

Presidential Survival and the Impeachment Process: Colombia in Comparative Perspective *

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Under what conditions are presidents capable of surviving an impeachment process? This paper compares the impeachments of Presidents Ernesto Samper of Colombia (1996) and William J. Clinton of the United States (1999). We argue that important similarities related to the nature of the scandals, public support for the president, and executive-legislative politics account for the survival of both presidents in office. The first section of this paper shows that the Colombian procedure for impeachment emulates the American Constitution. In the second section we analyze the nature of the scandals that triggered the accusations against Samper and Clinton. The third part of the paper traces the evolution of presidential favorability during the two administrations. Section four deals with the congressional politics of impeachment. In the final section we test our argument by looking at other cases in Latin America or the US in which, in contrast to Samper or Clinton, the president confronted a scandal but a) impeachment never took place or b) the president was removed from office. We conclude that our theory of presidential survival works in developing countries with weakly institutionalized systems as well as in well-established presidential democracies.

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Under what conditions can presidents survive an impeachment process? This question is relevant not only for the study of the American Presidency, but also for the comparative study of presidentialism.¹ Different countries have modeled the office of the president following the American constitution and included impeachment provisions in their charters. In a current international context that discourages the use of old-fashioned military coups, legislators in new presidential democracies have realized that the impeachment process is the main constitutional tool to sanction presidents who are involved in corruption or abuse of power. Congressional leaders throughout the world are thus learning how to use their constitutional powers to hold the president accountable. Impeachment procedures took place in Brazil in 1992, Venezuela in 1993, Colombia in 1996, the United States and Paraguay in 1999, and the Philippines in 2000.

In this paper, we develop a theory of presidential survival in both advanced presidential democracies like the United States and developing countries like Colombia. We focus on the role of presidential rhetoric, public opinion responses, and congressional coalitions. The first section of this paper shows that the Colombian procedure for impeachment emulates the American Constitution. In the second section we analyze the nature of the scandals that triggered the accusations against Presidents Ernesto Samper (1994-1998) and William J. Clinton (1992-2000). The third part of the paper traces the evolution of presidential popularity during the two administrations. Section four deals with the congressional politics of impeachment. In the final section we test our argument by examining other cases in Latin America or the U.S. in which, in contrast to Samper or Clinton, impeachment never took place or the president was removed from office.

Impeachment and its Consequences

We must first clarify our definition of impeachment and operationalize our dependent variable. By impeachment, we refer to a political trial against the president that is authorized by a legislative body and is typically performed by a separate political institution (a second chamber, the judiciary, etc.). In the American Constitution, the term impeachment refers to a trial initiated by the House of Representatives and performed by the Senate. Other presidential constitutions have introduced variations to this model, depending on whether the legislature is unicameral or bicameral, and whether the Supreme Court is expected to play a key role in the process.

Table 1 compares the impeachment process in 20 presidential constitutions. The table suggests that three basic models of impeachment exist. The first one, adopted by most presidential systems, is the American model in which the lower chamber initiates the accusation and the Senate operates as a jury. The second one is the judiciary-dominant model (Kada 2000), in which congress authorizes a trial that is performed by the Supreme Court. The third one is the “unicameral” model, in which the same legislative body initiates the accusations and performs the trial. Although a narrow definition of impeachment only refers to the first procedure described above, we consider the two other variations as functional equivalents of the impeachment process in the U.S.

Table 1

All three models share two important commonalities. First, a high crime or misdemeanor performed by the president must be documented for impeachment to take

place. Second, an adverse congressional vote is necessary—although in the judiciary-dominant system, not sufficient—for the president to be removed from office. The linkage between presidential misdemeanors or scandals and the legislative process, however, is neither automatic nor obvious (Kada 2001). Other things being equal, popular presidents are more capable of enduring accusations, while declining presidential approval typically provides a strong signal for legislators to defect from the president’s camp and creates incentives for congress (and the judiciary) to remove the president from office (Pérez-Liñán 2001).

Accusations against the president may lead to three outcomes: 1) impeachment is never seriously considered by congressional leaders; 2) the process is initiated but the president is not removed from office, or 3) the president is impeached and removed from office. In this paper, we define our dependent variable—presidential survival—as the process by which the chief executive confronts impeachment charges and averts his or her ousting (category 2). This definition implies that congress initiates the process but the president survives, either because the House (or its functional equivalent) drops the charges or because the Senate acquits the chief executive.² Survival is different from sheer impunity (category 1) or removal from office (category 3). In this context, the term “impunity” is not intended to convey any normative judgment on the responsibility of the president. It simply means that a major scandal takes place, a special prosecutor is appointed to investigate executive behavior or an impeachment proposal is introduced in the relevant legislative committee, but the accusation is ignored and it never reaches the floor.³ We define “removal” loosely to include instances in which the president resigns anticipating a defeat in congress. According to this definition, President Richard M. Nixon was “removed” in 1974 even though the actual trial never took place.

Two contemporary presidents match our definition of survival above: William J. Clinton in 1999, and President Ernesto Samper of Colombia in 1996.⁴ Clinton was accused of perjury and obstruction of justice, and ultimately acquitted by the Senate. Samper was accused of receiving campaign contributions from the Cali drug cartel in 1994 (Dugas 2001). In mid-1996 the Colombian Chamber of Representatives decided that there was not enough evidence against Samper and, in a highly controversial vote, dropped the charges before they reached the Senate.

