

**Alexander Hamilton, Party Polarization, and Confidence in
Governmental Institutions during the Clinton Impeachment Trial**

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Abstract

We examine the determinants of public confidence in governmental institutions during and after the impeachment of President Clinton. Specifically, we explore the effects of party identification and attitudes about impeachment on confidence in the presidency, Congress, and Supreme Court. By examining each branch of government during and after impeachment, we are able to investigate whether the foundations of support vary across institutions and political time. Following Hamilton's discussion in *Federalist 65*, we expect that citizens' confidence in government will differ across impeachment and post-impeachment political environments. During impeachment, citizens' attitudes will have a more potent effect on citizens' confidence in government given the heightened political divisions created by impeachment politics. The data we use to test these hypotheses come from a survey of Atlanta area residents during and after the impeachment trial. Using trivariate probit regression, our results confirm our expectations about the role of impeachment on partisan identification in shaping public confidence in the branches of government. Specifically, we find that partisan attitudes played a significant role in evaluations of all three branches of government during impeachment but afterwards they only mattered for the presidency. Furthermore, we find that despite the limited role of the Supreme Court, confidence in the Court seems to have declined more than for the other more political institutions for those respondents who had the strongest opinions about the impeachment proceedings. As Hamilton feared, lacking political authority, the Court was the most vulnerable institution in the impeachment process

Introduction

On January 7, 1999, William Jefferson Clinton became only the second United States president to be impeached. Clinton's impeachment was clearly polarizing, taking on stark political and personal dimensions. The articles of impeachment passed by the House and defeated by the Senate did so almost exclusively along party line votes. Likewise, public opinion on the impeachment trial of President Clinton divided along partisan lines with Republicans in favor and Democrats opposed (Jacobson 2000).

Although the substance of the impeachment trial of President Clinton might surprise the framers of the Constitution, the political divisions heightened by impeachment politics would not. Anticipating these divisions over 200 years ago, the framers of the Constitution understood that impeachment would be a highly divisive process, intensifying political schisms. Writing in *Federalist 65*, Hamilton asserted that impeachment "will seldom fail to agitate the passions of the whole community, and to divide it into parties more or less friendly or inimical to the accused. In many cases it will connect itself with the pre-existing factions, and will enlist all their animosities, partialities, influence and interest on one side or the other..." During an impeachment trial, then, Hamilton expected that public opinion would intensify and polarize along the major partisan divisions of the day. Some time after the trial, Hamilton's argument suggests a diminution of partisan feelings. No longer the focus of government, public attention shifts toward other matters thus reducing the fervor attending impeachment politics.

The stability of government under the new Constitution was a central concern for Hamilton and the Federalists (proponents of ratifying the Constitution) and Hamilton's

discussion of impeachment underscored how he saw the potential for impeachment, if not undertaken as proposed in the new Constitution, to be harmful to public confidence in government. Hamilton recognized that impeachment had important implications for public confidence and trust. According to Hamilton, impeachment involved “those offenses which proceed from the misconduct of public men, or, in other words, from the abuse or violation of some public trust.” In sum, Hamilton believed that impeachment necessarily involved a betrayal in public confidence, but that it involved a breach reflecting distinctly personal and partisan dimensions.

History affords few opportunities to study impeachment politics. This is especially true of presidential impeachments since they are a historical anomaly. Only twice in American history has the chief executive been impeached—President Andrew Johnson in 1868 and President Bill Clinton in 1999. Of the two presidential impeachment trials, only the impeachment of Clinton happened in the era of public opinion polling thus providing an opportunity to empirically examine the effects of impeachment on public confidence.

In this paper, we investigate public confidence in government—the presidency, Congress and Supreme Court—during and after the impeachment trial of President Clinton. Our expectations stem, in part, from Hamilton’s insights. Borrowing from Hamilton, we test his expectations about the effects of impeachment politics on public confidence in government. In particular, we examine Hamilton’s presumption about the heightened role of political divisions in public confidence during impeachment across the three branches of government. Additionally, we examine his more specific claims about the role of the Supreme Court and impeachment, namely that the public may not

recognize the Court a suitable institution for handling such a potentially divisive process. Using trivariate probit analysis from a unique survey of Atlanta residents during and after the impeachment trial, we find support for Hamilton's claims about the polarizing effect of impeachment politics. In particular, we find that partisan attitudes play a much larger role during impeachment than afterwards. We also find that the Court's involvement in the process hurt its confidence among citizens favoring removal of the president after the trial.

