

The Impeachment Process: Partisanship, Polarization, Partisan Press, and the Integrity of
the Presidency

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Abstract

The impeachment process in the United States has only been used five times against presidents in its history, with only four resulting in proper impeachments and none resulting in convictions. Since its inception in the Constitution, Framers like Alexander Hamilton expected the process to be marred by partisanship and polarization. For the most part, the process has been used as a partisan instrument, unless members of Congress have chosen to break the hold partisanship has on the process. Concern for the integrity of the office of the presidency and democracy can break the partisan hold, overcoming polarization and partisanship. The press in the U.S. has been affected by partisanship throughout its time, with some newspapers self-identifying with a political party. As the press evolved, partisanship stayed fairly the same but self-identification halted. The biased press could affect the bias of Congressional members and therefore the impeachment process.

Table of Contents

Introduction.....	1
History.....	8
Impeachment Procedure.....	8
High Crimes and Misdemeanors.....	10
Media History	11
Partisan Press	15
Andrew Johnson’s Impeachment	17
Charges and Trial	17
Outcome.....	19
Richard Nixon’s Near Impeachment.....	25
Charges	25
Outcome.....	28
Media	30
Woodward and Bernstein	35
Bill Clinton’s Impeachment	37
Charges	37
Outcome.....	41
Media	42
Donald Trump’s First Impeachment	46
Charges	46
Outcome.....	48
Media	50
Donald Trump’s Second Impeachment.....	56
Charges	56
Outcome.....	60
Media	62
The Future of Impeachments, Partisan Politics, and the Press	68
Conclusion	73
Bibliography	77

Introduction

“The decision will be regulated more by the comparative strength of parties, than by the real demonstrations of innocence or guilt” (Hamilton on impeachment, *Federalist* 65). Alexander Hamilton acknowledged that impeachment, a process the Framers added to the United States Constitution in 1787, would be rife with partisanship, yet he still defended the process’s inclusion. The recent impeachments of President Donald Trump have led to many questioning the efficacy of the impeachment process. Four times in American history have presidents been impeached by the House of Representatives, and in each case, the Senate acquitted the president. The acquittals suggest, perhaps, that impeachment is little more than an instrument of partisan attack, like Hamilton wrote it would be. After more than 225 years of the U.S. Constitution, no president or Supreme Court Justice has been impeached by the House and convicted by the Senate. Yet, a review and analysis of four presidential impeachments and the resignation of President Richard Nixon at the beginning of an impeachment investigation suggests that the impeachment process is more than an instrument of partisan attack. In the impeachments of Andrew Johnson and Richard Nixon, partisanship was mitigated by Senators’ and Representatives’ concern for the integrity of the office of the presidency and for the integrity of democracy. In the impeachments of Bill Clinton and Donald Trump, partisanship prevailed.

News media, particularly newspapers and broadcast TV news, have become increasingly more opinionated since the 1960s. With each formal impeachment conviction vote, Senators tended to vote with their political party (partially excluding Andrew Johnson’s impeachment in 1868 before yellow journalism), except in cases of

clear election interference and coverup. Though Trump's second impeachment in 2021 dealt with election interference, the vast majority of Senators voted with their political party. However, before Richard Nixon resigned in 1974 because of the election interference within the Watergate scandal, it appeared that his impeachment and removal were imminent. This thesis will seek to prove that media bias has contributed to political partisanship and polarization. Because of this media bias, partisanship and polarization have grown to an extent where Senators are far more inclined to vote with their party than to vote with the opposition's party, particularly in cases of acquitting a democratically-elected president. This bias tends to reinforce the partisanship of the president's political party. The historical record of impeachment suggests that the standard for convicting a president in the Senate is too high because it cannot overcome partisan bias. However, the severest acts worthy of impeachment and conviction, such as election interference and a coverup, might overcome partisanship in the future, especially depending on how the actions are covered in the news. If Senators in the president's political party do not have to worry about being reelected because of their partisan impeachment vote, they may be more inclined to break with their party and vote to convict the president.

Democrat Hawaii Senator Brian Schatz said in 2019 to Politico before the Senate's vote on Donald Trump's first impeachment, "This was a matter of principle — that if impeachment was not to be used in this instance it was rendered useless forever" (Lizza 2019). While there is truth to what Schatz alluded to (the failure of the impeachment process), Trump's second impeachment and Richard Nixon's near impeachment demonstrate that conviction in an impeachment is possible. However, the seriousness of removing a democratically elected president is clearly recognized by the

Senate in every impeachment case thus far and built into the impeachment process itself, especially considering conviction requires a two-thirds vote from the Senate.

The American Framers thought it important to include impeachment within the U.S. Constitution. They detailed the process, including the impeachment inquiry and articles being approved in the House of Representatives and the conviction and removal or acquittal happening in the Senate. The process begins when the House Judiciary Committee investigates charges brought forth by a lawmaker or special prosecutor. A simple majority in the committee must decide to pursue articles of impeachment and have them voted on by the full House. If the full House of Representatives passes one article of impeachment by simple majority vote, the president is impeached, meaning that a trial will be held by the Senate. During the Senate trial, members of the House – generally selected from the House Judiciary Committee – serve as prosecutors, and if the president has been impeached, the Chief Justice of the Supreme Court serves as the presiding officer. The Senate hears evidence, witnesses, and acts as the jury, with the Senate even being referred to as “trial managers;” they then vote to acquit or convict on each impeachment article. Conviction requires a two-thirds vote from the Senate and means a president is removed from office.

The most that is said about what justifies as an impeachable offense in the U.S. Constitution is “Treason, Bribery, or other high Crimes and Misdemeanors” (Article II, Section 4 U.S. Constitution). Throughout the history of impeachments, particularly presidential impeachments, there has been much discourse regarding what actions constitute an impeachable offense under the qualifications set in the Constitution. Historical precedence and experience with presidential impeachments show the

qualifications are clearly open to interpretation. It is not enough to convict a president or prove that they technically committed the crime for which they are on trial. Senators tend to adopt rules that are not in direct line with legal procedure, meaning the adopted rules are meant only partly to mirror legal standards. Violation of law does not mean a president will be convicted, mitigating factors such as party loyalty and circumstances contribute to conviction or acquittal (e.g., Clinton's perjury and obstruction of justice were considered unimpeachable offenses by some Senators because they related to lies about his sex life).

While the formal, legal impeachment process has remained essentially the same since its creation in 1787, the political and cultural landscape in which it has been invoked has changed in significant ways. Political parties during the Founding were vastly different than they are today. They were divisive, yes, but not to the extent of violent polarization that exists today (an exception being parties during the Civil War and during the Adams Administration). The media was also vastly different at the Founding than it is known today. Most realize and accept the partisanship of media outlets, claiming that to get both sides of the story, it is necessary to choose two outlets: for example, Fox News and CNN. In recent times, rather than search for objective facts found within one reliable media outlet, less partisan people look to both sides of the political spectrum for the truth.

Objectivity in journalism became less expected in the 1960s and according to Jim Kuypers; it became left-leaning with its objectivity disappearing. "Within short order, though, a rapid shift occurred in which several factors coalesced: the decline of professional standards; a rebellion against the concept of 'fairness'; and a new emphasis

on ‘progressive’ reporting” (Kuypers 2015, 4). This growth in partisan media over time has even led to a distrust of the media. When Democrats consume Republican-leaning Fox News, they have more distrust than if they were to consume Democrat-leaning CNN. In fact, Republicans tend to trust their source of news less than independents or Democrats, regardless of where they consume it (Pew Research Center “Wider partisan gaps emerge in trust of national and local news organizations, social media,” 2021). The creation of yellow journalism and sensational journalism began at the end of the 19th century and created a precedent for practices that increased readership but blurred the lines between fact and fiction. This blurring and media distortion might cause the public, including Congressional officials, to be more partisan; this partisanship is particularly sensitive at times of great importance, like impeachment inquiries and trials, with facts and opinions muddling on the front pages of news outlets.

The impeachments of judges and justices shortly after the Founding clarified parts of the impeachment process, but still garnered confusion if a president were to be impeached. Even with the first federal impeachment of Supreme Court Justice Samuel Chase in 1803, the two-party system showed its holding power over divisiveness within impeachment proceedings. With Federalist George Washington-appointed Chase, several articles of impeachment were drawn against him, ending in six Jeffersonian Republicans voting with the Federalists in the Senate. Requiring a two-thirds majority of Senators to convict a president helps prevent a Senate that might be comprised of 50 Democrats and 50 Republicans from easily impeaching a president of either party unless the president actually committed a legitimate impeachable offense. “To be impeached and removed, committing an HCM [high crime and misdemeanor] was necessary but not sufficient. A

second condition was needed too: your removal had to be compatible with the ruling party's political purposes" (Kalt 2019, 7). With the increase in polarization, it has only increased the power the two-party system holds. Pure and intense partisanship of the opposition party competes with the desire to uphold the democratic integrity of the office of the presidency. Conviction of a president requires significant crossover voting in most circumstances, something that historically occurred more for acquittal than conviction votes.

Members of Congress fear losing their seats if they do not conform with their party. In the case of President Richard Nixon, where the argument amongst Congress was not whether what happened was an impeachable offense but whether or not Nixon was guilty, the truth became a partisan issue. Public opinion and the two-party system control politicians to a large degree, causing possible excommunication from their chosen party if they stray from either public opinion or the two-party system too far. Republican Representative Liz Cheney, who recently expressed the need for a new political party, was in favor of Trump's impeachment in 2021, leading to getting primaried by Trump loyalist Harrett Hageman who once supported Cheney and rebuked Trump. Republican Senator Mitt Romney also voted in favor of Trump's conviction in 2020 and 2021, causing his party to vilify him, even being censured by his state's legislature. In Trump's 2021 impeachment, ten House Republicans voted to impeach, and in November 2024, only two remain in the House. Seven Senate Republicans – Richard Burr, Bill Cassidy, Susan Collins, Lisa Murkowski, Mitt Romney, Ben Sasse, and Pat Toomey – voted to convict in 2021. Of those Republicans, Murkowski was reelected to her position in 2022, Burr, Romney, and Toomey retired rather than risked being primaried, and Cassidy,

Collins, and Sasse are up for reelection in 2026, as they just won in 2020 before the second Trump impeachment.

The two-party system influences all of politics, but most importantly, the presidential impeachment process. Impeachment can be used as a fearmonger for political gossip; the opposing party throws around different charges on which it should impeach the president, regardless of the truth, the level of offense, or even the possibility of actual conviction in the impeachment process. Official articles of impeachment against the president have only reached the Senate four times in U.S. history (Andrew Johnson, Bill Clinton, and Donald Trump twice). Only once did any impeachment inquiry result in a president leaving office (Richard Nixon), and that inquiry was never even voted on in the House of Representatives. Very few Senators voted against their respective parties in each impeachment proceeding, with the exceptions of Trump's second impeachment when seven Republican senators voted to convict the president, and Andrew Johnson's impeachment (before distinct political partisanship and polarization because of the media).

Since the ratification of the United States Constitution, a president has never been directly removed from office via impeachment conviction. The impeachment process, spelled out through various articles of the Constitution and federal law, is lengthy and complicated to avoid removing a democratically elected president for merely partisan reasons. Though there has been no formal conviction by the Senate, there have been a total of four impeachments among three presidents by the House of Representatives.

History

Impeachment Procedure

Article II of the U.S. Constitution spells out the president's duties and powers in office, and it concludes in Section 4 with a mention of possible impeachment for the president, vice president, and any "civil officers." The exact wording is "The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors." Roles in the impeachment process are spelled out within Article I, defining the House of Representatives' powers in Section 2, Clause 5, and the Senate's powers in Section 3, Clauses 6 and 7. The Constitution bestows the "sole Power of Impeachment" upon the House and the "sole Power to try all impeachments" upon the Senate. Powers for the House enumerated in the Constitution end at the clarification of impeachment, though general House rules allow impeachment after a simple majority vote. The Senate's powers are further enumerated in the Constitution, stating that conviction can only occur with a two-thirds majority. For the presidential impeachment process itself, Clauses 6 and 7 also clarify that the Chief Justice of the Supreme Court would preside over the Senate trial and that conviction includes removal from office and possible disallowance of holding any further U.S. office.

An impeachment generally begins with an impeachment investigation, conducted by the House. The investigation is undertaken by a House committee and has historically been done by a subcommittee of the House Judiciary Committee or multiple standing committees. Committee votes on articles of impeachment are typically partisan with few, if any, members breaking from their party. The impeachment process has always been

initiated in circumstances when the House is controlled by the party that does not control the executive branch. Impeachment articles are drawn against the president from the result of this investigation and go to a vote in the full House. Individual articles are voted on rather than all of them at once. Only one article passed by a simple majority is needed to impeach a president. If passed, the House chooses “managers” to present the article(s) to the Senate. These managers are the prosecutors in the Senate trial. In the Senate, Senators must be under oath as written in the Constitution, and the Chief Justice of the Supreme Court must preside over the trial. The Senate chooses how it wishes to go about the trial, but it concludes with a vote. To convict and remove a president, a two-thirds majority is required. Typically, senatorial votes on impeachment are along party lines, with few crossing over the partisan line. Just as in the House, only one article of impeachment being voted with a two-thirds majority is required to remove a president from office.

Still, with the powers enumerated within the Constitution, Alexander Hamilton found it necessary to clarify and defend the impeachment power in the *Federalist Papers*. Hamilton wrote in *Federalist* 65 that the inclusion of impeachment within the Constitution originated from the British impeachments to keep government officials in check. He also spoke about the seriousness of the action of impeachments, defending the choice to separate the process between the House and the Senate. Hamilton particularly defended the choice of a two-thirds majority vote in the Senate, saying that the result of a conviction vote could “doom to honour or to infamy the most confidential and the most distinguished characters of the community” (Hamilton *Federalist* 65). For this reason, Hamilton argued against using the Supreme Court as a court of impeachments, as the

matter is too great to only task with so few individuals. He also argued against forming a new department specifically for impeachment as it would further complicate government and politics, though in *Federalist 66*, he admitted that the Senate might have particular inclinations toward executives they appoint or support, preventing them from truly seeing guilt.