We hypothesize that modern presidents in the U.S. and other presidential democracies are able to survive an impeachment process when the accusations are not “politically effective” (followed by a strong decline in presidential approval) and the president is able to preserve a “legislative shield” in congress. In the following sections, we compare the Clinton and the Samper crises and show that, despite the large number of differences between the U.S. (and advanced industrial democracy) and Colombia (a developing country that preserves its democratic institutions amidst high levels of internal violence) both presidents survived under similar political conditions.⁵

The Accusations and the President’s Position

President Clinton and the Lewinsky Scandal

The scandal that led to the impeachment of President Clinton centered on allegations that the President had a sexual affair with Monica Lewinsky, a twenty-one year old White House intern, and then consistently lied about his conduct under oath in

court proceedings, suborned perjury by asking others to give false affidavits and testimony, and obstructed justice by arranging a job for Lewinsky in New York and orchestrating the hiding of gifts he had given her (in defiance of a subpoena). The allegations of perjury involved testimony by the president on two separate occasions. The first was in January of 1998, when in a deposition in a sexual harassment lawsuit filed against him by Paula Jones,⁶ President Clinton denied a sexual relationship with Lewinsky or even having ever been alone with her. The second allegation of perjury came as a result of Clinton's testimony before a grand jury in August of 1998 during Independent Counsel Kenneth Starr's investigation of the Lewinsky matter wherein the president maintained that his earlier testimony had been "legally accurate" but not the entire truth and, while he admitted to an "inappropriate" relationship involving "intimate contact," he continued to deny that the relationship had been "sexual" as defined the Jones attorneys in the earlier case.

In December of 1998 the U.S. House of Representatives approved two articles of impeachment against President Clinton. He was impeached on one article of perjury before a grand jury and one article of obstruction of justice. The articles made their way to the Senate where the President was tried and acquitted on both counts, with only the obstruction of justice count garnering 50 votes, far short of the 2/3 majority needed to remove him from office.

President Samper and Cali Cartel

The crisis that enveloped the presidency of Ernesto Samper centered around allegations that his 1994 presidential campaign had received some six million dollars in funds from the Cali Cartel. In the days before a final run-off election with Andres Pastrana, the Pastrana campaign received tape-recorded conversations allegedly involving the Samper campaign and representatives of the Cartel arranging the illicit financing. The Pastrana campaign, fearful of being seen as trying to unfairly influence the outcome of the elections, delivered the tapes first to President Cesar Gaviria, whose administration authenticated the tapes but refused to release them, and to U.S. Ambassador Morris Busby who likewise feared that the U.S. would be seen as meddling in Colombian politics and refused to release the cassettes before the election (Washington Post, 1996).

Within days of his electoral defeat, Andres Pastrana leaked the tapes to the Colombian media and the scandal erupted. President Samper's initial defense was to deny the allegations and to portray them as the product of sour grapes by the losing candidate. Samper claimed that the tapes had been altered (President Gaviria's attorney general agreed that they had been edited) and that what they were missing was that the campaign had in fact refused the offers of the cartel for financing. Indeed, Samper claimed that the Cartel had come to them and that the campaign had valiantly refused their overtures.

While Samper was able to weather the initial storm (except for in relations with the United States), the scandal gradually worsened with more and more revelations from campaign officials. In 1995 campaign treasurer Santiago Medina and campaign manager Fernando Botero, who by then was Minister of Defense, were arrested and charged with accepting illicit funds. The most difficult moment of the crisis came in early 1996, when Botero, in a televised interview from prison, declared that Samper had knowledge of the

illicit funds. Samper denied the charges and still maintains his innocence (Samper Pizano 2000a, b).

The charges against President Samper made their way into the Colombian congress, but in December of 1995 and in May of 1996 congressional oversight committees voted against charging Samper. In June, the full Colombian House of Representatives voted to clear the president.

A Common Defense

Presidents Clinton and Samper, and their respective supporters, offered defenses that were strikingly similar in two significant ways. In both cases the presidents and their defenders, either overtly or tacitly, offered variations on two rhetorical strategies. The first we might call the “so what?” defense wherein the Presidents – in this case mostly through their supporters – asserted that while the allegations might well be true, they did not constitute high crimes or misdemeanors and were not grounds for impeachment. For President Clinton, this amounted asserting that the president’s lies involved a sexual affair, that everyone lied about affairs and no one was ever prosecuted for perjury about such matters. This case was made most directly and dramatically by former Arkansas Senator Dale Bumpers during his opening statements in the Senate impeachment trial. Speaking in defense of the President, Senator Bumpers argued, “We are here today because the president suffered a terrible moral lapse of marital infidelity – not a breach of the public trust, not a crime against society. It is a sex scandal...And when you hear people say ‘this is not about sex’ – it’s about sex.” He went on to recall his days as a divorce lawyer and guessed that perjury was committed in 80% of his cases – lies about sex and extramarital affairs where perjury charges were never brought, certainly not high crimes or misdemeanors (Toobin 1999: 380-1).

Further, claimed the president’s supporters, if lies about sex are impeachable offenses, many in government are at risk. During the impeachment proceedings, Rep. Henry Hyde, Chair of the House Judiciary Committee and leader of the impeachment trial before the Senate, confronted stories about an old affair of his, and Robert Livingston, who had been nominated to replace resigning Speaker of the House Newt Gingrich, also resigned his House seat after evidence of his marital infidelity surfaced.

The Samper version of the “so what?” defense was slightly different in that his denial of involvement in the scandal was more unequivocal—he maintained throughout that he had no knowledge of the illicit funds that made their way into his campaign coffers (though it bears noting that Clinton never admitted to lying under oath or perjury). Samper and his supporters maintained that even if illicit funds had been used by the campaign, this was not an impeachable offense. In part, this involved the tacit admission that the influence of drug money in Colombian politics is well known, widespread, and largely tolerated, at least at the lower levels (Camacho Guizado 1996; Dugas 2001). More importantly, however, there was never a ‘smoking gun’ that proved Samper’s knowledge or approval of the illicit financing of his campaign. This allowed Samper to eventually acknowledge the financing without accepting responsibility for it. In this way the scandal resembles the Reagan Iran-Contra scandal (which we discuss below) where lower-level officials (like Botero and Medina) were tried and imprisoned for their improprieties while Samper escaped sanction. And just as the Clinton scandal lead to the embarrassment of other prominent politicians and one significant resignation,

the Samper scandal lead to similar scandals involving other Colombian politicians, including many congressional representatives who were implicated and faced serious sanctions.

