# Presidential Immunity

**WILLIAM JEFFERSON CLINTON, PETITIONER v. PAULA CORBIN JONES**

**No. 95-1853**

**SUPREME COURT OF THE UNITED STATES**

***520 U.S. 681; 117 S. Ct. 1636; 137 L. Ed. 2d 945; 1997 U.S. LEXIS 3254; 65 U.S.L.W. 4372; 73 Fair Empl. Prac. Cas. (BNA) 1548; 73 Fair Empl. Prac. Cas. (BNA) 1549; 70 Empl. Prac. Dec. (CCH) P44,686; 97 Cal. Daily Op. Service 3908; 97 Daily Journal DAR 6669; 10 Fla. L. Weekly Fed. S 499***

**January 13, 1997, Argued**
**May 27, 1997, Decided**

520 U.S. 681, *; 117 S. Ct. 1636, **;
137 L. Ed. 2d 945, ***; 1997 U.S. LEXIS 3254

**WILLIAM JEFFERSON CLINTON, PETITIONER v. PAULA CORBIN JONES**

**No. 95-1853**

**SUPREME COURT OF THE UNITED STATES**

***520 U.S. 681; 117 S. Ct. 1636; 137 L. Ed. 2d 945; 1997 U.S. LEXIS 3254; 65 U.S.L.W. 4372; 73 Fair Empl. Prac. Cas. (BNA) 1548; 73 Fair Empl. Prac. Cas. (BNA) 1549; 70 Empl. Prac. Dec. (CCH) P44,686; 97 Cal. Daily Op. Service 3908; 97 Daily Journal DAR 6669; 10 Fla. L. Weekly Fed. S 499***

**January 13, 1997, Argued**
**May 27, 1997, Decided**

**PRIOR HISTORY:** ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT, Reported at: *1996 U.S. App. LEXIS 253.*

**DISPOSITION:** *72 F.3d 1354,* affirmed.

**CASE SUMMARY:**

**PROCEDURAL POSTURE:** Petitioner sought review of the judgment of the United States Court of Appeals for the Eighth Circuit affirming the district court's denial of petitioner's motion to dismiss respondent's action and reversing the district court's order postponing the trial until the petitioner leaves office.

**OVERVIEW:** Respondent, a private citizen, sought to recover damages from petitioner, the President of the U.S., based on actions that allegedly took place before his term began. Petitioner argued that in all but the most exceptional cases, the U.S. Constitution requires federal courts to delay such litigation until the President's term ends. The court held that the doctrine of separation of powers did not require federal courts to stay all private actions against the President until he leaves office. However, the court held that it was appropriate for the district court to consider potential burdens on the President in evaluating the management of the case. It was an abuse of discretion for the district court to delay the trial until after petitioner leaves office.

**OUTCOME:** The court affirmed the judgment of the court of appeals affirming the district court's denial of petitioner's motion to dismiss and reversing the district court's order issuing a stay because respondent had a right to an orderly disposition of her claims.

---

**SYLLABUS:** Respondent sued under *42 U.S.C. § § 1983* and 1985 and Arkansas law to recover damages from petitioner, the current President of the United States, alleging, *inter alia,* that while he was Governor of Arkansas, petitioner 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. Petitioner promptly advised the Federal District Court that he would file a motion to dismiss on Presidential immunity grounds, and requested that all other pleadings and motions be deferred until the immunity issue was resolved. After the court granted that request, petitioner filed a motion to dismiss without prejudice and to toll any applicable statutes of limitation during his Presidency. The District Judge denied dismissal on immunity grounds and ruled that discovery could go forward, but ordered any trial stayed until petitioner's Presidency ended. 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 court explained that the President, like other officials, is subject to the same laws that apply to all citizens, that no case had been found in which an official was granted immunity from suit for his unofficial acts, and that the rationale for official immunity is inapposite where only personal, private conduct by a President is at issue. The court also rejected the argument that, unless immunity is available, the threat of judicial interference with the Executive Branch would violate separation of powers.

*Held:*

2. Deferral of this litigation until petitioner's Presidency ends is not constitutionally required. Pp. 7-28.

(a) 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. The principal rationale for affording Presidents immunity from damages actions based on their official acts--*i.e.,* to enable them to perform their designated functions effectively without fear that a particular decision may give rise to personal liability, see, *e.g., Nixon v. Fitzgerald, 457 U.S. 731, 749, 752, 73 L. Ed. 2d 349, 102 S. Ct. 2690, and n.32*--provides no support for an immunity for *unofficial* conduct. Moreover, immunities for acts clearly *within* official capacity are grounded in the nature of the function performed, not the identity of the actor who performed it. *Forrester v. White, 484 U.S. 219, 229, 98 L. Ed. 2d 555, 108 S. Ct. 538.* The Court is also unpersuaded by petitioner's historical evidence, which sheds little light on the question at issue, and is largely canceled by conflicting evidence that is itself consistent with both the doctrine of presidential immunity as set forth in *Fitzgerald,* and rejection of the immunity claim in this case. Pp. 9-15.

