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# JURISDICTIONAL HISTORY OF THE JUDICIARY COMMITTEE

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*"The power to investigate is a great public trust."*

*—Emanuel Celler, Chairman, Committee on the Judiciary  
1949–1953 and 1955–1973*

# Impeachment

No discussion of the Committee’s history would be complete without special mention of the critical role the Committee has played in carrying out the extraordinary constitutional responsibilities borne by the House of Representatives in the impeachment process.<sup>1</sup> Impeachment, a power reserved exclusively for the legislative branch by the Constitution, and described by Lord Bryce as the “heaviest piece of artillery in the Congressional arsenal,”<sup>2</sup> offers Congress a powerful tool to investigate and respond to alleged federal, executive and judicial misconduct or malfeasance.<sup>3</sup>

Since the founding of the nation, the House of Representatives, in a vast majority of the cases, has chosen its Judiciary Committee to bear the burden of investigating the questions of high constitutional privilege raised by impeachment resolutions, including those involved in the three formal impeachment investigations of Presidents. There have been approximately 94 identifiable impeachment-related inquiries conducted by Congress since the first such investigation of George Turner, a Northwest Territory judge, in 1796. Of the approximately 84 impeachment investigations conducted after the Judiciary Committee’s formation in 1813, the Committee has been involved in a great majority of them.

## **Early History**

James Madison, in his classic observation on the nature of men and the necessity for government, wrote that if men were angels there would be no need for either laws or government, but since men are not angels it is necessary to construct “auxiliary precautions” against abuses of power. Impeachment is one of those auxiliary precautions.<sup>4</sup>

Scarred in some instances by personal experience, Madison’s colleagues at the Constitutional Convention in 1787 shared his fear of despotism, and they were determined to provide the new republic with a means whereby a president and other public officials could be held accountable. At the same time, the Founding Fathers sought also to control the authority of Congress in punishing the misuse of power. So while Congress was given the power to remove from office those impeached and convicted for misusing their public trust, criminal punishment was left to the courts.

Under the hand of the Framers of the Constitution, the House of Representatives was given the “sole power of impeachment,” and the Senate was accorded the “sole power to try all impeachments.” Impeachments could be brought against the “President, Vice President, and all civil officers of the United States” for “treason, bribery, or other high crimes and misdemeanors.” Conviction on an article of impeachment meant “removal from

office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States.”<sup>5</sup>

Although the records of the Philadelphia Convention show that the delegates were primarily concerned with the impeachment of presidents, the proceedings of Congress over the years indicate that impeachment has been utilized principally as a means of removing federal judges. There have been resolutions to impeach, or to investigate the possibility of impeaching, at least nine presidents, William Jefferson Clinton–1997 (a resolution impeaching President Clinton) and 1998 and 1999 (a resolution directing the Committee on the Judiciary to review the communication of Independent Counsel Kenneth Starr to determine whether sufficient grounds existed to recommend to the House that an impeachment inquiry be commenced; the Committee subsequently reported out a resolution impeaching President Clinton, which passed the House. He was tried and acquitted by the Senate.); George H. W. Bush–1991 (two resolutions in 1991); Ronald W. Reagan–1983 and 1987; Richard M. Nixon–1972 (three resolutions), 1973 (16 resolutions impeaching President Nixon, 20 seeking to authorize an impeachment inquiry, two seeking to create a select impeachment inquiry Committee), and 1974 (one impeaching President Nixon, one to authorize the Committee on the Judiciary to conduct a full and complete investigation into whether sufficient grounds for impeachment existed; the Committee subsequently reported out an impeachment resolution containing three articles of impeachment. President Nixon resigned. The House adopted a resolution accepting the Committee’s report and commending the Committee for its efforts.); Harry S. Truman–1952; Herbert C. Hoover–1932 and 1933; Grover Cleveland–1896; Andrew Johnson–1867 (two resolutions—one impeaching President Johnson and providing that the Judiciary Committee inquire into whether he was guilty of high crimes and misdemeanors, and one reported out of the Committee impeaching President Johnson, which was defeated in the House.) and 1868 (impeachment resolution referred to Committee on Reconstruction, which reported out a slightly amended impeachment resolution. The House adopted 11 articles of impeachment. President Johnson was tried and acquitted by the Senate, sitting as a court of impeachment, which voted on articles 11, 2, and 3, and then adjourned sine die.); and John Tyler–1843, but only the charges against President Andrew Johnson, President Nixon, and President Clinton have been reported to the full body of the House by the Committee assigned to consider their propriety.

Over the course of our nation’s history, the House has voted to impeach 16 individuals. In addition to two Presidents, 12 of these were federal judges, one was a United States Senator, and one was a former Secretary of War. Of these 16, 15 were tried by the Senate. The sixteenth, Judge George W. English, resigned six days before the scheduled start of the Senate trial. The House voted to accept the recommendation of its Managers that the impeachment proceedings be discontinued, and the Senate, having been advised that the House wished to discontinue the impeachment proceedings in light of Judge English’s resignation, passed a resolution dismissing the proceedings. Of those impeachments tried by the Senate, seven have resulted in convictions, all involving federal judges.

## **Judicial Impeachments**

On December 30, 1803, the House approved four articles of impeachment against U.S. Judge John Pickering of the District of New Hampshire. The first three articles alleged that the judge had engaged in irregular judicial procedures in an admiralty and customs claims case, while the fourth article charged Judge Pickering with being a man of loose morals and intemperate habits and appearing on the bench in an intoxicated state. While he did not appear himself or by counsel in his Senate trial, his son was permitted to submit petitions indicating that his father was “insane” and had been “deranged” for some time. The Senate convicted Judge Pickering on all four articles and removed him from office.

Samuel Chase, Associate Justice of the U.S. Supreme Court, was impeached by the House of Representatives in 1804. Eight articles of impeachment charged him, in essence, with unjust, intemperate, and partisan conduct on the bench; with unfairness in his handling of Sedition Act cases and in his refusing to grant a continuance in a pending case; with using an “intemperate and inflammatory political harangue” to charge a federal grand jury; with referring a sedition case to the grand jury; and with using incorrect procedures. The Senate acquitted him of all charges in 1805.

