



IMPEACHMENT 1998 VS 2019

TDS PUBLIC AFFAIRS ANALYSIS

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INTRODUCTION

For the third time in American history, the second in twenty years, the House of Representatives passed an impeachment resolution against a president. In 1998, House Republicans, with the support of five Democrats, impeached President Clinton for an oath. This year, House Democrats enacted a resolution by party line vote charging President Trump with “abuse of power” and “contempt of Congress.” Unique differences exist between the impeachment hearings of 1998 and 2019 but both are similar in important foundational ways, to the point of making them political mirror images of each other.



STRIKING SIMILARITIES

THE BASE DRIVES THE AGENDA

In 1998, the decision to move on impeachment was driven almost exclusively by the grassroots supporters of the Republican Party. Speaker Newt Gingrich, just as Nancy Pelosi today, was initially hesitant to move forward with the process. Privately, he told his leadership that it was best for President Clinton to implode on his own without the GOP involving itself. Ultimately, small-dollar donors and

GOP activists demanded action, and the leadership eventually buckled to the pressure. The same thing happened this year as progressive groups, many of whom have demanded Trump's removal since his election pushed members to demand impeachment. The rank-and-file ultimately forced Speaker Pelosi's hand.

VULNERABLE MEMBERS WERE THE LYNCH PIN

For the leadership of the House, vulnerable members in swing districts hold considerable influence as the leadership's power only comes from their ability to elect and sustain a majority. Vulnerable members are typically the canary in the coal mine, and those in leadership will usually move mountains to protect those in swing districts. In 1998, Rep. Jack Quinn was seen as one of the most vulnerable members of the House majority. Most suspected that Quinn, a New York moderate with deep ties to labor unions, would oppose impeachment, causing other moderate and swing district Republicans to "join him". Initially, Quinn did not see "high crimes and misdemeanors" in the president's relationship with an intern but

ultimately became convinced Mr. Clinton had lied under oath. His announcement that he would support impeachment was a watershed moment as other moderates, including some who had also expressed skepticism, would even reverse course and joined him.

Likewise, the announcement of seven freshman Democrats declaring in an op-ed that they would support moving forward with impeachment was this year's watershed moment. If the Members representing highly contested districts could vote in favor, surely other more senior members would follow. And they did. Speaker Pelosi's hesitance gave way to the will of her Caucus, and impeachment was given the green light.

KITCHEN SINK SANK

GOP efforts in 1998 to expand the impeachment probe beyond lying to federal investigators were perceived as far-fetched and extreme. Rumors persisted that GOP impeachment

counsel David Shippers wanted to investigate a host of Clinton controversies, including Hillary Clinton's investment in cattle futures and the death of Webb Hubbell. Similarly, efforts to include Russia and the

Mueller probe, pushed by more progressive members of Congress, have also fallen on deaf ears. Speaker Pelosi personally intervened to ensure House Judiciary Commit-

tee Chairman Jerrold Nadler did not expand the Articles of Impeachment beyond Ukraine.

THE ECONOMY AND THE PRESIDENT

Remarkably, Bill Clinton and Donald Trump faced impeachment while the fundamentals of the American economy were thriving. In 1998, the high-tech boom was underway. The economy was growing at a 4.5% clip while unemployment was at 4.4%, and inflation was only 1.6% rate. Similarly, President Trump's economy

is also strong, with unemployment at a 50-year low and the stock market reaching record highs over 100 times since his election. Despite prosperous times, both presidents faced the threat of impeachment and removal from office. In both instances, the booming economy was one of the biggest arguments pushed by both parties in defense of the president.



SAME ARGUMENTS DIFFERENT PARTIES

Dramatic hyperbolic moral arguments about the rule of law, protecting the Constitution and the American people are staples of impeachment. In 1998, Republicans portrayed impeachment as crucial to ensure the health of the Republic while Democrats sought to minimize President Clinton's behavior and declared the impeachment effort nothing short of an attempt to short-circuit an election and destroy a man the GOP did not like.