(b) The separation-of-powers doctrine does not require federal courts to stay all private actions against the President until he leaves office. Even accepting the unique importance of the Presidency in the constitutional scheme, it does not follow that that doctrine would be violated by allowing this action to proceed. The doctrine provides a self-executing safeguard against the encroachment or aggrandizement of one of the three co-equal branches of Government at the expense of another. *Buckley v. Valeo, 424 U.S. 1, 122, 46 L. Ed. 2d 659, 96 S. Ct. 612.* 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, and, whatever the outcome, there is no possibility that the decision here will curtail the scope of the Executive Branch's official powers. The Court rejects petitioner's contention that this case--as well as the potential additional litigation that an affirmance of the Eighth Circuit's judgment might spawn--may place unacceptable burdens on the President that will hamper the performance of his official duties. That assertion finds little support either in history, as evidenced by the paucity of suits against sitting Presidents for their private actions, or in the relatively narrow compass of the issues raised in this particular case. Of greater significance, it is settled that the Judiciary may severely burden the Executive Branch by reviewing the legality of the President's official conduct, see *e.g., Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579, 96 L. Ed. 1153, 72 S. Ct. 863,* and may direct appropriate process to the President himself, see *e.g., United States v. Nixon, 418 U.S. 683, 41 L. Ed. 2d 1039, 94 S. Ct. 3090.* It must follow that the federal courts have power to determine the legality of the President's unofficial conduct. The reasons for rejecting a categorical rule requiring federal courts to stay private actions during the President's term apply as well to a rule that would, in petitioner's words, require a stay "in all but the most exceptional cases." Pp. 15-24.

(c) Contrary to the Eighth Circuit's ruling, the District Court's stay order was not the "functional equivalent" of an unconstitutional grant of temporary immunity. Rather, the District Court has broad discretion to stay proceedings as an incident to its power to control its own docket. See, *e.g., Landis v. North American Co., 299 U.S. 248, 254, 81 L. Ed. 153, 57 S. Ct. 163.* Moreover, the potential burdens on the President posed by this litigation are appropriate matters for that court to evaluate in its management of the case, and the high respect owed the Presidency is a matter that should inform the conduct of the entire proceeding. Nevertheless, the District Court's stay decision was an abuse of discretion because it took no account of the importance of respondent's interest in bringing the case to trial, and because it was premature in that there was nothing in the record to enable a judge to assess whether postponement of trial after the completion of discovery would be warranted. Pp. 25-27.

(d) The Court is not persuaded of the seriousness of the alleged risks that this decision will generate a large volume of politically motivated harassing and frivolous litigation and that national security concerns might prevent the President from explaining a legitimate need for a continuance, and has confidence in the ability of federal judges to deal with both concerns. If Congress deems it appropriate to afford the President stronger protection, it may respond with legislation. Pp. 27-28.

*72 F.3d 1354,* affirmed.

**COUNSEL:**

Robert S. Bennett argued the cause for petitioner.

Walter Dellinger argued the cause for the United States, as amicus curiae, by special leave of court.

Gilbert K. Davis argued the cause for respondent.

**JUDGES:** STEVENS, J., delivered the opinion of the Court, in which REHNQUIST, C. J., and O'CONNOR, SCALIA, KENNEDY, SOUTER, THOMAS, and GINSBURG, JJ., joined. BREYER, J., filed an opinion concurring in the judgment.

**OPINIONBY:** STEVENS

**OPINION:** [*684] [**1639] [***954] JUSTICE STEVENS delivered the opinion of the Court.

This case raises a constitutional and a prudential question concerning the Office of the President of the United States. Respondent, a private citizen, seeks to recover damages from the current occupant of that office based on actions allegedly taken before his term began. The President submits that in all but the most exceptional cases the Constitution requires federal courts to defer such litigation 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.

I

Petitioner, William Jefferson Clinton, was elected to the Presidency in [***955] 1992, and re-elected in 1996. His term of office expires on January 20, 2001. In 1991 he was the Governor of the State of Arkansas. Respondent, Paula Corbin Jones, is a resident of California. In 1991 she lived in Arkansas, and was an employee of the Arkansas Industrial Development Commission.