In 1830, James H. Peck, a judge of the United States District Court for the District of Missouri, was impeached for gross abuse of his judicial authority for having sentenced an attorney to 24 hours of imprisonment and suspension from the bar of the court for 18 months for having written and published a letter criticizing the judge’s decision in a case in which the attorney appeared. Judge Peck was acquitted by the Senate.

During the Civil War, the House voted to impeach Judge West H. Humphreys, a U.S. District Judge for the East, Middle, and West Districts of Tennessee, and approved seven articles of impeachment against him relating to his advocacy of Tennessee’s secession from the Union, organizing rebellion against the United States and waged war against them, and accepting an appointment as a Confederate judge without having resigned his appointment from his federal judgeship. He was convicted by the Senate in 1862 on all but one portion of one of the articles, removed from office, and disqualified from holding any further federal office.

During the 20th Century, the House impeached eight other federal judges, seven of whom were tried by the Senate. Charles Swayne, a District Judge for the U.S. District Court for the Northern District of Florida was impeached in 1904 on twelve articles charging him with abuse of official travel allowances, with failing to reside in the required judicial district, and with inappropriately holding a litigant and attorneys in contempt of court. The Senate acquitted him in 1905.

In 1912, the House adopted a resolution of the Judiciary Committee authorizing an investigation into the conduct of Robert W. Archbald, a U.S. Circuit Judge for the Third Circuit designated to serve as an Associate Judge for the U.S. Commerce Court and former District Judge for the Middle District of Pennsylvania. The House passed a Judiciary Committee resolution impeaching Judge Archbald later that year, charging him with: corruption; use of his position as a district judge or as a commerce court judge on multiple

occasions to exert undue influence on litigants and to obtain gifts; benefits or financial gain for himself; and engaging in improper communications with the attorney for one party before him without the knowledge or consent of the opposing party. He was convicted by the Senate on five of thirteen articles, removed from office, and disqualified from holding further offices of trust, honor, or profit under the United States.

The House impeached George W. English, District Judge for the U.S. District Court for the Eastern District of Illinois in 1926, alleging that he had abused the powers of his office by engaging in tyranny and oppression, which brought the administration of justice in his court into disrepute; had interfered with bankruptcy proceedings; and had treated attorneys and litigants before him in a manner that discouraged them from exercising their rights. It was further suggested that he was not deciding the cases before him on their merits. English resigned before the start of the Senate trial, causing the House to vote to discontinue the impeachment proceedings, and, in light of the House's request, the Senate dismissed the proceedings.

In 1933, the House impeached Judge Harold Louderback of the U.S. District Court for the Northern District of California, charging him with various instances of favoritism in bankruptcy cases; with abusing his office by engaging in tyranny, oppression, favoritism and conspiracy, thereby bringing the administration of justice in his court into disrepute; and with destroying confidence in his court. He was acquitted by the Senate.

Halsted Ritter, a district judge of the U.S. District Court for the Southern District of Florida, was impeached in 1936, charged in six articles including fixing an exorbitant attorney's fee to be paid to his former law partner and accepting cash payments from that partner at the time the attorney's fee was paid; misconduct with respect to a bankruptcy case; practicing law while on the bench; tax evasion; and, in an omnibus article referring to the facts set forth in the first six articles, by virtue of his conduct, with having brought his court into scandal and disrepute to the detriment of public confidence in the administration of justice in his court and in the federal judiciary. He was acquitted on the first six articles, convicted on the seventh, and removed from office.

There followed a gap of fifty years before the next judicial impeachment in 1986. Judge Harry Claiborne, U.S. District Judge for the District of Nevada, had been convicted in a criminal trial of filing false tax returns and failing to report approximately \$106,000 in income, and had exhausted his appeals. Claiborne was impeached by the House; the articles of impeachment charged him with three specific instances of tax evasion and with thereby diminishing the public confidence in the integrity and impartiality of the judiciary and bringing the federal courts and the administration of justice by those courts into disrepute. He was convicted by the Senate and removed from office.

Two more judicial impeachments followed in quick succession. In 1988, Judge Alcee Hastings, U.S. District Judge for the Southern District of Florida, having been previously tried and acquitted of criminal charges, was impeached by the House of Representatives. The articles of impeachment charged that he had conspired to obtain \$150,000 from criminal defendants in a case before him in return for imposition of sentences not involving

incarceration; that he had perjured himself in various statements during his testimony in his criminal trial; that he had disclosed the existence of an undercover operation; and that he had thereby undermined public confidence in his court and brought the federal judiciary into disrepute. In 1989, the Senate convicted him on eight of seventeen articles and removed him from office.

Judge Walter L. Nixon, Jr., of the U.S. District Court for the Southern District of Mississippi, was convicted in a criminal trial of making false statements to a grand jury. He was subsequently impeached by the House in 1989 for having made false statements before a grand jury, and for thereby having brought into question his own judicial integrity and the integrity of the federal courts and having brought the federal courts into disrepute and undermined the public confidence in the administration of justice in the federal judiciary. He was convicted and removed from office.

### **Non-Judicial Impeachments**

There have been four non-judicial impeachments involving: Senator William Blount in 1798, President Andrew Johnson in 1868, Secretary of War William W. Belknap in 1876, and President William J. Clinton in 1998. In addition, in 1974, the House Judiciary Committee, after an intensive impeachment inquiry, reported to the full House a resolution impeaching President Richard M. Nixon and setting forth three articles of impeachment.

On July 7, 1798, the House impeached Senator Blount on charges of having conspired to launch a military expedition, with the aid of the British, against Louisiana and Spanish Florida, with the goal of those areas being transferred to British control. The following day, the Senate expelled Blount on the charge that he was “guilty of high misdemeanor, entirely inconsistent with his public trust and duty as a Senator.” Six months later, on January 17, 1799, the Senate voted to dismiss the impeachment against Blount for lack of jurisdiction.

### **Andrew Johnson**

Beginning in the latter days of the second session of the 39th Congress and concluding the third day of the second session of the 40th Congress, the House Judiciary Committee conducted an exhaustive impeachment investigation of President Andrew Johnson. At the conclusion of the Committee’s inquiry, a recommendation for impeachment was drafted. The House, however, on December 7, 1867, rejected the Committee’s resolution impeaching the President.