The second rhetorical strategy offered by the Presidents and their supporters was what we might term the “my enemies are out to get me” defense. Both presidents sought to portray their scandals as highly politicized, brought about by overzealous enemies out to get them at all costs. The Samper scandal was brought about his rival in the 1994 campaign, a clearly bitter Andres Pastrana who appeared to be an angry ‘sore loser’ in his denunciations of Samper in the aftermath of the campaign. Not only had Samper narrowly defeated his Conservative rival, he also had enemies within his own Liberal party. Dugas (2001) suggests that Samper and many of his supporters believed in a conspiracy involving members of the media and Liberals loyal to former president Cesar Gaviria and his economic policies. Further, Samper had a major international enemy—the United States—which clearly attempted to use the scandal to assert itself more forcefully in Colombia’s drug control efforts (former Bogota DEA chief Joe Toft went on Colombian television, angrily denounced Samper, and claimed that a ‘narco-democracy’ had come to power in the country). Samper was able to use this international opposition to rally a nationalist sentiment on his behalf and to argue that he had but one judge: the *Colombian* congress (Steiner, 2000).

President Clinton’s use of this defense was more direct and more personal than that of Samper. In a widely-criticized address to the nation immediately following his testimony before the Starr grand jury, the president attacked the independent counsel, arguing that the questions about his relationship with Lewinsky “were being asked in a politically-inspired lawsuit which has since been dismissed” and that after first investigating a land transaction, the investigator “moved on to my staff and friends. Then into my private life. And the investigation itself is now under investigation” (Toobin 1999: 319). Indeed, the president and his supporters portrayed Independent Counsel Starr as “a sex-obsessed Republican zealot” (Maltese 2000). During his cross-examination of Starr during the House Judiciary Committee hearings, Clinton’s personal attorney David Kendall repeatedly attacked the investigation and the investigator for its tactics, but never challenged Starr on the facts of the case (Toobin 1999: 349-51). Further, the president attacked his Republican critics in the congress, accusing them of a partisan attempt to overthrow a twice-elected president. Andolina and Wilcox note the striking difference in the favorability ratings of the principals in the scandal in April of 1998: Clinton at 62%, House Speaker Gingrich at 36, Independent Counsel Starr at 22, and Monica Lewinsky at 17 (Andolina and Wilcox 2000). The president exploited these differences to charge that the case against him was political and partisan and that his enemies were out to use the impeachment process to do what they could not do at the ballot box: remove him from office.

We hypothesize that the combination of the “so what” defense strategy with the claim that “my enemies are out to get me” created a protective shield that sheltered these presidents in two ways. First, by raising doubts about the political motivations behind the accusations and by arguing that the misdeeds could not be construed as “high crimes and misdemeanors,” Clinton and Samper reduced the political impact of the accusations in the electorate (Sonner and Wilcox 1999). Second, to the extent that public outrage was therefore limited (in the case of Clinton) or at least concentrated in the upper-middle

class (Samper), most members of the president's party in congress had strong incentives to remain cohesive in defense of the chief executive.

The Political Effectiveness of the Accusations

In this section we explore the impact of the accusations on public support for Presidents Samper and Clinton. Following our previous discussion, we emphasize three questions. First, was the president perceived as being guilty by a large segment of the population? Second, was the crime relevant enough to justify an impeachment in the view of most people? And third, to what extent did the accusations actually erode the president's personal political capital over time?

The first and second questions can be addressed by looking at the difference between the proportion of people who thought that the president was guilty and the proportion supporting his or her removal from office (McGeever 1974). If the accusations were legally weak, we would expect an important segment of the population simply opposing impeachment. If charges were technically correct but politically ineffective, we would expect a significant difference between the number of people who accepted that the president broke the law and the number of people that called for his or her removal. A positive difference would indicate that a segment of the population did not consider the misdemeanor grave enough to justify an impeachment.

Table 2 compares the percentage of citizens that thought the president to be guilty and the percentage of people who supported the removal of the president from office in Colombia and the United States. An ABC News/ Washington Post poll indicated in December of 1998 that 80 percent of the respondents thought that Clinton had lied under oath and 59 percent thought that he had obstructed the investigation of his affair with Lewinski. Only 38 percent, however, agreed that congress should impeach Clinton and remove him from office.⁷ After Samper proposed a national referendum to overcome the Colombian crisis, in April of 1996 pollsters of the *Napoleón Franco y Asociados* organization asked whether people would vote in favor of the president's departure from office. Forty two percent supported this solution, as opposed to 51 percent who said that they preferred the president in office until the end of his term. Yet, 60 percent of the interviewees claimed that Samper "lacked credibility," and 54 percent of the respondents interviewed later in May thought the president to be guilty.

Table 2

It would be a mistake to assume that the public attitude of "guilty yes; impeachment, no"—to use McGeever's (1974) phrase—is common to every impeachment crisis. Comparable figures for the impeachment of Brazilian President Fernando Collor de Mello in 1992 are included in Table 2 for additional reference—we discuss this case in the comparative section below.⁸ In contrast to Colombia and the United States, in Brazil there was no gap between the proportion of people considering the president guilty and the proportion supporting his removal from office. A consistent majority judged Collor's corruption grave enough to support his ousting.