On May 6, 1994, she commenced this action in the United States District Court for the Eastern District of Arkansas by filing a complaint naming petitioner and Danny Ferguson, a former Arkansas State Police officer, as defendants. The [*685] complaint alleges two federal claims, and two state law claims over which the federal court has jurisdiction because of the diverse citizenship of the parties. [**1640] n1 As the case comes to us, we are required to assume the truth of the detailed--but as yet untested-- factual allegations in the complaint.

Those allegations principally describe events that are said to have occurred on the afternoon of May 8, 1991, during an official conference held at the Excelsior Hotel in Little Rock, Arkansas. The Governor delivered a speech at the conference; respondent--working as a state employee--staffed the registration desk. She alleges that Ferguson persuaded her to leave her desk and to visit the Governor in a business suite at the hotel, where he made "abhorrent" n2 sexual advances that she vehemently rejected. She further claims that her superiors at work subsequently dealt with her in a hostile and rude manner, and changed her duties to punish her for rejecting those advances. Finally, she alleges that after petitioner was elected President, Ferguson defamed her by making a statement to a reporter that implied she had accepted petitioner's alleged overtures, and that various persons authorized to speak for the President publicly branded her a liar by denying that the incident had occurred.

Respondent seeks actual damages of $ 75,000, and punitive damages of $ 100,000. Her complaint contains four counts. The first charges that petitioner, acting under color of state law, deprived her of rights protected by the Constitution, in violation of Rev. Stat. § 1979, *42 U.S.C. § 1983*. The second charges that petitioner and Ferguson engaged in a conspiracy to violate her federal rights, also actionable under federal law. See Rev. Stat. § 1980, *42 U.S.C. § 1985*. The third is a state common-law claim for intentional infliction of emotional distress, grounded primarily on the incident at the [*686] hotel. The fourth count, also based on state law, is for defamation, embracing both the comments allegedly made to the press by Ferguson and the statements of petitioner's agents. Inasmuch as the legal sufficiency of the claims has not yet been challenged, we assume, without deciding, that each of the four counts states a cause of action as a matter of law. With the exception of the last charge, which arguably may involve conduct within the outer perimeter of the President's official responsibilities, it is perfectly clear that the alleged misconduct of petitioner was unrelated to any of his official duties as President of the United States [***956] and, indeed, occurred before he was elected to that office. n3

n3 As the matter is not before us, see *Jones v. Clinton, 72 F.3d 1354, 1359, n.7 (CA8 1996),* we do not address the question whether the President's immunity from damages liability for acts taken within the "outer perimeter" of his official responsibilities provides a defense to the fourth count of the complaint. See *Nixon v. Fitzgerald, 457 U.S. 731, 756, 73 L. Ed. 2d 349, 102 S. Ct. 2690 (1982).*

II

In response to the complaint, petitioner promptly advised the District Court that he intended to file a motion to dismiss on grounds of Presidential immunity, and requested the court to defer all other pleadings and motions until after the immunity issue was resolved. n4 Relying on our cases holding that immunity questions should be decided at the earliest possible stage of the litigation, *858 F. Supp. 902, 905 (ED Ark. 1994),* our recognition of the "'singular importance of the President's duties,'" *id., at 904* (quoting *Nixon v. Fitzgerald, 457 U.S. 731, 751, 73 L. Ed. 2d 349, 102 S. Ct. 2690 (1982)),* and

the fact that the question did not require any analysis of the allegations of the complaint, *858 F. Supp. at 905,* the court granted the request. Petitioner thereupon filed a motion "to dismiss . . . without prejudice and to toll any statutes of limitation [that may be applicable] until he is no longer President, at which time the plaintiff [*687] may refile the instant suit." Record, Doc. No. 17. Extensive submissions were made to the District Court by the parties and the Department of Justice. n5

[**1641]

The District Judge denied the motion to dismiss on immunity grounds and ruled that discovery in the case could go forward, but ordered any trial stayed until the end of petitioner's *Presidency. 869 F. Supp. 690 (E.D Ark. 1994).* Although she recognized that a "thin majority" in *Nixon v. Fitzgerald, 457 U.S. 731, 73 L. Ed. 2d 349, 102 S. Ct. 2690 (1982),* had held that "the President has absolute immunity from civil damage actions arising out of the execution of official duties of office," she was not convinced that "a President has absolute immunity from civil causes of action arising prior to assuming the office." n6 She was, however, persuaded by some of the reasoning in our opinion in *Fitzgerald* that deferring the trial if one were required would be appropriate. n7 *869 F. Supp. at 699-700.* Relying in part on the fact that respondent had failed to bring her complaint until two days before the 3-year period of limitations expired, she concluded that the public interest in avoiding litigation that might hamper the President in conducting the duties of his office outweighed any demonstrated need for an immediate trial. *Id., at 698-699.*

