

January 2004

## Complete Volume (41)

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### Recommended Citation

(2004). Complete Volume (41). Speaker & Gavel, 41, 1-74.

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# *Speaker & Gavel*

**Volume 41/2004**

**Maintaining Institutional Power and Constitutional Principles:  
A Rhetorical Analysis of *United States v. Nixon***

R. Scott Medsker & D. F. McDorman

**Monticello's Master: Sally Hemings and the Deconstruction  
of the Patriot Archetype**

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**Computer Mediated Communication and Adult Learners:  
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**Points of Stasis in the 1960 and 2000 Presidential Debates**

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Vern Markey, Matthew P. Berg, Scott Grand & Timothy L. Sellnow

Journal of  
**DELTA SIGMA RHO—TAU KAPPA ALPHA**

[www.dsr-tka.org/](http://www.dsr-tka.org/)

Speaker and Gavel, Vol 41 (2004)

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# Speaker & Gavel

**Delta Sigma Rho—Tau Kappa Alpha  
National Honorary Forensic Society**

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### Editor's Note:

S&G went to an entire online format with volume 41/2004 of the journal. The journal will be available online at: [www.dsr-tka.org/](http://www.dsr-tka.org/) The layout and design of the journal will not change in the online format. The journal will be available online as a pdf document. A pdf document is identical to a traditional hardcopy journal. We hope enjoy and utilize the new format.

# Speaker & Gavel

<http://www.dsr-tka.org/> Volume 41 / 2004

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## Maintaining Institutional Power and Constitutional Principles: A Rhetorical Analysis of *United States v. Nixon*

R. Scott Medsker and Todd F. McDorman

While president, Richard Milhouse Nixon was almost obsessive in his desire to control the flow of information. One example of Nixon's pre-occupation is demonstrated in the lengths he went to identify who was leaking national security information contained in the Pentagon Papers. Angered by FBI Director J. Edgar Hoover's refusal to investigate the source of these leaks, Nixon created a group to do the task himself (Kutler 112). These henchmen, known as "the Plumbers," were subsequently used by Nixon to spy on both his own administration and his opponents in the Democratic Party; and whether one deems it fitting or ironic, eventually contributed to his loss of the presidency.

On June 17, 1972, seven Nixon neophytes broke into the Democratic National Headquarters in the Watergate complex to wiretap phones and obtain campaign information. While the seven men were arrested and eventually convicted for their crime, who orchestrated the break-in remained a mystery, although some quickly suggested that the orders came from within the White House (Apple 1). In January 1973, after the general election, enough concern remained to justify the formation of a Congressional committee to investigate allegations of White House misconduct. However, the initial witness testimony, which was identical from all involved, failed to implicate President Nixon or his administration.

During the third week of March, two members of Nixon's team broke rank and gave critical information that did in fact implicate the president. On March 19, James McCord, a former Nixon security advisor and one of the convicted Watergate burglars, wrote to Judge Sirca, who presided over his trial, and informed Sirca that White House officials had worked to keep the seven intruders silent. On March 22, FBI Director Patrick Gray further fueled speculation by telling a Senate committee that White House counsel had "probably lied" during the investigation. Subsequently, on March 26, 1973 the Watergate grand jury convened for the first time (Apple 2-3).

As the investigation proceeded, a Special Prosecutor was appointed. He was granted sweeping power and charged to "investigate, subpoena, [and] bring suit in court against anyone suspected of criminal wrongdoing in the campaign of 1972, up to and through the White House to the President himself" (White 250). The Special Prosecutor subsequently asked the District Court to issue a subpoena *duces tecum*<sup>1</sup> to compel President Nixon to supply critical information. Nixon's resistance to the subpoena eventually brought *United States v. Nixon* before the Supreme Court—and provides the starting point for this analysis.

Watergate is an event that influenced a generation and their beliefs in American government. Likewise, rhetorical scholars have been fascinated with the scandal, spending considerable energy addressing the issue from multiple perspectives. These analyses have examined the apologia of Nixon (Harrell, Ware, and Linkugel; King), his resignation (Rosenfeld; Wilson), the general course of events that contributed to the cover up (Gouran; Schuetz), and the aftermath of the scandal (Blair; Klumpp and Lukehart). Noticeably absent, however, is a detailed analysis of the rhetoric that most influenced the trajectory of the crisis—the Supreme Court's decision in *United States v. Nixon*. A ruling rife with social and legal implications, it has influenced political decision making for nearly thirty years. Immediately, it prompted the first resignation of a President of the United States. In terms of legal repercussions, it has been suggested that the decision "will probably become one of the most important expansions of judicial authority in the history of the Republic" (Westin xxi).

In examining these implications we argue that the Court's Nixon decision was a uniquely strategic response to a complex rhetorical situation. In fact, the elements of the situation were so fundamental to the tenor of the Court's response that this essay's framework is drawn from Lloyd F. Bitzer's construction of the rhetorical situation. The use of this system will allow for deeper consideration of the context of *United States v. Nixon* as well as assessment of the legal text as responsive to that context.

The analysis reveals that in resolving the case the Court was faced with concerns on two fronts. First, on an institutional front, the Court sought to maintain their ability to perform their duties against encroaching claims from the executive branch. Simultaneously, the Court worked to balance the sacred doctrine of American jurisprudence that "no man is above the law" with the status of the President as "first among equals." Utilizing Bitzer's rhetorical situation we examine how the Court responded to the constraints, exigencies, and audiences present in this extraordinary situation, ultimately arguing that the Court skillfully assessed a complex situation and offered a rhetorical response that not only maintained their institutional power in a tenuous time but also preserved the basic tenets of American judicial theory.

### The Rhetorical Situation as an Approach to Legal Rhetoric

Perhaps in response to Lucaites' challenge to rhetorical scholars, attention to the rhetorical dimensions of legal decision-making has grown in recent years. In the past decade scholars of legal rhetoric, possessing varied goals, have offered important observations about the intermingling of law and society (Hasian; Hasian, Condit, and Lucaites; Sullivan and Goldzwig; Rountree). In bringing social considerations to the reading of judicial opinions such work has reinforced Prentice's claim that "judicial rhetoric is a form of argument that seeks to persuade listeners of the legitimacy of particular uses of power" (87). For instance, Critical Legal Studies scholars have addressed contradictions and deep-level incoherence within texts that legitimize unjust systems of power and distribution of wealth. One investigation in this tradition undertaken by Hasian examined the functions of law as sword, shield, and menace within *Buck v. Bell* Speaker and Gavel, Vol 41 (2004) [www.dsr-tka.org/](http://www.dsr-tka.org/)

and the eugenics controversy. Others, such as Rountree's pentadic analysis of *Korematsu v. United States*, have sought to understand the relationships of actors, actions, and motives in the expression of judicial rhetorical power. Finally, numerous scholars have explored the moral implications of ideologically charged decisions (Srader; Sullivan and Goldzwig). Regardless of the approach used, it is clear that in briefs, oral arguments, and judicial opinions rhetorical expressions of power are central to understanding the meaning and implications of law.

