-sp1.html>

## APPENDIX VIII:

**President Clinton's speech "I am profoundly sorry" in the Rose Garden of the White House on Friday, December 11, 1998, at 4:11 p.m., just minutes before the House Judiciary Committee voted to pass its first article of impeachment.**

*Good afternoon.*

*As anyone close to me knows, for months I have been grappling with how best to reconcile myself to the American people, to acknowledge my own wrongdoing and still to maintain my focus on the work of the presidency.*

*Others are presenting my defense on the facts, the law and the Constitution. Nothing I can say now can add to that.*

*What I want the American people to know, what I want the Congress to know is that I am profoundly sorry for all I have done wrong in words and deeds.*

*I never should have misled the country, the Congress, my friends or my family. Quite simply, I gave in to my shame. I have been condemned by my accusers with harsh words.*

*And while it's hard to hear yourself called deceitful and manipulative, I remember Ben Franklin's admonition that our critics are our friends, for they do show us our faults.*

*Mere words cannot fully express the profound remorse I feel for what our country is going through and for what members of both parties in Congress are now forced to deal with. These past months have been a torturous process of coming to terms with what I did. I understand that accountability demands consequences, and I'm prepared to accept them.*

*Painful as the condemnation of the Congress would be, it would pale in comparison to the consequences of the pain I have caused my family. There is no greater agony.*

*Like anyone who honestly faces the shame of wrongful conduct, I would give anything to go back and undo what I did.*

*But one of the painful truths I have to live with is the reality that that is simply not possible. An old and dear friend of mine recently sent me the wisdom of a poet who wrote, "The moving finger*

## APPENDICES :

---

*writes and having writ, moves on. Nor all your piety nor wit shall lure it back to cancel half a line. Nor all your tears wash out a word of it."*

*So nothing, not piety, nor tears, nor wit, nor torment can alter what I have done. I must make my peace with that.*

*I must also be at peace with the fact that the public consequences of my actions are in the hands of the American people and their representatives in the Congress.*

*Should they determine that my errors of word and deed require their rebuke and censure, I am ready to accept that.*

*Meanwhile, I will continue to do all I can to reclaim the trust of the American people and to serve them well.*

*We must all return to the work, the vital work, of strengthening our nation for the new century. Our country has wonderful opportunities and daunting challenges ahead. I intend to seize those opportunities and meet those challenges with all the energy and ability and strength God has given me.*

*That is simply all I can do -- the work of the American people.*

*Thank you very much.*

**Source:** See 'The History Place: Great Speeches collection': Bill Clinton speech "I am profoundly sorry", December 11, 1998, available at <http://www.historyplace.com/speeches/clinton-rose-garden.htm>

## APPENDIX IX:

### **President Clinton' speech after his impeachment on December 19, 1998**

*'Let me begin by expressing my profound and heartfelt thanks to Congressman Gephardt and the leadership and all the members of the Democratic caucus for what they did today.*

*I thank the few brave Republicans who withstood enormous pressures to stand with them for the plain meaning of the Constitution and for the proposition that we need to pull together, to move beyond partisanship, to get on with the business of our country.*

*I thank the millions upon millions of American citizens who have expressed their support and their friendship to Hillary, to me, to our family, and to our administration during these last several weeks.*

*The words of the members here with me and others who are a part of their endeavor in defense of our Constitution were powerful and moving, and I will never forget them.*

*The question is, what are we going to do now? I have accepted responsibility for what I did wrong in my personal life, and I have invited members of Congress to work with us to find a reasonable bipartisan and proportionate response.*

*That approach was rejected today by Republicans in the House, but I hope it will be embraced by the Senate. I hope there will be a constitutional and fair means of resolving this matter in a prompt manner.*

*Meanwhile, I will continue to do the work of the American people. We still, after all, have to save Social Security and Medicare for the 21st century.*

*We have to give all our children world-class schools. We have to pass a patients' bill of rights. We have to make sure the economic turbulence around the world does not curb our economic opportunity here at home. We have to keep America the world's strongest force for peace and freedom.*