A second inquiry into the President’s conduct began with the new year, this time under the direction of the Committee on Reconstruction. On February 10, 1868, the Reconstruction Committee received the evidence gathered in 1867. On February 21, 1868, President Johnson formally dismissed Secretary of War Edwin M. Stanton. The dismissal of Stanton was a direct violation of the Tenure of Office Act of March 2, 1867, which required Senate concurrence in the appointment and removal of members of the Cabinet.

Congressional reaction to Stanton’s dismissal was immediate. The day after President Johnson removed Stanton, the Committee on Reconstruction recommended impeachment

of the President. On February 24, 1868, the House approved the Committee's resolution, and subsequently, 11 articles of impeachment were adopted by the House on March 2 and 3, including the charge that the President had criticized Congress in speeches. The principal focus of the articles, however, related to the dismissal of Stanton. In dramatic votes taken on May 16 and May 26, President Johnson was acquitted by a single vote on each of the three articles against him that were presented to the Senate.

### **William W. Belknap**

On March 2, 1876, Secretary of War William W. Belknap was impeached on charges that he had accepted money—\$6,000 a year for several years—for the appointment and retention of an Indian post trader at Fort Sill, Oklahoma. Despite Belknap's resignation a few hours prior to the House vote, articles of impeachment were agreed to a month after the charges had been submitted. In late May 1876, the Senate declared by a vote of 37 to 19 that it had jurisdiction over Belknap regardless of his resignation. A lengthy trial in the Senate concluded with Belknap's acquittal on August 1, 1876.

### **Richard M. Nixon**

On February 6, 1974, for the first time since the administration of Andrew Johnson, and only the second time in the history of the Republic, the House of Representatives formally authorized an impeachment inquiry of a president. On that day, the House of Representatives adopted House Resolution 803 by a vote of 410 to 4, authorizing and directing the Committee on the Judiciary "to investigate fully and completely whether sufficient grounds exist for the House of Representatives to exercise its constitutional power to impeach Richard M. Nixon, President of the United States of America" and to report "such resolutions, articles of impeachment, or other recommendations as it deems proper." This action officially set into motion an investigation by the Judiciary Committee which culminated in the Committee's reporting three articles of impeachment. It eventually led to President Nixon's resignation on August 9, 1974, and to Vice President Ford becoming the 38th President of the United States.

During the first session of the 93rd Congress approximately 40 resolutions were introduced in the House of Representatives calling for either the impeachment of or an investigation into the possible impeachment of President Richard M. Nixon.<sup>6</sup> The October 20, 1973 presidential firing of Special Watergate Prosecutor Archibald Cox precipitated a majority of the resolutions.

Following the introduction of a series of nine resolutions relating to the impeachment of the President on October 23, 1973, the House Judiciary Committee was formally granted jurisdiction over the inquiry into the charges. By the beginning of the following week, Judiciary Committee Chairman Peter W. Rodino, Jr., was given the power to issue subpoenas relative to the impeachment investigation. On November 15, 1973, the House passed House Resolution 702 by a vote of 367 to 51 providing \$1 million for the Judiciary Committee staff



investigation into whether proper grounds existed for the impeachment of the President. Organization of a special impeachment inquiry staff began in earnest shortly thereafter.

On February 6, 1974, the House passed House Resolution 803 by a vote of 410 to 4 authorizing and directing the Judiciary Committee “to investigate fully and completely whether sufficient grounds exist for the House of Representatives to exercise its constitutional power to impeach Richard M. Nixon, President of the United States of America.” The resolution granted subpoena power to the Committee, and specifically authorized the use of funds made available under House Resolution 702 to carry out the investigation.

On March 3, 1974, the President’s attorney, James D. St. Clair, disclosed before Judge John D. Sirica of the U.S. District Court for the District of Columbia, that President Nixon had decided to provide the Judiciary Committee with all the tapes and documents submitted to the Watergate grand jury. But the event overshadowing all else during the month of March had occurred two days earlier: seven former White House aides or officials of President Nixon’s Reelection Committee were indicted by the Watergate grand jury for Watergate-related activities. Of special significance to the Judiciary Committee was a secret report and a briefcase of evidence gathered by the grand jury allegedly pertaining to President Nixon’s possible obstruction of justice in the case. It was the intent of the grand jury that the report and briefcase be turned over to the congressional impeachment inquiry staff. Three weeks later, on March 26, after district and appellate court decisions, the Committee finally received the material.

Meanwhile, the newspapers of the country were flooded with articles addressing the issue of exactly what constituted an impeachable offense. Near the end of February, the constitutional arguments relative to what the Framers of the Constitution meant by the phrase “other high crimes and misdemeanors” in the impeachment clause of article II, section 4, became, at least momentarily, the most important consideration in the inquiry. From the beginning, one of the principal objectives of the impeachment inquiry had been to define the constitutional grounds for impeachment. On March 20, 1974, the Judiciary Committee staff released a study entitled “Constitutional Grounds for Presidential Impeachment,”<sup>7</sup> which concluded that a President could be impeached and removed from office for offenses against the public interest that are not necessarily crimes in the legal sense. A White House staff report released less than a week later argued that only criminal offenses that are found in the Constitution or in the laws of the United States, which are of a serious and public or governmental nature, are grounds for impeaching the President. A third staff report on impeachment prepared by the Department of Justice at approximately the same time as the White House and Judiciary reports concluded that there were persuasive arguments both for the narrow view that a criminal action is required as well as the broad view that noncriminal “political” offenses may justify impeachment. President Nixon joined in the discussion on February 25, when he stated, during the course of his first press conference in four months, that the Constitution was “very precise” in specifying that impeachment should depend upon proof of criminal conduct.

On April 3, the Joint Committee on Internal Revenue Taxation reported its findings that President Nixon owed \$476,431, including interest, on back taxes for the years 1969 through 1972.