One approach for reading rhetorical dimensions of the law that has received little attention is Bitzer's conception of the rhetorical situation. While the idea is often dismissed as a pre-critical descriptive tool, Bitzer's concept has a cozy fit with the operation of the law. For instance, Bitzer argues that the function of rhetoric is "ultimately to produce action or change in the world" (250). Such a function is nearly identical to that of the law in its efforts to control, regulate, or promote certain actions and behaviors. In this sense, Bitzer's treatment of rhetoric within the rhetorical situation could be used to provide perspective on the workings of any Court ruling. However, other approaches to judicial rhetoric will often provide more nuanced analyses due to unique factors found in each decision.

Still, the mapping of the rhetorical situation in terms of exigence, audience, and constraints is also an accurate mapping of the judicial decision making process from the acceptance of a case for oral argument to the rendering of an opinion. Bitzer defines exigence as "an imperfection marked by urgency . . . a defect, an obstacle, something waiting to be done, a thing which is other than it should be" (252). Some type of exigence or "something waiting to be done" marks every Supreme Court case and each judicial decision is written in response to a specific obstacle, defect, or situation that is not as one party feels it should be (Prentice 94). Bitzer's point that every rhetorical utterance is controlled by situational factors such as an exigence mirrors the petitioners' presentation of a legal claim. In *United States v. Nixon* the exigencies include both a need to fulfill a subpoena and a threat to the Court's status.

Attention to audience is required according to Bitzer because "rhetorical discourse produces change by influencing the decision and action of persons who function as mediators of change" (253). The practice of this principle might be observed in the opinions written by Supreme Court justices who must consider a number of separate and distinct constituencies, interests, and reactions (Prentice 95). These groups, to note only a few, may include the public, the litigants, or the other justices. What makes *United States v. Nixon* unique and gives special emphasis to audience is that the key constituency is the most powerful person in the political hierarchy—the president. Thus rather than a generic concern for audience, this controversy presents a particularized audience that makes the lens of the rhetorical situation particularly profound.

The final element of the rhetorical situation concerns the relevant constraints. In a judicial context, the constraints consist of "persons, events, objects, and relations" that the Court must consider when writing an opinion because "they have the power to constrain decision and action needed to modify exi-

gence" (Prentice 98). While traditional legal constraints such as the Constitution, a lack of fiat while needing to compel compliance, and American ideology are relevant to *United States v. Nixon*, unique claims concerning jurisdiction and justiciability present special obstacles in the controversy. In issuing its judgment the Court must, to the best of its ability, circumvent, consider, or preferably utilize these constraints to create the most effective opinion possible (Prentice 98).

The use of the rhetorical situation as an approach to legal rhetoric has been explored previously by Robert Prentice in the *Arizona Law Review*. For his analysis Prentice selected *Brown v. Board of Education* because "more is known about the decision-making process in *Brown* than in any other case" (102). In *Brown*, the inflammatory nature of the issues forced the Court to realize that the manner in which they presented their "ruling would be no less important than the substantive content of the opinion" (Prentice 103). The result of Prentice's investigation is a quality analysis by a legal scholar that at times underestimates the importance or impact of rhetorical subtleties. In contrast, in this analysis rhetorical scholars address a legal controversy in hopes of providing a more nuanced treatment of rhetoric (while no doubt opening ourselves up to similar charges concerning legal subtleties). While the subject matter of the analyses is vastly different, the resolution of a sensitive subject with a high probability of provoking disobedience represents a parallel between *Brown* and *Nixon*. Thus for this and similar reasons this essay employs the rhetorical situation to examine *United States v. Nixon*.

The analysis proceeds by exploring with additional detail how the rhetorical situation can be an effective tool to evaluate strategic decisions in the legal sphere. That is rather than serving only a descriptive or pre-critical function, evaluation of complex situations can be fundamental to successful legal decision making, as the Supreme Court's decision in *United States v. Nixon* demonstrates.

#### **Negotiating the Constraints: Determining Jurisdiction and Justiciability in *United States v. Nixon***

In any given legal dispute there are likely to be numerous constraints operating in conflict with one another. Most importantly, each constraint has "the power to constrain decision and action needed" to address an exigence before the Supreme Court (Bitzer 254). These constraints may consist of social norms, statutes, criminal law, past precedent, or the Constitution. While constraints such as past precedent, the Constitution, and institutional rules are typical in nearly every case, in *United States v. Nixon* the Court effectively juggled more difficult challenges to their jurisdiction and the justiciability of the issue. These constraints initially presented barriers to the Court's ability to review the issue and thereby resolve the exigence.

Before addressing the legal merit of claims proffered by Nixon and the Special Prosecutor, the Supreme Court had to first determine if it had jurisdiction over the case. In most respects this is a fairly generic constraint. In every case, whether it is a criminal case in a District Court or a case of national importance Speaker and Gavel, Vol 41 (2004)

in the Supreme Court, the question of whether the implicated court has authority to adjudicate the controversy must be decided. In *Nixon*, the Court acknowledged the a priori nature of this issue by calling it the “threshold question” (690) in the case.

While jurisdiction is a requirement for any court to hear a legal controversy, additional explanation allows full appreciation of the complicated nature of this question and the challenge it presented. In appellate courts, such as the Court of Appeals or the Supreme Court, one rarely sees argument over specific motions but instead entire decisions are appealed from lower courts. This is because in order to create a judiciary that is efficient as well as to avoid piecemeal reviews of cases, the jurisdiction of the Court of Appeals encompasses only the “final decisions of the district courts” (*United States v. Nixon* 690), thus typically excluding motions such as the subpoena duces tecum around which this case revolved.

At first glance, therefore, jurisdiction appeared to present a constraint on the Supreme Court’s ability to review and resolve *United States v. Nixon*. If the Court could not hear the case, they obviously could not hand down a decision. On the other hand, by claiming jurisdiction, it was possible that the Court would appear overly eager to settle the issue. To navigate the tension, the Court turned to the precedent set by prior cases. Specifically, the Court reasoned that *Nixon* fell within an exception to the “finality” requirement. Utilizing *United States v. Ryan*, the Court concluded that the case was properly appealable because it met the conditions of a “limited class of cases where denial of immediate review would render impossible any review whatsoever of an individual’s claim” (*Ryan* 533; *Nixon* 691). With the case properly “in” the Court of Appeals, the case was also properly before the Supreme Court. Wisely, the Court realized that citing past precedent could not only establish jurisdiction, but also create the sense that the Court was obligated—that they had no choice—except to resolve the controversy. This allowed review of the matter while at the same time avoiding the appearance of a Court eager to delve into matters of the Executive Branch.

In explaining its reasoning the Court was also careful to pay deference to the high office *Nixon* held. For instance, in referencing *Ryan*’s determination that to risk contempt for defying a court’s order is not an undue burden for the ordinary citizen, the Court acknowledged the special standing of the president. Preserving the maxim that the president is the “first among equals,” the Court used precedent to demonstrate their desire to prevent an “unnecessary occasion for constitutional confrontation between two branches of government” (*United States v. Nixon* 692) by requiring *Nixon* to “place himself in the posture of disobeying an order of a court simply to trigger the procedural mechanism for review” (691). Such a result would not only be “unseemly” but “the issue [of] whether a President can be cited for contempt could itself engender protracted litigation, and would further delay both review . . . and the ultimate termination” of the controversy (691-92). By delicately crafting an opinion that created a clear attempt to present the image of facilitating the needs of the President, the Court maneuvered to combine the power of precedent with calculated deference

to both *Nixon* and the office of the presidency in order to navigate what could have been a barrier to resolving the exigence.