Impeachment and Public Confidence in Governmental Institutions

Public confidence in American governmental institutions stems from both enduring core values, and more immediate factors, that arise from changing circumstances. While enduring cultural values provide the political milieu for public evaluations of government, changing economic, political, or social conditions explain the variability of public confidence or trust in government over time (e.g., Chanley, Rudolph and Rahn 2000). Impeachment politics attend to the latter source. Yet, in contrast to long-term evaluations of government, we examine confidence in American political institutions over the short-run—the impeachment trial of President Clinton. Although politics outside the world of impeachment witnessed some volatility, other happenings such as stock market fluctuations may not have been all that consequential for confidence in political institutions given overall economic performance (low levels of inflation and unemployment). The brief time-period of our study thus allows us to hold constant many, but certainly not all, of the causes of public confidence.

By focusing on the impeachment trial and approximately two months following its conclusion, we examine political attitudes across time and institutions. In broad

strokes, following Hamilton's insight, we expect political divisions to intensify during the impeachment trial and we presume, at some point afterwards, diminish in importance. As Hamilton's discussion in *Federalist 65* suggests, the political attitudes we consider include the political divisions made salient by impeachment. According to Hamilton, the divisions roused by impeachment included the "parties more or less friendly or inimical to the accused" and "pre-existing factions" or, as we refer to them today, political parties (see Amar 1999, p. 295). For the Clinton impeachment, citizens' attitudes about whether Clinton should be removed from office and partisan identification makeup the crucial personal and political divisions identified by Hamilton.

Since impeachment of a president had not occurred in the era of public opinion polling, research has little to say about its effects on public confidence in government. However, scholars have found that scandals (Chanley, Rudolph and Rahn 2000; Orren 1997) and evaluations of incumbent officeholders (Citrin 1974; Citrin and Green 1986), both germane to opinions about Clinton's impeachment, affect public confidence in government.

On the other hand, the effects of party identification on confidence or trust in government are less clear. Whereas some scholars find that partisan orientations have little or no effect on trust in government (Citrin and Luks 2001) or on specific institutions such as the Supreme Court (Tanenhaus and Murphy 1981) others find that party identification shapes evaluations of government generally as well as across the branches of government individually (Hibbing and Theiss-Morse 2002, ch. 3). Our guess about why partisan identification has inconsistent effects on public confidence or trust turns on the variability of information found in the political environment. Although we do not

attempt to reconcile the discrepant findings for partisan identification and public confidence here, we believe that our research design examining public confidence during and after impeachment—two distinct information environments—may provide insight into this inconsistency. As suggested by Hamilton, periods of heightened partisan conflict may intensify the role of partisan orientations in public confidence in government. By implication, during periods of diminished partisan conflict, partisan effects on confidence will recede.

Based on Hamilton’s insight, then, we hypothesize that political disagreement over the fate of the accused (President Clinton) and partisan divisions will matter less in citizens public confidence ratings in the post-impeachment period.

American Governmental Institutions and Impeachment Politics

In addition to the varying political information environments caused by the impeachment and post-impeachment periods, citizens’ information about government also varies meaningfully across institutions. Although research on trust or confidence in government captures general assessments of the political system, there is good reason to examine each branch individually (see Hibbing and Theiss-Morse 1995), especially in the case of a presidential impeachment. The impeachment of a president involves all three branches of government embroiled in a major political controversy. By examining each branch individually, we evaluate how the major political divisions roused by impeachment politics matter *across* institutions. Specifically, given the differences in what citizens read, see, and hear about the different branches we expect the political divisions stemming from impeachment politics to affect the three branches somewhat differently. Thus, although we expect impeachment politics and its absence to provide

meaningful differences in the effects of political attitudes across political time, we also expect these differences to vary across the branches of government given the different amounts and types of information citizens receive about them.

Of the three branches of government, the presidency is most closely associated with a single officeholder and the most visible branch of government. In this respect, citizens almost certainly see the executive branch as resembling the sitting president more than an institution (Lowi 1985). Thus, despite the fact that the president and Congress share policy-making powers and partisan politics in common, they probably have less in common than frequently recognized insofar as the types of information citizens receive about them. Citizens see and hear much about the person occupying the presidency, but relatively little about individual members of Congress or justices on the Supreme Court. Furthermore, President Clinton was the subject of the impeachment trial thus focusing attention on the man, his character, and behavior. For these reasons, we argue that the executive branch is an institution apart from the others. We expect that the effect of partisan divisions and attitudes about President Clinton's fate on public confidence in the presidency across the impeachment and post-impeachment periods will be less distinctive relative to the other branches of government. To be clear, although we expect to see political divisions recede in importance for all three branches of government in the post-impeachment period, we expect the presidency to exhibit *smaller* differences across the two periods as compared to Congress and the Supreme Court.