*In short, we have a lot to do before we enter the 21st century.*

*And we still have to keep working to build that elusive one America I have talked so much about.*



## APPENDICES :

---

*For six years now, I have done everything I could to bring our country together across the lines that divide us, including bringing Washington together across party lines. Out in the country, people are pulling together. But just as America is coming together, it must look -- from the country's point of view -- like Washington is coming apart.*

*I want to echo something Mr. Gephardt said. It is something I have felt strongly all my life. We must stop the politics of personal destruction.*

*We must get rid of the poisonous venom of excessive partisanship, obsessive animosity and uncontrolled anger.*

*That is not what America deserves. That is not what America is about. We are doing well now. We are a good and decent country but we have significant challenges we have to face.*

*In order to do it right, we have to have some atmosphere of decency and civility, some presumption of good faith, some sense of proportionality and balance in bringing judgment against those who are in different parties.*

*We have important work to do.*

*We need a constructive debate that has all the different voices in this country heard in the halls of Congress.*

*I want the American people to know today that I am still committed to working with people of good faith and good will of both parties to do what's best for our country, to bring our nation together, to lift our people up, to move us all forward together.*

*It's what I've tried to do for six years. It's what I intend to do for two more until the last hour of the last day of my term.*

*So with profound gratitude for the defense of the Constitution and the best in America that was raised today by the members here and those who joined them, I ask the American people to move with me -- to go on from here to rise above the rancor, to overcome the pain and division, to be a repairer of the breach -- all of us -- to make this country as one America what it can and must be for our children in the new century about to dawn.*

*Thank you very much'*

**Source:** See 'Bill Clinton after his impeachment', December 19, 1998, available at <http://www.espeeches.com/index.php?/billclinton/bill-clinton-after-his-impeachment.html>

## BIBLIOGRAPHY

### I. PRIMARY SOURCES:

- *U.S. CONSTITUTION : Article 1, Section 3, Article 2, Section 4*, Outline of the U.S. Legal System, Bureau of International Information Programs, USA, United States Department of State, 2004
- ‘George Washington’s Farewell Address’, September 19, 1796, available at <http://www.earlyamerica.com/earlyamerica/milestones/farewell/text.html>
- *The Federalist Papers*, available at <http://thomas.loc.gov/home/histdox/fedpapers.html>
- ‘Congressional Record: Proceedings and debates of the 106<sup>th</sup> Congress, first session’, Vol. 145, No.9, Washington, Wednesday, January 20, 1999, available at <http://books.google.fr>
- CLINTON, Bill, *My Life*, New York, Alfred A. Knopf, 2004
- ROUSSEAU, Jean Jacques, *The Social Contract and Discoveries 1762*, trans., G.D.H. Cole, Everyman’s Library edition, 1946

### II. SECONDARY SOURCES:

#### II.1 Books:

- BOND, Jon R. and SMITH, Kevin B., *The Promise and Performance of American Democracy*, USA, Thomson Wadsworth, 2008
- CHAMBERS, William N. and BURNHAM, Walter D., *The American Party Systems: Stages of Political Development*, USA, Oxford University Press, Inc., 1975