n6 *869 F. Supp. at 698.* She explained: "Nowhere in the Constitution, congressional acts, or the writings of any judge or scholar, may any credible support for such a proposition be found. It is contrary to our form of government, which asserts as did the English in the Magna Carta and the Petition of Right, that even the sovereign is subject to God and the law." *Ibid.*

n7 Although, as noted above, the District Court's initial order permitted discovery to go forward, the court later stayed discovery pending the outcome of the appeals on the immunity issue. *879 F. Supp. 86 (ED Ark. 1995).*

Both parties appealed. A divided panel of the Court of Appeals affirmed the denial of the motion to [***957] dismiss, but because it regarded the order postponing the trial until the [*688] President leaves office as the "functional equivalent" of a grant of temporary immunity, it reversed that order. *72 F.3d 1354, 1361, n.9, 1363 (CA8 1996).* Writing for the majority, Judge Bowman explained that "the President, like all other government officials, is subject to the same laws that apply to all other members of our society," *id., at 1358,* that he could find no "case in which any public official ever has been granted any immunity from suit for his unofficial acts," *ibid.*, and that the rationale for official immunity "is inapposite where only personal, private conduct by a President is at issue," *id., at 1360.* The majority specifically rejected the argument that, unless immunity is available, the threat of judicial interference with the Executive Branch through scheduling orders, potential contempt citations, and sanctions would violate separation of powers principles. Judge Bowman suggested that "judicial case management sensitive to the burdens of the presidency and the demands of the President's schedule," would avoid the perceived danger. *Id., at 1361.*

* * *

III

The President, represented by private counsel, filed a petition for certiorari. The Solicitor General, representing the United States, supported the petition, arguing that the decision of the Court of Appeals was "fundamentally mistaken" and created "serious risks for the institution [***958] of the Presidency." n9 In her brief in opposition to certiorari, respondent argued that this "one-of-a-kind case is singularly inappropriate" for the exercise of our certiorari jurisdiction because it did not create any conflict among the Courts of Appeals, it "does not pose any conceivable threat to the functioning of the Executive Branch," and there is no precedent supporting the President's position. n10

While our decision to grant the petition expressed no judgment concerning the merits of the case, it does reflect our appraisal of its importance. The [*690] representations made on behalf of the Executive Branch as to the potential impact of the precedent established by the Court of Appeals merit our respectful and deliberate consideration.

* * *

IV

Petitioner's principal submission--that "in all but the most exceptional cases," Brief for Petitioner i, 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. Complaints against Theodore Roosevelt and Harry Truman had been dismissed before they took office; the dismissals were affirmed after their respective inaugurations. n15 Two companion cases arising out of an automobile accident were filed against John F. Kennedy in 1960 during the Presidential campaign. n16 After taking office, he unsuccessfully argued that his status as Commander in Chief gave him a right to a stay under the Soldiers' and Sailors' Civil Relief Act of 1940, *50 U.S.C. App. § § 501*-525. The motion for a stay was denied by the District Court, and the matter was settled out of court. n17 Thus, none of those cases sheds any light on the constitutional issue before us.

The principal rationale for affording certain public servants immunity [***960] from suits for money damages arising out of [*693] 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. n18 We explained in *Ferri v. Ackerman, 444 U.S. 193, 62 L. Ed. 2d 355, 100 S. Ct. 402 (1979):*

> "As public servants, the prosecutor and the judge represent the interest of society as a whole. The conduct of their official duties may adversely affect a wide variety of [**1644] different individuals, each of whom may be a potential source of future controversy. The societal interest in providing such public officials with the maximum ability to deal fearlessly and impartially with the public at large has long been recognized as an acceptable justification for official immunity. The point of immunity for such officials is to forestall an atmosphere of intimidation that would conflict with their resolve to perform their designated functions in a principled fashion." *Id., at 202-204.*

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," *Fitzgerald, 457 U.S. at 749.* See *id., at 752* (citing *Ferri* v. *Ackerman*). Our central concern was to [*694] avoid rendering the President "unduly cautious in the discharge of his official duties." *457 U.S. at 752, n.32.* n19