Our argument about the presidency as an institution apart from the Congress and the Supreme Court leaves us in the seemingly curious position of arguing that the legislative and judicial branches share a firm common basis of political evaluation among

citizens, at least during the impeachment trial. We believe that they did. Both the Congress and the Supreme Court played a role in the impeachment trial. In this way, impeachment politicized *both* branches of government. Although the politicization of Congress is common, it is unusual for the Court to be conspicuously involved in partisan politics. Indeed, much of the Court's legitimacy derives from being "above politics" and remaining apart from the elected branches (Jaros and Roper 1980). However, if the Court is involved in a highly political matter, citizens may lose confidence (Mondak 1990; Nicholson and Howard 2003). Although the Court did not determine the outcome of the impeachment trial, it had unusual public visibility cast on it stemming Chief Justice Rhenquist's role in presiding over the trial (see Henry, Howard and Nicholson 2003).

Hamilton also believed that the Court would not fare well among the public during impeachment because it lacked electoral authority. In *Federalist 65*, he devotes most of the article to a discussion of why the Senate, rather than the Supreme Court, was the appropriate body for the court of impeachments. Among the reasons Hamilton mentioned for why the Court was ill-suited to this task is that "it is...to be doubted, whether they [the Court] would possess the degree of credit and authority, which might, on occasions, be indispensable towards reconciling the people to a decision that should happen to clash with an accusation brought by their immediate representatives." (See Auslander 1992).

In contrast, the Senate at the time of the founding of the Republic was conceived as an institution that would combine the wisdom of the judiciary with sufficient electoral authority. The Senate was small, with only 26 members, and had a measure of electoral

independence since at the time state legislatures, not the public, chose Senators.¹ (Lerner 2002, p.2099, n. 156).

Thus, in Hamilton's estimation the Supreme Court, unlike the Senate, would not have the clout necessary to weather the strong political currents of impeachment politics. Hamilton reinforced this notion of a weaker Supreme Court in Federalist 78, where he remarks that the Court is "the least dangerous branch," because of its lack of financial or military authority. Since the impeachment process is "inevitably tinged with politics", the weaker judicial branch was intentionally to be kept out of the political fray (Amar 1999, p.295, 312).

However, the Chief Justice was to be the presiding office during the trial to prevent the conflict of the President of the Senate (the Vice President of the United States) from presiding over a trial that could make him or her President of the United States (Amar 1999, pp. 311-312). Thus, although the Supreme Court was kept out of the impeachment process, the Chief Justice had to play a role in the trial.

Data and Methodology

On January 7, 1999 the impeachment trial of President Clinton began and on February 12, 1999 the Senate acquitted the President on all charges thus concluding the trial. Our survey of residents in the Atlanta metropolitan region began two days after the trial began (January 9, 1999) and was in the field until April 15, 1999, a little more than two months after the trial's conclusion.² Since our sample is not national, we are

¹ In contrast, today, the Senate lacks this electoral independence and is a much larger and more partisan institution than it was in 1789 (see Lerner 2002), creating a greater problem with "faction" than Hamilton envisioned.

² Although the survey period lasted 100 days, no surveys were conducted on April 4, 1999 and April 15, 1999, leaving 98 total days. Overall, the response rate to the survey

reluctant to make broad generalizations to national opinion. However, we do not see any reason why Atlanta residents would respond any differently to impeachment and post-impeachment political environments than residents of other cities or states.

Interviewers asked respondents questions about political predispositions, opinions about the impeachment trial, confidence in governmental institutions, and demographic characteristics. Studies of confidence and trust in government have used a variety of items, some more global and some more specific. Given that impeachment highlighted the distinctiveness of the three branches, we included separate items for the presidency, Congress and Supreme Court, and following the General Social Survey (GSS) had interviewers ask respondents about confidence in each institution. For each branch of government, we code the dependent variable one (1) if respondents expressed “a great deal” or “quite a lot” of confidence in government and zero (0) if they expressed “some” or “very little” confidence in government.