The second key constraint for the Court was the question of justiciability. In order for the Court to hear a case it must present a resolvable issue that is not a strictly political question (*Baker v. Carr*). If the issue was an intra-branch dispute, as *Nixon*’s counselors contended, the Court would have no authority to intervene. Just as they did in addressing the question of jurisdiction, the Court carefully chose its words so as to not offend the President, even going so far as to suggest that the Executive Branch could have avoided the legal controversy.

Arguing in the Court of Appeals, *Nixon*’s attorneys contended the matter was an intra-branch dispute between the President and the Special Prosecutor, who serves as an extension of the Department of Justice, a section of the Executive Branch, therefore leaving the Court without jurisdiction. After this argument was rejected by the Court of Appeals it was renewed before the Supreme Court in an alternative form, with *Nixon*’s attorneys arguing that the political nature of the matter was beyond the purview of the Court and hence not justiciable. To put it differently, since the chain of command flows through the Executive Branch from President to Attorney General to Special Prosecutor, *Nixon*’s counselors argued that the Court could not tell the President how to manage his branch, effectively barring the Court from providing any relief to the exigence.

To refute this claim and negotiate their way around the barrier of justiciability, the Court relied upon the Constitution and sections of U.S. Code which define the ability of the Attorney General to appoint subordinate officers to discharge relevant duties. The Court explains:

Acting pursuant to those statutes, the Attorney General has delegated the authority to represent the United States in these particular matters to a Special Prosecutor with unique authority and tenure. The regulation gives the Special Prosecutor explicit power to contest the invocation of executive privilege in the process of seeking evidence deemed relevant to the performance of these specially delegated duties. (*United States v. Nixon* 694-95)

Here the Court explained that while it is true that the Special Prosecutor is an agent of the Executive Branch, his duties allow him to turn to the Judicial Branch for aid should he be hindered in gathering the evidence needed to complete his function.

While this passage is certainly important as it validated the actions of the Special Prosecutor, footnote 8 registered the fatal blow to *Nixon*’s argument. In that footnote the Court cited federal register rules defining the power of the Special Prosecutor, which was given full authority “to contest the assertion of ‘Executive Privilege.’” Moreover, the footnote explained the existence of “assurances given by the President to the Attorney General that the President will not exercise his Constitutional powers . . . to limit the independence that he [the Special Prosecutor] is hereby given” (*United States v. Nixon* 694-95). The footnote removes any ambiguity that might exist in the text of the opinion. The question of justiciability is resolved—the Special Prosecutor has the right to turn to the Judicial Branch for help in completing his task. To include this footnote in the body of the text, in plain sight if you will, might have been perceived as

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charging that either Nixon's counsel was so incompetent in their briefs that they did not know of this assurance or that they knowingly presenting the Court false information. Regardless of which was true, either would be an insult and an embarrassment to the President, making him hostile to any decision from the Court. Given that the condition was too important to omit the Court wisely placed it in the footnote, thus preserving the record while also allowing the President to keep his dignity.

Perhaps most importantly, in an attempt to again show that they are not zealous to encroach on the Executive Branch, the Court noted that it was "theoretically possible for the Attorney General to amend or revoke the regulation defining the Special Prosecutor's authority. But he has not done so" (*United States v. Nixon* 696). The Court simultaneously reminds the reader that so long as the regulation delegating the Special Prosecutor "remains in force the Executive Branch is bound by it, and indeed the United States as the sovereign composed of the three branches is bound to respect and to enforce it" (696, emphasis added). By suggesting that the Executive could have avoided the problem if the Attorney General had amended the Special Prosecutor's responsibilities, the Court not only displaced some of the responsibility for the decision, but also showed the executive branch that future better management of the Special Prosecutor might avoid similar situations.<sup>2</sup>

The Court concluded their answer to the question of justiciability with a basic judicial lesson on the meaning of the concept. Of course there was the "controversy" or "conflict" over whether or not the Special Prosecutor could take his boss to court, but the Court writes "controversy means more than disagreement and conflict; rather it means the kind of controversy courts traditionally resolve" (*United States v. Nixon* 696). The use of the word "traditionally" reasserts that what the Court did was nothing radical, but rather was the continuing function of their constitutional role. The Court quotes *U.S. v. ICC*, another benchmark in legal history, when they say "Whatever the correct answer on the merits, these issues are 'of a type which are traditionally justiciable'" (430; *United States v. Nixon* 697). In doing so the Court declared that it is their role, as specified by precedent, to decide such conflicts.

Thus ultimately the Court effectively confronted issues related to its institutional authority and American jurisprudence. In preserving the institutional authority and power of the Court, they invoked their history and precedents and cited federal regulations and sections of U.S. Code to assert that their action in this case was not revolutionary. Without explicitly stating it, the Court created the perception that rather than encroaching upon the territory of the Executive Branch they were simply maintaining their institutional authority and power as granted by the Constitution. At the same time, in their effort to preserve American jurisprudence, the Court argued that to allow the subpoena to go unfulfilled "would be inconsistent with the applicable law and regulation" (*United States v. Nixon* 697). They understood that despite the unique facts of the case, precedent must be upheld because "no man is above the law," not even the Chief Executive.

From the very beginning of the opinion, the Court had to skillfully navigate the constraints, namely jurisdiction and justiciability, to put itself in a position to consider the exigence. To do so, the Court used language that was concrete and left little room for interpretation while saving Nixon from an embarrassing blow to his reputation. Further, the Court cited binding federal regulations, binding precedent, and the actions of the Executive and Legislative branch to help nullify imminent criticism that they were practicing judicial statecraft. With the constraints eliminated the Court turned its collective mind towards the exigencies of the controversy.

### Resolving the Exigence:

#### Enforcing the Subpoena and Defining Executive Privilege

In *United States v. Nixon* the Court was required to address profound questions about the American political system. More specifically, the Court addressed questions of institutional authority and the enforcement of long held constitutional principles in determining how to treat the serving of a subpoena *duces tecum* and the meaning and extent of executive privilege. This required the Court to judge whether a subpoena *duces tecum* has the power to compel presidential compliance, assess its own power to review and limit executive action, and to confront Nixon's claim of an absolute executive privilege. These issues emerged from the exigencies in the case, which, apart from the acts that instigated the general Watergate crisis, are two in number: (1) how a subpoena issued against the president should be evaluated and (2) the immense and immediate threat to the Court's ability to perform its constitutional duty by Nixon's assertion of an absolute executive privilege.

The special prosecutor charged with investigating the Watergate scandal issued the subpoena to obtain certain tapes or documents relating to precisely identified conversations and meetings between the President and others involved in the indictment. President Nixon responded by claiming that executive privilege protected the release of these documents and tapes and thus moved to quash the motion. The conflicting stances created an institutional imperfection—an exigence—that the Supreme Court sought to relieve. The case before the Court, an appeal of the District Court's decision that had upheld the subpoena *duces tecum*, had to resolve the question of the power and validity of the subpoena in order to determine if the criminal case could proceed.