On April 11, the Judiciary Committee, exercising the power granted to it by House Resolution 803, issued a subpoena to President Nixon. The subpoena demanded tapes and other records of 42 presidential conversations, which the Committee had sought to obtain from the White House for nearly two months. Five days after the issuance of the subpoena, Watergate Special Prosecutor Leon Jaworski asked for a subpoena ordering President Nixon to produce tape recordings, dictabelts, and memoranda involving 64 White House conversations. Ultimately this request reached the Supreme Court.<sup>8</sup>

Less than two weeks later, the Judiciary Committee impeachment inquiry staff, in a status report released on April 24, detailed its work since the release of a similar report on March 1 and identified the areas under investigation at that time. Noted within the report were 12 allegations that the staff felt did not warrant further investigation. Among the items that should be dismissed, according to the staff report, were the bombing of Cambodia, the dismantling of the Office of Economic Opportunity, and the impoundment of appropriated funds. Allegations considered by the impeachment inquiry staff, but not detailed in the report, included:

- (1) Domestic surveillance activities by or at the direction of the White House.
- (2) Intelligence activities conducted by or at the direction of the White House anticipating the presidential election of 1972.
- (3) The Watergate break-in and related activities, including alleged reports by persons in the White House and others to “cover up” such activities, and other related matters.
- (4) Improprieties in connection with personal finances of the President.
- (5) Efforts by the White House to use agencies of the executive branch for political purposes, and alleged White House involvement with election campaign contributions.
- (6) Illegal campaign contributions received from labor unions.
- (7) Illegal campaign contributions received from foreign nationals in exchange for promises of favorable treatment by government agencies.

President Nixon, in a conciliatory response on April 4, stated that he would pay the back taxes. On the evening of April 29, in a precedent-setting speech to the Nation, the President announced that he would turn over to the House impeachment investigators, and make public, edited transcripts of White House conversations that “will tell it all” and prove him innocent in the Watergate affair. The President further explained that verification of the transcripts could be made by Chairman Rodino and the ranking minority member of the Committee, Representative Edward Hutchinson, by their personally listening to the tapes at the White House. If additional questions should still exist, the President indicated that he would be willing to submit to written interrogatories.

A few hours prior to the President's televised address, the House approved House Resolution 1027 providing an appropriation of \$733,759.31 for continuation of the Judiciary Committee's impeachment inquiry. Two days later, the Judiciary Committee by a narrow vote decided to inform the President by letter that the edited transcripts did not satisfy the demands of the subpoena issued to him on April 11.

On May 7, presidential counsel St. Clair confirmed earlier reports that President Nixon would not comply with further requests for taped White House conversations by either the Special Watergate Prosecutor or the House Judiciary Committee. He told reporters that "the only basis for further requests would be a desire by some to erode the presidency and the President is not going to stand for it." Less than 48 hours later, the Judiciary Committee opened its hearings to determine whether the President of the United States should be impeached.

For the next three months, the Committee, meeting in executive session, heard from members of the inquiry staff, presidential counsel St. Clair, who earlier had been granted permission to participate in this phase of the investigation, and a number of witnesses. As events developed amid these proceedings, the Committee on three separate occasions sought unsuccessfully to subpoena additional White House tapes.

On July 19, 1974, both of the Committee's senior counsels argued that by virtue of the evidence presented during the hearings, a recommendation for a Senate impeachment trial was warranted.

On the evening of Wednesday, July 24, for the first time in history, formal deliberations of a congressional Committee considering arguments for and against impeachment of an American President were broadcast over the Nation's television and radio networks. Earlier in the day, the Supreme Court in *United States v. Nixon*, 418 U.S. 683 (1974), by a unanimous vote of 8 to 0 (Associate Justice William H. Rehnquist having disqualified himself from participation in the case) upheld the decision of U.S. District Court Judge John J. Sirica requiring that 64 Watergate tapes requested by Watergate Special Prosecutor Jaworski for use in the September trial of the Watergate defendants had to be released by the White House.

Three days later, on July 27, the Judiciary Committee by a vote of 27 to 11 approved an article of impeachment which specified that President Nixon had personally engaged in a "course of conduct," that "prevented, obstructed and impeded the administration of justice" in the investigation of the Watergate break-in. After a Sunday recess, the Committee on Monday, July 29, discussed and then voted 28 to 10 to recommend a second impeachment article in which President Nixon was charged with "repeatedly" engaging in conduct "violating the constitutional rights of citizens, impairing the due and proper administration of justice and the conduct of lawful inquiries, or contravening the laws governing agencies of the executive branch and the purposes of the agencies." A third article approved the following day charged that the President had "failed without lawful cause or excuse" to honor subpoenas issued by the Committee.

The text of the resolution and the Articles of Impeachment adopted by the Committee on the Judiciary stated:

### **Resolution**

Impeaching Richard M. Nixon, President of the United States, of high crimes and misdemeanors.

RESOLVED, That Richard M. Nixon, President of the United States, is impeached for high crimes and misdemeanors and that the following Articles of Impeachment be exhibited to the Senate:

Articles of Impeachment exhibited by the House of Representatives of the United States of America in the name of itself and of all of the people of the United States of America, against Richard M. Nixon, President of the United States of America, in maintenance and support of its impeachment against him for high crimes and misdemeanors.

### **Article I**

In his conduct of the Office of President of the United States, Richard M. Nixon, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has prevented, obstructed, and impeded the administration of justice, in that:

On June 17, 1972, and prior thereto, agents of the Committee for the Re-election of the President committed unlawful entry of the headquarters of the Democratic National Committee in Washington, District of Columbia, for the purpose of securing political intelligence. Subsequent thereto, Richard M. Nixon, using the powers of his high office, engaged personally and through his subordinates and agents in a course of conduct or plan designed to delay, impede, and obstruct the investigation of such unlawful entry; to cover up, conceal, and protect those responsible; and to conceal the existence and scope of other unlawful covert activities.

The means used to implement this course of conduct or plan included one or more of the following:

- (1) making or causing to be made false or misleading statements to lawfully authorized investigative officers and employees of the United States;
- (2) withholding relevant and material evidence or information from lawfully authorized investigative officers and employees of the United States;
- (3) approving, condoning, acquiescing in, and counseling witnesses with respect to the giving of false or misleading statements to lawfully authorized investigative officers and employees of the United States and false or misleading testimony in duly instituted judicial and congressional proceedings;
- (4) interfering or endeavoring to interfere with the conduct of investigations by the Department of Justice of the United States, the Federal Bureau of

Investigation, the Office of Watergate Special Prosecution Force, and Congressional Committees;

- (5) approving, condoning, and acquiescing in, the surreptitious payment of substantial sums of money for the purpose of obtaining the silence or influencing the testimony of witnesses, potential witnesses or individuals who participated in such unlawful entry and other illegal activities;
- (6) endeavoring to misuse the Central Intelligence Agency, an agency of the United States;
- (7) disseminating information received from officers of the Department of Justice of the United States to subjects of investigations conducted by lawfully authorized investigative officers and employees of the United States, for the purpose of aiding and assisting such subjects in their attempts to avoid criminal liability;
- (8) making false or misleading public statements for the purpose of deceiving the people of the United States into believing that a thorough and complete investigation had been conducted with respect to allegations of misconduct on the part of personnel of the executive branch of the United States and personnel of the Committee for the Re-election of the President, and that there was no involvement of such personnel in such misconduct; or
- (9) endeavoring to cause prospective defendants, and individuals duly tried and convicted, to expect favored treatment and consideration in return for their silence or false testimony, or rewarding individuals for their silence or false testimony.