Following Hamilton, the primary independent variables we examine include the modern version of faction, partisan identification, and support or opposition to President Clinton’s impeachment. We code *Partisan Identification* one (1) for Democrats, negative one (-1) for Republicans and zero (0) for Independents. Given Democratic Party control of the presidency and Republican Party control of the Congress, we expect this variable to be positively related to confidence in the presidency and negatively related to confidence in Congress. Our expectations for the Supreme Court are less clear given that it is not popularly elected and its justices do not identify themselves as partisans.

averaged 54 percent using the most conservative method of calculating response rates (RR1) on the American Association for Public Opinion Research website (<http://www.aapor.org>).

Nevertheless, we expect partisan identification to have a negative effect on confidence in government since the Court was involved in a political process that might remove a Democratic president from office.

The other independent variables of central interest concern opinions about President Clinton's impeachment. We asked respondents about which option taken by the Senate they would have favored the most—removal, censure, no action, or resignation. In our analysis, we include a dummy variable for each of the two most extreme positions. For the option most favorable to Clinton, the variable *No Action* is coded one (1) for respondents who favored the option that the Senate take no action and zero (0) otherwise. For the option most unfavorable to Clinton, the variable *Removal* is coded one (1) for respondents who favored the option that the Senate remove President Clinton from office and zero (0) otherwise. As with partisan identification, we expect that respondents favoring “no action” will express confidence in the presidency and those favoring “removal” will not. Since Congress was responsible for President Clinton's impeachment, we expect the opposite pattern. Respondents favoring “removal” will express confidence whereas those favoring “no action” will have diminished confidence. Our expectations about the Supreme Court are less clear. If the logic of our argument applies to the Court as well as the other branches of government, those in favor of removal will express confidence in the Court and those against it should not. Yet, as discussed, Hamilton argued that the Supreme Court was too deficient in electoral authority to play a significant role in the process. For this reason, impeachment politics might not have any effect on the Court since citizens may deem its role as insignificant.

We also control for a variety of factors typically associated with confidence in government (see the appendix for coding).

Although much happened during the months of our survey, we are interested in the larger picture that emerged from impeachment and post-impeachment politics. We want to know whether impeachment “mattered” to citizens’ public confidence ratings of governmental institutions. In particular, following Hamilton, we want to know whether impeachment polarized political opinions of American governmental institutions. Thus, consistent with Hamilton’s argument about heightened partisan divisions, we expect partisan identification to have a large effect on confidence in government during impeachment. Similarly, we expect opinions about President Clinton’s impeachment to have a larger effect during the trial.

Studies of public confidence (or trust) in government assume that opinion is distinct across the branches of government. In most instances, this may be the case. Public confidence in Congress may have little or nothing to do with public confidence in the presidency or Supreme Court. But during impeachment such an assumption makes little sense. A citizen’s confidence in the presidency during impeachment may have a lot in common with his or her confidence in Congress or the Supreme Court. With all three branches focused on impeachment, confidence in the branches of government should share a common basis of evaluation. However, while they are interrelated, we do not believe that confidence in one branch causes confidence in another. That is, confidence in one branch is not endogenously related to confidence in another branch. Due to this relationship, we use trivariate probit regression, a maximum likelihood simulation method (Cappellari and Jenkins 2003; Green 2003 p. 931-933, see also Gibbons and

Wilcox-Gok 1998). There are several advantages to using trivariate probit. This method simultaneously estimates equations allowing us to treat opinion on institutions as interrelated across the three branches but it does not assume that these opinions cause each other. Thus, the three equations represent separate but related opinions for the three branches of government. By not accounting for the correlation among errors, coefficient estimates may be biased.

To evaluate whether it is appropriate to use this method, we examine “rho” which accounts for the correlation among errors or the unexplained variance between two equations. If “rho” is statistically significant, confidence evaluations across the three branches of government are related but if it is not, it indicates that the equations should be estimated separately.

Results

Table 1 presents the results from a trivariate probit analysis of public confidence for each branch of government by impeachment and post-impeachment time periods. Beginning with the impeachment period, the statistically significant correlation coefficients for “rho” suggest that the equations for each branch are significantly related to each other. The magnitude of the “rho” coefficients suggest that the equations for public confidence in Congress and the Supreme Court share the most in common (.45) while the Presidency and the Supreme Court, relatively speaking, have the least in common (.27). The correlation among the error terms for the presidency and Congress fall somewhere between (.38). Although these differences are not dramatic, they suggest that citizens evaluated the Supreme Court and the Congress more similarly than any other pairing of branches, a peculiar finding since traditional wisdom would suggest that

citizens evaluate the Court, supposedly a non-partisan and non-political branch of government, quite differently than the elected branches of government.