This reasoning provides no support for an immunity for *unofficial* conduct. As we explained in *Fitzgerald*, "the sphere of protected action must be related closely to the immunity's justifying purposes." *Id., at 755.* Because of the President's broad responsibilities, we recognized in that case an immunity from damages claims arising out of official acts extending to the "outer perimeter of his authority." *Id., at 757.* [***961] But 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. See *id., at 759* (Burger, C. J., concurring) (noting that "a President, like Members of Congress, judges, prosecutors, or congressional aides--all having absolute immunity--are not immune for acts outside official duties"); see also *id., at 761, n.4.*

Moreover, when defining the scope of an immunity for acts clearly taken *within* an official capacity, we have applied a functional approach. "Frequently our decisions have held that an official's absolute immunity should extend only to acts in performance of particular functions of his office." *Id., at 755.* Hence, for example, a judge's absolute immunity does not extend to actions performed in a purely administrative [*695] capacity. See *Forrester v. White, 484 U.S. 219, 229-230, 98 L. Ed. 2d 555, 108 S. Ct. 538 (1988).* As our opinions have made clear, immunities are grounded in "the nature of the function performed, not the identity of the actor who performed it." *Id., at 229.*

Petitioner's effort to construct an immunity from suit for unofficial acts grounded purely in the identity of his office is unsupported by precedent.

* * *

VI

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 [**1646] judicial scrutiny. n24 The President argues merely for a postponement of the judicial proceedings that will determine whether he violated [***963] 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.

> n24 For that reason, the argument does not place any reliance on the English ancestry that informs our common-law jurisprudence; he does not claim the prerogatives of the monarchs who asserted that "the King can do no wrong." See 1 W. Blackstone, Commentaries *246. Although we have adopted the related doctrine of sovereign

immunity, the common-law fiction that "the king . . . is not only incapable of *doing* wrong, but even of *thinking* wrong," *ibid.*, was rejected at the birth of the Republic. See, *e.g.*, *Nevada v. Hall, 440 U.S. 410, 415, 59 L. Ed. 2d 416, 99 S. Ct. 1182, and nn.7-8 (1970); Langford v. United States, 101 U.S. 341, 342-343, 25 L. Ed. 1010 (1880).*

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 [*698] 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. Former presidents, from George Washington to George Bush, have consistently endorsed petitioner's characterization of the office. n25 After serving his term, Lyndon Johnson observed: "Of all the 1,886 nights I was President, there were not many when I got to sleep before 1 or 2 A.M., and there were few mornings when I didn't wake up by 6 or 6:30." n26 In 1967, the Twenty-fifth Amendment to the Constitution was adopted to ensure continuity in the performance of the powers and duties of the office; n27 one of the sponsors of that Amendment stressed the importance of providing that "at all times" there be a President "who has complete control and will be able to perform" those duties. n28 As Justice Jackson has pointed out, the Presidency concentrates executive authority "in a single head in whose choice the whole Nation has a part, making him the focus of public hopes and expectations. In drama, magnitude and finality his decisions so far overshadow any others that almost alone he fills the public eye and ear." *Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. at 653* (Jackson, J., concurring). We have, in short, long recognized the "unique position in the constitutional scheme" that this office occupies. *Fitzgerald,* [*699] *457 U.S. at 749.* n29 Thus, while we suspect that even in our modern era there remains some truth to Chief Justice Marshall's suggestion [***964] that the duties of the Presidency are not entirely "unremitting," *United States v. Burr, 25 F. Cas. 30,* [**1647] *34 (CC Va. 1807),* we accept the initial premise of the Executive's argument.

n29 We noted in *Fitzgerald:* "Article II, § 1, of the Constitution provides that 'the executive Power shall be vested in a President of the United States . . . .' This grant of authority establishes the President as the chief constitutional officer of the Executive Branch, entrusted with supervisory and policy responsibilities of utmost discretion and sensitivity. These include the enforcement of federal law--it is the President who is charged constitutionally to 'take Care that the Laws be faithfully executed'; the conduct of foreign affairs--a realm in which the Court has recognized that 'it would be intolerable that courts, without the relevant information, should review and perhaps nullify actions of the Executive taken on information properly held secret'; and management of the Executive Branch--a task for which 'imperative reasons require an unrestricted power [in the President] to remove the most important of his subordinates in their most important duties.'" *457 U.S. at 749-750* (footnotes omitted).