In responding to this exigence the Court methodically addressed the possible reasons for quashing a subpoena *duces tecum*, as set out in Federal Rule of Criminal Proceedings 17 (c). They refuted each possible objection to the subpoena's enforcement and explained why the reasons did not suffice in *United States v. Nixon*. First, "a subpoena for documents may be quashed if their production would be 'unreasonable or oppressive,' but not otherwise" (698). As support, previous rulings in *Bowman Dairy Co. v. United States* and *United States v. Iozia* were referenced to set out the tests that govern such situations. Second, it is noted that "the Special Prosecutor, in order to carry his burden, must clear three hurdles: (1) relevancy; (2) admissibility; (3) specificity" (700). With much of the prior record placed under seal, the Supreme Court strategically

cally deferred to the District Court, explaining that their own review “necessarily affords a less comprehensive view of the total situation than was available to the trial judge” (700). Here the Court is careful rather than brash, a move that both bolstered the legitimacy of the subpoena and established limits to the Court’s power.

Moreover, as *United States v. Nixon* was not the first occasion the Court had to examine the power of a *duces tecum* subpoena in a case involving a president, the Court was able to rely upon past doctrine in evaluating the power of the subpoena. In *United States v. Burr*, which concerned a treason charge against former Vice President Aaron Burr, Thomas Jefferson offered excerpts of a document that would guarantee Burr’s conviction. In resolving the validity of a subpoena *duces tecum* in that case the Court ruled that the president could not release only certain items as he wished, instead demanding that he provide the whole text, or nothing (McGurn 14).

In resolving *Nixon*, the Court references *Burr* a total of seven times in order to serve numerous functions. First, the decision is cited to demonstrate that the Court was meticulous in its review of the subpoena (702). Second, and more importantly, *Burr* is used to assert that it is the Court’s “right and indeed duty to resolve” the issue (707, 708). Finally, and perhaps most interestingly, *United States v. Burr* is the only case relied upon in the text of the final five pages of the decision. There it is used as a guide for the execution of the subpoena *duces tecum* since the Court had a case that was similar to *United States v. Nixon* in important respects. The parallel illustrates that not only was this issue justiciable, but it was executed without incident in the past. Thus through the use of precedent the Court reaffirmed its authority, rather than the President’s, to determine what information was pertinent and necessary in the proceedings (McGurn 16). With the legitimacy of the subpoena thoroughly addressed, the question posed by the first exigence was resolved. The manner of resolution, allowing the case to continue forward, forced the justices to address the second exigence—*Nixon*’s claim of an absolute executive privilege.

Addressing the exigence of executive privilege presented a potentially explosive institutional battle between the executive and the judiciary and posed a threat to the Court’s status similar to that encountered in *Brown v. Board of Education* and *Bush v. Gore*. While the phrase “executive privilege” first appeared in 1958 in an opinion by Justice Stanley F. Reed, presidents since George Washington, who denied the House of Representatives the right to see papers related to the negotiation of the Jay Treaty, have appealed to its existence (Biskupic and Witt 217). However, *United States v. Nixon* is certainly the most important case regarding executive privilege and it was the first time the Court found a constitutional basis for it (Biskupic and Witt 219).

To accept *Nixon*’s claim of a broad and absolute executive privilege would have barred the judiciary from carrying out its duties under the Constitution (Fisher 214) and it would have granted the Executive Branch a tool to hide nearly anything from the reaches of review. At the same time, the desire to prevent an omnipotent chief executive was balanced by fears of hampering the Executive Branch too much and restricting the candor of advisors to the president.

Such concerns demanded that the Court not restrict the powers of executive privilege by too great of a magnitude. This concern is demonstrated in footnote twenty of *United States v. Nixon* where the Court suggested a parallel between the candor of a juror and the openness of a presidential advisor. The note states:

A juror (or advisor in our case) of integrity and reasonable firmness will not fear to speak his mind if the confidences of debate are barred to the ears of mere impertinence or malice. He will not expect to be shielded against the disclosure of his conduct in the event that there is evidence reflecting upon his honor. The chance that now and then there may be found some timid soul who will take counsel of his fears and give way to their repressive power is too remote and shadowy to shape the course of justice. (712)

Thus while the Court considered the candor of advisors, concerns over candor did not determine their final stance on executive privilege. After being weighed by the justices, the potential constraint posed by hampering the executive with a partial privilege was not deemed significant enough to outweigh the risks of an unfettered executive.

The exigence of executive privilege required the Court to seek a precarious balance concerning how to afford sufficient protection to the President without creating an absolute privilege that risked placing the President beyond the law. In balancing these concerns the Court was able to consider the social atmosphere of the time and the public audience. With the support of the people in compelling presidential compliance, the Court had more ability to uphold the “rule of law” and expand still further the discretionary power of the judiciary in the American constitutional system (Newport 1). That is, secure in the knowledge that the American public supported their efforts, the justices could be bold in projecting a broad sphere of influence. Public opinion at the time of *United States v. Nixon* was not only hospitable to a ruling against the President but was almost irresistibly pressing for it because of the president’s conduct in Watergate and the subsequent cover-up (Newport 1). Gallup Polls taken in August (“Watergate”) and October (“Watergate Tapes”) of 1973 showed respectively that 67% and 62% of Americans felt that *Nixon* was wrong to not volunteer the tapes to the District Court. Such support assisted the Supreme Court, in a time of public mistrust of the executive, in circumscribing the acceptable limits of executive privilege.

The decision that the courts, and not the President, would define the scope of executive privilege was of central importance (Fisher 214). With the Congress actively hostile to *Nixon*’s stance on executive privilege (Westin xx), the Court likely recognized that they could expand their power and *Nixon* would be left virtually helpless if he decided not to comply with the Court’s order. Staking a claim to this power, however, was an aggressive step for the Court, as they would—indirectly at a minimum—enhance their own power at the expense of the executive by limiting the scope of executive privilege. The gravity of this result clearly weighed upon the Court as throughout the opinion they took great pains to not only demonstrate that the Court had the authority to make this decision but also a duty to do so.

In order to demonstrate this duty the Court called upon the seminal case in American legal history—*Marbury v. Madison*. The Court used *Marbury* to establish their credibility and authority, calling upon it to explain that “it is the duty of this Court ‘to say what the law is’” (*United States v. Nixon* 703, 705, emphasis added). It is no accident that the Court used this touchstone of jurisprudence, often considered the first meaningful case decided by the Supreme Court. And as if to reiterate the importance of this central point of Supreme Court history, the Court issued this statement not once, but twice.

Ultimately the Court found a constitutional basis for the “protection of communications between high Government officials and those who advise and assist them in the performance of their manifold duties” (*United States v. Nixon* 705). Reasoning that since “certain powers and privileges flow from the nature of enumerated powers,” the Court concluded that “the protection of confidentiality of Presidential communications has similar constitutional underpinnings” (705-06). To allow for the necessity of executive privilege, however, was not to allow the absolute privilege that Nixon asserted. The Court concluded that “to read the Art. II powers of the President as providing an absolute privilege as against a subpoena essential to enforcement of criminal statutes on no more than a generalized claim . . . would upset the constitutional balance of ‘a workable government’ and gravely impair the role of the courts under Art. III” (*United States v. Nixon* 707). To disrupt this balance, a system of checks whereby each branch is interdependent with the others, would be to disturb the foundation of American government. Thus ultimately the Court effectively used the Constitution to not only affirm the existence of executive privilege but also to maintain their power under Article III.