In both *Federalist 65* and *66*, Hamilton noted the partisan nature of the impeachment process and the “difficulty of placing it rightly in a government resting entirely on the basis of periodical election,” essentially noting that elected officials will work to help the president with similar beliefs to them (Hamilton *Federalist 65*). There were no formal parties within politics as they exist today, though Hamilton understood that if an impeachment process was brought against a president, there would certainly be parties formed.

High Crimes and Misdemeanors

The terms under which to impeach a president (or any official) are brief within Article II of the Constitution, some of which are fairly vague when read using today’s understanding. “High Crimes and Misdemeanors,” when read in a criminal law context, would roughly translate to important/substantial crimes and a crime that is punishable by less than a year’s jailtime. However, the meaning behind those words, particularly in the late 1700s, were commonly used in impeachment trials. The first usage of “High Crimes and Misdemeanors” comes from 1386 when impeaching the King’s Chancellor Michael de la Pole, Earl of Suffolk (Healy 2018). De la Pole was charged with “breaking a promise he made to the full Parliament,” showing that impeachment was used to keep

officials in check, preventing maladministration. During the time of mass impeachments in British history (1800s), American jurist Joseph Story said in 1833 that impeachment began to be used as a political weapon and just as a warning, as nobody was generally removed from office or convicted.

The “High” of “High Crimes and Misdemeanors” refers to the position the government official holds. It is a position of high importance and trust in which the official participates in misconduct that “seriously undermines the official’s fitness for office” (McGinnis 1999). When discussing the language to be included within the Constitution, many words were proposed before “misdemeanors.” Malversation, corruption, and maladministration were all choices, but James Madison argued against maladministration due to its broadness. The Framers settled on misdemeanors in committee before introducing to the Convention where it passed (McGinnis 1999). Misdemeanors encompassed most proposed words, including negligence and incapacity, whereas today, “High Crimes and Misdemeanors” as a phrase evokes only great abuses of power. Around the time of the founding and what constitutional law takes it to mean, “misdemeanors” means “Ill behavior; evil conduct; fault; mismanagement” (Webster’s Dictionary 1828).

Media History

Newspapers and the media have always been a key aspect to American life, since the colonial days until now. The Framers of the Bill of Rights found the press to be so key to democracy that they included it as one of the five freedoms in the First Amendment to the Constitution. A free press implies a lack of government control over the media, yet

evidently not a lack of political control of the media. Following the colonial era of newspapers that originally printed news from England focused mainly toward audiences of rich Englishmen in the colonies, newspapers began to gain popularity and be formed in 1750. The publication of both the *Federalist Papers* and the *Anti-Federalist Papers* in the 1780s kickstarted what is known as the “party press era,” with newspapers identifying themselves as standing with and supporting particular political parties, candidates, and ideas. James Madison helped circulation of newspapers by supporting the Post Office Act of 1792, which allowed newspapers to be sent through the mail. With the increase of newspapers and focus on local and now political information, newspapers required funding to support their endeavors, so they turned to political parties. Papers would identify a political party, candidate, or social stance they took and would generally include information—generally propaganda and/or messages—in support. To be a successful newspaper in the late 1700s until 1830, the money had to come from somewhere, and that somewhere was generally political parties, creating the “party press,” a staunchly partisan time in media history (Blanchard 2013). However, a key fact to remember is that newspapers generally would identify the political party that was paying them and what or whom they were supporting.

Beginning in the 1830s with machines and other technology, printing newspapers became faster and cheaper, marking the start of the “penny press era.” The first penny paper available in the United States was *The Sun*, one of the many papers now selling from newsstands and vendors rather than solely subscriptions (University of Central Florida 2019). The cheapening of materials allowed newspapers to begin to step away from partisanship, though some of the news became gossip. The *New York Tribune*

established itself as the first nationally respected newspaper by 1941, with reporters at this time beginning to hold themselves more responsible and to higher journalistic standards. Penny papers were viewed as terse because of the speed of the printing, requiring simple reprints of speeches or other documents rather than reporting, though when reporters involved themselves in the story, it would be as an author rather than an expert, inserting opinions and views. This was still a time of partisan press, just not an era defined by the hyper partisanship.

By the end of the Civil War, more journalists valued impartiality and accuracy with professional standards coming into play more often. However, the end of the Civil War then ushered in the Gilded Age, where journalism yet again had strong partisan stances yet again. By the mid-1890s, Adolph Ochs purchased the *New York Times* with the goal of creating a dignified paper that focused on politics, the economy, and the world (University of Central Florida 2019). An informational model was adopted to promote transparency in government and politics.

The Progressive and Modern Eras brought a distinct change to newspapers and journalism as a whole, seeing the invention of new technology. The sinking of the U.S.S. Maine before the Spanish-American War in 1898 was highly sensationalized by William Randolph Hearst and Joseph Pulitzer to increase newspaper sales, ushering in a period of yellow journalism, lasting until the 1910s (Crichton et. al 2010). Color, graphics, photographs, and comics marked this period to improve the visuals of a newspaper, lasting until today. The Progressive Era most famously brought muckraking, a practice of journalists exposing political and business leaders for corruption and bribery – the first bit of investigative reporting. Radio and television were both invented during the Modern

Era, with the first television broadcast in the U.S. being President Franklin D. Roosevelt opening the 1939 World's Fair in New York (University of Central Florida 2019). The rise of both TV and radio took subscribers and viewers away from newspapers, causing news to shift to much faster reporting, as people did not have to even leave their homes to get information quickly (University of Central Florida 2019). Broadcast news began covering World War II, causing the public to buy more TVs. CBS reported war events, showing pictures and maps to viewers to help understand the war. Radio news show host Edward R. Murrow moved his show to TV in 1951, followed by ABC, CBS, and NBC beginning nightly newscasts. TV ads by political candidates began appearing in the 1950s, most notably President John F. Kennedy's campaign in 1960. Televised speeches and presidential debates allowed the public to view their politicians as people, like President Richard Nixon's "Checker's Speech" in 1952 (University of Central Florida 2019). Until the 1990s, the minimal number of local stations and viewing options essentially forced viewers to watch presidential speeches and other political events.

President Bill Clinton saw an increase in his approval rating following his televised speech comforting families about the Oklahoma City bombing, and President George W. Bush saw the same after his televised bullhorn speech at Ground Zero after the events on 9/11 (University of Central Florida 2019). News TV became 24/7 coverage, limiting investigative pieces by the few journalists working in the field. The publicization of the Internet in 1995 changed media coverage, particularly of politics, lowering the number of viewers for nationwide speeches like the State of the Union addresses. Newsweek investigated the Monica Lewinsky and Bill Clinton scandal, finding a blue

dress with a stain, but they were scooped by the conservative-leaning and online *Drudge Report* without any other sources confirming (Crichton et. al 2010).

The creation and popularization of social media in the early 2000s lowered TV-viewers and newspaper subscriptions further, allowing politicians to speak directly to the public without going through the media first. Citizen journalists with their phone camera and microphone changed politics with the 2012 presidential election by allowing recording abilities, thus easily exposing candidates for comments and claims that previously would have been unrepeatable. Newspapers moved online, but still have seen decreasing subscribers and readers, with TV news seeing the same (University of San Francisco 2024). Many newspapers and TV news stations are now owned by most of the same companies, like Gannett or Nexstar Media Group (Andrews 2019). News deserts, where no local news outlets are present, are common in rural America, with so much of media and news reliance having become reliance on social media. The conglomeration of news causes a much smaller range of options for readers or watchers to choose from, making much news come from the same sources while sometimes providing the illusion of different origins.

Partisan Press

Media changed in partisanship since its inception, fairly fluctuating in how news is presented and how journalists insert themselves into their pieces. At the beginning of American history, the press presented what the British crown wished, rarely focusing on local events and topics. During the Founding, this changed to local coverage with political parties forming and funding newspapers. An entire era of American press history

was defined by the partisan nature of the press. What this era of history defines as a partisan press in the most literal meaning is a press that works to further a particular political interest, candidate, or party (University of Central Florida 2019). Generally, a newspaper would define itself as Federalist, Whig, et cetera. However, as journalism moved into more accuracy and objective fact rather than opinions or messages from political parties, papers identifying themselves as furthering a particular political opinion became rarer. In a study from Cambridge in 2024, researchers found that in 1850, 95% of daily and weekly papers “self-identified” and claimed loyalty to a certain party. Whereas in 1980, only 9% self-identified as either Democrat or Republican. The study found that from 1880 to 1980, self-identified partisanship within the press gradually and continually decreased (Hirano and Snyder 2024). Yet, many still believe these news sources – especially large and colloquial sources like Fox News and MSNBC (extreme examples) – to be biased toward a certain political party (Hirano and Snyder 2024). Charts from AllSides or Ad Fontes show how news sources, both TV and newspapers, skew liberal or conservative. The Cambridge study said that an ability to measure bias within media is crucial to democracy and accountability, recognizing a threat to quality politicians and citizens with partisan bias. If viewers know they are looking at a partisan news source and know what way the source skews, they will be less likely swayed by the bias and its persuasiveness.

Andrew Johnson's Impeachment

Charges and Trial

President Andrew Johnson was not elected to become president but rather assumed the position after the assassination of Abraham Lincoln in 1865. He became president during a tumultuous time: the end of the Civil war and slavery and the beginning of Reconstruction. Hailing from Tennessee, Johnson was a Southern Democrat who originally appeared to support Reconstruction until just a few weeks into his presidency. Johnson began vetoing Reconstruction bills that Congress passed, preventing freedmen from political rights. Most notably, Johnson vetoed the Freedmen's Bureau bill in 1866, severing ties from any Congressional Republicans and resulting in the Fourteenth and Fifteenth Constitutional Amendments (Rehnquist 1999). Johnson also opposed these amendments, regardless of the president's lack of role in the manner of adding them to the Constitution. The Tenure of Office Act was passed in March 1867 against Johnson's veto, a bill with the purpose of limiting the president's ability to shape his cabinet, requiring that appointments *and* dismissals must pass through the Senate. The bill resulted in a political battle between Johnson and his Secretary of War Edwin Stanton whom he attempted to replace with Ulysses S. Grant but later replaced with Major General Lorenzo Thomas. Stanton had Thomas arrested for illegally seizing his office, resulting in Johnson challenging the constitutionality of the Tenure of Office Act. Radical Republicans in the House of Representatives began an impeachment process against Johnson for his actions.

The Representatives drafted an impeachment resolution, which passed on February 24, 1868, along party lines 126-47. Eleven articles of impeachment were drawn

against Johnson and submitted to the Senate later that month, most related to his alleged violation of the Tenure of Office Act, but some were entirely and noticeably politically motivated and just an excuse to remove Johnson from office. The House of Representatives approved the articles on March 2, 1868, passing all eleven articles (nine were passed the first day, and the remaining two were passed on the next day) onto the Senate.

As the first impeachment trial of a president, the Senate had to set rules, resulting in a debate that ended with them adopting 25 rules. Chief Justice Salmon Chase presided over the trial. Questions arose about the time allowed for the president's counsel's response to the impeachment articles resulting in long debates and many failed votes. "These initial proceedings demonstrated, as no amount of abstract argument could, how difficult and unwieldy it is for a body consisting of fifty-six members to rule on what are routine procedural questions in a normal trial" (Rehnquist 1999, 223). Senator Ben Butler spoke for three hours about how impeachment "need not be based on an indictable offense or crime, but could be based on an abuse of power, and that the Senate was not a court when sitting to try an impeachment, and therefore a senator could not be properly be [*sic*] challenged or disqualified for 'interest'" (Rehnquist 1999, 224).

The principal charge against Johnson became his unlawful removal of Stanton, with six impeachment articles related to a violation of the Tenure of Office Act. Article XI combined several of the other charges into one article. However, "it was very difficult to argue that any of the acts charged were 'high crimes or misdemeanors' of the sort required by the Constitution for impeachment and conviction" (Rehnquist 1999, 227). None of the evidence was particularly surprising throughout the trial, as Johnson's

actions had been broadcast in major newspapers. At the time, the Senate consisted of 54 members: 42 Republicans and 12 Democrats (many of the Democrats were removed following the Civil War, as many were secessionists). If all Republicans voted to convict, Johnson would have easily been removed. The Democrats viewed the impeachment case as purely political, clearly going to vote for acquittal. The Senate only voted on Articles II, III, and XI, acquitting on all three with a vote of 35-19, one vote short of conviction. Knowing they would fail, the Senate did not take a formal vote on eight of the articles of impeachment.

Outcome

The first presidential impeachment did not occur until 79 years after the Constitution was implemented, resulting in the president's acquittal. Many factors went into Johnson's acquittal, as described by some of the Senators who voted against conviction. Some recognized the political agenda behind the impeachment that went along with the intensity of Reconstruction-era politics, while others worried about setting a precedent for future presidential impeachments over something they viewed as trivial. Based on these descriptions, the senators that voted against conviction did so mostly because they were not convinced that Johnson's actions truly met the high crimes or misdemeanors mark set out in the Constitution.

Republican Senator William Pitt Fessenden from Maine believed the charges against the president were brought up in a manner that disallowed Johnson from defending himself, as it marked the first presidential impeachment trial (Rehnquist 1999). Scrambling to figure out the rules of the trial stained the entire trial, clearly coloring

Fessenden's view of it. However, these were not the only grounds under which Fessenden opposed Johnson's conviction. Fessenden recognized the importance and the seriousness of removing a president – a person democratically elected – and refused to do so under such “slight” grounds. He questioned whether Johnson's actions constituted a “high distant misdemeanor” and cautioned the rest of the Senate from following their anger and passions of politics (Rehnquist 1999, 241). The Maine senator mentioned in his writings about his reasoning behind his decision of the requests from his and many other senators' constituents to convict and remove the president. He defended Johnson by saying that the evidence given in the papers and media is not identical to how the evidence was presented to the Senate, clearly coloring the public's view. Fessenden instructed his constituents to trust him and allow him to do exactly what they elected him to do in the first place: make decisions on their behalf. In fact, he spoke about how he found his own judgment in the matter more important than “securing popular favor,” favoring his own conscience over getting re-elected or kept in office (Rehnquist 1999).