It does not follow, however, that separation of powers principles would be violated by allowing this action to proceed. The doctrine of separation of powers is concerned with the allocation of official power among the three co-equal branches of our Government. The Framers "built into the tripartite Federal Government . . . a self-executing safeguard against the encroachment or aggrandizement of one branch at the expense of the other." *Buckley v. Valeo, 424 U.S. at 122.* n30 Thus, for example, the Congress may not exercise the judicial power to revise final judgments, *Plaut v. Spendthrift* [*700] *Farm, Inc., 514 U.S. 211, 131 L. Ed. 2d 328, 115 S. Ct. 1447 (1995),* n31 or the executive power to manage an airport, see *Metropolitan Washington Airports Authority v. Citizens for Abatement of Aircraft Noise, Inc., 501 U.S. 252, 276, 115 L. Ed. 2d 236, 111 S. Ct. 2298 (1991)* (holding that "if the power is executive, the Constitution does not permit an agent of Congress to exercise it"). n32 See *J. W. Hampton, Jr., & Co. v. United States, 276 U.S. 394, 406, 72 L. Ed. 624, 48 S. Ct. 348 (1928)* (Congress may not "invest itself or its members with either executive power or judicial power"). Similarly, the President may not exercise the legislative power to authorize the seizure of private property for public use. *Youngstown, 343 U.S. at 588.* And, the judicial power to decide cases and controversies does not include the provision of purely advisory opinions to the Executive, n33 or permit the federal courts to resolve nonjusticiable questions. n34

[*701] Of course the lines between [***965] the powers of the three branches are not always neatly defined. See *Mistretta v. United States, 488 U.S. 361, 380-381, 102 L. Ed. 2d 714, 109 S. Ct. 647 (1989).* n35 But in this case there [**1648] 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 "even 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,* 517 U.S. , , *116 S. Ct. 1737, 135 L. Ed. 2d 36, 1996 U.S. LEXIS 3593,* *17 (1996); see also *Nixon v. Administrator of General Services, 433 U.S. 425, 443, 53 L. Ed. 2d 867, 97 S. Ct. 2777 (1977).* As a factual matter, petitioner contends that this particular case--as well as the potential [*702] 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. As we have already noted, in the more than 200-year history of the Republic, only three sitting Presidents have been subjected to suits for their private actions. n36 See *supra*, at 9-10. If the past is any indicator, it seems unlikely that a deluge [***966] 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.

> n36 In *Fitzgerald*, we were able to discount the lack of historical support for the proposition that official-capacity actions against the President posed a serious threat to the office on the ground that a right to sue federal officials for damages as a result of constitutional violations had only recently been recognized. See *Fitzgerald, 457 U.S. at 753, n.33; Bivens v. Six Unknown Fed. Narcotics Agents, 403 U.S. 388, 29 L. Ed. 2d 619, 91 S. Ct. 1999 (1971).* The situation with respect to suits against the President for actions taken in his private capacity is quite different because such suits may be grounded on legal theories that have always been applicable to any potential defendant. Moreover, because the President has contact with far fewer people in his private life than in his official capacity, the class of potential plaintiffs is considerably smaller and the risk of litigation less intense.

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. "Our . . . system imposes upon the Branches a degree of overlapping responsibility, a duty of interdependence as well as independence the absence of which 'would preclude the establishment of a Nation capable of governing itself effectively.'" *Mistretta, 488 U.S. at 381* (quoting *Buckley,* [*703] *424 U.S. at 121).* As Madison explained, separation of powers does not mean that the branches "ought to have no *partial agency* in, or no *control* over the acts of each other." n37 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 [**1649] is not sufficient to establish a violation of the Constitution. Two long-settled propositions, first announced by Chief Justice Marshall, support that conclusion.

First, we have long held that when the President takes official action, the Court has the authority to determine whether he has acted within the law. Perhaps the most dramatic example of such a case is our holding that President Truman exceeded his constitutional authority when he issued an order directing the Secretary of Commerce to take possession of and operate most of the Nation's steel mills in order to avert a national catastrophe. *Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579, 96 L. Ed. 1153, 72 S. Ct. 863 (1952).* Despite the serious impact of that decision on the ability of the Executive Branch to accomplish its assigned mission, and the substantial time that the President must necessarily have devoted to the matter as a result of judicial involvement, we exercised our Article III jurisdiction to decide whether his official conduct conformed to the law. Our holding was an application of the principle established in *Marbury v. Madison, 5 U.S. 137, 1 Cranch 137, 2 L. Ed. 60 (1803),* that "it [HN10] is emphatically the province and duty of the judicial department to say what the law is." *Id., at 177.*

Second, it is also settled that the President is subject to judicial process in appropriate circumstances. Although Thomas Jefferson apparently thought otherwise, Chief Justice Marshall, when presiding in the treason trial of