The results from the impeachment trial period largely conform to our expectations. As expected, *Partisan Identification* is a statistically significant predictor of confidence in all three institutions during impeachment. In addition, the sign of the coefficient for partisan identification is positive for confidence ratings in the presidency, but negative for the Congress and Supreme Court. These results indicate that during impeachment Democrats were more likely to express confidence in the presidency, but not in Congress or the Supreme Court. Thus, not only was the presidency and the Congress politicized, but so too was the Court.

In contrast, looking at the post-impeachment period depicted in the second column of Table 1, partisan identification is not a significant predictor of public confidence for the Supreme Court or the Congress. Indeed, as expected, the presidency is the only branch of government where partisan identification appears to matter to public confidence ratings across both periods. Yet, even here there appears to be a difference in the magnitude of partisan effects across the impeachment and post-impeachment environments.

As for our control variables (gender, education, approval of the president or congress, ideology and race) we find that only race had an effect statistically distinguishable from zero on evaluations of confidence for all three institutions. Again, conforming to our expectations, the change due to race from the impeachment period to the post impeachment period was greatest for evaluations of Congress and the Supreme Court, and less for the Presidency. This same pattern was observed for Males, who

showed a significant drop in confidence in the Congress post impeachment.

Congressional and presidential approval was strongly related to confidence in each respective institution.

To better understand the effects of impeachment politics and partisan identification across the impeachment and post-impeachment periods, Figure 1 depicts changes in probabilities of confidence in all three branches of government for the impeachment and post-impeachment periods for our key variable, partisan identification. As seen in the left-hand side set of bars, moving from Republican to Democrat produces a change in probability of .24 for confidence in the presidency during impeachment but the same change in probability for the post-impeachment period is .16. Although this is not a huge difference, it suggests that party identification played a lesser role in public confidence ratings of the presidency in the post-impeachment period. Although party identification was not statistically distinguishable from zero in the post-impeachment period for the Congress and the Supreme Court, the changes in probability depicted in Figure 1 show that partisan effects on confidence diminished in the post-impeachment period. Taken together, these findings indicate that the role of partisan identification in shaping confidence in government was susceptible to the highly politicized environment of impeachment politics.

Our other expectations involved the effect of opinions about what course of action was favored for impeachment—removal or no action. During the impeachment trial, we expected that these opinions would have a greater effect on confidence in the three branches than afterwards. Although we find some support for this argument, the effects of these opinions on confidence in governmental institutions suggest a more complex

pattern. To begin with the presidency, during the impeachment trial both *No Action* and *Removal* were statistically significant and in the predicted direction indicating that respondents who favored the Senate taking no action against the president were likely to express confidence in the presidency and respondents who favored that the Senate remove President Clinton from office expressed less confidence. However, in the post-impeachment period we find that *No Action* remains a statistically significant predictor of confidence in the presidency whereas *Removal* does not. The changes in probability (moving from zero to one) depicted in Figures 2 and 3 also suggest that the magnitude of changes for *No Action* and *Removal* were larger during impeachment.

As expected, *No Action* had a negative effect on confidence in Congress and *Removal* had a positive effect. Furthermore, inspection of Figures 2 and 3 show that the effects of these variables were larger during impeachment. Yet, despite that both of these variables are in the predicted direction and the effects appear to be greater during impeachment, in neither the impeachment nor the post-impeachment period do we see these attitudes having statistically significant effects on public confidence in Congress. This is a curious finding since partisan identification was a significant predictor during impeachment but not statistically distinguishable from zero in the post-impeachment period. The difference might stem from the fact that Congress was divided along partisan lines on the impeachment issue thus heightening the importance of partisan considerations. At the same time, opinions about whether the Senate take no action against the President or remove him from office might have been difficult to attach to Congress since opponents *and* supporters of the President belong to the institution. In other words, Congress was involved in attempts to *both* remove Clinton from office (a

decision opposed by those favoring no action) and keep him in office (a decision opposed by those favoring removal). Furthermore, the insignificant coefficients for these variables might be attributed to the fact that our question asks about Congress instead of the House or Senate individually. Since each chamber played different roles in the process and because impeachment politics highlighted their differences, some respondents might have considered the Senate while others considered the House.