## BIBLIOGRAPHY :

---

- CINCOTTA, Howard, *Democracy in Brief*, USA, Bureau of International Information Programs, United States Department of State, Woodrow Wilson International Center for Scholars, 2007
- CRONIN, Thomas E. and TUGWELL, Rexford G., *The Presidency Reappraised*, New York, Praeger, 1977
- DAHL, Robert A., *How Democratic is the Constitution?*, Paperback, 2003
- FEDER, Bernard, *The Process of American Government: Cases and Problems*, USA, Noble and Noble publishers Inc., 1972
- FLETCHER, George P., *Our secret Constitution: How Lincoln redefined American Democracy*, New York, Oxford University Press, 2001
- GINSBERG, Benjamin, LOWI, Theodore J. and WEIR, Margaret, *We The People: An Introduction to American Politics*, USA, W. W. Norton & Company, 2003
- JANDA, Kenneth, BERRY, Jeffrey M. and GOLDMAN, Jerry, *The Challenge of Democracy: Government in America*, USA, Houghton Mifflin Company, 1992
- KUTCHER, Stanly I., *The Supreme Court and the Constitution: Readings in American Constitutional History*, New York, W.W. Norton and Company Inc., 1977
- KYVIG, David E., *The Age of Impeachment: American Constitutional Culture since 1960*, University Press of Arkansas, 2008
- LOWI, Theodore J., *American Government: Incomplete Conquest*, USA, The Dryden Press, 1976
- MAISEL, L. Sandy, *American Political Parties and Elections: A Very Short Introduction*, New York, Oxford University Press, 2007
- O'BRIEN, David M., *The Supreme Court in American Politics*, Paperback, 2008
- POSNER, Richard A., *An affair of state, the investigation, impeachment, and trial of President Clinton*, Massachusetts, Harvard University Press, 1999
- PREWITT, Kenneth and VARBA, Sidney, *Principles of American Government*, New York, Harper and Row, 1980
- REMY, Richard C., ELOWITZ, Larry and BERLIN, William, *Government in the United States*, New York, Mac Millan publishing Company, 1984
- ROZEL, Mark J. and WILCOX, Clyde, *The Clinton scandal and the future of American government*, Georgetown University Press, 2000

## BIBLIOGRAPHY :

---

- WELCH, Susan, GRUHL, John, STEINMAN, Michael and COMER, John, *American Government*, Nebraska, West Publishing Company, 1990

### II.2 Articles:

- BRENNEN, Timothy, 'The organizational Imaginary', *Cultural Critique* 43, USA, Regents of University of Minnesota, 1999
- BUELL, Emmett H. Jr, 'The 1996 Elections', *The Journal of Politics*, Vol. 60, No. 3, New York, Cambridge University Press on behalf of the Southern Political Science Association, 1998
- CONNELLY, William F. Jr. and PITNEY, John J. Jr., 'The Future of the House Republicans', *Political Science Quarterly*, Vol. 109, No. 4, USA, The Academy of Political Science, 1994
- DOUGHERTY, J. Hampden, 'Inherent Limitations upon Impeachment', *The Yale Law Journal*, USA, Vol. 23, No. 1, The Yale Law Journal Company, Inc, 1913
- FRY, Brian R. and STOLAREK, John S., 'The Impeachment Process: Predispositions and Votes', *The Journal of Politics*, Vol. 42, No. 4, USA, Cambridge University Press on behalf of the Southern Political Science Association, 1980
- GERSHTENSON, Joseph, *Mobilization Strategies of the Democrats and Republicans (1956-2000)*, *Political Research Quarterly*, Vol. 56, No. 3, USA, Sage Publications, Inc. on behalf of the University of Utah, 2003
- HERMANN, Margaret G., 'Presidential Leadership Style, Advisory Systems, and Policy Making: Bill Clinton's Administration after Seven Months', *Political Psychology*, Vol. 15, No. 2, USA, International Society of Political Psychology, 1994
- HOFFER, Peter C., HULL, N. E. H., 'The First American Impeachments', *The William and Mary Quarterly*, 3rd Ser., Vol. 35, No. 4, USA, Omohundro Institute of Early American History and Culture, 1978
- JUST, Marion and CRIGLER, Ann, 'Leadership Image-Building: After Clinton and Watergate', *Political Psychology*, Vol. 21, No. 1, USA, International Society of Political Psychology, 2000