Aaron Burr, ruled that a subpoena *duces tecum* could be directed [*704] to the President. *United States v. Burr, 25 F. Cas. 30* (No. 14,692d) (CC Va. 1807). n38 We unequivocally and emphatically endorsed [***967] Marshall's position when we held that President Nixon was obligated to comply with a subpoena commanding him to produce certain tape recordings of his conversations with his aides. *United States v. Nixon, 418 U.S. 683, 41 L. Ed. 2d 1039, 94 S. Ct. 3090 (1974).* As we explained, "neither the doctrine of separation of powers, nor the need for confidentiality of high-level communications, without more, can sustain an absolute, unqualified Presidential privilege of immunity from judicial process under all circumstances." *Id., at 706.* n39

> n38 After the decision was rendered, Jefferson expressed his distress in a letter to a prosecutor at the trial, noting that "the Constitution enjoins [the President's] constant agency in the concerns of 6. millions of people." 10 Works of Thomas Jefferson 404, n. (P. Ford ed. 1905). He asked, "is the law paramount to this, which calls on him on behalf of a single one?" *Ibid.;* see also *Fitzgerald, 457 U.S. at 751-752, n.31* (quoting Jefferson's comments at length). For Chief Justice Marshall, the answer--quite plainly--was yes.n39 Of course, it does not follow that a court may "'proceed against the president as against an ordinary individual,'" *United States v. Nixon, 418 U.S. at 715* (quoting *United States v. Burr, 25 F. Cas. 187, 192* (No. 14,692d) (CC Va. 1807)). Special caution is appropriate if the materials or testimony sought by the court relate to a President's official activities, with respect to which "the interest in preserving confidentiality is weighty indeed and entitled to great respect." *418 U.S. at 712.* We have made clear that in a criminal case the powerful interest in the "fair administration of criminal justice" requires that the evidence be given under appropriate circumstances lest the "very integrity of the judicial system" be eroded. *Id., at 709, 711-712.*

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, see Rotunda, Presidents and Ex-Presidents as Witnesses: A Brief Historical Footnote, *1975 U. Ill. L. F. 1, 5-6,* President Nixon--as noted above--produced tapes in response to a subpoena [*705] *duces tecum*, see *United States* v. *Nixon*, President Ford complied with an order to give a deposition in a criminal trial, *United States v. Fromme, 405 F. Supp. 578 (ED Cal. 1975),* and President Clinton has twice given videotaped testimony in criminal proceedings, see *United States v. McDougal, 934 F. Supp. 296 (ED Ark. 1996); United States* v. *Branscum*, No., LRP-CR-96-49 (ED Ark., June 7, 1996). Moreover, sitting Presidents have also voluntarily complied with judicial requests for testimony. President Grant gave a lengthy deposition in a criminal case under [**1650] such circumstances, R. Rotunda & J. Nowak, Treatise on Constitutional Law § 7.1 (2d ed. 1992), and President Carter similarly gave videotaped testimony for use at a criminal trial, *ibid.*

In sum, "it is settled law that the separation-of-powers doctrine does not bar every exercise of jurisdiction over the President of the United States." *Fitzgerald, 457 U.S. at 753-754.* 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 [***968] invalidation of his official actions. n40 We therefore hold that the doctrine of separation of powers does not [*706] require federal courts to stay all private actions against the President until he leaves office.

The reasons for rejecting such a categorical rule apply as well to a rule that would require a stay "in all but the most exceptional cases." Brief for Petitioner i. Indeed, if the Framers of the Constitution had thought it necessary to protect the President from the burdens of private litigation, we think it far more likely that they would have adopted a categorical rule than a rule that required the President to litigate the question whether a specific case belonged in the "exceptional case" subcategory. In all events, the question whether a specific case should receive exceptional treatment is more appropriately the subject of the exercise of judicial discretion than an interpretation of the Constitution. Accordingly, we turn to the question whether the District Court's decision to stay the trial until after petitioner leaves office was an abuse of discretion.

VII

The Court of Appeals described the District Court's discretionary decision to stay the trial as the "functional equivalent" of a grant of temporary immunity. *72 F.3d at 1361, n.9.* Concluding that petitioner was not constitutionally entitled to such an immunity, the court held that it was error to grant the stay. *Ibid.* Although we ultimately conclude that the stay should not have been

granted, we think the issue is more difficult than the opinion of the Court of Appeals suggests.