FATE OF THE REPUBLIC VS NO BIG DEAL

1998--House Judiciary Committee Chairman Henry Hyde: "I wish to talk to you about the rule of law. After months of argument, hours of debate, there is no need for further complexity. The question before this House is rather simple. It's not a question of sex. Sexual misconduct and adultery are private acts and are none of Congress' business. It's not even a question of lying about sex. The matter before the House is a question of lying under oath. This is a public act, not a private act. This is called perjury. The matter before the House is a question of the willful, premeditated, deliberate corruption of the nation's system of justice. Perjury and obstruction of justice cannot be reconciled with the office of the president of the United States."

1998--Senator Chuck Schumer: "If we vote Articles of Impeachment, I fear that we will be setting a precedent that would seriously weaken the office of the presidency... We will be substantially lowering the bar for removing a sitting president so that we will be in danger for all too frequently investigating presidents and seeking to remove them from office. What would we be removing him for? Sex and lying about sex."

2019--Senate Minority Leader Chuck Schumer: "If we don't reckon with President Trump's persistent transgressions, the very foundation of this great republic is at risk... The president's conduct made an impeachment inquiry unavoidable... History will judge

if each of us acted as a solemn major of democracy who placed fidelity to the Constitution and our system of government above the narrow considerations of partisan politics.”

2019--Representative Mark Meadows: Has minimized the charges against Trump and summed up the belief that the President’s call with Ukraine does not amount to an impeachable offense when he said the effort was a “bungled process, a weak fact pattern and a crumbling narrative.”

FAIRNESS VS ABUSIVE PROCESS

1998--Representative Nancy Pelosi: “Today the Republican majority is not judging the president with fairness but impeaching him with a vengeance. In the investigation of the president, fundamental principles which Americans hold dear – fairness, privacy, checks, and balances – have been seriously violated, and why? Because we are here today because the Republicans in the House are paralyzed with hatred of President Clinton. ...Until the Republicans free themselves of that hatred, our country will suffer.”

1998-- Jim Sensenbrenner and Representative Steve Chabot: Both declared the GOP majority provided the president’s counsel the right to participate in all impeachment proceedings and gave the congressional minority reciprocal rights to call witnesses, subpoena documents and cross-examine witnesses.

2019--Speaker Nancy Pelosi: “We see the actions of this president being an assault on the Constitution... This is sad. We have to be prayerful. We have to be worthy of the Constitution as we go forward. We have to be fair to the president, and this is why it is an inquiry and not an impeachment. We have to give the president his chance to exonerate himself, why he thinks what he did was ‘perfect.’

2019--Representative Bryan Steil: “Today’s resolution does not provide the president with due process protections that were afforded to both President Clinton and President Nixon.”

IT'S A COUP!

In a letter to the House of Representatives, President Trump declared the “Articles of Impeachment introduced by the House Judiciary Committee are not recognizable under any standard of Constitutional theory, interpretive or jurisprudence. They include no crimes, no misdemeanors,

and no offenses whatsoever...More due process was afforded to those accused at the Salem Witch Trials.” At rallies and at press events, the president has referred to the effort as “a coup.” It is not the first-time impeachment has been called a “coup”:

1998--Mr. Nadler, Representative Maxine Waters and a half dozen other Democrats: All called GOP impeachment efforts a “coup,” or some variation including, “bloodless coup d’etat,” “a parliamentary coup,” and a “Republican coup d’etat...”

1998--Representative Steve Chabot: “As to those who mistakenly claim that this body is seeking to overturn an election or we are involved in a coup d’etat, let me remind my friends on the other side of the aisle that it is the Democratic Vice President, Al Gore, who would become President if the Senate decides to remove President Clinton because of his crimes and remove him from office.”

2019--Representative Kevin McCarthy: The House Republican leader repeatedly called the impeachment inquiry “a calculated coup.”

2019--Representative Karen Bass: The Democrat denounced those who compared impeachment to a coup calling such rhetoric “irresponsible.”