Perhaps the most interesting effect impeachment had on governmental institutions involves the Supreme Court. As Hamilton's argument suggests, the Court may be hurt by impeachment given its visibility in a partisan venue (see Henry, Howard and Nicholson 2003). Both *No Action* and *Removal* had a negative effect on confidence in the Supreme Court indicating that the Court had lost confidence among citizens both for *and* against impeachment. Interestingly, the statistical significance of each variable alternates across the impeachment and post-impeachment periods as does the magnitude of the effects. During the impeachment trial, *No Action* had a statistically significant effect on confidence in the Court but afterwards it did not. Furthermore, as shown in Figure 2, the change in probability for this variable is larger during the impeachment period. On the other hand, *Removal* did not have a statistically significant effect during impeachment but afterwards it did. Figure 3 also shows that *Removal* had a larger effect in the post-impeachment period.

In the case of the Court, then, opposing views about Clinton's fate shaped confidence as expectations changed across the impeachment and post-impeachment periods. Citizens favoring no action against the President had less confidence in the Court during the trial because it was possible that President Clinton might be removed

from office. After President Clinton was no longer in jeopardy of being removed from office, these citizens had less reason to lose confidence in the Court. The opposite pattern emerges for citizens in favor of removing President Clinton from office. During the trial, citizens in favor of removing Clinton did not make confidence judgments in the Court based on this opinion but afterwards when Clinton had been acquitted their confidence was diminished.

Discussion and Conclusion

Approximately 150 years before the advent of scientific public polling and more than 200 years before the Clinton impeachment, Alexander Hamilton discussed the consequences of impeachment on governmental institutions. Hamilton recognized the potential danger of partisan polarization during the impeachment process but implied that the polarization would recede after impeachment. Of all branches of government, Hamilton recognized the greatest threat would be to the Court, the institution thought to have the least partisan backing. We find Hamilton's expectations and concerns borne out by our findings. In general our models performed as Hamilton, and our hypotheses, expected.

We find that partisanship had a greater impact on confidence in governmental institutions during the impeachment period than after impeachment. We even find some political damage to the Court, despite the attempt by the framers to have the Court as removed as possible from the process. Moving beyond the specific concerns of Hamilton, our expectations about the interrelatedness of confidence in the institutions of government were confirmed, although there were still significant differences in the effect of our key partisan variables. In addition, we found a greater correlation in our measures

between Congress and the Supreme Court, both during and post impeachment, than in the correlation either branch had with the Presidency.

While confidence in the presidency declined post impeachment, the most partisan respondents against the president, Republicans and those who favored his removal from office, were no longer more likely to have decreased confidence for the presidency following impeachment. The fervor of the most ardent partisans appears to have cooled and the institution of the presidency recovered somewhat, as implied by Hamilton.

Confidence in Congress presents a less straightforward result. Although, as expected, Democrats had less confidence in Congress than Republicans, post impeachment there was no statistically distinguishable difference by partisan identification. In addition, both during and post impeachment those who had the most contrary views of the preferred outcome – no action as opposed to removal – did not affect confidence. Given the contrary roles of the House and Senate, the House as the impeaching body and providing the prosecution as compared to the Senate, which ultimately voted to acquit the president, it is likely that these separate actions of Congress ended up neutralizing any coherent partisan impact. Each side could find something to instill or diminish confidence about Congress.

Finally, the Supreme Court model presents our most intriguing results. Although partisan sentiment failed to play a significant role in shaping evaluations of the Court after the trial, which was expected, proponents and opponents of Clinton's impeachment demonstrated less confidence depending on circumstance. Citizens opposed to Clinton's impeachment expressed less confidence in the Court during impeachment and citizens in favor did the same, but only after the trial ended and they did not get the result they

wanted. The “cult of the robe” (Frank 1963, pp.254-261) or the widely held perception that the Court is “above politics” (Jaros and Roper 1980) is often thought to distinguish the Court from the executive and legislative branches. Our results suggest that the Court is different, but not because it is above politics. The Supreme Court is different because it has no political base. Hamilton acknowledged that there is inherent politics and divisiveness because of impeachment. During the impeachment, partisans of Congress and the Presidency had greater confidence in the respective institutions of government controlled by their party (and less so for the institution controlled by the opposing party). Generally speaking, the Court does not have partisan adherents. In the words of Hamilton, the Court lacks “electoral authority.” Because it lacks electoral authority, the framers prevented the Court from becoming too actively involved in this most political of all processes. Given our findings, perhaps Hamilton’s concerns were justified.