Although Table 2 offers a comparative picture of the levels of public support for the president in the month prior to impeachment, it provides little information about the dynamics of public outrage (on this criticism see Finch 1974). To what extent was the president's political capital consumed by the accusations? This third question can be answered by tracing the evolution of presidential favorability before and after the

impeachment process. In contrast to presidential approval rates, favorability measures the level of public support for the president as a person, rather than the evaluation of his performance in office. Figure 1 plots favorability rates before and after the House vote on impeachment in Colombia (June of 1996) and the United States (December of 1998). In Colombia, Napoleón Franco asked “Do you have a favorable or unfavorable opinion of President Samper?” (*¿Tiene usted un concepto favorable o desfavorable del presidente Samper?*) In the United States, the Gallup Organization asked: “What is your overall opinion of Bill Clinton—is it favorable or unfavorable (or have you never heard of him)?” (Gallup Organization 2001).

Figure 1

The series suggest that Samper suffered a strong decline in popularity early in his term, when Santiago Medina and, later, Fernando Botero, recognized the entry of narco-funds to the presidential campaign. But favorability rates stabilized around forty percent and remained at that level until the end of the term—a fairly high level of support for any Latin American president. Clinton suffered a milder erosion of his popularity, his favorability rates falling from around sixty, to fifty percent.

Congressional Politics

The previous section opens an important puzzle. Even though the accusations against Samper appeared to be somewhat more effective than those against Clinton, the Colombian Chamber of Representatives ultimately dropped the charges against the President while the U.S. House voted in favor of an impeachment. Eventually both presidents survived in office, but Clinton, who enjoyed greater favorability rates than Samper, also confronted a greater congressional threat. How can we explain this apparent inconsistency?

The simplest answer to this question is that U.S. Democrats did not control a majority of the House, while Colombian Liberals did. This is only part of the explanation, however, because the Samper vote did not just split along partisan lines. Table 3 shows that the Clinton House vote was partisan in nature while the Samper House vote was only partially so. In the United States, Democrats protected the president while Republicans pushed for impeachment. In Colombia, in contrast, Liberals aligned with the president but the Conservatives divided around the impeachment issue.

Table 3

Two other factors must be taken into consideration to understand this difference. The first one is how party systems map political cleavages. Important cleavages emerged in the United States and Colombia during the 1990s, but they were reflected in quite different ways by the two-party system in each country. In the U.S., the emergence of the Christian Right as a powerful political force encouraged polarization in the party system, as the GOP moved to the right and captured a majority in both houses of Congress in 1994 (Rozell and Wilcox 1995; Wilcox 1996). With Conservative Republicans becoming “a majority faction within the majority party” (Kazee 2000: 25), and given the nature of Clinton’s behavior, it is not surprising that Republican leaders drove the calls for impeachment four years later. In Colombia, in contrast, conflicts between “modernizing” political reformers and the more traditional politicians represented by Samper mostly took place *within* the Liberal party. Like Clinton, Samper was seen with distaste by the emerging socio-political movement (López Caballero

1997). But unlike Clinton, Samper did not confront an opposition driven by an ideological core, and the ideological opposition within his party was neutralized by his quite acceptable approval rates.⁹

The composition of the House and the location of the ideological resistance to the president interacted to create very different incentives for strategic legislators. In Colombia, it was clear from the outset that the Liberal majority was likely to block any impeachment vote, which encouraged many Conservative representatives to remain in good terms with the President. In the absence of a strong ideological cleavage, their defection was criticized but did not compromise their careers. Republican representatives, on the other hand, operated in a context of “lethal conflict” (Sullivan 1998) in which their defection could be presented as a major form of betrayal.

The tension between a “partisan core” supporting impeachment and a majority of the population opposing it created important tensions for GOP Representatives from moderate districts. But as Sunstein has noted, “the collective action problem was quite serious; without concerted action by a nontrivial number of Republicans, any particular defector would be in potential trouble” (Sunstein 2001: 18). In this context, Republican leaders preserved the cohesion of their ranks in the critical votes by allowing them to engage in strategic behavior. The first form of such strategic behavior was to “split the difference,” supporting the strongest articles of impeachment but opposing the others (Lanoue and Emmert 1999). Lanoue and Emmert, for instance, showed that Republicans with safe seats were most likely to defect on Article II (Perjury in the Paula Jones lawsuit) and that those coming from districts that supported Clinton were most inclined to defect on Article IV (Abuse of power).

The second form of strategic behavior was to support the president’s impeachment but not his removal from office (Kazee 2000: 20-32). Posner notes that many moderate Republicans voted for the articles of Impeachment in the House, and then publicly lobbied the Senate to vote *against* the president’s removal from office (Posner 1999). So they voted for impeachment knowing (indeed, hoping) that it would not result in removal from office. Unless these congress members were arguing there was enough evidence to “indict” but not “convict,” this position only makes sense if we assume that they saw the impeachment vote as a kind of censure of the president. In other words, they saw “survival” as a good compromise between impunity (which the partisan core abhorred) and full punishment (which a majority of the public opposed). The U.S. Constitution (see Table 1) provided an institutional way of satisfying both the partisan core and the moderate voters by finding the president guilty but not actually removing him from office.

It would be a mistake, however, to assume that lower levels of partisan conflict would necessarily protect any president confronting an impeachment. Compared to Clinton, Nixon confronted a less polarized congress (Sullivan 1998). But lower polarization during the Nixon era actually worked against the executive. Unable to invoke the “so what” defense or to convincingly claim that “my enemies are out to get me,” President Nixon anticipated defections within his own party (we briefly discuss this case below). In contrast, President Samper benefited from low partisan conflict in Colombia because he was able to rely on public support (and maybe pork-barrel spending, see Dugas 2001) to divide the Conservative opposition. Thus, we conclude

that low polarization promotes presidential survival only when the chief executive is able to invoke the two rhetorical strategies outlined in the first section.

