Clinton v. Jones

520 U.S. 681 (1997)

Paula Corbin Jones sued under 42 U.S.C. sections 1983 and 1985 and under Arkansas law to recover damages from President Bill Clinton, alleging that while Clinton was governor of Arkansas, he made "abhorrent" sexual advances to her and that her rejection of those advances led to punishment by her supervisors in the state job she held at the time. President Clinton filed a motion to dismiss the suit on presidential immunity grounds and requested that all other pleadings and motions be deferred until the immunity issue was resolved. The federal district court granted that request but ultimately refused to dismiss the suit on immunity grounds and ruled that discovery—the pretrial exchange of information between the parties—could go forward, but ordered any trial stayed until the conclusion of the Clinton presidency. The Eighth Circuit affirmed the dismissal denial, but reversed the trial postponement as the "functional equivalent" of a grant of temporary immunity to which petitioner was not constitutionally entitled. The Supreme Court then granted certiorari.

Opinion of the Court: Stevens, Rehnquist, O'Connor, Scalia, Kennedy, Souter, Thomas, Ginsburg.

Concurring in the judgment: Breyer.

JUSTICE STEVENS delivered the opinion of the Court.

The President submits that in all but the most exceptional cases the Constitution requires federal courts to defer civil suits against the president until his term ends and that, in any event, respect for the office warrants such a stay. Despite the force of the arguments supporting the President's submissions, we conclude that they must be rejected.

It is true that we have often stressed the importance of avoiding the premature adjudication of constitutional questions. That doctrine of avoidance make[s] it appropriate to identify two important constitutional issues not encompassed within the questions presented by the petition for certiorari that we need not address today. First, because the claim of immunity is asserted in a federal court and relies heavily on the doctrine of separation of powers that restrains each of the three branches of the Federal Government from encroaching on the domain of the other two, it is not necessary to consider or decide whether a comparable claim might succeed in a state tribunal. Second, our decision rejecting the immunity claim and allowing the case to proceed does not require us to confront the question whether a court may compel the attendance of the President at any specific time or place. Petitioner's principal submission—that "in all but the most exceptional cases," the Constitution affords the President temporary immunity from civil damages litigation arising out of events that occurred before he took office—cannot be sustained on the basis of precedent. Only three sitting Presidents have been defendants in civil litigation involving their actions prior to taking office. . . . [N]one of those cases sheds any light on the constitutional issue before us.

The principal rationale for affording certain public servants immunity from suits for money damages arising out of their official acts is inapplicable to unofficial conduct. In cases involving prosecutors, legislators, and judges we have repeatedly explained that the immunity serves the

public interest in enabling such officials to perform their designated functions effectively without fear that a particular decision may give rise to personal liability. That rationale provided the principal basis for our holding that a former President of the United States was "entitled to absolute immunity from damages liability predicated on his official acts," [*Nixon v.*] *Fitzgerald* (1982). Our central concern was to avoid rendering the President "unduly cautious in the discharge of his official duties." This reasoning provides no support for an immunity for unofficial conduct. We have never suggested that the President, or any other official, has an immunity that extends beyond the scope of any action taken in an official capacity.

Petitioner's strongest argument supporting his immunity claim is based on the text and structure of the Constitution. He does not contend that the occupant of the Office of the President is "above the law," in the sense that his conduct is entirely immune from judicial scrutiny. The President argues merely for a postponement of the judicial proceedings that will determine whether he violated any law. His argument is grounded in the character of the office that was created by Article II of the Constitution, and relies on separation of powers principles that have structured our constitutional arrangement since the Founding.

As a starting premise, petitioner contends that he occupies a unique office with powers and responsibilities so vast and important that the public interest demands that he devote his undivided time and attention to his public duties. He submits that—given the nature of the office—the doctrine of separation of powers places limits on the authority of the Federal Judiciary to interfere with the Executive Branch that would be transgressed by allowing this action to proceed.

We have no dispute with the initial premise of the argument. It does not follow, however, that separation of powers principles would be violated by allowing this action to proceed. Of course the lines between the powers of the three branches are not always neatly defined. But in this case there is no suggestion that the Federal Judiciary is being asked to perform any function that might in some way be described as "executive." Respondent is merely asking the courts to exercise their core Article III jurisdiction to decide cases and controversies. Whatever the outcome of this case, there is no possibility that the decision will curtail the scope of the official powers of the Executive Branch. The litigation of questions that relate entirely to the unofficial conduct of the individual who happens to be the President poses no perceptible risk of misallocation of either judicial power or executive power.