Strictly speaking the stay was not the functional equivalent of the constitutional immunity that petitioner claimed, because the District Court ordered discovery to proceed. Moreover, a stay of either the trial or discovery might be justified by considerations that do not require the recognition of any constitutional immunity. The District Court has broad discretion to stay proceedings as an incident to its power to control its own docket. See, *e.g.*, *Landis v. North* [*707] *American Co., 299 U.S. 248, 254, 81 L. Ed. 153, 57 S. Ct. 163 (1936)*. As we have explained, "especially in cases of extraordinary public moment, [a plaintiff] may be required to submit to delay not immoderate in extent and not oppressive in its consequences if the public welfare or convenience will thereby be promoted." *Id., at 256.* Although we have rejected the argument that the potential burdens on the President violate separation of powers principles, those burdens are appropriate matters for the District Court to evaluate in its management of the case. The high respect that is owed to the office of the Chief Executive, though not justifying a rule of categorical immunity, is a matter that should inform the [**1651] conduct of the entire proceeding, [***969] including the timing and scope of discovery. n41

Nevertheless, we are persuaded that it was an abuse of discretion for the District Court to defer the trial until after the President leaves office. Such a lengthy and categorical stay takes no account whatever of the respondent's interest in bringing the case to trial. The complaint was filed within the statutory limitations period--albeit near the end of that period--and delaying trial would increase the danger of [*708] prejudice resulting from the loss of evidence, including the inability of witnesses to recall specific facts, or the possible death of a party.

The decision to postpone the trial was, furthermore, premature. The proponent of a stay bears the burden of establishing its need. *299 U.S. at 255.* In this case, at the stage at which the District Court made its ruling, there was no way to assess whether a stay of trial after the completion of discovery would be warranted. Other than the fact that a trial may consume some of the President's time and attention, there is nothing in the record to enable a judge to assess the potential harm that may ensue from scheduling the trial promptly after discovery is concluded. We think the District Court may have given undue weight to the concern that a trial might generate unrelated civil actions that could conceivably hamper the President in conducting the duties of his office. If and when that should occur, the court's discretion would permit it to manage those actions in such fashion (including deferral of trial) that interference with the President's duties would not occur. But no such impingement upon the President's conduct of his office was shown here.

VIII

We add a final comment on two matters that are discussed at length in the briefs: the risk that our decision will generate a large volume of politically motivated harassing and frivolous litigation, and the danger that national security concerns might prevent the President from explaining a legitimate need for a continuance.

We are not persuaded that either of these risks is serious. Most frivolous and vexatious litigation is terminated at the pleading stage or on summary judgment, with little if any personal involvement by the defendant. See Fed. Rules Civ. Proc. 12, 56. Moreover, the availability of sanctions provides a significant deterrent to litigation directed at the President in his unofficial capacity for purposes [***970] of political [*709] gain or harassment. n42 History indicates that the likelihood that a significant number of such cases will be filed is remote. Although scheduling problems may arise, there is no reason to assume that the District Courts will be either unable to accommodate the President's needs or unfaithful [**1652] to the tradition--especially in matters involving national security--of giving "the utmost deference to Presidential responsibilities." n43 Several Presidents, including petitioner, have given testimony without jeopardizing the Nation's security. See *supra*, at 23. In short, we have confidence in the ability of our federal judges to deal with both of these concerns.

> n42 See, *e.g.*, Fed. Rule Civ. Proc. 11; *28 U.S.C. § 1927; Chambers v. NASCO, Inc., 501 U.S. 32, 50, 115 L. Ed. 2d 27, 111 S. Ct. 2123 (1991)* (noting that "if in the informed discretion of the court, neither the statute nor the Rules are up to the task, the court may safely rely on its inherent power" in imposing appropriate sanctions). Those sanctions may be set at a level "sufficient to deter repetition of such conduct or comparable conduct by others similarly situated." Fed. Rule Civ. Proc. 11(c)(2). As Rule 11 indicates, sanctions may be appropriate where a claim is "presented for any improper purpose, such as to harass," including any claim based on "allegations and other factual contentions [lacking] evidentiary support" or unlikely to prove well-grounded after reasonable investigation. Rules 11(b)(1), (3).

If Congress deems it appropriate to afford the President stronger protection, it may respond with appropriate legislation. As petitioner notes in his brief, Congress has enacted more than one statute providing for the deferral of civil litigation to accommodate important public interests. Brief for Petitioner 34-36. See, *e.g.*, *11*

*U.S.C. § 362* (litigation against debtor stayed upon filing of bankruptcy petition); Soldiers' and Sailors' Civil Relief Act of 1940, *50 U.S.C. App. § § 501*-525 (provisions governing, *inter alia*, tolling or stay of civil claims by or against military personnel during course of active duty). If the Constitution embodied the rule that [*710] the President advocates, Congress, of course, could not repeal it. But 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.

*It is so ordered.*

.