Comparative Discussion

In this section, we place the Samper and the Clinton impeachments in comparative perspective. We combine brief narratives of four other cases (accusations against the Nixon and the Reagan administrations in the United States, the Menem administration in Argentina, and the Collor administration in Brazil) with ordinal comparative analysis (Mahoney 1999) in order to test our hypothesis about presidential survival. In contrast to Clinton and Samper, two of these cases (Reagan and Menem) represent instances of impunity, while the other two (Nixon and Collor) represent instances of punishment.¹⁰

Our main hypothesis in this paper is that the outcome of the accusations against the president is determined by the interaction of public opinion and congressional reactions—the latter being influenced, but not fully determined, by the former. William J. Clinton and Ernesto Samper shared a common pattern in this regard: accusations against them reached moderate levels of political effectiveness (somewhat more effective in the case of Samper than in the case of Clinton), but congress ultimately remained loyal to the president (less so in the case of Clinton than in the case of Samper).

Presumably, different historical configurations would have lead to different outcomes. Politically ineffective accusations investigated by a loyal congress would have simply generated patterns of impunity. On the other extreme, politically effective accusations in a context of low or declining congressional support would have encouraged the removal of the president from office. In order to test this hypothesis, we shall look at the other four cases, two from Latin America and two from the United States.

Richard Nixon, 1974. In June of 1972, five men were arrested while planting eavesdropping devices inside the Democratic Party headquarters in Washington. Three months later, the *Washington Post* revealed that the break-in had been planned by White House officers and by President Nixon's reelection campaign. After Nixon was reelected in November with 61 percent of the vote, the Watergate scandal took a life of its own. The investigation involved several officials and in April of 1973 Nixon accepted the resignation of his chief of staff and the Attorney General. The new head of the Department of Justice appointed a special prosecutor to investigate the Watergate case, but the president confronted the special prosecutor when he requested the release of tapes documenting conversations inside the White House. In late October of 1973, Nixon fired the special prosecutor and accepted the resignation of the new Attorney General in what came to be known as the "Saturday Night Massacre." Few days later, the House Judiciary Committee began to consider the possibility of an impeachment (Garment 2000).

Like in the cases of Samper and Clinton, there was a significant gap between the percentage of the population that initially considered the president guilty and the percentage who wanted him to be removed from office—but the difference significantly declined over time. In March of 1974, the gap still stood at about 31 points. "Gallup reported in March 1974 that a total of 74 percent of respondents considered Mr. Nixon guilty of planning the Watergate break-in (11 percent), knowing about it in advance (28

percent), or covering it up (34 percent). He also reported that a total of 43 percent of all respondents favored either impeachment or resignation.” (McGeever 1974: 298-99). By early August, the gap had narrowed to 8 percent: 65 percent of respondents thought that there was enough evidence to bring Nixon to a trial, while 57 percent supported his removal from office (Gallup Organization, August 2-5, 1974, Roper Center accession number 0046047). Overall, President Nixon’s approval rates dropped from 39 percent in July of 1973 to 24 percent in July of 1974 (Gallup Organization, Roper Center accession numbers 0044800 and 0046033).

On February of 1973, the Senate voted 70-0 to establish a committee to investigate the Watergate case. Three months later, in February of 1974, the House voted 410-4 to proceed with the impeachment probe. In late July the House Judiciary Committee voted 27-11 to impeach Nixon on charges of obstruction of justice, 28-10 on abuse of power, and 21-17 for defying the committee’s subpoenas. After new information seemed to prove that Nixon had personally ordered a cover-up, the Republicans in the Committee announced that they would support the obstruction of justice charges. In a short meeting with Republican congressional leaders on August 7, the President learned that “he had about fifteen votes against conviction in the Senate and perhaps only ten votes against impeachment in the House” (Genovese 1999:xxix).¹¹ The following day, Nixon announced his resignation from office.

Ronald Reagan, 1986. The scandal that enveloped the Reagan administration during the final two years of the second term was the merging of two separate secret operations that became public in October and November of 1986: the selling of arms to Iran in the hopes that the sales would lead to the release of American hostages in Lebanon, and the covert support of the ‘contra’ rebel group opposed to the Sandinista government in Nicaragua. Both operations were secret, counter to U.S. policy, and likely illegal: the Iran arms sales violated U.S. policy on negotiating with hostage-takers and on arms sales to countries sponsoring terrorism and likely violated the U.S arms control laws (Walsh 1994). U.S. financing of the contra rebels (covert or otherwise) was illegal from 1984-1986 under the Boland amendment. Yet it was the merger of these two operations, through the diversion of the profits from the Iranian arms sales to the Nicaraguan contras, that caused the greatest scandal and fears in the administration about possible impeachment (Walsh 1994: 463).

While there was not a formal impeachment resolution issued by Congress, Independent Counsel Lawrence Walsh was appointed to investigate the allegations of executive impropriety and both the House and Senate held committee hearings in the summer of 1987. These concluded with the release of the Congressional Iran-Contra Report in 1987. The Independent Counsel submitted his report to the House and Senate Judiciary Committees in September of 1989, after the President Reagan’s term in office had expired.