In all of this, Richard M. Nixon has acted in a manner contrary to his trust as President and subversive of constitutional government, to the great prejudice of the cause of law and justice and to the manifest injury of the people of the United States.

Wherefore Richard M. Nixon, by such conduct, warrants impeachment and trial, and removal from office.

## **Article II**

Using the powers of the office of President of the United States, Richard M. Nixon, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in disregard of his constitutional duty to take care that the laws be faithfully executed, has repeatedly engaged in conduct violating the constitutional rights of citizens, impairing the due and proper administration of justice and the conduct of lawful inquiries, or contravening the laws governing agencies of the executive branch and the purposes of these agencies.

This conduct has included one or more of the following:

- (1) He has, acting personally and through his subordinates and agents, endeavored to obtain from the Internal Revenue Service, in violation of the constitutional rights of citizens, confidential information contained in income tax returns for purposes not authorized by law, and to cause, in violation of the constitutional rights of citizens, income tax audits or other income tax investigations to be initiated or conducted in a discriminatory manner.
- (2) He misused the Federal Bureau of Investigation, the Secret Service, and other executive personnel, in violation or disregard of the constitutional rights of citizens, by directing or authorizing such agencies or personnel to conduct or continue electronic surveillance or other investigations for purposes unrelated to national security, the enforcement of laws, or any other lawful function of his office; he did direct, authorize, or permit the use of information obtained thereby for purposes unrelated to national security, the enforcement of laws, or any other lawful function of his office, and he did direct the concealment of certain records made by the Federal Bureau of Investigation of electronic surveillance.
- (3) He has, acting personally and through his subordinates and agents, in violation or disregard of the constitutional rights of citizens, authorized and permitted to be maintained a secret investigative unit within the office of the President, financed in part with money derived from campaign contributions, which unlawfully utilized the resources of the Central Intelligence Agency, engaged in covert and unlawful activities, and attempted to prejudice the constitutional right of an accused to a fair trial.
- (4) He has failed to take care that the laws were faithfully executed by failing to act when he knew or had reason to know that his close subordinate endeavored to impede and frustrate lawful inquiries by duly constituted executive, judicial, and legislative entities concerning the unlawful entry into the headquarters of the Democratic National Committee, and the cover-up thereof, and concerning other unlawful activities, including those relating to the confirmation of Richard Kleindienst as Attorney General of the United States, the electronic surveillance of private citizens, the break-in into the offices of Dr. Lewis Fielding, and the campaign financing practices of the Committee to Re-elect the President.
- (5) In disregard of the rule of law, he knowingly misused the executive power by interfering with agencies of the executive branch, including the Federal Bureau of Investigation, the Criminal Division, and the Office of Watergate Special Prosecution Force, of the Department of Justice, and the Central Intelligence Agency, in violation of his duty to take care that the laws be faithfully executed.

In all of this, Richard M. Nixon has acted in a manner contrary to his trust as President and subversive of constitutional government, to the great prejudice of the cause of law and justice and to the manifest injury of the people of the United States.

Wherefore Richard M. Nixon, by such conduct, warrants impeachment and trial, and removal from office.

### **Article III**

In his conduct of the office of President of the United States, Richard M. Nixon, contrary to his oath faithfully to execute the office of President of the United States, and to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has failed without lawful cause or excuse to produce papers and things as directed by duly authorized subpoenas issued by the Committee on the Judiciary of the House of Representatives on April 11, 1974, May 15, 1974, May 30, 1974, and June 24, 1974, and willfully disobeyed such subpoenas. The subpoenaed papers and things were deemed necessary by the Committee in order to resolve by direct evidence fundamental, factual questions relating to Presidential direction, knowledge, or approval of actions demonstrated by other evidence to be substantial grounds for impeachment of the President. In refusing to produce these papers and things, Richard M. Nixon, substituting his judgment as to what materials were necessary for the inquiry, interposed the powers of the presidency against the lawful subpoenas of the House of Representatives, thereby assuming to himself functions and judgments necessary to the exercise of the sole power of impeachment vested by the Constitution in the House of Representatives.

In all of this, Richard M. Nixon has acted in a manner contrary to his trust as President and subversive of constitutional government, to the great prejudice of the cause of law and justice, and to the manifest injury of the people of the United States.

Wherefore Richard M. Nixon, by such conduct, warrants impeachment and trial, and removal from office.

**H**aving completed the hearing phase of its impeachment inquiry before a TV audience estimated unofficially at 70 million viewers, the Committee began the task of drafting a report supporting the articles which would be presented to the full membership of the House within approximately two and one-half weeks.

As the leadership of the House began preparations for a floor debate on the articles of impeachment, events during the first nine days of August ended the Nixon Presidency. The month began with pronouncements from the White House that the President would continue his “political struggle.” On August 5, however, Nixon’s remaining support in Congress began to crumble following his disclosure that six days after the Watergate burglary, he had ordered a halt to the investigation of the break-in for political as well as national security reasons and he had kept this information from his lawyers and supporters on the Judiciary Committee. In the face of resignation demands by his strongest supporters,

President Nixon, the following morning, told his cabinet that he did not intend to resign and believed that the constitutional process should be allowed to run its course.

By August 7, the principal topic of discussion in Washington was when, not if, the President would resign. That afternoon, the President met with Senate Minority Leader Hugh Scott, Senator Barry Goldwater, and House Minority Leader John J. Rhodes to discuss his precarious position. Apparently, the President's decision to resign was solidified that evening.