James Grimes, a Republican senator from Iowa, held similar beliefs as Fessenden, believing the impeachment case was purely of a political persuasion. He wrote that he did not agree with Johnson and his presidency, but he refused to convict under the reasoning that it would destroy and dishonor the Constitution and the Framers. Illinois Republican Senator Lyman Trumbull believed similarly, writing that the impeachment case was a matter of “excitement,” and not a legitimate or sufficient cause to properly impeach and convict a president (Rehnquist 1999, 243). He worried about the precedent that the conviction would set if the Senate did not acquit, something he believed to be more important than the politicization of impeaching a president.

Many key senators opposing conviction did so because they recognized how politicized the impeachment case was. Yes, most agreed that Johnson violated the Tenure of Office Act (some did not), but they failed to agree that that violation was enough to remove a sitting and democratically elected president (Rehnquist 1999, 244). Fessenden even mentioned the evidence regarding Johnson's impeachment was presented differently in the media than it was in the Senate trial, coloring the public's views of Johnson's actions. Without the Senate's conviction, it failed to set a precedent for the conviction of a president but set a precedent to avoid such political actions in such a serious legal maneuver.

Media

To assess media coverage of Andrew Johnson's impeachment trial, four newspapers were evaluated: the *New York Herald (Herald)*, the *St. Louis Globe-Democrat (Democrat)* (*Daily Missouri Democrat*), the *Republican Banner (Banner)*, and the *New York Times (Times)*. Two of the papers are nonpartisan (the *Herald* and the *Times*), and the other two are self-identified with their named parties (Democrat and Republican). Coverage in all the papers of the Johnson impeachment began in early January 1867 and ended in each paper at roughly varying times. The *Herald* never featured anything about the impeachment in their first two pages and stopped mentioning anything about the impeachment on July 8, 1868, on page three. All other papers featured the Johnson impeachment coverage on their first pages, starting in January 1867.

The *Herald*, during its coverage reserved for the third page, printed the full articles of impeachment and statements from those involved with the trial and impeachment process. They occasionally printed other facts and depicted what happened

during the trial. Even the headlines at the start of the page held opinion, with the exception of one instance at the conclusion of the trial. The *Herald* referred to the impeachment as “The Last Act in the Great Farce” in their May 27, 1868, issue, vaguely editorializing and offering their opinion on the legitimacy of the impeachment (Newspapers.com *New York Herald* archive). Only portions of their headlines related to the impeachment trial in the March 1, 1868, edition were devoted to news related to the impeachment or Johnson’s actions. The latest mention of anything Andrew Johnson impeachment related on the *Herald*’s third page was on July 8, 1868.

The *Times* first mentioned Johnson’s impeachment on the first page on January 10, 1867, and devoted the first headline to the matter. It was stated as “Facts Concerning the Impeachment Movement,” but in the article’s conclusion, the *Times* criticized Representative James Ashley, – the man to file impeachment charges – and referred to any further investigation as “cool deliberation and impartial judgment, instead of the hot haste of such politicians as Mr. Ashley” (ProQuest *New York Times* archive). The newspaper also referred to this original inquiry as “the impeachment fever,” recounting what other New York papers printed and giving their take on the “nervousness” among the tones of the other papers. However, the issue on February 25, 1868, dedicated each headline to the impeachment or related actions. The *Times* depicted the energy in the House of Representatives and offered conclusions to explain the commotion: “That the events transpiring here are without precedent in many respects, and that such scenes are not likely to occur again in the lifetime of any, seems to be fully appreciated by the people, resident and transient, of this city” (ProQuest). Generally, articles mainly focused on the feelings of representatives and senators to accompany the

facts of the proceedings. The latest mention of Johnson's impeachment on the front page of the *Times* was October 6, 1868, related to Senator James Grimes, but the proper latest mention—unrelated to another senator's career – was July 7, 1868.

The *Democrat* first mentioned southern Democrat President Andrew Johnson's impeachment on the front page on January 8, 1867, inserting its opinion on the subject. An article in the January 16, 1867, issue stated, "We believe that the people of Missouri regard the impeachment of Andrew Johnson as a duty and a necessity. He stands as a barrier to any reconstruction" (Newspapers.com *St. Louis Globe-Democrat* archive). Later in the impeachment process proved no different, with the *Democrat* including its partisan, strong opinion that was pro-impeachment and conviction. When reporting on Johnson's impeachment, the *Democrat* printed in one headline on February 25, 1868, "Thank God," and in another headline, "Justice!" showing just how positive they believed the action to be and what they believed as a necessity that Congress accomplished (Newspapers.com). The language used within the articles presented some facts but more presented the opinions of the writer and paper. The conviction trial and eventual conviction further emphasized the partisanship in the newspaper. In the May 20, 1868, issue, the front page devoted space to an article condemning Johnson and claiming his guilt and need for impeachment under high crimes and misdemeanors. The writer claimed that the Senate provided evidence that "presented unmistakable proof" of Johnson's guilt and that because the people wanted a conviction, any senator who voted in favor of acquittal fell short of their duty to their people and nation and was "unworthy of the confidence of a brave and loyal people" (Newspapers.com). Even though the paper self-identified under Johnson's party, they vehemently and passionately supported his

conviction and removal. The *Democrat* stopped heavily mentioning Johnson's impeachment in late May, early June of 1868.

The *Banner* first mentioned Johnson's impeachment on the front page on January 8, 1867, in a usual "Proceedings of Congress" column, but headed the section with "IMPEACHMENT" and another headline that read "Ashley's Resolutions to Inquire into the President's Official Conduct Passed by a Straight Out Party Vote—Ominous Unanimity of the Radicals" (Newspapers.com *Republican Banner* archive). The subsequent article simply recounted the bills and how they were introduced and read, rather than inserting any opinion on the matter. On February 25, 1868, the *Banner* printed an article more radical than any previous, saying that party influence and the effect of impeachment pales in comparison to Johnson's actions:

"We would rather see the Republican party, candidates and all, driven into the deserts of Arabia than to have them to hesitate one moment in the presence of this high duty. Questions of expediency were all well enough so long as the President stood within the pale of the law; but now, when he presumes to be the executive, legislative and judicial power—when he claims to decide which laws Congress may pass and what acts are constitutional—to hesitate a moment is criminal."
(Newspapers.com *Republican Banner* archive)

With some notable exceptions, though, most of the *Banner's* original reporting on the matter of impeachment was decently nonpartisan and fact driven. In a May 17, 1868, issue, the *Banner* referred to the impeachment case as a matter for radicals, referring to those who pursued conviction as such. Excepting the name-calling, the *Banner's* reporting remained fairly nonpartisan, despite being self-identified with the president's opposing party. The *Banner* stopped heavily mentioning Johnson's impeachment on the front page in mid-May 1868, though brief mentions occurred in June 1868 issues.

Though not a comprehensive look at nonpartisan and partisan media at the time of Johnson's impeachment, the selected newspapers reported fairly differently than what

would be expected of self-identified partisan papers today. The most biased reporting came from the *Democrat*, a self-identified paper under Johnson's own party, while the *Banner* remained fairly nonpartisan, rarely interjecting opinion – though still included it in some reporting. The *Herald* and the *Times*, though reporting mostly fact, included opinions on the impeachment as a whole, with both papers being against impeachment – not because they supported Johnson, but because they believed the impeachment was a foolish tool against such small actions.

Richard Nixon's Near Impeachment

Charges

President Richard Nixon was elected to his office in 1968 after serving as vice president under President Dwight D. Eisenhower from 1953-1961 and narrowly losing the 1960 presidential election to John F. Kennedy, and he was reelected for a second term in 1972 (Nixon Library). The Republican Nixon easily won against his Democrat opponent after the protests, political violence, and general unrest from the Vietnam War and previous Democrat Lyndon B. Johnson presidency. While running for reelection in 1972, a break-in occurred at the Democratic National Committee headquarters in the Watergate building in Washington, D.C. After on-duty security guard Frank Willis called police, they arrested five men dressed in business suits wearing surgical gloves for burglarizing the building on June 17, 1972. The burglars held campaign funds for Nixon, connecting the individuals to the Committee to Reelect the President (CREEP). On the day of the break-in, acting FBI Director L. Patrick Gray was told of the burglary and that one of those arrested was a security officer for CREEP. An ensuing investigation occurred

by multiple organizations, including the Watergate Special Prosecution Force and the Senate Select Committee on Presidential Campaign Activities.

Attorney General Elliot Richardson appointed Archibald Cox as the special prosecutor in the early summer of 1973 to investigate the connections among the Watergate break-in, the burglars, and CREEP. (Legal Information Institute). As the investigation furthered, Nixon fired staffers who were allegedly involved in covering up the incident, and Nixon spoke on national TV to deny any knowledge of the said cover-up. Eventually, the investigations found Nixon's involvement and that the five burglars were part of the "Plumbers" unit designed by Nixon's chief domestic advisor John Ehrlichman to "plug leaks" considered damaging to the Nixon Administration. One of the burglars was also previously arrested in relation to the break-in at Daniel Ellsberg's (the man responsible for releasing the Pentagon Papers) psychiatrist's office. Other found connections to the Watergate break-in included White House counsel John Dean and Nixon's chief of staff H. R. Haldeman. Dean was the only of the three to fully cooperate with attorneys of the Senate Select Committee, and he testified that he destroyed evidence alongside Ehrlichman and Haldeman. Nixon then fired Dean and asked the other two to resign.

Also in the hearings, White House aide Alexander Butterfield revealed the existence of a tape recorder in the Oval Office that was voice activated and never turned off. Prosecution asked Nixon to hand over all tapes related to Nixon's conversations about the Watergate incident to them or to Congress, and he refused. Cox subpoenaed the tapes on October 20, 1973, resulting in the "Saturday Night Massacre." This "Massacre" was the resignations of Attorney General Elliot Richardson and Deputy Attorney General

William D. Ruckelshaus and the firing of Cox. Nixon ordered both Richardson and Ruckelshaus to fire Cox for the subpoena, where they refused and resigned, until Solicitor General Robert Bork as acting Attorney General finally fired Cox. Several impeachment resolutions were introduced in the House of Representatives following the firing of Cox, though none were approved until February 1974, authorizing the House Judiciary Committee to begin an investigation on the president to find whether grounds for impeachment existed (Legal Information Institute). Eventually, Nixon delivered some of the subpoenaed tapes to the judge over the grand jury. The Justice Department then replaced Cox with Leon Jaworski as special prosecutor, who tried to release the transcripts from the taped conversations. On March 1, 1974, a grand jury indicted seven people related to the Watergate break-ins, naming Nixon as an “unindicted coconspirator.”

In April 1974, the House Judiciary Committee officially opened an investigation against Nixon. On April 18, a special prosecutor issued a subpoena that was upheld by the U.S. District Court of the District of Columbia that required Nixon to release the tapes and transcripts between him and various individuals related to the Watergate break-in. Nixon challenged this decision in the U.S. Supreme Court, resulting in the *United States v. Nixon* (1971) case. The Court ruled on July 24, 1974, that Nixon had to release the tapes and that he did not have “executive privilege” that allowed him to not follow the subpoena. The “smoking gun” tapes revealed three conversations with Haldeman on June 23, 1972, relating to using the CIA to stop the FBI’s investigation. It took Nixon 12 days to release the tape transcripts to the public, time enough for the bipartisan House Judiciary Committee to debate five articles of impeachment and adopt three in a 27-11

vote from a committee comprised of 21 Democrats and 17 Republicans. The three adopted articles included alleging that Nixon obstructed justice by attempting to impede the Watergate break-in investigation, charging Nixon with an abuse of power for using federal agencies to harass political enemies and authorizing burglaries of private citizens who opposed Nixon, and accusing Nixon of refusing to cooperate with the House Judiciary Committee's investigation. Articles not adopted included alleging that Nixon engaged in tax evasion (among other monetary issues) and accusing Nixon of not telling Congress about bombing operations in Cambodia during the Vietnam War; these articles were not adopted because of their lack of sufficient evidence, nature of non-impeachable offense, and that Congress was, in fact, given sufficient notice and that Nixon was protected under the Constitution. However, none of the articles ever made it to the full House of Representatives because on August 9, 1974, three days after the tapes were made public, Nixon officially resigned from office.

Outcome

Nixon's impeachment inquiry was the only case in which any president has left office as a result of impeachment, even though he was never formally impeached or convicted and removed. His case has been brought up in all subsequent impeachment cases and when referencing impeachment, referring to "Nixonian abuses of power" (Klein, Healy 2019). In fact, Watergate itself is referred to synonymously with political corruption, crime, or scandal – like Troopergate with Clinton (FBI 2016). When Gerald Ford became president after Nixon, just a month after Nixon's resignation, he pardoned Nixon for "all offenses taken against the United States" that Nixon "has committed or

may have committed or taken part in” (Richard Nixon Presidential Library and Museum). This pardon quieted questions of whether prosecution would – and could – still indict Nixon. Special prosecutor Jaworski did not indict him while he was president, as he believed a sitting president could not be indicted. Ford said he pardoned Nixon to avoid any more turmoil in the country, as the legal battle would have been lengthy and might have divided the country (Richard Nixon Presidential Library and Museum).