FINAL OUTCOME

ESSENTIALLY PREDETERMINED

In 1998, House impeachment manager Jim Rogan said Senate Majority Leader Trent Lott told the GOP House Impeachment managers, “We don’t care if you have photographs of Clinton standing over a dead woman with a smoking gun in his hand. I have 55 Republican senators, seven of whom are up for reelection next year in very tough races. You guys in the

House just jumped off a cliff. We’re not following you off the cliff.”

Today, it is pre-ordained on the facts before us that the GOP Senate will never convict and remove Mr. Trump from office. Additionally, most believe that upwards of three Democrat Senators will vote to dismiss the case against President Trump.

CENSURE WON’T FLY

In 1998, a few members of Congress sought a third way out of the impeachment quagmire by pushing a Censure resolution. Today, a near dozen vulnerable members have floated the idea of censuring President Donald Trump instead of impeaching him. In 1998, the House Leadership shot down the idea. House Majority Whip Tom DeLay declared to the outrage of some, “Any member of the House who

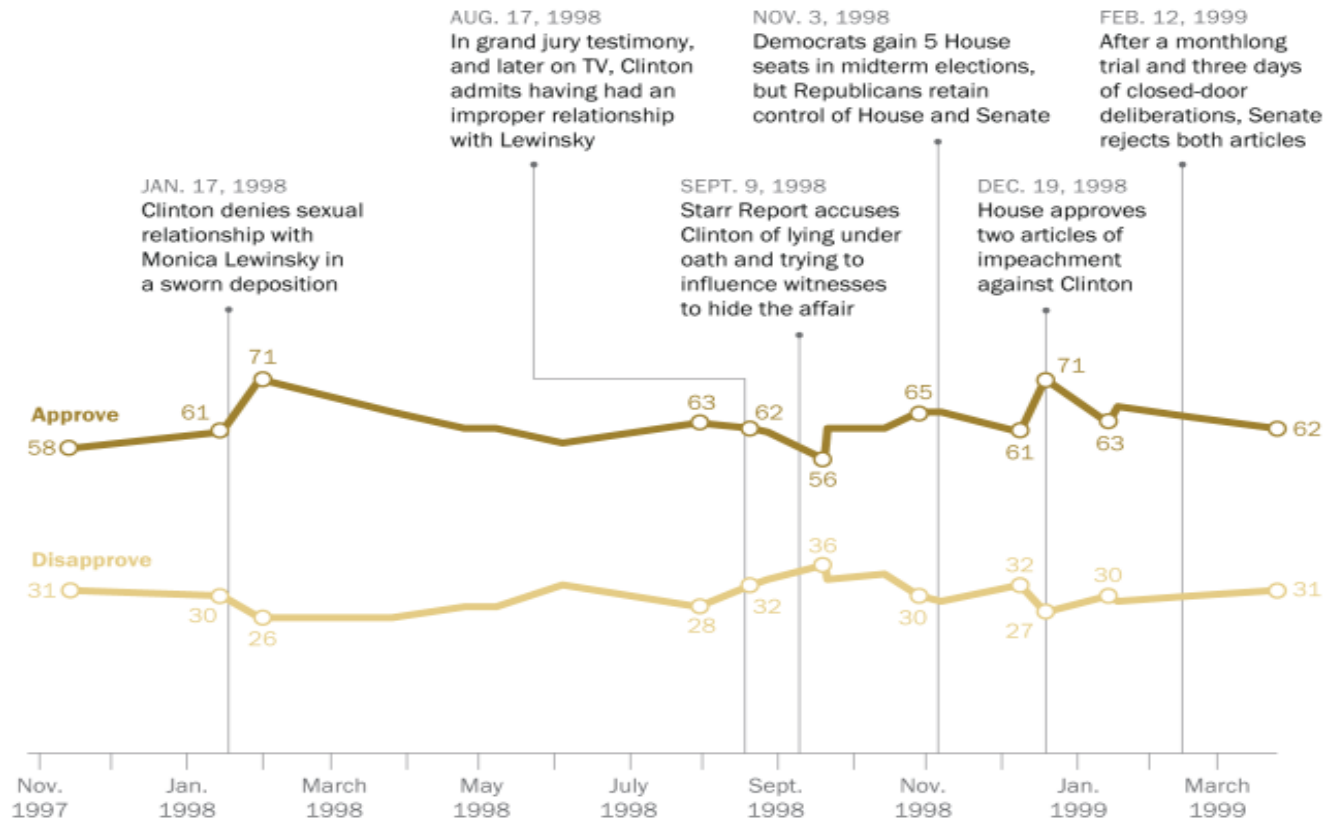
wants to punish the president (by censure) can’t do so. The Constitution doesn’t allow them to do so.” Today, the Democratic leadership is making similar arguments. “I think censure is just a way out. If you want to go, you gotta go,” Nancy Pelosi told reporters in June. “If the goods are there, you must impeach. Censure is nice, but it is not commensurate with the violations of the Constitution should we decide that’s the way to go.”