Rather than arguing that the decision of the case will produce either an aggrandizement of judicial power or a narrowing of executive power, petitioner contends that—as a by product of an otherwise traditional exercise of judicial power—burdens will be placed on the President that will hamper the performance of his official duties. We have recognized that "[e]ven when a branch does not arrogate power to itself . . . the -separation-of-powers doctrine requires that a branch not impair another in the performance of its constitutional duties." *Loving v. United States* (1996). As a factual matter, petitioner contends that this particular case—as well as the potential additional litigation that an affirmance of the Court of Appeals judgment might spawn—may impose an unacceptable burden on the President's time and energy, and thereby impair the effective performance of his office.

Petitioner's predictive judgment finds little support in either history or the relatively narrow compass of the issues raised in this particular case. In the more than 200-year history of the

Republic, only three sitting Presidents have been subjected to suits for their private actions. If the past is any indicator, it seems unlikely that a deluge of such litigation will ever engulf the Presidency. As for the case at hand, if properly managed by the District Court, it appears to us highly unlikely to occupy any substantial amount of petitioner's time.

Of greater significance, petitioner errs by presuming that interactions between the Judicial Branch and the Executive, even quite burdensome interactions, necessarily rise to the level of constitutionally forbidden impairment of the Executive's ability to perform its constitutionally mandated functions. The fact that a federal court's exercise of its traditional Article III jurisdiction may significantly burden the time and attention of the Chief Executive is not sufficient to establish a violation of the Constitution. Sitting Presidents have responded to court orders to provide testimony and other information with sufficient frequency that such interactions between the Judicial and Executive Branches can scarcely be thought a novelty. President Monroe responded to written interrogatories, President Nixon produced tapes in response to a *subpoena duces tecum*, President Ford complied with an order to give a deposition in a criminal trial, and President Clinton has twice given videotaped testimony in criminal proceedings. Moreover, sitting Presidents have also voluntarily complied with judicial requests for testimony.

In sum, "[i]t is settled law that the -separation-of-powers doctrine does not bar every exercise of jurisdiction over the President of the United States." *Fitzgerald.* If the Judiciary may severely burden the Executive Branch by reviewing the legality of the President's official conduct, and if it may direct appropriate process to the President himself, it must follow that the federal courts have power to determine the legality of his unofficial conduct. The burden on the President's time and energy that is a mere by product of such review surely cannot be considered as onerous as the direct burden imposed by judicial review and the occasional invalidation of his official actions. We therefore hold that the doctrine of separation of powers does not require federal courts to stay all private actions against the President until he leaves office. If Congress deems it appropriate to afford the President stronger protection, it may respond with appropriate legislation. Our holding today raises no barrier to a statutory response to these concerns.

The Federal District Court has jurisdiction to decide this case. Like every other citizen who properly invokes that jurisdiction, respondent has a right to an orderly disposition of her claims. Accordingly, the judgment of the Court of Appeals is affirmed.

JUSTICE BREYER, concurring in the judgment.

I agree with the majority that the Constitution does not automatically grant the -President an immunity from civil lawsuits based upon his private conduct. However, once the President sets forth and explains a conflict between judicial proceeding and public duties, the matter changes. At that point, the Constitution permits a judge to schedule a trial in an ordinary civil damages action (where postponement normally is possible without overwhelming damage to a plaintiff) only within the constraints of a constitutional principle—a principle that forbids a federal judge in such a case to interfere with the President's discharge of his public duties. I have no doubt that the Constitution contains such a principle applicable to civil suits, based upon Article II's vesting of the entire "executive Power" in a single individual, implemented through the Constitution's structural separation of powers, and revealed both by history and case precedent.

I recognize that this case does not require us now to apply the principle specifically, thereby delineating its contours; nor need we now decide whether lower courts are to apply it directly or categorically through the use of presumptions or rules of administration. Yet I fear that to disregard it now may appear to deny it. I also fear that the majority's description of the relevant precedents deemphasizes the extent to which they support a principle of the President's independent authority to control his own time and energy. Further, if the majority is wrong in predicting the future infrequency of private civil litigation against sitting Presidents, acknowledgement and future delineation of the constitutional principle will prove a practically necessary institutional safeguard.