Many question whether Nixon would have been impeached and convicted if he had gone through with the process, though some of Nixon’s most loyal supporters in the House of Representatives admitted that they would have voted in favor of impeachment (Gray, Schamel 1987). The full House did approve the report of the House Judiciary Committee, with only three votes cast against it – two Democrats and one Republican (Fry & Stolarek 1981). In a study conducted by Fry and Stolarek, they polled as many members of the House and the Senate as possible to determine what the vote would have been in both chambers – both whether the “smoking gun” appeared or not. The results showed that the House would have likely passed the first impeachment article – obstruction of justice – on a bipartisan vote of 370-64, with 124 (2/3) Republicans and all Democrats voting in favor. The second article, abuse of powers, would have passed fairly partisan 276-158 with 99% of Democrats and 85% of Republicans voting in favor. The third article of contempt of Congress would have failed with a vote of 212-222 along a mostly partisan vote of 98% of Republicans and 16% of Democrats voting against it. In the Senate, the poll showed that the first article would have passed with an 89-11 vote in favor of conviction and removal. Bipartisan support for conviction on the obstruction of justice article included 73% of Senate Republicans and all Democrats voting in favor.

The second article would have also passed in a 72-28 vote with 68% of Republicans and all Democrats voting in favor (Fry & Stolarek 1981). If the impeachment passed committee, House, and made its way to the Senate, it is likely – without Nixon’s resignation – that Nixon would have become the first president to ever be impeached and removed from office. Those who projected these votes recognized that real-life events might have yielded different votes, but that Nixon would still have likely been impeached and convicted, as the White House started “publicly conceding defeat” by July 30, 1974.

Unlike with Johnson, there was little concern about setting a precedent for future impeachments based solely on partisanship. Feelings at the time were negative toward Nixon, in a bipartisan manner; he dealt with the Vietnam War, the Woodstock Music and Art Fair, street protests, and rising inflation as president. This impeachment case was viewed not as an issue of partisanship, but as an issue of actual wrongdoing.

Media

The media played a crucial role in the Nixon impeachment process with Bob Woodward and Carl Bernstein’s reporting for the *Washington Post*, but other newspapers fulfilled their duty by also covering the inquiry itself, not just Nixon’s connection to Watergate. Four newspapers’ coverage on their front pages were assessed for any mention of impeachment from the years 1972-1975: the *New York Times* (*Times*), *Washington Post* (*Post*), *Chicago Tribune* (*Tribune*), and *Boston Globe* (*Globe*). The *Times* and *Post* serve, yet again, as the nonpartisan papers, the *Tribune* serves as the Republican-leaning newspaper, and the *Globe* serves as the Democrat-leaning newspaper. In terms of front-page coverage related to mentions of impeachment, Nixon’s impeachment resulted in far

fewer results. Because of the original lack of connection to Nixon for the Watergate break-in and the subsequent cover-up, reporting on Nixon's possibility of impeachment varied in start time, though the earliest for any of the assessed papers was in spring 1973.

On June 25, 1973, the *Times* first mentioned Nixon with impeachment, particularly related to Watergate. This coverage included John Dean's testimony that suggested Nixon – and others – had knowledge of the cover-up of Watergate since September 1972. Heavier coverage also began in June 1973, though it did not fully ramp up until the Saturday Night Massacre. The *Times* reported on Congressional talks about impeachment on October 21, 1973, after the firing of Cox and the resignations of Richardson and Ruckelshaus, calling it a “drastic shake-up of the Justice Department” (ProQuest *New York Times* archive). Almost a week later on October 27, a headline called Nixon “fatigued” while saying he will not resign as President. The *Times* regularly shared public opinion polls regarding impeachment and trust in Nixon; by January 6, 1974, they reported that 79% of people thought the charges against Nixon were justified. They also commonly reported on the reactions from the White House, Nixon, Ford (and Agnew before he resigned), and various Congressional members, while also giving updates to all the issued subpoenas and the inquiry in the House. Rarely did the *Times* mention whether the process was partisan, though they did mention the bipartisan vote in the House Judiciary Committee when the articles of impeachment passed. On July 28, 1974, the *Times* reprinted the entire first impeachment article, and when the House Judiciary Committee passed the other two, they also reprinted them. On August 7, 1974, the *Times* ran a headline on the front page that read, “Allies in House Shifting on Nixon: Rhodes and All 10-G.O.P. Backers on Judiciary Unit Now For Impeachment” (ProQuest). One of

the final points of coverage relating to Nixon's impeachment was his resignation on August 9, 1974. After that, the *Times*' coverage relating to impeachment mostly stopped except when the charges were officially dropped.

The *Post* began any coverage related to Nixon's impeachment for his Watergate involvement on April 16, 1973, though it simply mentioned how his handling of Watergate eroded confidence in Nixon. On May 24, 1973, they printed a headline that read "Democrats Consider Talk of Impeachment Premature," and their coverage slowed down a bit after that except to mention various people calling for Nixon's impeachment, ramping back up on October 21, 1973 – the Saturday Night Massacre (ProQuest *Washington Post* archive). Like the *Times*, the *Post* also shared public opinion polls regarding impeachment and happiness with Nixon. On May 18, 1974, the *Post* ran an article mentioning how the White House was pushing for open impeachment hearings, and the quotes from the representatives just called the hearings boring, with the reporter saying, "Historical and vital it may be, but dramatic and sensational it is not" (ProQuest). The coverage included the result of the *United States v. Nixon* Supreme Court Case and the subsequent release of the tapes. On July 10, 1974, a headline read "Transcript Shows Nixon Seeming to Initiate Coverup" (ProQuest). In July 1974, the *Post* printed TV schedules for impeachment hearings on the front page. On August 2, 1974, the *Post* called to attention the bipartisan support for Nixon's impeachment with the headline, "14 in GOP Oppose Vote to Impeach: Only 14 Republicans Oppose Impeachment" (ProQuest). Similar to the *Times*, they rarely mentioned any partisan nature of the entire impeachment process and focused on any bipartisan support for impeachment. Coverage by the *Post* mostly ended when Nixon resigned, though there was more coverage of

people involved in the Watergate cover-up in the *Post* than the *Times* printed on the front page, and the *Post* mentioned how voters found politics more serious than before on September 22, 1974.

The *Tribune* covered the entire impeachment inquiry far less than any of the other papers; part of that may be because of their party association, or it may be because of their distance from D.C. Their first mention of impeachment on June 18, 1973, was more educational than assertive, running the headline, “Impeachment: What it means” (Newspapers.com *Chicago Tribune* archive). They rarely mentioned impeachment again until the Saturday Night Massacre, mentioning that demands for Nixon’s impeachment grew overnight. However, while other sources ramped up coverage of the impeachment inquiry after the Massacre, they still rarely put it on the front page. On January 20, 1974, they, like the other newspapers, depicted voters’ opinions on impeachment. Coverage relating to Nixon’s impeachment fully ramped up in May 1974, relaying any updates in subpoenas or evidence, opinions from representatives, and public opinion. On July 17, 1974, they reported that “Emotions run high in corn belt,” related to impeachment, and on July 26, they reported that the “President’s support begins to erode on impeachment panel” (Newspapers.com). By the end of July and the first week of August, the *Tribune* reported that Nixon was sure to lose any impeachment vote based on opinions from representatives and a “test vote” in the House, including the fact that Nixon lost most of his support by August 6. Similar to other papers, the coverage mostly ended when Nixon resigned.

The *Globe* barely mentioned Nixon and impeachment together until the Saturday Night Massacre when they truly ramped up coverage. By October 30, 1974, they were

already printing Gallup Polls of public opinion, saying that “55% Americans oppose impeachment” (Newspapers.com *Boston Globe* archive). On January 15, 1974, they printed a headline that simply read, “Impeachment Poll,” and wrote that a survey was conducted among U.S. representatives that found most were still undecided with a smaller majority opposed to impeachment. Also beginning in mid-January 1974, the *Globe* truly ramped up their coverage, mentioning Nixon’s impeachment almost every day, sometimes multiple times a day. Like the other papers, they also printed information regarding everyone involved with the Watergate break-in and the cover-up alongside mentions of Nixon’s impeachment, and printed evidence, subpoenas, and representatives’ opinions when they emerged. On March 5, 1974, the *Globe* had a blurb at the top of their front page that read, “Vt. town favors impeachment” (Newspapers.com). Unlike the other newspapers, the *Globe* seemed to rarely mention bipartisan efforts to impeach, and on August 2, 1974, they wrote, “House fight shapes up over Republican move to avert impeachment” (Newspapers.com). When Nixon resigned, it referred to the inquiry as the “impeachment tide,” saying it finally came to an end with his resignation. After Nixon’s resignation, the *Globe*’s coverage mostly ended, rarely mentioning it again.

Most of the content of the coverage related to Nixon’s impeachment remained fairly nonpartisan, regardless of the party affiliation of the newspaper. The frequency of the coverage, however, was vastly different between newspapers. A search for front page coverage of impeachment between 1972-1975 found the *Times* yielded around 440 matches, the *Post* yielded around 580 matches, the *Tribune* yielded 130 matches, and the *Globe* yielded 330 matches. The difference between even the Republican-leaning and Democrat-leaning papers is staggering. It is possible that because of the time the

Tribune's coverage began, they picked up in frequency because they had to, as the impeachment inquiry was plastered all over the front page of national papers like the *Times* and the *Post*. Even the difference between the *Times's* and the *Post's* coverage is substantial, with the *Post* clearly carrying on with the investigative reporting done by Woodward and Bernstein and focusing many of their front pages over the 3 years on Nixon's impeachment.

Woodward and Bernstein

Bob Woodward was a new reporter at the *Washington Post*, only around for less than a year, when he was assigned to report on the Watergate break-in (Bernstein & Woodward 1974). Carl Bernstein had been at the *Post* for about eight years when he hopped on the piece with Woodward. Neither of them liked the other much, but they were forced to get along to tell the story. Originally, the Watergate break-in was barely news and reported in the city section of the paper. It became a little bit more than what the White House called a "third-rate burglary" fairly quickly when Woodward and Bernstein found that James McCord Jr. (one of the burglars) previously worked for the CIA and currently worked for CREEP. They flipped through phone records and telephone books to track down anybody who could confirm that information, eventually finding that McCord was security coordinator for CREEP. As they found bits of information, they compiled their reporting into stories, and their editors published.

Both reporters had access to one of the burglar's address books, and Woodward found a phone number leading to White House consultant Howard Hunt, with Bernstein later confirming this information through telephone records. Bernstein also traced a check

in one of the burglars' bank accounts to CREEP. Though they had much information connecting the burglars to CREEP, they struggled to originally find a connection from the break-in to Nixon. However, Woodward had a source on deep background who revealed information about Nixon and his administrations' connections to the Watergate break-in: Deep Throat, who was identified in 2005 as FBI Associate Director Mark Felt (Bernstein & Woodward 1974). Felt helped Woodward and Bernstein focus their investigative reporting on the trail of money from the burglars to Nixon. On October 10, 1972, Woodward and Bernstein published a story in the *Washington Post* that said Watergate was paid for through CREEP under the direction of some of Nixon's closest aides as a part of a larger effort to sabotage Nixon's political opponents. The press secretary, Ron Ziegler, criticized the reporters for shoddy reporting at the time, but he later apologized in April 1973 after Nixon fired Dean and Haldeman, Ehrlichman and Richard Kleindienst resigned. In May 1973, the *Washington Post* – and Woodward and Bernstein – won a Pulitzer Prize for their reporting.

Though their reporting on Watergate and Nixon continued in the *Washington Post*, both Woodward and Bernstein focused their efforts toward writing books about the subject, taking some time off to do so. Their reporting began a new era in American journalism, focusing more on investigation of corruption within politics. This era can still be seen today with reporters attempting to chase down corruption, spending time particularly on the presidents. Much of Clinton's impeachment even came about from this attempt at repeating the fame and success of Woodward and Bernstein. Enrollment in journalism schools skyrocketed after Woodward and Bernstein published their two books, *All the President's Men* and *The Final Days*, and many viewed them as American heroes

“who stood up against power and corruption” (Mielke 2003). Their reporting originally helped connect the Watergate burglary to Nixon, though further investigations by the House and special prosecution furthered that connection and showed a cover-up (Mielke 2003).

Bill Clinton’s Impeachment

Charges

President William “Bill” Jefferson Clinton elected in 1992 and again in 1996, was embroiled in financial and sexual scandals throughout his terms. An investigation that began in his first term included a land deal in Arkansas called “Whitewater,” though the investigation was performed mainly by journalists from the *Washington Post*. The *New York Times* originally broke the connection Bill Clinton and his wife Hillary had to Whitewater, but the *Washington Post* dedicated 62 articles to the matter from November 1993 to February 1994 (Kalb 2001). In August 1994, an independent counsel was formed to investigate Clinton’s connections to Whitewater, members like former judge Kenneth Starr chosen by the Circuit Court of Appeals. Starr later published the report on Whitewater, nicknamed the “Starr Report,” on September 11, 1998. However, while the investigation began to investigate Whitewater, it quickly became about Clinton’s sexual scandals and encounters.

In 1992, Gennifer Flowers alleged a 12-year affair with Bill Clinton, but he denied the affair on national TV while sitting next to Hillary. Paula Jones came forward in the *American Spectator* magazine, alleging sexual harassment from Clinton while he was Arkansas governor. She planned to pursue a lawsuit in May 1994, but it was

postponed until after 1996 because of Clinton's role as president. The Supreme Court in May 1997 voted that the suit would not interfere with Clinton's presidential duties, so the suit could continue. In 1995, 21-year-old Monica Lewinsky became an unpaid intern at the White House and later was promoted to a staffer in the legislative affairs office. There, between November 1995 and May 1997, she became flirtatiously and sexually involved with the president. In 1997, deputy chief of staff Evelyn Lieberman (and other White House aides) transferred her to the Pentagon's press office, where Lewinsky met Linda Tripp, another former White House aide who was working with writer Lucianne Goldberg on a "tell-all" book about Clinton. Lewinsky eventually confided in Tripp in October 1997 about her affair with Clinton, with Tripp illegally recording their calls regarding the matter (Kalb 2001).