The exigence—in terms of its legal dimensions—was resolved. The subpoena would be fulfilled. The Court would maintain its power by defining executive privilege as a broad, though not absolute, protection. Executive privilege would allow the president protection in matters regarding the military, diplomacy, and national security, while the Court maintained sufficient authority to fulfill its constitutional duty. The complexity of balancing the exigencies—enforcing the subpoena while maintaining the power of the presidency—contributed to the complex language the justices used in addressing the audiences and dealing with constraints. While the constraints, as discussed, threatened to hamper what the Court could and could not do, the audiences would ultimately determine the fate of the Court’s decision by either complying with or ignoring it. Nixon’s staff had noted that he would follow a “definitive” ruling from the Court, but what Nixon considered “definitive” was unclear (McGurn 13). Unless the Court could deftly handle the executive office as an important audience, a dangerous conflict between the executive and the judiciary remained a possibility.

#### **Writing to Audience: Pacifying the President and the Public**

In commenting on the Supreme Court’s enforcement powers Justice Clark once noted, “we don’t have money at the Court for an army and we can’t take

ads in the newspaper, and we don’t want to go out on a picket line in our robes. We have to convince the nation by the force of our opinions” (qtd in Prentice 86). Thus the wise justice (and the good rhetor) resorts to those arguments that are the most persuasive and, like speechwriters, utilizes emotional appeals, symbolism, audience adaptation, and other persuasive techniques (Prentice 89). Especially when faced with a sitting president, who is charged with enforcing the laws, the Court is reminded of Andrew Jackson’s defiant attitude in response to a decision with which he disagreed: “John Marshall has made his decision; now let him enforce it” (qtd in Westin xx).

In crafting a rhetorically sensitive response, the justices preserved the historic building blocks of American legal theory, skillfully navigating a fine line in protecting and pleasing a public who wanted the President held accountable while also guarding the dignity of the office of the president and preserving a president’s ability to perform his or her job. At the same time, the Court had to quell a threatening president, guaranteeing that he would comply with their ruling while maintaining their own ability to function as a part of the national government. In addition to writing for the public and the President, members of the Court also had to consider the philosophical standing of their fellow justices to make a “definitive” ruling possible. Finally, the justices would attempt to write with sufficient clarity and specificity to guide lower courts and future justices.

While in every Supreme Court case there is an audience which is “capable of being influenced” (Bitzer 253) by the Court’s discourse, this particular controversy was largely unique in that the most important audience was a sitting president. President Nixon’s press spokesman Ron Ziegler had promised that the President would comply with a “definitive” ruling, but what would be considered “definitive” remained unclear (McGurn 13). Prior to oral arguments and the Court’s decision Nixon reportedly said, “I don’t give a shit what happens. I want you all to stonewall it. Let them plead the Fifth Amendment, cover up or anything else that will save the plan. That’s the whole plan” (Westin xi). Nixon’s desire to not cooperate was a chilling reminder to the Court concerning the limits of its powers and lack of enforcement mechanisms. Likewise, the threat showed Nixon’s frame of mind and lack of respect for the system of government he was charged to protect. It also presented the justices with a major constraint—the realization that they could not chastise the President so harshly that he would not comply. The ultimate result, from the perspective of Westin, was a judicial opinion that “sounds like the cool lecture on constitutional fundamentals that a rather pedantic school master might deliver to a pupil who has handed in a very poor paper on the constitutional fundamentals of the American system and deserved a lesson in basics” (xvii).

At the same time the Court was careful to look past the actual person occupying the office of the president, Nixon, and to the “presidency” itself. Any decision the Court made would affect the office and the function of future leaders of the United States. Respect for the office is noted by the manner in which the Justices refer to the respondent—as “the President.” This is unique in that in most every other opinion the parties are referred to as “petitioner” and “respondent,” not by name or title. The use of formal title illustrates that the Justices did

not forget the important position—President of the United States—occupied by the respondent. Moreover, twice they emphasize that a court is not “required to proceed against the president as against an ordinary individual” (United States v. Nixon 708, 715). In doing so the Court remembers and reaffirms that the president has important constitutional duties to perform. The Court protects the presidency by leaving the president a large sphere of privileged communication in protecting “military, diplomatic, or sensitive national security secrets” (706), calling such communication “presumptively privileged” (713).

The second audience that received consideration from the Court was the American public. Given the degree of public sentiment against the President and concern over Nixon’s role in Watergate and the cover-up that followed, the Justices had to reassure the American public that no one, not even the president, could evade the “due process of law and gravely impair the basic function of the courts” (United States v. Nixon 712). One way the Court did this was by reassuring the public of the stability of constitutional values and judicial doctrine.

The Court located language from previous cases indicating that while the presidency provides certain benefits during legal controversies, such as immediate review and avoidance of procedural mechanisms in the appeals process (United States v. Nixon 691), the Court also must “look behind names that symbolize the parties to determine whether a justiciable case or controversy is presented” (693). While recognizing the special position of the president, the Court also reassured the public by drawing from Burr and reiterating that their rulings “cannot be read to mean in any sense that a President is above the law” (715).

The Court’s concern for both the president and the public is further seen in the way that the Court balanced the concerns and rights of each against the other. The opinion, which also has been described as having a back-and-forth tennis match like quality, first sides with privilege then sides with the issuance of a subpoena as it seeks to persuade both important audiences of the wisdom of its opinion (Kurland 66). For instance, while reassuring the public that no man is above the law by looking “behind names that symbolize the parties” (United States v. Nixon 693), the Court also defers to Nixon and the presidency when drawing from United States v. Burr and twice saying that “We agree with Mr. Chief Justice Marshall’s observation, therefore, that ‘in no case of this kind would a court be required to proceed against the president as against an ordinary individual’” (708). This back and forth reasoning is observed at other points in the opinion including the previously discussed examination of the validity of the issuance of a subpoena under Federal Rule 17 (c). While this style of writing may initially seem confusing, it provided a strategic and necessary balance in protecting the presidency’s power and Nixon’s dignity while also serving the public’s interests.

The nine justices and their efforts to arrive at a unanimous opinion composed a third crucial audience in the controversy. Since it is believed that Nixon was considering disobeying the order if the decision was close (Nelson 197), it was important that Chief Justice Burger and seven of his colleagues worked to unite behind a single, unanimous opinion.<sup>3</sup> While the decision making process of the justices is not precisely known, a combination of journalistic sources and

a rare discussion regarding how Chief Justice Burger led the Court in writing the opinion, provides unusual insight into how the decision was crafted:

[When] the Court gathered for its conference on July 9<sup>th</sup>, the day after oral argument had been presented, the Chief Justice urged his colleagues to try to reach a unanimous judgment and to join in a single opinion, a goal to which they assented. After a review of where each Justice stood, it became clear that the President had no support among the eight Justices for his position as to executive privilege. However, Chief Justice Burger and Justice Blackmun—the so-called Minnesota twins—were troubled about the issue of justiciability, that is, whether the Special Prosecutor had the standing to bring this suit to enforce a subpoena against his formal superior, the President of the United States. Justice Stewart stressed the clear autonomy that the Special Prosecutor had been given when this office was created by the President and confirmed by the Senate, and the discussions brought Burger and Blackmun around to that view. Four of the Court’s liberals—Douglas, Brennan, Marshall, and Stewart—favored drafting a broad opinion limiting the concept of executive privilege, while White and Powell favored the writing of a narrow opinion that would leave the Court flexibility on the issue. After about six hours of discussion, the Justices agreed on the main lines of a decision, and Chief Justice Burger assigned to himself the drafting of this opinion. The other Justices contributed memoranda for his use, and one account states that it was Justice Stewart who contributed the draft of the opinion’s treatment of the justiciability issue. (Westin xv-xvi)