## BIBLIOGRAPHY :

---

- KATYAL, Neal Kumar, 'Impeachment as Congressional Constitutional Interpretation' Law and contemporary problems, Vol. 63, No. 1/2, the constitution under Clinton: A critical Assessment, USA, Duke University School of Law, 2000
- LANOUE, David J. and EMMERT, Graig F., 'Voting in the Glare of the Spotlight : Representatives Votes on the Impeachment of President Clinton', Polity, Vol. 32, No. 2, USA, Palgrave Mcmillan Journals, 1999
- LARUE, L.H., 'The Story about Clinton's Impeachment', Law and Contemporary problems, Vol.63, N°.1/2, the Constitution under Clinton: A critical Assessment, USA, Duke University School of Law, 2000
- LAWRENCE, Regina G. and BENNETT, W. Lame, 'Rethinking Media Politics and Public Opinion: Reactions to the Clinton-Lewinsky Scandal', Political Science Quarterly, Vol. 116, No. 3, USA, The Academy of Political Science, 2001
- OWEN, Diana, 'Popular Politics and the Clinton/Lewinsky Affair: The Implications for Leadership', Political Psychology, Vol. 21, No. 1, USA, International Society of Political Psychology, 2000
- PLUCKNETT, T. F. T, 'The Origin of Impeachment', in Transactions of the Royal Historical Society, Fourth Series, London, Vol. 24, Royal Historical Society, 1942
- POPP, Karen A., 'The Impeachment of President Clinton: An Ugly Mix of Three Powerful Forces', Law and Contemporary problems, Vol.63, N°.1/2, the Constitution under Clinton: A critical Assessment, USA, Duke University School of Law, 2000
- RENSHON, Stanley A., 'A Preliminary Assessment of the Clinton Presidency: Character, Leadership and Performance', Political Psychology, Vol. 15, No. 2, USA, International Society of Political Psychology, 1994
- SIGAL, Leon V., 'The Last Cold War Election', Foreign Affairs, Vol. 71, No. 5, USA, Council on Foreign Relations, 1992
- SPITZER, Robert J., 'Clinton's Impeachment Will Have Few Consequences for the Presidency', Political Science and Politics, Vol. 32, N° 3, American Political Science Association, 1999
- STONECASH, Jeffrey M. and MARIANI, Mack D., 'Republican Gains in the House in the 1994 Elections: Class Polarization in American Politics', Political Science Quarterly, Vol. 115, No. 1, USA, The Academy of Political Science, 2000

## BIBLIOGRAPHY :

---

- SUEDFELD, Peter, 'President Clinton's Policy Dilemmas: A Cognitive Analysis', *Political Psychology*, Vol. 15, No. 2, USA, International Society of Political Psychology, 1994
- THOMAS, David Y., 'The Law of Impeachment in the United States', *The American Political Science Review*, Vol. 2, No. 3, USA, American Political Science Association, 1908
- TURLEY, Jonathan, 'Senate Trials and Factional Disputes: Impeachment as a Madisonian Device', *Duke Law Journal*, Vol. 49, No. 1, USA, Duke University School of Law, 1999
- VAN HECK, Maurice Taylor, 'Pardons in Impeachment Cases', *Michigan Law Review*, Vol. 24, No. 7, USA, The Michigan Law Review Association, 1926
- WILKINSON, J. Harvie III, 'Our Structural Constitution', *Columbia Law Review*, Vol. 104, No. 6, USA, Columbia Law Review Association, Inc., 2004
- 'The Law of Impeachment', *The American Law Register (1852-1891)*, Vol. 15, No. 11, USA, The University of Pennsylvania Law Review, 1867
- 'Trial by Impeachment', *The American Law Register (1852-1891)*, Vol. 15, No. 5, USA, The University of Pennsylvania Law Review, 1867

### II.3 Encyclopaedias and Dictionaries:

- *Encyclopaedia Britannica 2007*, Ultimate Reference Suite DVD
- *New illustrated Webster's Dictionary of the English Language*, New York, PAMCO Publishing Company, Inc., 1992