With the Jones lawsuit and the new information about Lewinsky and Clinton, Jones's attorneys had Lewinsky sign an affidavit claiming she never had a sexual relationship with Clinton after receiving an anonymous tip about the matter. Starr received the over 20 hours of illegally taped calls between Tripp and Lewinsky, later having FBI agents tap Tripp while Lewinsky shared more about the relationship. Starr then investigated whether Lewinsky lied under oath about Clinton, and Tripp told Jones's attorneys about Lewinsky's affair. Matt Drudge published in his *Drudge Report* that *Newsweek* was tipped about the Clinton-Lewinsky affair but had yet to run a story about it. Clinton was deposed by Jones's attorneys for the lawsuit, where Clinton denied his sexual relationship with Lewinsky under oath. The *Drudge Report* posts about Lewinsky's blue dress with "Clinton's dried semen," were picked up by mainstream news, as well as the larger Clinton-Lewinsky story (Kalb 2001). Clinton denied on

national TV in late January 1998, claiming, “I did not have sexual relations with that woman, Miss Lewinsky.” Starr’s investigation yet again expanded, this time to determine whether Clinton lied under oath during his deposition for the Jones lawsuit. In July 1998, Lewinsky testified in front of Starr’s grand jury that she and Clinton had a sexual relationship, and Clinton admitted to lying under oath in August 1997.

The subsequent weeks involved senators like Democrat Joseph Lieberman calling out Clinton’s behavior and calling it “immoral,” eliciting an apology from Clinton to the American people. Starr published his report and released it to the public in September 1998, eliciting further name-calling and disparaging of Clinton; Clinton later refused to resign from office at a news conference. On September 8, 1998, a House Judiciary Committee began an impeachment inquiry, releasing evidence from the Starr Report over the next month (Library of Congress). The full House opened an impeachment inquiry in early October 1998, passing on a largely partisan vote. During the inquiry period, Republicans ran ad campaigns against Clinton, but they also lost five seats in the House during midterm elections, causing House Speaker Newt Gingrich to step down. The House Judiciary Constitution subcommittee held a meeting regarding the history of impeachment in early November, a month before releasing the articles of impeachment. Amid the impeachment inquiry, Clinton and Jones settled their lawsuit out of court, with Clinton paying Jones \$850,000 with no admission or apology. The House Judiciary Committee announced less than a week before publishing articles of impeachment that they were not inquiring on any campaign finance allegations against Clinton, but they had heard from Starr about his many investigations. The Committee also heard from White

House defense officials that called Clinton's behavior "sinful" and "maddening" but not worthy of impeachment; the Committee released drafts of four articles of impeachment.

Articles of impeachment passed in the House Judiciary Committee included allegations of perjury before a grand jury, perjury in a civil deposition, obstruction of justice, and abuse of power. Yet again, Clinton refuted rumors of his resignation, and uncommitted House Republicans announced they would vote in favor of impeachment. Right before the impeachment vote, Clinton launched missile strikes against Iraq, causing calls for a delay in the vote. However, any measure to postpone the impeachment vote was not passed under these grounds (Baker 2000). In the House's final vote on impeachment articles, they passed two articles: perjury before a grand jury (Article I) and obstruction of justice (Article III, later Article II in the Senate). On December 19, 1998, Article I passed in a 228-206 vote, and Article III passed in a 221-212 vote.

The impeachment trial in the Senate officially began January 7, 1999, with Chief Justice William Rehnquist overseeing the trial. Rules and procedures were voted on behind closed doors, but wound up in a bipartisan agreement, resulting in a 100-0 vote in the full Senate. By January 27, after hearing from various parties regarding the impeachment article, the Senate voted on whether to take testimony and not to dismiss the impeachment case, voting 56-44. This vote indicated acquittal for Clinton was imminent. Closing arguments occurred in the trial on February 8. On February 12, 1999, the Senate voted to acquit Clinton on both articles of impeachment, voting 45-55 on Article I and 50-50 on Article II.

Outcome

Similar to Johnson's impeachment, Clinton's case was largely based on partisanship. This partisanship is easily viewed through the votes in the House and the Senate, which were conducted much along party lines. Only five House Democrat Representatives voted to pass Article I of impeachment, and it held the same for Article III. In the Senate's acquittal, Article I failed with all Democrat senators voting "not guilty," and 10 Republican senators voting "not guilty." Article II failed with all 45 Democrat senators voting "not guilty," and only five Republican senators voting "not guilty." The original impeachment inquiry itself passed in the House along mostly partisan lines, again showing just how partisan the entire process was (Baker 2000). Even with the funded ad campaigns against Clinton, the partisanship and extreme polarization that occurred in the House and Senate were clear.

Democrat Senator Ted Kennedy, who voted for acquittal, had a chief legislative assistant, Carey Parker, who believed that the entire impeachment trial was simply partisan politics (Miller Center 2008). Parker mentioned in the interview with the Miller Center that Kennedy fully believed Clinton's actions and what he was being impeached on were not grounds for impeachment, as they did not qualify as "high crimes or misdemeanors." Kennedy also spoke to his colleagues in the Senate to ensure they believed the same as him. Parker described the impeachment as "the new and more extreme partisanship at its worst," and he spoke of a new right wing that took partisanship a step beyond Constitutional parameters. Kennedy viewed the impeachment as an abuse of power that shocked the entire Senate. Parker described the impeachment

and how the House of Representatives viewed it as “partisan politics at its ugliest” (Miller Center 2008).

With the impeachment case originally stemming from an investigation into Whitewater and the Paula Jones sexual harassment lawsuit, Republicans who originally drafted impeachment inquiries did so to try to catch Clinton in a Nixon-like scandal. In September, a Republican proposal for impeachment inquiry was adapted almost word-for-word from the 1974 Watergate resolution, showing just how alike the Republicans wished the cases to be. Even the media coverage, especially from the *Washington Post*, about Whitewater investigation was based on this attempt to catch Clinton in some nefarious act. While part of that might have come from wishing to make a name for themselves, the investigations and impeachment itself were conducted in hyper-partisan ways, as merely shown by the votes from the impeachment and the acquittal.

Media

Media coverage of Clinton’s impeachment was far more expansive than Johnson’s with newspapers even consistently recognizing the fact that the public was tired of hearing about anything related to the impeachment, particularly Lewinsky. From 1997-2000, papers and TV stations covered the impeachment process, starting with the Whitewater inquiry and Starr’s investigation. The media most expansively discussed the Lewinsky-Clinton scandal in early 1998, discussing it as it related to impeachment. Most media coverage from newspapers remained fairly apolitical, regardless of the newspaper’s ideological bias was generally considered nonpartisan or biased. The coverage of three newspapers were assessed: the *New York Times* (*Times*), the

Washington Post (Post), and the *Washington Times (Times)*. The relatively nonpartisan *New York Times* and *Washington Post* heavily covered the impeachment process on their front pages, focusing on the energy in the rooms and details of the process in headlines. The historically conservative-leaning *Washington Times* heavily covered the impeachment process, focusing more on the feelings of Senators and Representatives and both the Democrats and Republicans in headlines. No prominent and historically liberal-leaning newspapers existed in print on a national scale during Clinton's impeachment. All mentions of coverage for the *New York Times* and *Washington Post* appeared on the front page of historical newspapers; the *Washington Times* mentions appeared somewhere in their coverage during Clinton's impeachment.

The *New York Times* first mentioned the Whitewater inquiry on March 6, 1994, and they briefly mentioned the possibility of impeachment, but later did not generally bring up impeachment and Whitewater together. Clinton's trial with Jones was covered relating to impeachment beginning June 1, 1997, giving rare updates on the trial in relation to impeachment until the settlement in the midst of the impeachment inquiry. Already, by February 24, 1998, the *Times* reported that the public was tired of hearing about the Lewinsky scandal, wishing it would be dropped. On September 12, 1998, they reported on the Starr Report, indicating a case for perjury, obstruction, and tampering existed within the report, calling the evidence "an avalanche of salacious details of an affair with Monica S. Lewinsky and the Nixon-era concept of abuse of Presidential power in using aides to cover up the relationship" (ProQuest *New York Times* archive). In early references to the impeachment inquiry, the *Times* commonly compared it to Nixon's impeachment inquiry. Throughout the House votes and debates, they reported on the

partisan arguments and votes that occurred, consistently calling attention to the general partisan nature of this impeachment process. The coverage of the trial itself was fairly nonpartisan, printing the facts on the front page. In September 1999, the *Times* mentioned that a “new tone of civility [existed] in the House to heal the wounds from impeachment,” implying how the partisan nature of the Clinton impeachment process heavily polarized members of the House (ProQuest). The last direct mention of Clinton’s impeachment was September 21, 2000, unless it was related to the legacy Clinton was leaving behind as president.

The *Washington Post*, as previously mentioned, heavily reported on Whitewater, but rarely referenced it in relation to impeachment. The first mention of anything impeachment-related to any of Clinton’s scandals occurred on January 25, 1998, discussing both Jones and Lewinsky in the headline. Updates about the Starr Report were given often, referencing arguments in the House in headlines, alluding to the heightening tensions in the House with each subsequent headline. On October 5, 1998, a headline read “Panel to Meet on Fate of Clinton: Partisanship to Mark Impeachment Debate,” and it referenced the partisanship in the House, calling the upcoming impeachment a “grim certainty that what both sides agree should be an exercise in civic majesty will instead be an unseemly partisan battle royal” (ProQuest *Washington Post* archive). Similar to the *Times*, the *Post* referenced the partisan nature any chance they could, mentioning how the votes were on party lines for the most part. They reported in mid-December 1998 that a public poll showed impeachment was unfavorable, but Clinton’s resignation was favored over a trial in the Senate. When referring to the impeachment case and trial, the front page called it a day of “constitutional drama and personal trauma” on December 20, 1998

(ProQuest). Similar to the *New York Times*, the *Post* also kept calling attention to the partisan nature of the votes in both the House and the Senate, not by any means a historical anomaly. There were mentions of impeachment through late 2000, but again, it was in reference to Clinton's legacy and with a headline that read "Optimists Point to Clinton as Lesson in Use of Power" in late November 2000 (ProQuest). Overall, the reporting remained fairly nonpartisan, with some front pages including more liberal-leaning analyses – opinion columns – but most headlines referring to the impeachment as dramatic and hyper-partisan.

The *Washington Times* heavily covered the entire Clinton impeachment process from the first mention of Whitewater in 1997 until August 2000. The coverage focused more heavily on Clinton rather than the impeachment itself, with headlines like "Impeachment talk's a good barometer of how Clinton's weathering scandal" on February 11, 1998, and "Clinton does penance at prayer breakfast as his lawyer resumes attack on the inquiry" on September 12, 1998 (Gale OneFile: News *Washington Times* archive). Though the *Washington Times* leans conservative, their coverage of the impeachment was fairly negative. The reporting covered the public's opinion, which was negative toward impeachment, so the *Times* reflected that negativity. However, they offered up the indictment option far more often in their reporting, with headlines that were far more critical of Clinton. On September 14, 1998, they ran a headline that read "President described as crippled for 2 years" (Gale OneFile: News). The reporting on the impeachment process and trial focused, like any other news source, on the partisan nature. A *Times* headline on November 20, 1998, read "It was a nice day for throwing tantrums," referring to Congress and the Starr hearings (Gale OneFile: News). They later

criticized the Democrats as a whole for their response to the impeachment, calling Democrats out more than the Republicans who started the impeachment process in the first place. One of the last headlines of the impeachment trial, the day it ended, read “Long battle ends, but rancorous bipartisan war continues to rage,” and wrote about a “bitter legacy of bad blood” between Republicans and Democrats because of the hatred throughout the impeachment trial (Gale OneFile: News). The *Washington Times* stopped directly mentioning Clinton’s impeachment and Lewinsky by about August 2000.

Overall, the media portrayed the Clinton impeachment as a battle ripe with partisanship, mostly focusing on the partisan nature and the lingering resentment following the process. Newspapers commonly placed public opinion polls on their front pages throughout the impeachment process, sometimes giving it the most attention on the page. The media stopped mostly mentioning the impeachment process the day it concluded in February 1999, but they heavily mentioned it again synonymously with Clinton’s legacy as president as he was leaving office. They also commonly compared Clinton’s case to Nixon’s case, some outlets even referring to Clinton’s abuse of power along the same lines as Nixon’s.

Donald Trump’s First Impeachment

Charges

President Donald Trump was elected in 2016, securing the electoral college majority but losing the popular vote against Hillary Clinton. On August 12, 2019, a whistleblower filed a complaint with intelligence community’s inspector general Michael Atkinson that said Trump was using his office to solicit interference from a foreign

country in the 2020 U.S. presidential election for personal gain, referring to a July 25, 2019, phone call between Trump and newly elected Ukrainian president Volodymyr Zelenskyy (Library of Congress). Another aspect of the complaint alleged that the Trump administration restricted access to the records of the July phone call and that the administration tried to stop U.S. security aid to Ukraine until September 11, 2019. This aid included \$381 million already appropriated by Congress. The House Intelligence Committee was not informed of the whistleblower complaint until September 9, 2019. On September 24, 2019, House Speaker Nancy Pelosi announced the House would launch an official impeachment inquiry on whether Trump “solicited the interference of a foreign government to benefit his reelection” (Library of Congress).

Throughout fall 2019, the House Judiciary Committee and House Intelligence Committee subpoenaed many figures related to the case, including Trump’s lawyer, Rudy Giuliani. Other people subpoenaed include the head of the Office of Management and Budget, the acting Defense Secretary, and the Energy Secretary. By October 8, 2019, the White House refused to comply with the impeachment inquiry. On October 31, 2019, the House of Representatives passed a resolution to formalize presidential impeachment inquiry procedures in a 232-196 largely partisan vote (Galbraith 2020). On the first day of open hearings during the inquiry process, the Intelligence Committee Chair, Adam Schiff, announced publicly that many of the witnesses giving testimony were appearing under subpoena so as to not attract any retribution from the Trump administration. In early December, the Intelligence Committee approved an impeachment report along party lines in a 13-9 vote; the report said that Trump and his people solicited the Ukrainian government to announce investigations that would politically benefit Trump (Galbraith

2020). On December 13, 2019, the House Judiciary Committee approved two articles of impeachment along party lines in a 23-17 vote. The first article was for an abuse of power for soliciting the Ukrainian government for the president's own political gain, and the second article was for obstruction of justice for not complying with subpoenas and telling others to also not comply.