In a televised speech from the oval office, Mr. Nixon, at 9 o'clock the following evening, announced that he intended to resign as President of the United States because "it is evident to me that I no longer have a strong enough political base in the Congress to justify [the] effort [to stay in office]." He made no mention of impeachment, but the significance of the Judiciary Committee investigation was self-evident.

President Nixon formally resigned in a letter to the Secretary of State some 14 hours later, shortly after 11:30 a.m. on August 9, 1974. Gerald Rudolph Ford automatically became the Nation's 38th President at that time. Minutes later, President Ford was formally sworn in by Chief Justice of the United States, Warren E. Burger. President Ford observed to those gathered for his inauguration that "our long national nightmare is over. Our Constitution works. Our great Republic is a government of laws and not of men."

By choosing to resign rather than face possible impeachment by the House, President Nixon brought to an end the congressional proceedings surrounding Watergate. Eleven days after President Ford assumed the Presidency, the House of Representatives formally concluded the impeachment inquiry of Richard M. Nixon by overwhelmingly accepting the Judiciary Committee's report recommending impeachment by a vote of 412 to 3.

A calm settled over the White House and the Nation for the first month of the Ford Administration. On the morning of Sunday, September 8, however, President Ford announced that he was granting a full and unconditional pardon to former President Nixon for any federal crimes he may have committed while in office. A tremendous outpouring of public and congressional criticism ensued and some Congressmen even suggested that formal impeachment proceedings against Nixon should be reopened. Judiciary Committee Chairman Rodino, however, declared the next day that the "impeachment is dead" and said he had no intention of renewing the inquiry.

### **William Jefferson Clinton**

The impeachment proceedings with respect to President Clinton began in the 105th Congress and concluded in the 106th Congress. The first impeachment-related resolution introduced in the 105th Congress was that of Representative Bob Barr, who introduced House Resolution 304 on November 5, 1997. This resolution directed the Committee on the Judiciary to undertake an inquiry into whether grounds existed to impeach William Jefferson Clinton, the President of the United States, and to report its recommendations to the House of Representatives and, if the Committee so determined, produce a resolution of impeachment. House Resolution 304 was referred to the House Committee on Rules.



In the latter days of the 105th Congress, on September 9, 1998, the House received a communication from Kenneth W. Starr, an independent counsel appointed pursuant to 28 U.S.C. § 593(b), to investigate allegations of criminal wrongdoing by President Clinton. This communication included a determination, pursuant to 28 U.S.C. § 595(c), by the independent counsel that “substantial and credible information received by the independent counsel in carrying out his responsibilities ... may constitute grounds for impeachment of the President of the United States.” At 9:33 p.m. the following day, the House Committee on Rules reported House Resolution 525 as an original measure, H. Rept. 105–703, providing for deliberative review of the independent counsel’s communication. The resolution directed the Committee on the Judiciary to review the communication and related matters to determine whether sufficient grounds existed to recommend to the House that an impeachment inquiry be commenced. The resolution stated that the material transmitted to the House by the independent counsel on September 9th was deemed to be referred to the Committee. Under the resolution, a 445 page portion of the material comprising an introduction, a narrative, and a statement of grounds, was to be printed as a House document, while the remainder of the material transmitted was to be deemed to be received in executive session, and was to be released from that status on September 28, 1998, except as otherwise directed by the Committee. Once released, the documents were to be immediately submitted for printing as a House document. Additional material compiled by the Committee during its review of the independent counsel’s communication was to be regarded as received in executive session, and access to executive session material was restricted to Committee members and to Committee employees designated by the Chairman after consultation with the ranking minority member. The resolution provided further that, unless otherwise determined by an affirmative vote of the Committee, a majority being present, all meetings, hearings, and depositions were to be conducted in executive session, attended only by members of the Committee and such Committee employees as the Chairman may designate after consultation with the ranking minority member. The resolution was considered as a privileged matter the following morning, and at noon on September 11, 1998, House Resolution 525 was agreed to by recorded vote of 363 to 63.

Late in the evening on October 7, 1998, the Committee on the Judiciary reported House Resolution 581 as an original measure, H. Rept. 105–795, authorizing and directing the Committee to fully and completely investigate whether sufficient grounds existed for the impeachment of President Clinton, and to report to the House such resolutions, articles of impeachment, or other recommendations as it deemed proper. To carry out these responsibilities, the Committee was authorized to require, by subpoena or otherwise, the attendance and testimony of witnesses, the taking of depositions by Committee counsel, the production of things, and the furnishing of information by interrogatories. The following afternoon, the resolution was agreed to by recorded vote, 258 to 76.

To assist the Committee in its consideration of whether the facts before it rose to the level of an impeachable offense, the majority staff of the Impeachment Inquiry provided the Committee with a report entitled *Constitutional Grounds For Presidential Impeachment*:

Modern Precedents,<sup>9</sup> which updated the 1974 Impeachment Inquiry staff report regarding the constitutional grounds for presidential impeachment.

On December 15, 1998, the House Judiciary Committee reported House Resolution 611, an impeachment resolution including four articles of impeachment, as an original measure, H. Rept. 105–830. It was considered by the House as a privileged matter on December 19, 1998. As reported by the Committee, House Resolution 611 provided:

### **Resolution**

Impeaching William Jefferson Clinton, President of the United States, for high crimes and misdemeanors.

Resolved, That William Jefferson Clinton, President of the United States, is impeached for high crimes and misdemeanors, and that the following articles of impeachment be exhibited to the United States Senate:

Articles of impeachment exhibited by the House of Representatives of the United States of America in the name of itself and of the people of the United States of America, against William Jefferson Clinton, President of the United States of America, in maintenance and support of its impeachment against him for high crimes and misdemeanors.

### **Article I**

In his conduct while President of the United States, William Jefferson Clinton, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has willfully corrupted and manipulated the judicial process of the United States for his personal gain and exoneration, impeding the administration of justice, in that:

On August 17, 1998, William Jefferson Clinton swore to tell the truth, the whole truth, and nothing but the truth before a federal grand jury of the United States. Contrary to that oath, William Jefferson Clinton willfully provided perjurious, false and misleading testimony to the grand jury concerning one or more of the following: (1) the nature and details of his relationship with a subordinate government employee; (2) prior perjurious, false and misleading testimony he gave in a federal civil rights action brought against him; (3) prior false and misleading statements he allowed his attorney to make to a federal judge in that civil rights action; and (4) his corrupt efforts to influence the testimony of witnesses and to impede the discovery of evidence in that civil rights action.