### II.4 Web sites:

- BERG-ANDERSSON, Richard E., 'A Brief History of American "major parties" and the "Two-Party" System in the United States', May 21, 2001, available at <http://www.thegreenpapers.com/Hx/AmericanMajorParties.html>
- BRUNNER, Borgna, 'A Short History of Impeachment: High crimes and misdemeanours', available at <http://www.infoplease.com/spot/impeach.html>
- CONFESSORE Nicholas, 'Hillary was Right', *the American Prospect*, November 30, 2002, available at [http://www.prospect.org/cs/articles?article=hillary\\_was\\_right](http://www.prospect.org/cs/articles?article=hillary_was_right)
- DOLACK, Pete, 'Republicans and Democrats: What's the Difference', available at <http://www.greens.org/s-r/33/33-16.html>

## BIBLIOGRAPHY :

---

- FROOMKIN, Dan, 'Case Closed', available at <http://www.washingtonpost.com/wp-srv/politics/special/pjones/pjones.htm>
- FROOMKIN, Dan, 'Untangling Whitewater', available at <http://www.washingtonpost.com/wp-srv/politics/special/whitewater/whitewater.htm>
- KNOWLTON, Brian, 'Republican Report Stokes the Partisan Fires : Whitewater Unchained', available at [http://www.nytimes.com/1996/06/19/news/19iht-white.t\\_2.html](http://www.nytimes.com/1996/06/19/news/19iht-white.t_2.html)
- LEHRER, Jim, 'President Bill Clinton', available at [http://www.pbs.org/newshour/bb/white\\_house/jan-june98/clinton\\_1-21.html](http://www.pbs.org/newshour/bb/white_house/jan-june98/clinton_1-21.html)
- LINDER ,Douglas, 'The Impeachment Trial of President William Clinton 1999', available at <http://www.law.umkc.edu/faculty/projects/FTrials/clinton/clintonhome.html>
- WOODWARD Bob and SCHMIDT Susan, 'Starr Probes Clinton Personal Life', available at <http://www.washingtonpost.com/wpsrv/politics/special/whitewater/stories/wwtr970625>
- 'The Impeachment trial of President William Jefferson Clinton', available at <http://www.law.umkc.edu/faculty/projects/ftrials/clinton/clintontrialaccount.html>
- 'The History Place: Presidential Impeachment Proceedings', available at <http://www.historyplace.com/unitedstates/impeachments/clinton.htm>
- 'What is the American Constitution', available at <http://cfcamerica.org/index.php/component/index.php?view=article&catid=3:news&id=731:what-is-the-american-constitution&format=pdf>
- 'Democracy and the origins of the American Democracy', available at [www.sullivan-county.com/bush/constitution.htm](http://www.sullivan-county.com/bush/constitution.htm)
- 'Portrait of the USA', available at [http://usinfo.org/zhtw/DOCS/portrait/portrait\\_ch4.html](http://usinfo.org/zhtw/DOCS/portrait/portrait_ch4.html)
- 'Federal Government of the United States', available at [http://usinfo.org/zhtw/DOCS/portrait/portrait\\_ch4.html](http://usinfo.org/zhtw/DOCS/portrait/portrait_ch4.html)
- Constitutional topic: Checks and Balances, available at [http://www.usconstitution.net/consttop\\_cnb.html](http://www.usconstitution.net/consttop_cnb.html)
- 'Outline of the US legal system/understanding federal and state courts', available at <http://www.america.gov/media/pdf/books/legalotln.pdf>, and [http://www.uscourts.gov/outreach/resources/fedstate\\_lessonplan.htm](http://www.uscourts.gov/outreach/resources/fedstate_lessonplan.htm)
- 'Saluspopulisupremalexesto', available at [http://en.wikipedia.org/wiki/Salus\\_populi\\_suprema\\_lex\\_esto](http://en.wikipedia.org/wiki/Salus_populi_suprema_lex_esto)