POLITICAL POLLING AND SWING STATES

From September 1998, during the height of the impeachment process to January 1999, after the House impeached him, Bill Clinton's popularity climbed 15% in the polls. Trump is seeing a similar boost in the polls. Polling is suggesting that impeachment, while popular on the coasts, is helping the president in the heartland.

Clinton's approval ratings remained high throughout his impeachment process

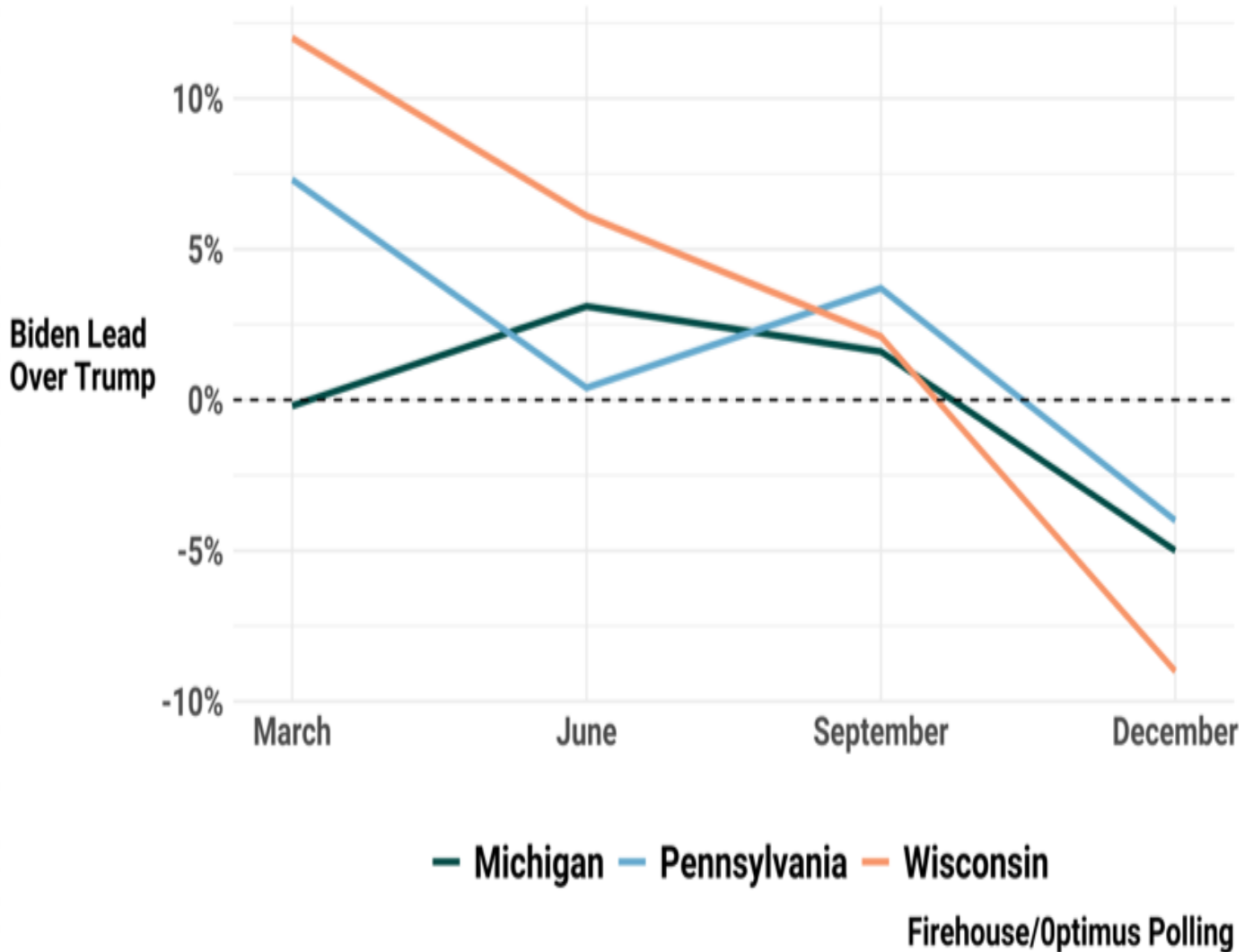
% who approve or disapprove of the way Bill Clinton is handling job as president (1997-99)