On December 18, 2019, Trump became the third ever president to be impeached by the House of Representatives; he was impeached for both articles. The abuse of power article vote was 229 Democrats and one Independent voting in favor and 195 Republicans and two Democrats voting against; the obstruction of justice article was 228 Democrats and one Independent voting in favor and 195 Republicans and three Democrats voting against. The Senate used the same testimony and hearings from the House, voting against multiple amendments that would allow for new witnesses to be called and new documents to be subpoenaed. On February 5, 2020, Trump was acquitted by the Senate on both articles of impeachment. It was a 53-47 straight-line party vote on the obstruction of justice article (53 Republicans to 47 Democrats), and a 52-48 nearly fully partisan vote on the abuse of power article, with the only Republican voting "guilty" being Senator Mitt Romney.

Outcome

Though neither the charges nor the proceedings themselves were unique in terms of impeachment cases (except for when they occurred), Trump's first impeachment in 2019 was the first one in the digital age. Much of the trial and hearings – that were public – could be watched from someone's phone either live or published on social media at a

later date. It was much easier to see what the public thought about impeachment via apps and websites like Twitter, Instagram, or Facebook. Especially for Trump, the fact that his impeachment was in the digital age is important. Trump was known, particularly in his first presidency, for using Twitter to post “tweets,” and on the first day of the impeachment trial, he posted or reposted 142 tweets (CNN, Cillizza 2020). He tweeted throughout the impeachment trial and inquiry, villainizing and disparaging anyone who testified against him (Yen and Woodward 2019). Twitter itself had a large impact on how people viewed the impeachment process, with more people who used Twitter believing that the impeachment process was fair than people who did not use Twitter believing the impeachment process was fair (Major 2020). With the digital age, much of primary sources originated through websites and social media – like Trump’s Twitter page – not just newspaper articles, TV stories, or official Congressional recordings.

Mitt Romney was the only Senator to vote against his party by voting “guilty” on Trump’s abuse of power charge. On February 4, 2020, Romney gave a speech on the Senate floor detailing why he would vote to convict Trump, saying that the actions Trump took to investigate the Bidens and solicit a foreign government for political gain rose to the “high crimes and misdemeanors” threshold in the Constitution. Romney even recognized the extreme partisan nature of the impeachment vote and trial, citing that many of his constituents called him to vote with his party. “Were I to ignore the evidence that has been presented, and disregard what I believe my oath and the Constitution demands of me for the sake of a partisan end, it would, I fear, expose my character to history’s rebuke and censure of my own conscience” (Politico 2020). Romney also spoke in his speech about how he expected to receive retribution for his decision but that he still

stood by his vote to uphold the oath he took before God. In a speech a day after his acquittal, Trump praised Utah's other Senator, Mike Lee, and told the people of Utah, "I'm sorry about Mitt Romney" (Trump White House Archives 2020). A little over a month after the impeachment vote, the Utah State Legislature filed legislation to censure Romney for his "actions in relation to the impeachment and the trial of President Donald Trump" (Lyman HJR019 2020).

Trump commonly referred to his first impeachment as a "hoax," enabling others within his party to do the same (Trump White House Archives 2020). His first impeachment occurred in the third year of his first term, an occurrence only similar to Johnson's case. The impeachment was marred by incredible partisanship, even more so than Clinton's impeachment, noticeable by the vote alone but helped by the President's comments. Trump's impeachment was also only a little more than 20 years after Clinton's, a similar time span from Nixon to Clinton but far more expansive than the official Johnson impeachment to Nixon.

Media

Being in the digital age of 24-hour news and going the way of newspapers dying off, Trump's impeachment news coverage was far more expansive than previous. Even files related to it are far more accessible, just from a mobile phone. People were able to access information regarding the impeachment not only from daily newspapers but from their phone, tablet, or laptop via social media. Four newspapers were selected for their coverage of impeachment from July 2019 until November 2020: the *New York Times* (*Times*), the *Washington Times* (*Times*), *USA Today*, and the *Huffington Post* (*Post*).

According to the AllSides media bias chart from 2019 – Version 1.1 – the *New York Times* was listed under “lean left,” the *Washington Times* under “lean right,” *USA Today* under “center,” and the *Huffington Post* under “left.” None of the sources listed on the chart from 2019 under the “right” distinction are daily newspapers; they are either tabloids, commentary news, cable news, or international news. Based on the databases being used to search for historical articles and papers, only the *New York Times* is based on their front-page coverage; the remaining three are simply based on all their coverage of impeachment from July 2019-November 2020. For this time period, it is important to note that the search yielded results related to rumors of impeachment but in relation to the Mueller Report, an investigation into Russian interference in the 2016 presidential election, not just in relation to the Zelenskyy phone call.

The *New York Times* first mentioned impeachment related to the Zelenskyy call on September 21, 2019, and immediately ramped up their coverage on impeachment. It already had lingering coverage of Trump’s impeachment from the Mueller Report, though it stopped mentioning that in early August. In many headlines throughout the impeachment coverage, but particularly early on, the *Times* used Trump and Pelosi quotes, creating more politically charged headlines. From the start of their coverage, the impeachment was entirely politicized and labeled as partisan on September 25, 2019. The *Times* occasionally printed public opinion about the impeachment, but it was more anecdotal with personal stories of a few people rather than sharing polls. On October 23, 2019, it labeled the Zelenskyy phone call as a “quid pro quo” in a headline without putting it in quotes (ProQuest *New York Times* archive). About a week after that on November 1, a headline read, “Fractured House Backs Impeachment Inquiry: Bitter Vote,

232-196, Approves Rules for a Rare Process,” focusing yet again on the partisanship and polarization in existence in the House (ProQuest). Again, in mid-November, the *Times* printed some opinions but did not detail poll numbers but rather anecdotal opinions and stories, referring to the impeachment as a “volatile political moment” on November 18, 2019. Throughout their coverage, they heavily mentioned Trump’s impeachment in relation to the 2020 presidential election and how if the House did not impeach, Trump’s fate would still be decided by the voters. Mentions of foreign affairs included mentions of the impeachment, mentioning it when speaking about Trump trade deals. Consistently throughout their coverage, the *Times* referenced the increasing polarization in the House and Senate, even within the Republican Party. On December 19, 2019, a news headline read, “In Washington, The Abnormal Feels Routine,” where the article said things like impeachment and extreme partisan and polarized reactions had become a regularity in the District of Columbia (ProQuest). On December 22, 2019, another headline read, “Republican Party Under Trump Offers 2 Options: All In, or Out” (ProQuest). In January, articles were written about how the partisanship of Trump’s impeachment rivaled the partisanship of Clinton’s, with one article on January 16, 2020, saying that the impeachment trial will make “polarization of the Clinton era look like a bygone period of political harmony” (ProQuest) After Trump’s acquittal, the *Times*’s coverage switched to Trump’s mass firing of witnesses, referring to it in quotes in a headline on February 8, 2020, as the “Friday Night Massacre,” a reference to Nixon’s overnight switch-up of the Judicial Department (ProQuest). The coverage continued long into 2020, with references of the impeachment in articles about the pandemic and the 2020 election, but it slowed down after the so-called “Friday Night Massacre.”

USA Today first mentioned Trump's impeachment related to the Zelenskyy call on September 23, 2019, but did not speed up their coverage until mid-October. By October 3, 2019, they published poll results, saying that Americans supported impeachment by a 45%-38% plurality. Coverage also referred to the Zelenskyy call as a "quid pro quo," also not in quotes (Gale OneFile: News *USA Today* archive). Their coverage also included many opinion articles from people involved in the impeachment or in politics or media, like articles from U.S. Senator Adam Schiff and former White House Press Secretary Ari Fleischer. Most of *USA Today's* coverage were polls that showed public support or disapproval for impeachment or of Trump. When Trump was impeached by the House, a headline on December 19, 2019, read, "It's not going to get any more genial in Senate," and referred to the arguments in the House as a "rancorous, bitterly partisan face-off" (Gale OneFile: News). In between polls and opinion articles, *USA Today* published many detailed pieces on how the impeachment process worked and the key figures and facts in the impeachment. It also published a story on January 29, 2020, that had the headline, "Sleeping, snacking: What you don't get to see on TV," with a more in-depth show of what the hearings and trial were like (Gale OneFile: News). *USA Today* mentioned how Romney stood alone in the Republican party in his "guilty" vote when publishing the results of the trial vote. After the acquittal, there was no mention of Trump removing people in retribution in relation to impeachment, but there was some coverage of impeachment tied to the election; overall, their coverage generally stopped after Trump's acquittal.

The *Washington Times* began its coverage of impeachment related to the Zelenskyy call on September 20, 2019, but had extensive coverage of other Democrat

attempts to impeach Trump starting in July. On September 26, 2019, they referred to the Zelenskyy call's transcript, saying that it showed no "quid pro quo," and they referred to "quid pro quo" in quotes (*Washington Times* archive). Throughout their coverage, they rarely mentioned it as a "quid pro quo" except in quotes. They also referred to the impeachment inquiry as a "hoax," not using quotes (*Washington Times*). By September 30, 2019, the *Times* published two polls that said Americans and voters both supported Trump's impeachment. Many of their headlines throughout their entire coverage mentioned the word "Democrat" or "Pelosi," much of the time calling it their pursuit of impeachment (*Washington Times*). On October 31, 2019, a headline read, "Donald Trump impeachment vote: House Democrats find no GOP defectors," making the political parties into sides to join with the word "defectors," showing the partisanship (*Washington Times*). It later referred to the inquiry as more partisan than the effort to impeach Clinton. On December 13, 2019, it called impeachment "Democrats' obsession," saying that House Democrats were "so blinded by hate and money" and calling it a "highly partisan impeachment scheme" (*Washington Times*). Near key areas of the impeachment process – like debates before votes – the *Times* published polls related to Trump's favorability and the favorability of the impeachment. Much of their coverage also involved quoting key figures in the impeachment and sharing their opinions in headlines. On February 13, 2020, the *Times* called in a headline Trump's removal of witnesses from the government, "Donald Trump drains swamp after impeachment acquittal" (*Washington Times*). They also heavily focused on Mitt Romney, running a poll on February 13 that "39% of GOP voters say Mitt Romney should be expelled from Republican Party" (*Washington Times*). The *Times* kept bringing up the impeachment

long after Trump's acquittal, mentioning it in pandemic and election coverage far more often than the other news sites.

The database carrying *Huffington Post* articles began on October 21, 2019, and their coverage of Trump's impeachment in relation to the Zelenskyy call began October 31, 2019, calling the impeachment inquiry resolution "symbolic" (Gale OneFile: News *Huffington Post* archive). On that same day, they published a poll saying that only "30% of Americans think it's even somewhat likely Trump will be ousted" (Gale OneFile: News). By November 6, 2019, they referred to the call as a "quid pro quo" in a headline without quotes, saying that diplomats confirmed the call was a "quid pro quo." Throughout their coverage, the *Post* heavily mentioned Trump's family and all of their reactions to it, along with mentioning what was happening on Twitter at the time – reactions to comments throughout the hearings and trial. Its coverage also included explainer pieces about key figures and facts about the impeachment case and process. Some coverage also included other legislations that were being overshadowed by the impeachment case. Many of the headlines criticized Republicans for throwing "tantrums" (December 9, 2019) and called Trump "whiny" on multiple occasions for his defense in the impeachment trial (Gale OneFile: News). On November 25, 2019, it published another poll, saying that "people are doubling down on their opinions on impeachment" (Gale OneFile: News). Throughout their coverage, the *Post* also compared Trump to Nixon and the Watergate case. There is little mention of the polarization and partisanship in the process, though on December 18, 2019, a headline read, "Republicans complain impeachment not 'bipartisan' – but seem to forget Amash" (Gale OneFile: News), referring to former Republican U.S. Representative Justin Amash who called for Trump's

impeachment. On February 4, 2020, a headline read “Nixon quit, Clinton apologized, but Trump likely to see proof of invincibility,” essentially saying that Trump deserved impeachment and conviction and that a “broken system” (February 5, 2020) acquitted him (Gale OneFile: News). They said Mitt Romney had a “conscience” for voting “guilty” on abuse of power, fearing retribution for him. After acquittal, the *Post* mentioned impeachment in relation to the pandemic and the election, but the coverage mostly stopped.

Coverage of Trump’s impeachment within partisan news sites remained just that: partisan. Even within the allegedly nonpartisan source, Trump Republicans might view *USA Today*’s coverage as partisan simply because of their calling the Zelenskyy call a “quid pro quo.” Between July 2019 and November 2020, results varied between news sources on the level of coverage. The *New York Times* yielded 336 results with the *Huffington Post* yielding a similar 366. *USA Today* yielded just under 170 results, and the *Washington Times* yielded a staggering nearly 1,800 results. The partisan nature of the impeachment process clearly carried into the media, or the partisan nature of the media clearly carried into the impeachment process. *USA Today*’s coverage was similar to that before 24-hour news, running mostly polls, facts, and explanations rather than opinion after opinion, regardless of if it were the newspaper’s or someone else’s opinions.

Donald Trump’s Second Impeachment

Charges

On November 3, 2020, people cast their votes in the 2020 U.S. presidential election, and by November 7, Joe Biden was declared the winner by most major news

networks. Biden won both the popular vote and the Electoral College vote, earning an official 306 electoral votes to President Donald Trump's 232 electoral votes. Starting November 7, Trump claimed that the election was rigged and that he was the true winner of the 2020 election, even issuing a statement that he planned to pursue legal challenges in certain states where he disagreed with the election results. Eventually, most of the cases were dismissed or withdrawn (Senate Committee on Homeland Security and Governmental Affairs 2021). However, Trump kept claiming election fraud and interference and that he was the true winner of the election, leading many of his supporters to believe the same. By December 14, all 50 states plus the District of Columbia certified their election results, naming Biden the winner. Trump changed his focus and assertions of the stolen election to the Congressional counting of the Electoral College votes on January 6, 2021. A federal law exists for the counting of the votes where if even one Representative and one Senator were to object to the state's vote certification, a vote in the entire Congress is required on whether to object or confirm the vote. This objection occurred only two other times in U.S. history prior to 2020 (Senate Committee on Homeland Security and Governmental Affairs 2021).