## BIBLIOGRAPHY :

---

- ‘The Republican party’, available at [http://fr.wikipedia.org/wiki/Parti\\_r%C3%A9publicain\\_\(%C3%89tats-Unis\)](http://fr.wikipedia.org/wiki/Parti_r%C3%A9publicain_(%C3%89tats-Unis)).
- ‘The Party Battle in America’, available at <http://spot.colorado.edu/~mcguire/partysys.html>
- ‘A catalogue of lies and stratagems’, available at <http://www.telegraph.co.uk/news/worldnews/northamerica/usa/1472077/A-catalogue-of-lies-and-stratagems.html>
- ‘Low blows and dirty tricks in grand tradition’, available at <http://www.telegraph.co.uk/news/worldnews/northamerica/usa/1472078/Low-blows-and-dirty-tricks-in-grand-tradition.html>
- ‘The evolution of the Mass Media’, available at [http://www.cliffsnotes.com/study\\_guide/The-Evolution-of-the-Mass-Media.topicArticleId-65383,articleId-65496.html](http://www.cliffsnotes.com/study_guide/The-Evolution-of-the-Mass-Media.topicArticleId-65383,articleId-65496.html)
- ‘Party Media’, available at [http://aceproject.org/main/english/me/meb03a05.htm?set\\_language=en](http://aceproject.org/main/english/me/meb03a05.htm?set_language=en)
- ‘Bill Clinton’, available at [http://en.wikipedia.org/wiki/Bill\\_Clinton](http://en.wikipedia.org/wiki/Bill_Clinton)
- ‘Bill Clinton’, available at [http://monde.fil-info-france.com/bill\\_clinton\\_ancien\\_president\\_etats\\_unis.htm](http://monde.fil-info-france.com/bill_clinton_ancien_president_etats_unis.htm)
- ‘William Jefferson Clinton’, available at <http://www.whitehouse.gov/about/presidents/williamjclinton>
- ‘The A to Z Guide of Clinton Scandals’, available at <http://www.io.com/~cjburke/clinton/clinatoz.html>
- ‘White House travel office controversy’, available at [http://en.wikipedia.org/wiki/White\\_House\\_travel\\_office\\_controversy](http://en.wikipedia.org/wiki/White_House_travel_office_controversy)
- ‘Filegate Suits Against Clinton White House Finally Dismissed’, available at <http://legaltimes.typepad.com/blt/2010/03/filegate-suits-against-clinton-white-house-finally-dismissed.html>
- ‘David Brock Interview’, available at <http://www.npr.org/programs/atc/features/2001/jul/010702.brock.html>
- ‘A Chronology of Key Moments In The Clinton’, available at [http://articles.cnn.com/1998-09-26/politics/1998\\_resources\\_lewinsky\\_timeline\\_1\\_tripplewinsky-lewinsky-moves-taping-conversations?\\_s=PM:ALLPOLITICS](http://articles.cnn.com/1998-09-26/politics/1998_resources_lewinsky_timeline_1_tripplewinsky-lewinsky-moves-taping-conversations?_s=PM:ALLPOLITICS)
- ‘Lewinsky Scandal’, available at [http://www.encyclopedia.com/topic/Lewinsky\\_scandal.aspx](http://www.encyclopedia.com/topic/Lewinsky_scandal.aspx)