The scandal took a significant toll on the job approval ratings of President Reagan. Data from the Gallup organization shows that before the scandal broke, in August of 1986, Reagan’s job approval rating was 63% and that it fell to 47% in December (Roper Center). Using data from a different polling source, Busby (1999) has argued that the Iran Contra scandal led to the largest ever single-month decline in presidential job approval ratings. This decline, coupled with Democratic control of the Congress, might lead us to expect that Reagan would face a more serious sanction, as his

advisors initially feared. Two key elements prevented that outcome. Most importantly, despite the Independent Counsel investigation and the congressional inquiries, a “smoking gun” proving the President’s approval or knowledge of the key events was never produced. In the absence of a way to directly tie the president to the actions, blame fell to other members of the executive branch, many of whom were prosecuted (and some convicted) for their crimes. When ABC News and the Washington Post asked who was most to blame for the scandal, the President or his advisors, 68.2% chose the advisors and only 23.1% placed primary blame on the President (1987).¹² Second, while a majority of the public believed the President had not told the truth about the scandal and believed he knew of the events much earlier than he had admitted to (ABC News 1987, ABC News/The Washington Post, 1987), barely a third ever thought the president should “consider resigning” (Busby 1999) and by August of 1987 almost 80% agreed that it was “time for the country to put the Iran-Contra arms scandal behind us” (ABC News 1987).¹³ Thus the allegations appeared to the public to be technically correct but politically irrelevant and the president, even without a congressional majority, was safe.

Fernando Collor, 1992. In May of 1992, Brazilian President Fernando Collor was accused by his own brother, Pedro, of leading a broad corruption network. Pedro told the press that Collor’s campaign manager, Paulo Cesar Farias (a.k.a. PC) negotiated government contracts with private companies and shared the “commissions” with the president (Dos Santos 1993). In late May, congress created a joint committee to investigate the case. According to Skidmore and Smith, Collor’s

...nemesis proved to be the specter he had campaigned against in 1989: corruption. Investigative reporters, a disgruntled presidential brother, and a congressional inquiry furnished proof that Collor was enmeshed in a vast web of bribery orchestrated by an influence peddler called P.C. Farias. Collor turned to television for his defense weapon, but his telegenic skills had worn thin. Public indignation led to a civil campaign for the president’s impeachment and removal. (Skidmore and Smith 1997: 187).

Amaury de Souza has documented the sharp decline in public support for the Brazilian President during this period. In August of 1991, 53 percent of the respondents in the City of São Paulo considered Collor’s administration as “average,” “good,” or “very good.” One year later, the figure had dropped to just 13 percent. In April of 1992, a few weeks before Pedro Collor’s interview, a DataFolha survey indicated that only 31 percent of the respondents believed the president to be involved in any acts of corruption. In late August, the number had risen to 84 percent (de Souza 1999). On September 29, 1992, the chamber of deputies voted 434-34 to impeach Fernando Collor, while more than 100,000 people demonstrated against the president in front of congress. The president was temporary suspended from office and Vice-President Itamar Franco took over as caretaker. Collor formally resigned in December, the day the Senate was going to vote on the charges. In spite of his resignation, the Senate performed a trial and banned Collor from public office for eight years.

Carlos Menem, 1997. Our fourth case constitutes a paradigmatic case of impunity. After winning the 1989 presidential election with 47 percent of the vote, Argentine President Carlos Menem introduced a series of ambitious market reforms to cope with a context of social instability and hyperinflation. In early 1991, the

administration pegged the Argentine peso to the U.S. dollar, slashing the inflation rate from 2,300% in 1990 to 173% in 1991, 23% in 1992, and 7% in 1993 (Acuña 1995: 353). Economic success gave Menem and his Peronist Party (PJ) increasing levels of public support (Stokes 1998). At the same time, corruption scandals began to surface in the press. Close collaborators and members of the president's family were accused of involvement in money laundering, influence peddling, interference with other branches of government, corruption in government auctions, illegal traffic of arms and gold, and sales of contaminated milk to social programs, among other misdeeds (López 2000; Waisbord 1994). Of 24 major scandals documented by López (2000: 427-36) in Argentina between 1990 and 1999, at least nine involved top officials who were closely related to the president.

As Stokes and Baughman (1999) have shown, after March, 1991—when the Argentine peso was pegged to the U.S. dollar—President Menem's approval rates became highly correlated to public support for his economic plan. In early 1992, approval rates stabilized around 60 percent and slowly declined over the following years. Low inflation levels kept "Menem's approval close to 50% by May 1995, permitting him the plurality support required for reelection" (Stokes and Baughman 1999: 11). It was not until 1996 that Menem's approval rates gradually approached the 30 percent mark. But even in this context, the strong position of the Peronist Party (PJ) in congress prevented any accusations from becoming a serious impeachment threat. Following the 1995 election, the PJ controlled 52 percent of the seats in the Chamber of Deputies and 56 percent of the Senate (Jones 1997: 265-66). When, in early 1997, an opposition deputy called for an impeachment arguing that 1.3 million dollars had been spent to built an airstrip in the President's home town—which hosted only a thousand inhabitants and the Menems' home—the proposal was simply ignored.

Table 4 below provides a structured comparison of the six cases discussed in this paper. Cases are ranked according to three ordinal scales indicating the effectiveness of the accusations, the strength of the legislative shield, and the outcome of the process. We code accusations as highly effective when public support for the president falls to negligible levels (e.g., below 15 percent) and a vast majority of citizens demands the president's removal from office. Accusations are taken to be less effective if the president preserves the support of a larger minority (15 to 40 percent) and there is a narrow gap (of less than 15 points) between a majority of people who believe that the president is guilty and a minority who believe that a removal is justified. When charges do not prevent the president from enjoying higher approval rates and the public opinion gap grows larger (e.g., 15-30 percent) we consider the impact of scandals to be medium-low. Finally, ineffective accusations may initially erode presidential approval rates and lead many people to believe that the president was involved in a misdemeanor, but the public opinion gap remains so large (30 points or more) that pollsters seldom ask about the possibility of a removal.