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Appendix A

Survey questions:

1. I am going to read you a list of institutions in American society. Please tell me how much confidence you, yourself, have in each one-a great deal, quite a lot, some, or very little.

The President

The Congress

The Supreme Court

0 = very little or some confidence

1 = quite a lot or a great deal of confidence

2. Do you approve or disapprove of the way Bill Clinton is handling his job as president?

0 = disapprove

1 = approve

3. Do you approve or disapprove of the job that the Congress in Washington is doing?

0 = disapprove

1 = approve

4. With which racial or ethnic group do you most strongly identify?

1 = Black

0 = Other

5. What is your gender?

1 = Male

0 = Female

6. What is your level of education?

1 = Less than a high school graduate

2 = High school graduate

3 = Some college, Associate degree

4 = College graduate, Bachelors degree

5 = Some Graduate School

6 = Professional or Graduate degree

7. Do you usually think of yourself as a Democrat, Republican, or an Independent?

1 = Democrat
0 = Independent
-1 = Republican

8. Which one of these four options do you favor the most for President Clinton?

0 = No action
1 = Censure, resignation or removal

0 = No action, censure or resignation
1 = Removal

Table 1. Trivariate Probit Estimates of Confidence in Government during and after the Impeachment Trial of President Clinton

Branch of Government	Variable	Impeachment		Post-Impeachment	
		Coefficient	Standard Error	Coefficient	Standard Error
Presidency	Party ID	.31***	.055	.21***	.047
	No Action	.57***	.086	.48***	.073
	Removal	-.29**	.110	-.09	.094
	Pres Approval	.80***	.093	.77***	.077
	Ideology	-.02	.023	.03	.018
	African-American	.32***	.093	.28***	.077
	Male	-.03	.075	-.02	.063
	Education	-.04	.029	-.03	.024
	Constant	-.69***	.150	-.88***	.121
Congress	Party ID	-.11*	.053	-.02	.045
	No Action	-.10	.089	-.01	.074
	Removal	.06	.095	.02	.085
	Cong App	.64***	.069	.67***	.058
	Ideology	.018	.023	.08***	.019
	African-American	.04	.094	-.18*	.080
	Male	.15*	.071	-.00	.062
	Education	-.02	.029	-.00	.024
	Constant	-.92***	.135	-1.11***	.121
Supreme Court	Party ID	-.11*	.050	-.06	.042
	No Action	-.19*	.081	-.04	.069
	Removal	-.01	.091	-.29***	.080
	Ideology	-.03	.020	-.03	.017
	African-American	-.31***	.086	-.39***	.073
	Male	.13	.067	.11	.059

Education	.05	.027	.11***	.023
Constant	.16	.12	.03	.10
rho12 (President & Congress)	.38***	.043	.46***	.034
rho13 (President & Court)	.27***	.043	.38***	.033
rho23 (Congress & Court)	.45***	.037	.50***	.031

N	1497	1970
Log likelihood	-2513.22	-3338.76
Wald Chi-squared	644.64***	746.23***

Note: Coefficients are simulated maximum-likelihood estimates using the GHK smooth recursive simulator. The dependent variable equals one (1) if respondents expressed “a great deal” or “quite a lot” of confidence in government and zero (0) if they expressed “some” or “very little” confidence in government *p < .05 level (two-tailed test); **p < .01 level (two-tailed test); ***p < .001 level (two-tailed test). Robust standard errors.

Figure 1. Changes in Probability of Confidence in Governmental Institutions by Party Identification