## BIBLIOGRAPHY :

---

- ‘What Clinton Said’, available at <http://www.washingtonpost.com/wp-srv/politics/special/clinton/stories/whatclintonsaid.htm>
- ‘The History Place: Impeachment:Bill Clinton’, available at <http://www.historyplace.com/unitedstates/impeachments/clinton.htm>
- ‘Hillary Clinton defends her husband’, available at <http://news.bbc.co.uk/2/hi/51010.stm>
- ‘Americas Clinton confesses’, available at <http://news.bbc.co.uk/2/hi/americas/153099.stm>
- ‘Starr Report’, available at <http://www.gpoaccess.gov/icreport/report/2toc.htm>
- ‘Examples of Republican hypocrisy on moral values’, available at [http://www.dkosopedia.com/wiki/Examples\\_of\\_Republican\\_hypocrisy\\_on\\_moral\\_values](http://www.dkosopedia.com/wiki/Examples_of_Republican_hypocrisy_on_moral_values))
- ‘Marc Perkel sues Congress over Starr Report’, available at <http://www.perkel.com/congress/plead.htm>
- ‘Arkansas Project’, available at [http://en.wikipedia.org/wiki/Arkansas\\_Project](http://en.wikipedia.org/wiki/Arkansas_Project)
- ‘The History Place: Clinton’s impeachment’, available at <http://www.historyplace.com/unitedstates/impeachments/81-questions.htm>
- ‘The debate on articles of impeachment against President Clinton’, available at <http://www.nytimes.com/1998/12/19/us/impeachment-the-debate-on-articles-of-impeachment-against-presidentclinton.html?scp=1&sq=the%20debate%20on%20articles%20of%20impeachment%20against%20president%20clinton&st=cse>
- ‘Clinton's contempt citation not a surprise to many’, available at <http://edition.cnn.com/ALLPOLITICS/stories/1999/04/13/contempt.reaction/index.html?iref=allsearch>
- ‘American Political Parties’, available at [http://flhspatterson.pbworks.com/f/politicalparties\[1\].htm](http://flhspatterson.pbworks.com/f/politicalparties[1].htm)
- ‘The Difference between Republicans and Democrats’, available at <http://www.buzzle.com/articles/the-difference-between-republicans-and-democrats.html>
- ‘Clinton says ‘Presidents are people, too’’, February 19, 1999, available at <http://www.cnn.com/ALLPOLITICS/stories/1999/02/19/clinton.presser/>

## BIBLIOGRAPHY :

---

### **II.5 Videos:**

- ‘Clinton testify’, Videotaped Testimony of William Jefferson Clinton President of the United States before the Grand Jury, August 17, 1998; released September 21, 1998
- ‘President Responds to impeachment vote’, NBC News Live Coverage, December 19, 1998

## **ABSTRACT**

The American democracy is based on the principle that government exists to protect the individuals' rights. In return, the American citizens have to respect the Supreme Law of the country: the US Constitution. Moreover, The US Democracy relies on two main principles: First, the separation of powers between the judiciary, the legislative and the executive, and second, the system of checks and balances which establishes a harmony within the three-part national government. Thanks to this system, the Congress has the power to remove a government official from his office through the impeachment law. The Framers of the US Constitution gave to the Supreme Court the power to interpret the onstitutional laws. Then, other federal courts have been established by the Congress. In addition, each state has its own Supreme Court as well as Circuits Courts as a result of the adopted federalist system. Besides, in order to enforce the concept of this system, its founding fathers initiated the Electoral College system in Article II of the US Constitution. It is an indirect method of electing a president, i.e. the American citizens vote for the electors who then vote for the President. In fact, thanks to this method, US history witnessed a succession of elections shared between the two major political parties, and mostly gained by the Republicans. Indeed, since the emergence of those two major parties and during several years, there was a continual competition between those two factions which created a feeling of grudge. One of the main consequences of this bitter competition is President Clinton's impeachment. Indeed, during the period between 1998 and 1999, US political history witnessed an event that was subject to great debates in Government and in the media. This event involved the most prominent US president William Jefferson Clinton because of his illegitimate relation with Monica Samille Lewinsky; a former White House intern. In fact, Clinton's political opponents did everything to publicize this relationship with the precious help of the media. Therefore, there was a malicious political conspiracy aiming to get President Clinton impeached which led to the 1998 charges of perjury and obstruction of justice. However, Sixty-seven votes were needed to remove the president from office; hence, Clinton was finally acquitted by the senate on February 12, 1999. Finally, the case study of President Clinton's impeachment shows that the impeachment law is an undeniable proof of the American democracy, but it was used as a political strategy by the right wing to eject him from power and resume control. There was definitely a crushing of supposed constitutional rights and protections. There was, undeniably, a misuse of the American democracy.

### **Key words:**

American Democracy; American Political System; American Constitution; American Presidential System; The Impeachment Law; The American Legal System; American political parties; Presidency of President Clinton; The US Media; The Lewinsky scandal.