Thus despite apparent differences on the Court, the justices realized the importance of unanimity and worked for a single opinion. In this regard the decision is an exemplar of judicial craftsmanship, reminiscent of *Brown v. Board of Education*, and, unfortunately, is in marked contrast to how the Court has resolved many other important issues. The ability of the Court to reach a unanimous decision is even more noteworthy considering that this was a Court that did not often agree. The day after the profound unanimous decision in Nixon, the Court issued a fractured 5-4 decision, split along ideological lines, in a case regarding a Detroit statute encouraging busing for better racial integration (Westin xv). The unanimous decision put the greatest weight of judicial authority behind the Court’s ruling, earning public support and applying the greatest pressure on the President to comply with such a “definitive ruling” (Westin xv).

A final important audience, lower and future courts, was less well served by the opinion. Since these courts look to the nation’s highest Court for guidance when faced with similar circumstances, it is incumbent upon the Court to attempt to set out clear, concise approaches to the central issues of each controversy. In this instance, the definition of executive privilege leaves other courts a mixed bag of language with which to deal.

In the opinion, consistent with previous decisions that defer to presidential responsibilities in military and diplomatic matters (Fisher 215-16), the justices reaffirmed that even more privileged than executive privilege and executive confidentiality is the President’s “need to protect military, diplomatic, or sensitive national security secrets.” While this afforded consistency and provided a touchstone for future and lower courts, there is ambiguity in the language governing

privilege. For instance on at least nine occasions the Court spoke of the relatively ambiguous “confidentiality of presidential communications” (United States v. Nixon various wordings on 697, 703, 705, 706, 708, 710, 711, 713, 714), using terms general enough to suggest a constitutional privilege of broader dimensions than the limited evidentiary privilege with which it was actually concerned. The Court might have clarified the scope of the protection had it exclusively applied executive privilege to matters which “protect military, diplomatic, or sensitive national security secrets” (Kurland 35).

Yet perhaps more important than the murky definition of privilege itself is the responsibility lower courts inherited due to the ambiguities in the language. Subsequent to *United States v. Nixon*, the federal courts have had the role of arbitrating both the general definitions and the document-by-document review of those “presidential communications” that may become central to criminal proceedings (Westin xxi). The potential difficulties stemming from the ambiguously broad “confidentiality of presidential communications” is demonstrated in later controversies involving President Clinton (*Clinton v. Jones*). Does confidentiality extend to discussions with presidential spouses, friends, or writings in personal journals? The exact types of confidential communication and its limits are relatively vague,<sup>4</sup> leaving future and lower courts to resolve difficult questions. Had the Court initially been more precise in defining “presidential communications,” they may have guided subordinate courts more constructively.

Within *United States v. Nixon* we can see efforts to address four distinct audiences. Because of audiences capacity as the mediators of change (Bitzer 253), they must be satisfied that they have been addressed by the rhetor in a suitable manner. In satisfying each constituency the Court told Nixon that he had privilege in protecting “military, diplomatic, or sensitive national security secrets” (*United States v. Nixon* 706), but, to reassure the public, the Court reminded them that they have “a right to every man’s evidence” (709). The opinion’s language was tailored to the interests of each important group, eliciting from them a willingness to mediate the change and resolve the exigence.

### Conclusion: The Legacy of *United States v. Nixon*

Both the short and long term effects of *United States v. Nixon* make it among the most influential cases decided by the Supreme Court. In the short-term it was the immediate cause of the resignation of the President of the United States (Freidman ix) and it was the first time that the Court had recognized a constitutional basis for executive privilege (Biskupic and Witt 219). The long-range effects of the case are also significant. These effects include (1) the Court’s augmentation of its own power, (2) an attempt to set parameters for executive privilege under the enumerated powers, and (3) a reaffirmation of the American judicial system. To conclude this essay, a brief consideration of each is necessary as well as some final reflection on the utility of the rhetorical situation as an approach to judicial rhetoric.

First and perhaps most importantly, the Court augmented its own power by reaffirming its right to review other branches of government. The expansion in power is signaled in the per curiam opinion through the Court’s treatment of

potential constraints. The Court asserted its “authority to interpret claims with respect to powers alleged to derive from enumerated powers” (*United States v. Nixon* 704). Furthermore, through appeal to *Baker v. Carr*, the Court emphasized that the “delicate exercise in constitutional interpretation” to be undertaken in determining breaches by the executive branch “is a responsibility of the Court as ultimate interpreter of the Constitution” (*United States v. Nixon* 704). By making the executive branch accountable, they not only held their powers under Article III but they also increased their realm of jurisdiction. If an analogy were to be made, *United States v. Nixon* may be to the Court’s scope regarding executive review and oversight what *Marbury v. Madison* is to the Court’s ability of judicial review generally—or perhaps more ominously as *Scott v. Sandford* is to legislative review.

Second, in resolving a central exigence, the Court took the issue of executive privilege and set out parameters for what is and is not protected under the enumerated powers. The fact that the Court determined the scope of privilege is a lasting effect in that they control its definition and may read the concept as they see fit. While placing a restriction on the Executive Branch, the Court did defer in part to the presidency by recognizing a president’s right to withhold certain information, a first in the history of the Court (Lamb and Halpern 139). The longer term impact of the Court’s method of handling the Nixon exigence is seen when the Court later exercised its power to review presidential action in *Clinton v. Jones* and there noted “it is settled that the judiciary may severely burden the executive branch by reviewing the legality of the president’s conduct” (682). Later in that opinion, the Court again called upon *United States v. Nixon* to support their argument that Clinton was responsible to answer to the Court (*Clinton v. Jones* 705, 715, 718).

Lastly, while the ramifications to this point have been either political or legal, one must realize how “the people” came out in this decision. This decision reaffirmed the American principle that no one is above the law and that the American judicial system must be allowed to operate. The Court recognized this when they wrote that “the impediment that an absolute, unqualified privilege would place in the way of the primary constitutional duty of the judicial branch to do justice in criminal prosecutions would plainly conflict with the function of the courts under Article III” (*United States v. Nixon* 707). The American judicial system is based upon the principle that all men are equal before the law. This decision carries that maxim to the highest level by saying that even in the most extreme and unique cases the law continues to function according to principle. Perhaps most importantly to the Court, the public accepted this decision. In a poll taken in 1974, sixty-five percent of the public felt that Nixon’s actions were serious enough to force resignation (Newport 3).