Table 4

The fourth column in Table 4 reflects the strength of the legislative shield. We rank congressional support as low when the president's party constitutes a disloyal congressional minority confronting a cohesive opposition (which makes achieving a super-majority for impeachment quite easy); as medium-low when the ruling party is a

non-cohesive minority but there are potential cracks in the opposition (Sullivan 1992, 1998); as medium-high, when the president controls a loyal minority that is large enough to prevent his removal (even if the majority pushes for impeachment); and as high when a loyal presidential majority confronts a divided opposition. The evidence in Table 4 supports our historical interpretation of the Clinton and the Samper cases. Survival is characteristic of presidents who confront accusations of moderate effectiveness while enjoying a relatively solid (but not necessarily dominant) position in congress. In contrast, powerful accusations combined with weak congressional loyalties have led to episodes of removal, while the opposite pattern tends to create situations of impunity.

Conclusion

In this paper we have examined the survival strategies of Presidents Clinton and Samper in an attempt to understand the broader issue of how presidents survive the threat of impeachment. Similarities between these two cases suggest that presidents are most likely to survive when scandals do not result in a strong decline in presidential approval and they can build or maintain a protective shield in the legislature. Our comparative discussion supported this insight. In the first case of impunity, President Reagan overcame the Iran-Contras scandal—even in the absence of a Republican majority—because of the political ineffectiveness of the scandal. The example of Menem in Argentina is somewhat different in that the presence of a strong legislative shield insulated the president in the face of declining popularity and credible (but ineffective) evidence or corruption. At the other end of the spectrum, cases of removal shared two basic traits: public opinion solidly held that the president was guilty of the conduct of which he was accused, and congress refused to protect the chief executive. These presidents were unable to survive in such circumstances and both resigned before the final legislative votes on their fate.

Presidents Clinton and Samper were able to survive relatively effective scandals because their rhetorical strategies allowed them to preserve substantial legislative shields. Both presidents were able to portray their scandals as politically or ideologically motivated and to convince legislators that even if the allegations against them were true, they did not constitute high crimes or misdemeanors. While the charges against them proved serious enough so that impunity was never an option, similar strategies in both cases allowed them to prevent their removal from office.

Clearly much work remains to be done if we are to fully understand the nature of presidential scandals and how they affect executive-legislative relations. One puzzle that deserves greater empirical analysis is the impact of public opinion on the formation of impeachment coalitions. Congressional action is influenced, but not determined, by public reactions against the executive. What are the mechanisms by which public opinion is transmitted to the legislature in different countries? Are different legislatures more or less able to withstand public pressures for or against a president's removal from office? We hope that further research will help us understand this important issue and shed more light on the relationship between public outcry and presidential survival.

Notes

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¹ In this paper we will focus on “pure” presidential systems (e.g., the United States, Latin America) and will not deal with semi-presidential regimes like France or Russia. Semi-presidential systems have a distinctive constitutional structure that potentially makes the comparison to the U.S. less sensible.

² It is possible to introduce a further distinction between presidents who confront impeachment and survive (e.g., Johnson, Clinton) and those who just avoid being impeached after a favorable vote in the House (Samper). Although this distinction is not without legal relevance, we argue in this paper that a single category (survival) is more useful for most analytical purposes. Presidents pay a high political cost when congress openly deliberates on the impeachment charges, even if legislators eventually drop the accusation. Similarly, some presidents may be “punished” (ousted) even if an impeachment never takes place—because the anticipation of defeat forces their resignation. Presidents Nixon in the United States and Cubas Grau in Paraguay are good examples of this problem.

³ The requirement that a special prosecutor is appointed or an impeachment proposal is introduced serves just as a “filter” to distinguish between minor scandals—that may be common in any system—which never hurt the administration in a serious way and major scandals which create a serious justification for impeachment. Other criteria could be used (for instance, that the mainstream press calls for an impeachment).

⁴ In addition, two American presidents of the nineteenth century also match our definition of survival: John Tyler in 1843 and Andrew Johnson in 1868 Benedict, Michael L. 1973. "A new look at the impeachment of Andrew Johnson." *Political Science Quarterly* 88 (3):349-367..

⁵ The major differences between the U.S. and Colombia are not an obstacle for our analysis but rather a methodological advantage. Technically, our comparison of the Clinton and the Samper administrations follows the “method of agreement” which involves the identification of common causes (behavior of independent variables) among cases that share a common outcome (behavior of the dependent variable) but are otherwise very different (with regard to control variables). On the method of agreement, see Ragin, Charles C. 2000. *Fuzzy-Set Social Science*. Chicago: The University of Chicago Press. chapter 8, Dion, Douglas. 1998. "Evidence and Inference in the Comparative Case Study." *Comparative Politics* 30 (2):127-146..

⁶ Paula Jones filed a lawsuit in May of 1994 alleging that on May 8, 1991, while she was an employee of the state of Arkansas and Clinton was Governor of Arkansas, Clinton made an unwanted sexual advance toward her. Her lawyers sought to present a pattern of such behavior by President Clinton and thus questioned him about Lewinsky and others they had reason to believe he had been intimate with or had sexually harassed. See Posner (1999).

⁷ See Morin, Richard, and Claudia Deane. 1998. "Support for Clinton Has Limits. While Public Still Opposes Impeachment, Resignation Is Favored Over Senate Trial." *The Washington Post*, December 15, A1.. Raw data can be accessed through ICPSR (study number 2710).

⁸ On file at CESOP (Centro de Estudos de Opinião Pública), Universidade Estadual de Campinas, Brazil (no. 310).

⁹ For an exception, see Betancourt Pulecio, Ingrid. 1996. *Si Sabía - Viaje a Través del Expediente de Ernesto Samper*. Santa Fe de Bogotá: Ediciones Temas de Hoy.

¹⁰ Our dependent categories (e.g., "impunity") are strictly analytical and do not assume that presidents were necessarily guilty.