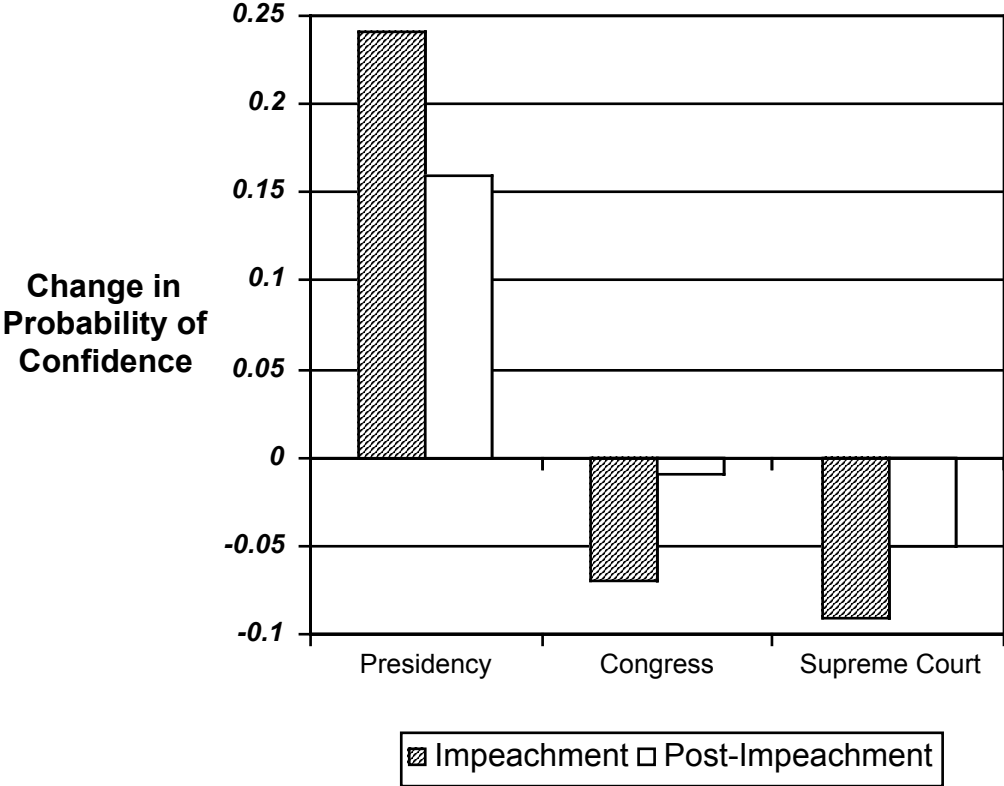


Figure 2. Changes in Probability of Confidence in Governmental Institutions by Preference for Senate to Have Taken No Action Against President Clinton

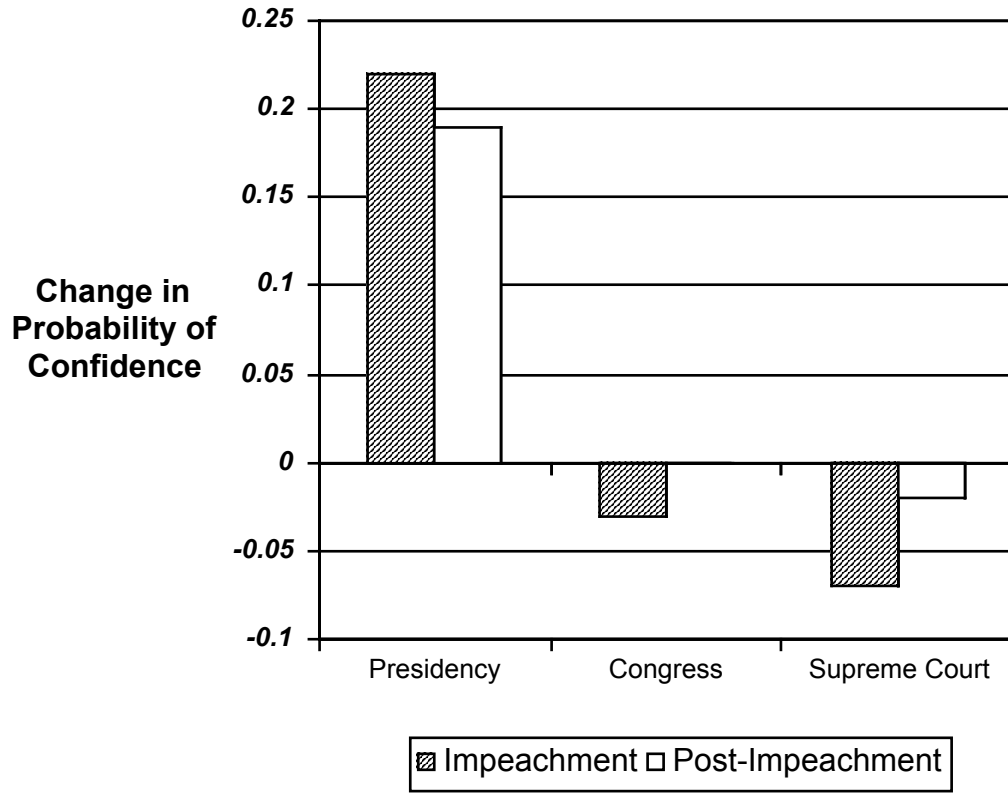


Figure 3. Changes in Probability of Confidence in Governmental Institutions by Preference for the Senate to Remove President Clinton from Office