Source: Pew Research Center.

PEW RESEARCH CENTER

Head-to-Head: Biden vs. Trump Battleground Polling: December 2019



Quarterly polling by the Republican firm Firehouse Strategies has President Trump struggling in the mega-battlegrounds of Michigan, Pennsylvania, and Wisconsin. Still, since impeachment became front and center, he is now defeating Joe Biden in each of the critical battleground states.



SIGNIFICANT DIFFERENCES

BIPARTISANSHIP

When House Republicans opened an impeachment inquiry into President Clinton, they did so with the support of over two dozen Democrats. House Democrats opened the inquiry on a party-line vote and voted to impeach him on a party-line vote. The final vote to impeach President Clinton garnered the support of five Democrats. Today, not one Republican supported removing President Trump. The closest thing to a GOP vote is newly Independent Representative Justin Amash's support of the measure.

TIMING

The 1998 impeachment process in the House took months. By comparison, the exercise this year is taking place with great alacrity, few hearings, and minimal witnesses. Democrats were eager to end this process with a final vote by the end of the year, but have thus far held the Articles of Impeachment in the House in an effort to pressure the Senate.

PROCESS

The impeachment of Trump is the first modern process to be driven wholly by politicians in Congress, rather than an Independent Counsel. This major distinction sets up some other significant procedural departures. The 1998 impeachment resolution, which passed the House in a bipartisan 258 to 176 vote authorized the chairman and ranking minority member, acting jointly or separately, to subpoena witnesses, issue interrogatories, and affidavits, and conduct depositions. Additionally, President Clinton's private lawyer, David Kendall, was allowed to question the independent counsel. None of this has happened this year. Republicans were blocked from calling witnesses, issuing subpoenas, or conducting depositions.



CONCLUSION

Speaker Pelosi's decision to hold the Articles of Impeachment and not send them to the Senate underscores the reality that despite labored attempts to present impeachment as a legal process, it is inherently a political process in which one set of politicians attempt to remove another. The marked similarities between 1998 and 2019 are primarily attributable to the parallels in the underlying motives and pressure points -- the political whims of an angry base--rather than the seriousness of any actual underlying crime. As such, it is producing foreseeable arguments from both sides and is far more of a priority for DC insiders, base party activists and the national media than for the average voter.

To be sure, no one wins with impeachment, but with the election barely eleven months away, it currently appears that, like Bill Clinton before him, President Trump is gaining political ground amidst impeachment.

In some ways, this is a shock to the pundits and the political establishment that rely on public polling to project outcomes. But Trump's victory in 2016 should remind them of the perils of blind allegiance to national polls when dealing with this White House.

Ultimately, the voters will decide whether the push to impeach President Trump will be politically rewarded. Right now, the evidence seems to indicate that it will not.

ABOUT TDS PUBLIC AFFAIRS

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