Trump announced January 5, 2021, he would speak at the "Save America" rally at the White House Ellipse the following day where many of his supporters had planned to gather to protest the counting of the vote. By the time Trump spoke, between 25,000-30,000 people were at the Ellipse with organizers who planned on marching to the Capitol Building after Trump's speech. In Trump's speech, he spoke more about election fraud and encouraged his supporters to go to the Capitol Building to give the "weak" lawmakers "the kind of pride and boldness that they need to take back our country"

(Library of Congress 2021). He also said in his speech, “if you don’t fight like hell, you’re not going to have a country anymore” (Senate Committee on Homeland Security and Governmental Affairs 2021). Shortly after Trump’s speech ended, protestors headed to the Capitol, and law enforcement started to find and receive reports of suspicious packages and people with firearms throughout the city, eventually receiving reports of pipe bombs in both the Republican National Committee headquarters and the Democratic National Committee headquarters and discovering a vehicle containing a firearm and 11 Molotov cocktails (Senate Committee on Homeland Security and Governmental Affairs 2021). As Congress members were counting votes, people reached the Capitol, quickly breaching outer security barriers and antagonizing U.S. Capitol Police. Capitol and Metro Police called in Secret Service backup, and the chief sent a request for the National Guard – to no avail. The police were outnumbered, using pepper spray to hold the growing crowd back. Eventually, a riot was declared, and the Capitol Building locked down, and shortly after, the mob broke into the building, causing Congressional members to go to secure locations before the riot broke into the chambers. Throughout the riot, some got injured, causing three officers and four others to eventually die either then or shortly after from sustained injuries. Later that night after the building was secured, the joint session continued, officially declaring Biden the winner of the 2020 presidential election (Senate Committee on Homeland Security and Governmental Affairs 2021).

On January 11, 2021, the House introduced two resolutions to impeach Trump. One resolution impeached him for two articles, abuse of powers to attempt to overturn the Georgia election results, and abuse of powers by inciting violence and inciting a coup. This resolution ultimately did not pass. The other resolution included a single article of

impeachment, impeaching Trump for “incit[ing] an insurrection against the government of the United States” (Congress.gov 2021). On January 13, another resolution called to consider the previous legislation bringing only one article of impeachment, leading to it pass 232-197 with 10 House Republicans joining all the House Democrats. In 2021, Trump became the first president to ever be impeached twice.

Senate Majority Leader Mitch McConnell refused to hold a special session in the Senate to discuss and vote on the resolution, forcing the impeachment trial to be held after Biden’s inauguration when Trump was no longer president (Dreyer 2022). On February 8, the Senate leadership came to a bipartisan agreement on the trial proceedings, and the trial began February 9. A vote was held on the first day on whether it was even Constitutional to impeach and convict a president no longer in office; they voted 56-44 that it was. Trump’s argument against his conviction was that impeachment requires a criminal act that was absent in this case, that the case violated Trump’s free speech rights, and that the Congress cannot impeach former officials. The Senate’s makeup at this time was essentially a 50-50 split with 50 Republicans, 47 Democrats, and three Independents who caucused with the Democrats (Manning 2022). To get a two-thirds majority to convict Trump, 17 Republican Senators needed to vote against their party. On February 13, 2021, only seven – Richard Burr, Bill Cassidy, Susan Collins, Mitt Romney, Lisa Murkowski, Pat Toomey, and Ben Sasse – Republican Senators voted against their party, leading to a 57-43 vote on Trump’s conviction, acquitting him.

Outcome

Although Trump's first term ended and he had not been declared the winner of the 2020 presidential election, if he were convicted, it could have meant he would never hold public office in the United States again with a majority vote by the Senate. His second impeachment was historical, partially for that reason. It was the first time a president had ever been impeached twice, the only time a president was tried for impeachment after he left office, the only time a president was impeached from solely a resolution and no inquiry, and the only time seven Senators voted against their party to *convict* a president – seven Senators voted against their party to acquit the president in Johnson's impeachment trial. Many Senators published statements to explain their votes in the trial.

All Republicans who voted in favor of Trump's conviction explained their vote in some format. Richard Burr said that he originally did not support Trump's conviction because he did not believe one could impeach a president after he left office (Burr 2021). However, because the Senate established the precedent with a vote saying they could impeach a president not in office, he believed Trump bore the responsibility of the January 6 attack on the Capitol. He said, "I do not make this decision lightly, but I believe it is necessary" (Burr 2021). Bill Cassidy said that he voted to convict Trump because he was "guilty," and that "Our Constitution and our country is more important than any one person" (Cassidy 2021). Susan Collins said she voted to convict to uphold her own oath and duty she took, something that Trump failed to do when his actions interfered with the "peaceful transition of power," calling it "an abuse of power" that constituted grounds for impeachment (Collins 2021). Mitt Romney said his vote of conviction was reasoned by Trump's attempts to "corrupt the election by pressuring the Secretary of State of Georgia

to falsify the election results” and that Trump “incited the insurrection against Congress,” knowing he violated his oath of office in so doing (Romney 2021). Lisa Murkowski said that she honors “our constitutional rights and consider the freedom of speech as one of the most paramount freedoms, but that right does not extend to the President of the United States inciting violence,” also saying that he failed to uphold the oath he took (Murkowski 2021). Pat Toomey said that the Founders included impeachment in the Constitution because of “a lawless attempt to retain power by a president” and that this is what Trump did. He also said that Trump betrayed the Constitution and his oath of office, betraying the “confidence millions of us placed in him” (Toomey 2021). Ben Sasse said that the “tribalism” between parties was clearly present in this case but that his oath required him to listen to the facts, detailing Trump’s lies about the election, political violence at the Capitol, and the fragility of Congress. He added that he “promised Nebraskans I’d always vote my conscience even if it was against the partisan stream,” believing that Trump exceeded his powers of office and deserved a conviction. He urged Congress to not “lower our standards on such a grave matter, simply because it is politically convenient” (Sasse 2021).

Various other Senators explained during session, in press releases, or later in the media why they voted the way they did on the day of acquittal. Republican Senate Majority Leader Mitch McConnell, who voted to acquit, said that Trump’s actions on January 6 were a “disgraceful dereliction of duty,” and that Trump was “practically and morally responsible for provoking the events of the day” but that the Senate could not convict and remove “former officers” or a “private citizen.” Democrat Senate Majority Leader Chuck Schumer, who voted to convict, said that Trump “inspired, directed and

propelled a mob to violently prevent the peaceful transfer of power, subvert the will of the people, and illegally keep that president in power,” calling the actions “un-American” (C-SPAN 2021). He also called Trump’s actions an “egregious violation” of the oath and a “textbook example” of an impeachable offense. Schumer also mentioned how Trump’s defense “treated us to partisan vitriol, false equivalence, and outright falsehoods,” and called out Republicans for not standing up against Trump.

Trump’s impeachment was particularly unique, as it was less than a year after the conclusion of his first impeachment trial. It seemed to usher in an era of impeachment with three in just over twenty years. All three of these modern impeachments, but particularly Trump’s, were stained with hyper-partisanship, spoken about by Senators and shown by the votes. If not guided by partisanship, it is possible that Trump could have been convicted; however, that was not the case.

Media

Trump’s second impeachment also took place in the digital era, less than a year after his first impeachment. The AllSides Media Bias Chart updated three times since his first impeachment, changing where various news sources belonged on the political spectrum and adding and taking some away news sources. Four newspapers were selected for their coverage of impeachment from January 2021 until March 2021: the *New York Times* (*Times*), the *Washington Times* (*Times*), *USA Today*, and the *HuffPost* (formerly *Huffington Post*). According to the AllSides Media Bias Chart from 2021 – Version 4 – the *New York Times* was listed under “lean left,” the *Washington Times* under “lean right,” *USA Today* under “center,” and *HuffPost* under “left.” Like in 2019, none of

the sources fall under the “right” category because ones under that category are tabloids, commentary news, cable news, or international news. The databases to search for historical articles and papers allows only the *New York Times* to be based on their front-page coverage. *USA Today* and the *Washington Times* includes all of their coverage from January 2021-March 2021. The database for the *HuffPost* includes all of their coverage from January 2021-February 4, 2021, as the database ends on February 4. Alternative news sites were considered that fell under the “left” category, but similarly to the “right” category, none were available in a searchable database or fell under commentary, cable, tabloid, magazine, or international news. Beginning in mid-February, some of the coverage of impeachment included mentions of Governor Andrew Cuomo.

The *New York Times* first mentioned Trump’s second impeachment on January 8, 2021, two days after the attack on the Capitol, in a headline that read, “Calls Grow To Remove Trump As U.S. Officials Head For Exit: President Finally Concedes Loss in a Video” (ProQuest *New York Times* archive). Every day from January 8 until after the House impeached Trump, the *Times* ran at least one article related to the impeachment. Very quickly, the partisan and polarization nature of the impeachment was presented in headlines, with mentions of it being Trump’s second impeachment. When the House presented the impeachment article on January 12, the *Times* reprinted it on the front page, highlighting the sections depicting why Trump was being impeached. On January 13, the *Times* started reporting on a schism within the Republican Party, mentioning Mitch McConnell and Liz Cheney in a headline reading, “G.O.P. Leaders Begin to Break With Trump. McConnell Is Said to Welcome Effort to Impeachment – Cheney to Vote Yes” (ProQuest). A few times in their coverage, they published headlines that mentioned what

President-elect and eventually President Biden thought about the impeachment and what he was doing while it was happening. Headlines also mentioned the historic nature of a second impeachment trial against any president, particularly when Trump was officially impeached. On January 18, a headline read, “Republicans Spin Capitol Attack With Barrage of Misinformation,” and by January 27, the *Times* published how an acquittal was likely in the Senate (ProQuest). Much of the language used in headlines was emotionally charged, particularly in a time of heightened partisanship and polarization. On February 12, a headline read, “Democrats Paint Trump As Danger in Years to Come: Emotional Finale – Most Republicans Seem Unswayed” (ProQuest). When the Senate acquitted Trump, the *Times* included a headline that mentioned the vote, including information about the seven Republicans who voted to convict. After the acquittal, most of the coverage stopped, focusing more on Biden, but they did mention the impeachment a few times in further coverage about the attack on the Capitol.

USA Today first mentioned Trump’s second impeachment on January 8, 2021, acknowledging the lack of time left in Trump’s presidential term. In the first few days of the impeachment push, *USA Today* published at least one article a day with short headlines depicting what happened, such as the January 12 headline that read, “Democrats introduce impeachment article” (Gale OneFile: News *USA Today* archive). On January 14, *USA Today* referred to the attack on the Capitol as an insurrection, something that some Republicans, like Mitch McConnell, were wary to call it. *USA Today*’s coverage, like in 2019 and 2020, included opinions from various people, such as Newt Gingrich, in support of Trump’s acquittal. They also published some detailed pieces about the trial, including one on January 25, “Questions over Trump’s second trial.”

However, in the short time span, there were few pieces explaining various issues regarding and surrounding impeachment (Gale OneFile: News). By the end of January, *USA Today* also mentioned the extreme partisanship present in the trial, referring to it on January 28 as “political peril.” Many headlines included emotional quotes from Senators during the trial like one on February 10 that read, ““They could have killed all of us”” (Gale OneFile: News). On February 11, a headline read, “Clip by clip, his fighting words recited” (Gale OneFile: News). In their headline regarding Trump’s acquittal, they mentioned the vote but did not mention the Republican Senators who joined the Democrats. However, they did write in other headlines the split in the Republican Party after the impeachment. Most of the coverage ended after the acquittal, with very few articles regarding Trump except in relation to the schism in the Republican Party.

The *Washington Times* first mentioned Trump’s second impeachment on January 7, 2021, likening the mention of impeachment to past Democrat-attempts of impeachment. One headline on January 7 read, “Liberals call for Trump’s impeachment and removal amid Capitol mayhem” (*Washington Times* archive). It mentioned the impeachment process on January 8 and 11, and the coverage throughout the process included quotes from people in headlines. On January 15, a *Times* headline read, “Trump impeachment, Democrats’ incitement claim undercut by evidence of planned attack on Capitol” (*Washington Times*). After the impeachment vote, the *Times* reported heavily on Liz Cheney, a Republican representative who voted in favor of impeachment, and any falling out she received from her party for her vote. Much of the *Times*’s coverage included opinion pieces that were strongly anti-impeachment and critical of leftists, liberals, and Democrats. On January 20, they published a Gallup poll that said Trump was

unfavorable. They also published a poll on February 10 that said 56% of Americans wanted the Senate to convict Trump. The coverage kept mentioning Republican Representative Marjorie Taylor Greene and her actions on Twitter disparaging various Democrats and other people drawing backlash. They also published polls on February 11 related to the schism in the Republican Party. The headline that mentioned Trump's acquittal on February 15 read, "After Senate acquittal, Democrats don't rule out criminal prosecution of Trump" (*Washington Times*). After the acquittal, the *Times* heavily covered clashes between Trump and anyone who spoke out or voted against him in the impeachment process, and they mentioned the impeachment in relation to Trump running again in 2024, Trump's finances, and in relation to the Georgia presidential election. In mid-March, though, much of their coverage on the impeachment ended.