By using Bitzer’s formulation of the rhetorical situation to analyze *United States v. Nixon* we have examined the rhetorical situation’s potential application as an approach to judicial rhetoric. While not a theory with contemporary popularity, examining the rhetorical situation of a judicial controversy holds the potential to provide additional understanding of the Court’s decision making. By allowing for the viewing of multiple axes simultaneously, the rhetorical situation

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puts a premium on the interaction of features. It is at once simple and nuanced in demanding attention to competing factors. The “categories” of constraints, exigence, and audience are not clean or neatly divisible—nor should they be—the fluid nature of the elements demonstrates the utility of the scheme and underscores that the approach is more than a mechanism for dry, pre-critical categorization. Bitzer wrote that “rhetorical discourse . . . obtain[s] its character-as-rhetorical from the situation which generates it” (249). And in this circumstance had the Court acted unaware of the constraints laid before them or the wants and needs of the various audiences and presented a discourse that was not “fitting” they would have surely failed, risking their institutional power and the shape of American democracy. As it was, however, the Court was effective at negotiating the constraints, resolving the exigencies, and placating the important audiences. Speaking in one voice, the Court reaffirmed its institutional authority and reassured and protected the public in upholding the principle that no man, not even the president, is above the law.

#### Endnotes

<sup>1</sup> *A duces tecum* subpoena, translated “to bring with thee,” is used to compel the production of evidence. In this particular case the subpoena sought to force the production of tapes of Nixon’s conversations.

<sup>2</sup> One might question the legitimacy of such an action as it appears to contradict the previously cited footnote in which the Special Prosecutor was described as free from restrictions unless he committed “extraordinary” (*United States v. Nixon* 695) or “gross” (696) improprieties.

<sup>3</sup> The ninth justice, Justice Rehnquist, did not participate in the case because at one point he had worked for the Department of Justice under Attorney General Mitchell (Biskupic and Witt 234).

<sup>4</sup> It is also worth noting that *United States v. Nixon* was a criminal, not civil, proceeding and the evidence requested did not contain any national secrets (Kurland 47)—a nuance the Court acknowledges in footnote 19. In *Nixon v. Fitzgerald*, which was a civil suit, the judicial branch again reviewed a claim of immunity by Nixon. It is difficult to consider this case as anything except an extension and clarification of their decision in *United States v. Nixon*. In it the Court explains presidential immunity as extending to all acts within the “outer perimeter” of the president’s responsibilities. This would appear to make *Nixon v. Fitzgerald* a continuation or counterpart to *United States v. Nixon*, albeit one that is eight years in the making given that the clarification did not come until 1982.

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## Monticello's Master: Sally Hemings and the Deconstruction of the Patriot Archetype

Betsy McCann  
Desireé Rowe

### Introduction

When visiting Thomas Jefferson's home and plantation, Monticello, tour guides attempt to aid visitors in experiencing history from a Jeffersonian perspective. While exploring Jefferson's parlor, study, dining room, and sleeping quarters, tour guides provide interesting and insightful narrative about the man and the mind that helped deliver freedom from the tyrannical British Empire. The Thomas Jefferson Memorial Foundation, Inc preserves his home and personal belongings. Its goal, as stated on Monticello's homepage is to "Preserve the legacy of this great man and American hero." As a country, we have been taught since elementary school that Jefferson, author of the Declaration of Independence, should be revered and honored as one of the Founding Fathers of our great nation. Our founding fathers are one of our greatest natural treasures, patriots that are honored as archetypes of "courage, intellect, achievement, and moral certainty" (Deggans, 1F). The October 31, 1998 issue of the journal *Nature* published the results of a DNA study that asserted that Thomas Jefferson was a father to more than country that could be regarded as England's bastard child, but a few bastard children of his own, with his slave Sally Hemings. Since this information has been brought into the public domain, historians, scholars, and citizens have debated its veracity. Even though the Thomas Jefferson Memorial Foundation, Inc., in its report released on January 26, 2000, argues:

Although paternity cannot be established with absolute certainty, our evaluation of the best evidence available suggests the strong likelihood that Thomas Jefferson and Sally Hemings had a relationship over time that led to the birth of one, and perhaps all, of the known children of Sally Hemings. (p.1)

Many newspapers throughout the country have, and continue to argue the opposite. Yet, in the quagmire of this socio-political debate, very rarely is it an issue that Sally Hemings was Martha Wayles Jefferson's half sister (Staples, 18), blurring the lines between family and property. Further, the role of Jefferson as a slave owner while one of the leading proponents of life, liberty, and the pursuit of happiness for all men is also avoided by those denying Hemings' descendants' claims to America's patriotic bloodline. Hemings and her children were the only slaves that were freed in Jefferson's will, bringing into question his motivation for doing so. While these questions are left open for historians to debate into perpetuity, the DNA study released by Nature, the responses to its findings and its implications present the larger issue for dissection.

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Even though DNA evidence is one of the most reliable tools used in forensics, considered to be even more accurate than eyewitness accounts, (Bauman, 1991, p.1) a large part of the American populous still refuses to accept these allegations against Jefferson as little more than liberal-driven revisionist history. What is the cause for this discrepancy? Why is a society wholly reticent to accept this information that is generally accepted as truth, yet quick to condemn others, such as Richard Jewel, when less damning evidence is proffered? Many are left wondering whether the scandal is exposing founding father Thomas Jefferson or his namesake, the much more scandal-friendly William Jefferson Clinton. In fact, John Belohlavek, history professor at the University of South Florida even goes so far as to state, "Can you imagine a president accused of having (sex) with a woman many times his junior while in office?" (Deggans, 1F).

We explore the above discrepancy by posing the question: How does the Sally Hemings controversy work to deconstruct the popular conception of Thomas Jefferson as American Patriot through the use of converging and conflicting frames? Kenneth Burke's concept of poetic framing may be used to help answer this question, as Burke asserts history may be socially constructed via poetic frames which reject or accept a given social order or expectations. Historical figures are constructed as heroes, such as Abraham Lincoln, or as buffoons, such as Benedict Arnold, representing the choice to accept or reject the status quo. Burke asserts frames typically exist in isolation; as explored by a number of scholars. While focused and insightful research, the scholars only address the reaction to conflict within the context of an isolated Burkean frame (e.g., Moore 1992, 1996 and Buerkle et. al. 2003). Others have addressed texts in which two frames operate simultaneously, often examining a shift from one perspective to another as a rhetor shifts between rejection and acceptance. In their analysis of public response to Arizona governor Evan Mecham, Buerkle, Mayer, and Olson (2003) address the relationship of Burke's frames by exploring the simultaneous operation of contradictory frames in interpreting and responding to the same texts to establish how competing frames can synthesize to establish a new identity for a specific rhetor.

The rhetoric surrounding the Thomas Jefferson and Sally Hemings controversy proffers a similar opportunity for scholars, as divergent public responses are indicative of social image construction in the acceptance frame of Burke's epic, and the rejection frame of Burke's burlesque. Both frames work together in establishing a more complete version of the truth, yet work in opposition to one another to effectively prevent a full truth from ever being firmly established. Through our analysis, the tensions between Burke's frames may be more fully examined as well as the implications for the public perceptions of Thomas Jefferson as Americans are faced with rejecting or accepting a particular interpretation and construction of "social order."