In doing this, William Jefferson Clinton has undermined the integrity of his office, has brought disrepute on the presidency, has betrayed his trust as president, and has acted in a manner subversive of the rule of law and justice, to the manifest injury of the people of the United States.

Wherefore, William Jefferson Clinton, by such conduct, warrants impeachment and trial, and removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States.

## **Article II**

In his conduct while President of the United States, William Jefferson Clinton, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has willfully corrupted and manipulated the judicial process of the United States for his personal gain and exoneration, impeding the administration of justice, in that:

- (1) On December 23, 1997, William Jefferson Clinton, in sworn answers to written questions asked as part of a federal civil rights action brought against him, willfully provided perjurious, false and misleading testimony in response to questions deemed relevant by a federal judge concerning conduct and proposed conduct with subordinate employees.
- (2) On January 17, 1998, William Jefferson Clinton swore under oath to tell the truth, the whole truth, and nothing but the truth in a deposition given as part of a federal civil rights action brought against him. Contrary to that oath, William Jefferson Clinton willfully provided perjurious, false and misleading testimony in response to questions deemed relevant by a federal judge concerning the nature and details of his relationship with a subordinate government employee, his knowledge of that employee's involvement and participation in the civil rights action brought against him, and his corrupt efforts to influence the testimony of that employee.

In all of this, William Jefferson Clinton has undermined the integrity of his office, has brought disrepute on the presidency, has betrayed his trust as president, and has acted in a manner subversive of the rule of law and justice, to the manifest injury of the people of the United States.

Wherefore, William Jefferson Clinton, by such conduct, warrants impeachment and trial, and removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States.

## **Article III**

In his conduct while President of the United States, William Jefferson Clinton, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has prevented, obstructed, and impeded the administration of justice, and has to that end engaged personally, and through his subordinates and agents, in a course of conduct or scheme designed to delay, impede, cover up, and conceal the existence of evidence and testimony related to a federal civil rights action brought against him in a duly instituted judicial proceeding.

The means used to implement this course of conduct or scheme included one or more of the following acts:

- (1) On or about December 17, 1997, William Jefferson Clinton corruptly encouraged a witness in a federal civil rights action brought against him to execute a sworn affidavit in that proceeding that he knew to be perjurious, false and misleading.
- (2) On or about December 17, 1997, William Jefferson Clinton corruptly encouraged a witness in a federal civil rights action brought against him to give perjurious, false and misleading testimony if and when called to testify personally in that proceeding.
- (3) On or about December 28, 1997, William Jefferson Clinton corruptly engaged in, encouraged, or supported a scheme to conceal evidence that had been subpoenaed in a federal civil rights action brought against him.
- (4) Beginning on or about December 7, 1997, and continuing through and including January 14, 1998, William Jefferson Clinton intensified and succeeded in an effort to secure job assistance to a witness in a federal civil rights action brought against him in order to corruptly prevent the truthful testimony of that witness in that proceeding at a time when the truthful testimony of that witness would have been harmful to him.
- (5) On January 17, 1998, at his deposition in a federal civil rights action brought against him, William Jefferson Clinton corruptly allowed his attorney to make false and misleading statements to a federal judge characterizing an affidavit, in order to prevent questioning deemed relevant by the judge. Such false and misleading statements were subsequently acknowledged by his attorney in a communication to that judge.
- (6) On or about January 18 and January 20–21, 1998, William Jefferson Clinton related a false and misleading account of events relevant to a federal civil rights action brought against him to a potential witness in that proceeding, in order to corruptly influence the testimony of that witness.
- (7) On or about January 21, 23 and 26, 1998, William Jefferson Clinton made false and misleading statements to potential witnesses in a federal grand jury proceeding in order to corruptly influence the testimony of those witnesses. The false and misleading statements made by William Jefferson Clinton were repeated by the witnesses to the grand jury, causing the grand jury to receive false and misleading information.

In all of this, William Jefferson Clinton has undermined the integrity of his office, has brought disrepute on the presidency, has betrayed his trust as president, and has acted in a manner subversive of the rule of law and justice, to the manifest injury of the people of the United States.

Wherefore, William Jefferson Clinton, by such conduct, warrants impeachment and trial, and removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States.

#### **Article IV**

Using the powers and influence of the office of President of the United States, William Jefferson Clinton, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in disregard of his constitutional duty to take care that the laws be faithfully executed, has engaged in conduct that resulted in misuse and abuse of his high office, impaired the due and proper administration of justice and the conduct of lawful inquiries, and contravened the authority of the legislative branch and the truth seeking purpose of a coordinate investigative proceeding, in that, as President, William Jefferson Clinton refused and failed to respond to certain written requests for admission and willfully made perjurious, false and misleading sworn statements in response to certain written requests for admission propounded to him as part of the impeachment inquiry authorized by the House of Representatives of the Congress of the United States. William Jefferson Clinton, in refusing and failing to respond and in making perjurious, false and misleading statements, assumed to himself functions and judgments necessary to the exercise of the sole power of impeachment vested by the Constitution in the House of Representatives and exhibited contempt for the inquiry.

In doing this, William Jefferson Clinton has undermined the integrity of his office, has brought disrepute on the Presidency, has betrayed his trust as President, and has acted in a manner subversive of the rule of law and justice, to the manifest injury of the people of the United States.

Wherefore, William Jefferson Clinton, by such conduct, warrants impeachment and trial, and removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States.

**T**he articles of impeachment were voted upon individually. Articles I and III were agreed to by the House by votes of 228 to 206 and 221 to 212 respectively, while the remaining two failed to pass.<sup>10</sup>

**House Resolution 611, as passed by the House was received in the Senate the same day:  
In the House of Representatives, U.S., December 19, 1998.**

Impeaching William Jefferson Clinton, President of the United States, for high crimes and misdemeanors.