¹¹ Paradoxically, the Democrats' support for impeachment appeared to slightly decline around the same time Sullivan, Terry. 1992. "Domestic Legislative Coalitions and Impeachment." In *Watergate and Afterward - The Legacy of Richard M. Nixon. Papers from the Hofstra Presidential Conference on Richard M. Nixon, Hofstra University, November 19-21, 1987*, edited by L. Friedman and W. F. Levantrosser. Westport: Greenwood Press.

Sullivan, Terry. 1998. "Impeachment Practice in the Era of Lethal Conflict." *Congress and the Presidency* 25 (2):117-28..

¹² Raw data can be accessed through the Roper Center, ascension number: USABCWASH1987-7191, ABC News/The Washington Post Aug. 3-5 1987.

¹³ Raw data can be accessed through the Roper Center, ascension number: USABC1987-7222, ABC News Poll: Reagan's August 1987 Speech, August 12, 1987.

Tables and Figures

Table 1. Patterns of Impeachment in 20 Presidential Constitutions

Accusation Initiated by	Trial Performed by		
	<i>Unicameral congress</i>	<i>Senate</i>	<i>Supreme Court</i>
<i>Lower Chamber</i>		United States (1787) Mexico (1917) Chile (1980) Philippines (1987) Brazil (1988) ^a Colombia (1991) ^a Paraguay (1992) Argentina (1994) Dominican Republic (1994) Uruguay (1997)	
<i>Senate</i>			Venezuela (1961) Bolivia (1994)
<i>Joint Session</i>			Costa Rica (1949) El Salvador (1982) ^b Nicaragua (1995)
<i>Unicameral congress</i>	Panama (1972) S. Korea (1987) Peru (1993) Ecuador (1998)		Venezuela (1999)

Sources: Kada (2000), Pérez-Liñán (2001), and country constitutions.

Years in parentheses refer to the approval of the constitution.

- a. Brazil and Colombia establish a separate procedure for criminal offenses (as opposed to high crimes and misdemeanors) in which the Supreme Court, rather than the Senate, rules on the trial.
- b. The Salvadorian Constitution establishes that a court of appeals must rule on the trial prior to any appeal to the Supreme Court.

Table 2. Public Reaction to the Accusations (percent respondents)

Administration	President is Guilty	Deserves Removal	Difference
Clinton (December 1998)	59	38	21
Samper (April-May 1996)	54	42	12
Collor (August, 1992)	63	64	-1

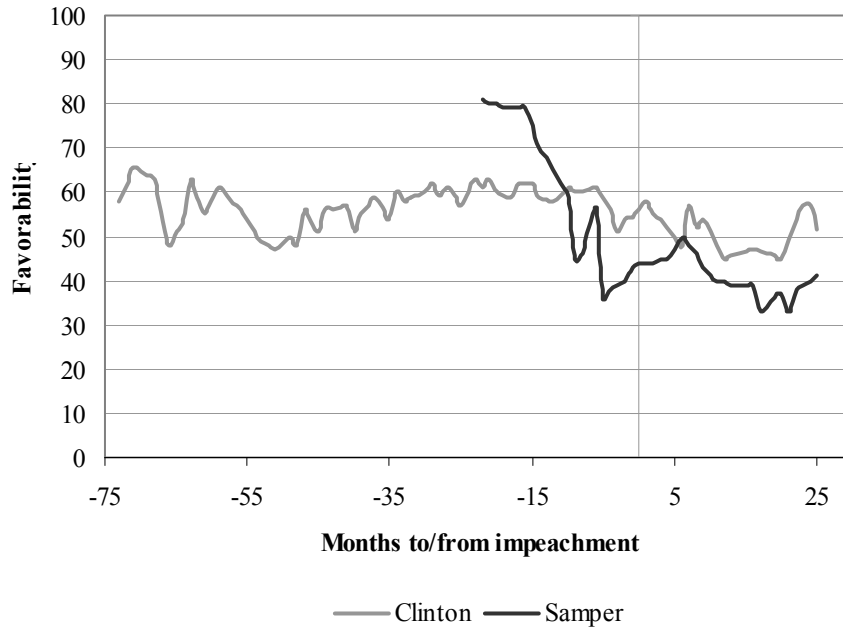
Sources:

Clinton: ABC News/ Washington Post poll, national sample, December of 1998.

Samper: Napoleón Franco y Asociados, four major cities, April (removal) and May (guilty) of 1996.

Collor: IBOPE, National sample, August 1992.

Figure 1. Presidential Favorability in Two Cases of Impeachment.



Sources: Gallup (U.S.) and Napoleón Franco y Asociados (Colombia).
 Note: Ernesto Samper served only one term in office.

Table 3. Support for the President at the House Impeachment Vote

Support within	Samper		Clinton	
	Percent Opposing Impeachment	Of total votes (N)	Percent Opposing Impeachment	Of total votes (N)
President's party	88.9	90	97.6	205
Opposition parties	48.4	64	2.6	229
Total House	72.1	154	47.5	434

Notes: Clinton vote refers to Article 1: perjury in testimony to grand jury.
 Opposition is broadly defined as any House member not belonging to the president's party.

Table 4. A Comparative Test of Survival Conditions in Latin America and the U.S.

Administration (Country, years)	Accusations	Political Effectiveness	Congressional support	Outcome
Reagan, R. (United States 1980-1988)	Iran-Contra	1	3	Impunity
Menem, C. S. (Argentina, 1989-1999)	Several	1	4	Impunity
Clinton, W. J. (United States, 1992-2000)	Lewinski	2	3	Survival
Samper, E. (Colombia, 1994-1998)	Campaign finance	3	4	Survival
Nixon, R. M. (United States, 1968-1974)	Watergate	3	2	Removal
Collor, F. (Brazil, 1990- 1992)	Corruption network	4	1	Removal

Key: 1 Low 2 Medium-low 3 Medium-high 4 High

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