The *HuffPost* began their coverage of the second Trump impeachment on January 6, 2021, almost as soon as lawmakers accused Trump of inciting the attack on the Capitol. On January 11, they ran a headline that read, "Sen. Lindsey Graham 'Disappointed' Democrats Are Holding Trump Accountable," which reads as biased in favor of Trump's impeachment and conviction (Gale OneFile: News). On January 14, a headline read, "197 House Republicans Reject Impeachment Of Trump, Blaming Democrats For The Chaos," and this is how the official impeachment was reported (Gale OneFile: News). Just six days later, they mentioned how Trump planned on forming his own political party, referencing the widening schism in the Republican Party. Before the impeachment trial, the *Post* published an article explaining the capability of the House to impeach a former president. On February 2, the *Post* said the election had fraudulent "dangerous election claims" in a headline. They also published a headline on February 4

that read, “The House Impeachment Managers Have Already Rebutted Trump’s ‘Absurd’ Defenses” (Gale OneFile: News). Though they put into quotes “absurd,” there is some bias present in using the words “already rebutted,” implying support for the rebuttals. This February 4 article is the last available in the archive, so any continuous coverage of the impeachment trial and proceedings is unaccounted for. From previous coverage, it can be theorized that their coverage remained fairly biased in favor of Trump’s impeachment and conviction, though.

The partisan coverage of Trump’s second impeachment remained partisan, just as with his first impeachment. Yet again, Trump Republicans likely viewed *USA Today* as partisan for using the word “insurrection” in their reporting. It’s even possible that Trump Republicans viewed the *Washington Times*’s coverage as biased against Trump because of the schism in the party. Results frequency between January 2021-March 2021 varied between news source on the level of coverage available in each archive. The *New York Times* yielded 80 front-page results, and *USA Today* yielded a fairly similar 71 results. *HuffPost* yielded just 47 results, though the results were incomplete. The *Washington Times* yet again yielded the most with a little over 300 results. While each news source mentioned the break between Trump Republicans and non-Trump Republicans, only the *Washington Times* published public opinion polls related to the impeachment, even if the results went against the right lean that their publication had. *USA Today* remained the most nonpartisan in their headlines, though, generally leaving them shorter with less adjectives.

The Future of Impeachments, Partisan Politics, and the Press

The impeachment process in the U.S. has gone the exact way Hamilton expected: into a messy partisan political tool. Though an impeachment process has been started on four presidents five separate times, it has never resulted in a conviction. One could say the process conceivably worked in Nixon's case, with it resulting in his resignation from office. However, Ford still pardoned him, and no legal action was taken against Nixon. It still injured his political career so he was unlikely to hold any further political office – though he could not hold the presidency again as the impeachment was brought up in his second term. With the era that we live in now of impeachment being used as a political weapon against presidents, what's the point of keeping the process alive if it has been in a coma for nearly 250 years? The purpose of impeachment being in the Constitution, at the very least, was to provide a method of control against imperial and criminal actions done by the President, ensuring the job is properly fulfilled. But has this attempt at assuagement actually worked, particularly in modern American history? The case of Trump's second impeachment easily answers this question in the negative.

If impeachment were supposed to protect against massive abuses of power by the president to prevent *imperialism*, why, then, was Trump not convicted for inciting an insurrection? Some Republican senators recognized what Trump did was against his oath of office but still did not convict him because of Trump not being in office anymore. Some of the seven Republican senators who voted to convict faced retribution after the end of the trial. Because of this retribution, it is clear that at least part of the reason the Republicans did not break ranks was to protect their political careers. They recognized that Trump *was guilty* of the high crimes and misdemeanors the House accused him of,

yet they did not vote in a way that reflected that recognition. The Senators not voting for Trump's conviction in his second impeachment clearly demonstrated the failure of the impeachment system.

An increase of impeachments could be because of a myriad of factors. With all the charges for abuse of power, perhaps it is because of an increasing number of more overtly corrupt men becoming president. Perhaps it started with Nixon's inquiry and Watergate investigation being partially on partisan terms. This partisanship is *not* to say that Nixon's inquiry was not legitimate; it was. However, Nixon was disliked enough by the Democrats that they were searching for something that could remove him from office, especially after he won a second term by a landslide. It just happened that in Nixon's case the charges brought against him were legitimate and entirely impeachment-worthy. This partisan search, though, explains the increased frequency of impeachments in recent years. Republicans got their revenge on the Democrats from Nixon's time during Clinton's impeachment, impeaching Clinton over something small (on an impeachable offenses scale) like lying to the American people when deposed under oath by a court of law about his sex life. Media coverage from the conservative side showed that in the Trump era, Democrats consistently looked for reasons to impeach Trump and in the first case, found a reason to do so. By the time of the Trump impeachments, the integrity of the impeachment check had been depreciated by the Clinton impeachment.

Even the origination of the article or articles of impeachment and the time it takes to bring the articles against the president say something about the validity and impeachability of the charges. With Johnson, though it only took a few months for the actual impeachment process, all of the actions he was being impeached for were fairly

public for the country – particularly Congress – to see. The public actions happened almost a year before his impeachment resolution was drawn up. For Nixon, the Watergate break-in happened in mid-1972, but he was not implicated in it until early 1974. Only five months passed between when Nixon was mentioned as an unindicted coconspirator in March 1974 to when he resigned from the presidency because of his likely impeachment. The inquiry into Whitewater for Clinton began at the end of 1993, but he was impeached for something entirely different in 1998 because the inquiry changed focus to the Lewinsky scandal. For Trump’s first impeachment, Democrats did not hold a majority in the House until early 2019. However, they started impeachment efforts as soon as they held a majority, the Mueller Report originally being the focus of their impeachment efforts until it changed in September 2019 to the Zelenskyy call, leading to Trump’s impeachment in December. For Trump’s second impeachment, it took a few days for the impeachment process to begin, and it began without an inquiry, just a resolution. It took just over a month from when the attack on the Capitol occurred to Trump’s acquittal. There was little argument in the facts for Trump’s second impeachment; everyone voting on it had witnessed the attack on the Capitol firsthand. It was an argument over whether he could be impeached or whether he actually incited the violence (in public, for all to see).

Looking at the media, it has changed as politics and the public changed. News sites no longer self-identify whether they affirm one party or another; one must now generally go to bias charts to obtain knowledge of what political party they prefer. As partisanship and polarization increased, self-identification from the media decreased. The media today is similar to the yellow journalism era where things were hyperbolized,

where today things are hyper-polarized. Actions within Congress are labeled distinctly as “Democrat” or “Republican” (or any similar terms for the parties), with specific mentions when something is passed or introduced with bipartisan support. Even though the public gets tired quickly of seeing events like impeachment show up in the news, news outlets – particularly partisan ones – bite at the coverage of national events like a presidential impeachment. All eyes are on presidential impeachments, which means all eyes are on the media covering said impeachments. Media has an incentive to spend more time on the coverage of impeachments, regardless of how happy the public is of seeing the coverage. Just as with corruption in general, the media grabs at chances to uncover political corruption, especially with a president – with heightened voracity after Woodward and Bernstein uncovered Nixon’s connection to Watergate. Yet, media sources devote less time to proper investigative reporting (University of Central Florida 2019). It falls on the partisanship of Congress to do detailed investigations on a political figure they disagree with or despise.

Partisan politics and the polarization that happens because of it makes it much easier to impeach a president for high crimes and misdemeanors. However, it makes it practically impossible to convict a president for high crimes and misdemeanors. It says something about the impeachment system that the country has had three impeachments in the past 30 years, yet there have been no convictions and removals. It suggests that impeachment is nothing but a political weapon that is thrown around particularly when the House of Representatives has a majority that is different than the president’s political party. The Framers formatted the impeachment process to require a two-thirds majority in the Senate to convict and remove a democratically elected president. However, the

makeup of the Senate is generally a simple majority, meaning that in most circumstances Senates are incapable of convicting a president just along party lines. If an impeachment inquiry were simply partisan, the system would work if the president does *not* get convicted. But if Senators simply look out for their political careers or if impeachment becomes nothing more than a political weapon as a result of partisan politics, the system has failed.

The failed system of impeachment – particularly the failed system of conviction for an impeachment – cannot simply be removed from the Constitution. It was implemented for a reason to guard against abuses of power. It has still been effectively used in the country’s history by at the very least offering a slap on the wrist for presidents who commit wrongdoings. For Clinton’s impeachment and Trump’s first impeachment, their approval ratings improved throughout the impeachment process (Pew Research Center Desilver 2019 & Gallup McCarthy 2019). Trump’s second impeachment and Nixon’s impeachment inquiry hurt both of their approval ratings, the public generally favoring removal for both men (FiveThirtyEight Skelley 2021 & Pew Research Center Kohut 2019). Approval ratings did not exist during Johnson’s time, so no statistics exist to show if the public supported or was against his impeachment. However, the only way to reform the failed impeachment system is to abandon partisan politics. One could lower the threshold for conviction in the Senate to ensure conviction is easier if polarization and partisanship hold, but that threshold is to prevent the unjust removal of a democratically-elected president. The polarization in politics today allows corruption to continue and abuses of power to go unchecked. Congress members must care about their oaths before their careers. People must look at the facts and care about the facts, not their politics.

Impeachment is still a powerful tool, but only if the political parties respect and trust one another to keep corruption properly checked. The office of the presidency should be respected, but that respect should not guarantee the respect of a president. This respect for the office works in tandem with partisanship to skew the impeachment process in favor of acquitting.

Conclusion

From the first impeachment with Johnson to the most recent with Trump, it is clear that Hamilton was right: impeachment will be regulated by partisan strength, not actual evidence leading to conviction or acquittal. The inherent partisanship present in the impeachment process was expected by the Framers. In each impeachment case, partisanship has had a hold on some part of the process, even if it is just the vote in the House Judiciary Committee. The partisanship was most notably present in the Clinton impeachment, with many votes being mostly partisan. Even the Johnson impeachment revealed the partisan nature of the process, though that partisan hold was broken just enough to acquit Johnson. From the inception of the impeachment process, it has been marked by partisanship. However, is it so inherently partisan that it is largely a useless process?

Partisanship has not completely marred the impeachment processes nor the cases because of some mitigating factors such as the concern for the integrity of the office of the presidency, concern to uphold the integrity of democracy by not removing a democratically-elected president, and a concern to protect the dignity of the office. This concern for the integrity of the office is seen most clearly in the Johnson impeachment

case, where Senators voted for his acquittal so as not to set a dangerous precedent for future impeachments. Some Senators in this case might have been in favor of his conviction on a partisan level, but they disregarded it to protect the integrity of the presidency from partisanship. Johnson's case also showed the concern for democracy's integrity, as the Senators did not take removing a democratically-elected president lightly, even if Johnson assumed the presidency after Lincoln's assassination. The concern for the integrity of democracy and protection of the office's dignity are most clear in the Nixon case when some Republicans deviated from partisanship to uphold the dignity of the office and prevent corruption within the democratic system. Johnson was not impeached because partisanship did not win over the mitigating factors of the integrity of the presidency and integrity of democracy. Nixon resigned from the presidency because partisanship did not win over the mitigating factors of the integrity of democracy and the dignity of the office of the presidency. It is possible to negate partisanship with these mitigating factors.

Yes, partisanship is a significant factor in the impeachment process, but the cases will not always be so partisan that the votes will *always* be along partisan lines – because in Nixon's and Johnson's cases, a sufficient number of Senators resisted their partisan impulses to ensure an outcome that was not purely partisan. The impeachment process acts as a scale, weighed on one side by partisanship and on the other side by the mitigating factors, such as concern for the integrity of the office of the presidency and for democracy itself. Throughout history, the scale tipped to both sides, but it now resides broken on the partisanship side. In future cases, the scale could be fixed by focusing on these concerns for the dignity and integrity of the office and democracy and forgoing

partisanship at least for a while. There will likely be cases that are brought up along partisan lines, but not every case should immediately be thought of as partisan.

While it is difficult and possibly impossible to know if how the media covers something like impeachment affects the Congress people who decide the verdict, it is clear that media chooses to reflect the opinions already gathering around the process, both inside Congress and within the public. Repeating opinions of Representatives and Senators and using the same or similar language as them can further polarize people away from consuming a certain news source. In the earlier days of the U.S., the media provided a way for opinions to be originally shared. Now, it is a possible way for opinions to be perpetuated and turned into fact. Bias without identification is dangerous; someone should know what opinions they are being told before they hear or read them. Citizens should know the ideological bias of news sources. Perhaps opinions should stay out of reporting entirely, including no assertions of a reporter's own and only quotes from someone else. Journalists must understand that each word has meaning and that words have connotations to them. If the Framers found the press to be so important that they included it in the First Amendment, the press must uphold their duty and use their pens – or keyboards – responsibly.

The impeachment process does not work perfectly, but it has served the country reasonably well. However, its reasonably good performance is no reason to not reform the process in ways that might be helpful. Outside factors like the partisan nature of the press or Congress should play less of a role on the process. Decreasing partisanship in the press and Congress would do the impeachment process good by helping balance the scales out yet again. Polarization in either the press or Congress only hurts the process. In

the Clinton impeachment, it was a problem over something relatively trivial on a political scale that was motivated by an attempt to just destroy the president. After Nixon and particularly after Clinton, both political parties go searching for any information that could bring the president down. Impeachment is a matter of partisan politics when this search happens, and it trivializes the seriousness of impeachment. It causes Congress to take impeachment too lightly and turns it into a political tool and a tool of partisanship itself rather than a tool to uphold the integrity of the presidency itself. Everyone involved must take impeachment more seriously and prevent it from becoming a purely partisan weapon used to promote partisan objectives. Clinton's and Trump's first impeachments soured the impeachment process and colored it as a partisan tool. In the second Trump impeachment, then, the seriousness of the impeachment was discounted because it was seen as another partisan attempt to remove the president rather than a protection of the integrity of the office. The scale was broken by Clinton and the first Trump impeachments, and to be fixed, the seriousness of impeachment must be recognized again by both Congress and the press. It cannot be brought back into equilibrium by tinkering with the impeachment process but rather requires a shift in political culture to cool partisan tempers and restore concern for the integrity of the presidency and democracy.

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