Resolved, That William Jefferson Clinton, President of the United States, is impeached for high crimes and misdemeanors, and that the following articles of impeachment be exhibited to the United States Senate:

Articles of impeachment exhibited by the House of Representatives of the United States of America in the name of itself and of the people of the United States of America, against William Jefferson Clinton, President of the United States of America, in maintenance and support of its impeachment against him for high crimes and misdemeanors.

### **Article I**

In his conduct while President of the United States, William Jefferson Clinton, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has willfully corrupted and manipulated the judicial process of the United States for his personal gain and exoneration, impeding the administration of justice, in that:

On August 17, 1998, William Jefferson Clinton swore to tell the truth, the whole truth, and nothing but the truth before a federal grand jury of the United States. Contrary to that oath, William Jefferson Clinton willfully provided perjurious, false and misleading testimony to the grand jury concerning one or more of the following: (1) the nature and details of his relationship with a subordinate government employee; (2) prior perjurious, false and misleading testimony he gave in a federal civil rights action brought against him; (3) prior false and misleading statements he allowed his attorney to make to a federal judge in that civil rights action; and (4) his corrupt efforts to influence the testimony of witnesses and to impede the discovery of evidence in that civil rights action.

In doing this, William Jefferson Clinton has undermined the integrity of his office, has brought disrepute on the Presidency, has betrayed his trust as President, and has acted in a manner subversive of the rule of law and justice, to the manifest injury of the people of the United States.

Wherefore, William Jefferson Clinton, by such conduct, warrants impeachment and trial, and removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States.

### **Article II**

In his conduct while President of the United States, William Jefferson Clinton, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has prevented, obstructed, and impeded the administration of justice, and has to that end engaged personally, and through his subordinates and agents, in a course of conduct or scheme designed to delay, impede, cover up, and conceal the existence of evidence and testimony related to a Federal civil rights action brought against him in a duly instituted judicial proceeding.

The means used to implement this course of conduct or scheme included one or more of the following acts:

- (1) On or about December 17, 1997, William Jefferson Clinton corruptly encouraged a witness in a Federal civil rights action brought against him to execute a sworn affidavit in that proceeding that he knew to be perjurious, false and misleading.
- (2) On or about December 17, 1997, William Jefferson Clinton corruptly encouraged a witness in a Federal civil rights action brought against him to give perjurious, false and misleading testimony if and when called to testify personally in that proceeding.
- (3) On or about December 28, 1997, William Jefferson Clinton corruptly engaged in, encouraged, or supported a scheme to conceal evidence that had been subpoenaed in a Federal civil rights action brought against him.
- (4) Beginning on or about December 7, 1997, and continuing through and including January 14, 1998, William Jefferson Clinton intensified and succeeded in an effort to secure job assistance to a witness in a Federal civil rights action brought against him in order to corruptly prevent the truthful testimony of that witness in that proceeding at a time when the truthful testimony of that witness would have been harmful to him.
- (5) On January 17, 1998, at his deposition in a Federal civil rights action brought against him, William Jefferson Clinton corruptly allowed his attorney to make false and misleading statements to a Federal judge characterizing an affidavit, in order to prevent questioning deemed relevant by the judge. Such false and misleading statements were subsequently acknowledged by his attorney in a communication to that judge.
- (6) On or about January 18 and January 20–21, 1998, William Jefferson Clinton related a false and misleading account of events relevant to a Federal civil rights action brought against him to a potential witness in that proceeding, in order to corruptly influence the testimony of that witness.
- (7) On or about January 21, 23, and 26, 1998, William Jefferson Clinton made false and misleading statements to potential witnesses in a Federal grand jury proceeding in order to corruptly influence the testimony of those witnesses. The false and misleading statements made by William Jefferson Clinton were repeated by the witnesses to the grand jury, causing the grand jury to receive false and misleading information.

In all of this, William Jefferson Clinton has undermined the integrity of his office, has brought disrepute on the Presidency, has betrayed his trust as President, and has acted in a manner subversive of the rule of law and justice, to the manifest injury of the people of the United States.

Wherefore, William Jefferson Clinton, by such conduct, warrants impeachment and trial, and removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States.

The impeachment proceedings in the Senate were continued in the first session of the 106th Congress. On February 12, 1999, the Senate, after considering the evidence before it, found President Clinton not guilty as charged in the first article of impeachment by a vote of 45 to 55, and not guilty as charged in the second article of impeachment by a vote of 50 to 50.<sup>11</sup>

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- <sup>1</sup> U.S. Const., Art. I, § 2, cl.5, states, in pertinent part, “The House of Representatives...shall have the sole Power of Impeachment.” Under Art. I, § 3, cl. 6 of the Constitution, “the Senate shall have the sole power to try all Impeachments.”
  - <sup>2</sup> Lord Bryce, 1 *American Commonwealth* (rev. ed., New York: MacMillan & Co., 1914), p. 212.
  - <sup>3</sup> Under Article II, Section 4, “The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.”
  - <sup>4</sup> James Madison, *Federalist Papers*, No. 51
  - <sup>5</sup> U.S. Const., Art. I, § 3 cl. 7. Under current practice, removal appears to flow automatically from conviction on any article of impeachment. An additional judgment of disqualification requires a separate vote by a simple majority of the Senators.
  - <sup>6</sup> The first Nixon impeachment resolution offered in the 93rd Congress, House Resolution 513, was introduced by Representative Robert F. Drinan on July 31, 1973.
  - <sup>7</sup> Staff of the Impeachment Inquiry, House Committee on the Judiciary, 93rd Cong., 2nd Sess., Report on Constitutional Grounds for President Impeachment 25 (Comm. Print February 1974).
  - <sup>8</sup> *United States v. Nixon*, 418 U.S. 683 (1974).
  - <sup>9</sup> 105th Cong., 2d Sess., (Comm. Print November 1998).
  - <sup>10</sup> Article I passed by a vote of 228 to 206 (Roll No. 543), Article II failed to pass by a vote of 205 to 29 (Roll No. 544), Article III passed by a vote of 221 to 212 (Roll No. 545) and Article IV failed passage by a vote of 148 to 285 (Roll No. 546).
  - <sup>11</sup> The Senate found President Clinton not guilty as charged in the first article of impeachment by a vote of 45 to 55 (Recorded Vote No. 17) and not guilty as charged in the second article of impeachment by a vote of 50 to 50 (Recorded Vote No. 18).