### Burkean Frames and Attitudes

Kenneth Burke (1969) noted in *A Rhetoric of Motives* that the basic function of rhetoric is "the use of words by human agents to form attitudes or to induce actions in other human agents" (41). The idea of the need for critical action

through rhetoric is the paramount idea of Burke's acceptance and rejection frames. Burke argues all human beings operate through symbolic action, and this symbolic action inevitably creates a social order. The social order strives to create a hierarchy of power, and within the hierarchy Burke's notions of the acceptance and rejection frames are utilized. The problem arises when the individual violates the hierarchy. Feelings of guilt are associated with this violation, and the frames seek to address the problem. The function of the frames is to use them as a guide for punishing or accepting those that violate the hierarchy. Once another is punished, the individuals' feelings of guilt are alleviated. More importantly, the hierarchy is restored, when the audience member experiences the text that person has "vicariously reintegrated himself or herself back into the community, and the hierarchy, as well" (Brummett, 1994, 134). This notion of action by the individual is more fully expressed when Burke (1984) elaborates: "implicit in our theory of motives is a program of action, since we form ourselves and judge others in accordance with our attitudes" (pg. 92).

In personal correspondence with Malcolm Cowley, Burke noted "thinkers build symbolic bridges to get them across gaps of conflict" (Jay, 1988, 212). These symbolic bridges are the frames that help inform society of the validation or the negation of an artifact within the society as whole. This by no means infers the only individuals labeled as "thinkers" or "intellectuals" are building these symbolic bridges to classification. Jürgen Habermas (1984) provides justification for the nature of the Burkean classification through his ideas on rationality. Habermas (1984) notes rationality is the ability for individuals to "under suitable circumstances, provide reason for their expressions" (pg. 17). The above method strives to focus those "suitable circumstances" primarily on an individual within the political sphere, and the public's adaptation towards them.

The poetic framework of acceptance and rejection is created in Kenneth Burke's text *Attitudes Towards History*. Burke (1984) states his case for creating these paradigms for analysis succinctly: "We must name the friendly and unfriendly functions and relationships in such a way that we are able to do something about them" (ATH 4). Again, the notion of naming solidifies Burke's determinism to create a critical framework that allows the public to cast judgment on another individual within the societal framework. The two major categories are acceptance and rejection, but within each category there are three tenets requiring further analysis. The acceptance framework includes epic, comedy and tragedy which "validate and purify the dominating authority" (Buerkle, 2003, 190). The rejection framework is composed of burlesque, satire and elegy and are "methods of responding to a disruption of the social order as evidence of the system's fallibility and subsequently renouncing that particular order of authority and power" (Buerkle, 2003, 190). Before delving more deeply into these frames, a cursory examination of prior research must be taken. This examination will show that this method strives to produce a representation of the Burkean notion of poetic framing yet to be fully explored.

By taking a closer look into prior writings, the credibility of this method is solidified. The majority of the analysis on Burke's poetic framework utilized one of the six key tenets of the framework. The only known example of the tenet

ets being utilized concurrently is within Buerkle et al.'s (2003) *Our Hero the Buffoon: Contradictory and Concurrent Burkean Framing of Arizona Governor Evan Mecham*. Published in spring of 2003, this recent analysis agrees, "Other critics using Burke's definition of the poetic categories have considered texts ... as operating in two or more frames sequentially" (Buerkle et. al., 2003, 188). Buerkle et.al. (2003) suggests future researchers could "push the current analysis even further to find additional tensions among Burke's poetic frames" (pg. 203). This is the goal of our method. The frames discussed within *Attitudes Towards History* are not self-enclosing, for they encompass all things at all times. Thus, make an excellent model in which to frame a societal reality. These frames "have built-in capacities to transcend their own limitations" (Wolin, 2001, 104). It is impossible to stop analysis once the frame stops allowing the rhetor to fully express the notions accentuated within the sphere in question. Because of this, it is necessary to transcend the limitation of one frame and guide the rhetorical analysis amongst the applicable portions of the Burkean framework. Within this analysis, the applicable categorizations are: epic, comedy, tragedy and burlesque.

Within the acceptance frame, the epic attempts to create a schema that allows for the construction of a hero. Three key notions are important factors with the epic: teleogy, inborn dignity, and projection device. But first, a summation of the function of the epic is necessary.

The most important notion within the epic classification is, for the purposes of this method, the idea of the "hero." A hero is an individual who has the ability to rise above the situation and meet the challenges presented. The epic frame "celebrates the ideals of the dominating order through the admiration of a hero who embodies the ideal attitudes and goals of the community" (Buerkle, 2003, 191). Burke (1984) advances the notion of the hero within his epic framework by calling upon the philosophy of Marx: "Marx could restore the possibility of the hero function of his group, with all the enrichment of the individual that such a possibility contained" (ATH, p. 95). Burke's (1984) analysis of Marx expounds upon the theory that the hero (within the epic frame) is one who absorbs the need for judgment amongst the members of society; the first example that comes to mind is the politician. The politician is precisely whom Burke had envisioned when designing the poetic forms and more specifically, the epic: "He [Burke] believed that conservative politicians had used simplistic frames to guide their thinking about social and political reform" (Wolin, 2001, 98). The individual within the society uses the epic frame to "share the worth of the hero by the process of 'identification'" (Burke, 1984, ATH, p.36). This, in turn, humanizes the hero and bodes well for the individual "and incidentally dignifies any sense of persecution that may possess the individual, who may also feel himself marked for disaster" (ATH 37).

Three key elements are applicable to the epic framework (and others, are explored later). The first is teleogy. Teleogy is "the perfection of a thing—the idea that within every concept or representation of a dog, for instance, is the concept of the perfect dog" (Brummett, 1994, 131). This notion of perfection is fitting for the epic framework because if the telos of the hero is not in place,

then the hero must be cast out for the judgment of the society, thusly appealing to the epic framework. The "teleogy of symbols intersects with real life problems and solutions" because of the ability of the individual (or a group of individuals compose society) to place the hero within the appropriate paradigm (Brummett, 1994, 131).

The second element is inborn dignity. Burke utilizes this unification device when discussing Adolph Hitler, but the notion is fitting elsewhere. Burke elaborates "this categorical dignity is considered to be an attribute of all men, if they will but avail themselves of it, by right thinking and right living" (Rhetoric, 1969, 213-4). Again, through the Marxist lens established earlier, in conjunction with the framework of the epic acceptance paradigm, inborn dignity is a quality that must lend itself toward the hero. If the hero does not avail himself towards this dignity, he/she are at risk at placing oneself at the whim of society. When defining the hero, Burke emphasizes the importance of inborn dignity: "It [the hero] lends dignity to the necessities of existence, 'advertising' courage and individual sacrifice for the group advantage ..." (ATH, 1984, 35-6).

Finally, is Burke's concept of the projection device. The projection device serves as a method for the individual to distribute his or her own personal faults to the hero. The process of the projection device is "the ability to hand over one's ills to a scapegoat, thereby getting purification by dissociation" (Rhetoric, 1969, p.214). This process takes the blame for the action off the shoulders of the individual because the "individual realizes that he is not alone responsible for his condition (Rhetoric, 1969, p.214). The notion of placing the guilt elsewhere instead of addressing the problem internally is a valuable one. Instead of changing patterns of behavior deemed negative, the individual is granted the autonomy to assign the guilt elsewhere "and he wants to have them 'placed,' preferably in a way that would require a minimum of change in the ways of thinking to which he had been accustomed" (Rhetoric, 1969, p.214). The projection device serves a two-fold purpose, first, to elevate the individual of any guilt. Second, this device serves to allow the individual to maintain current patterns of behavior and is not forced to change current rationalizations.

The next frame explored is tragedy. To fully understand this frame we must, first, delve into how Burkean tragedy differs from the Greek classical notions of tragedy. Second, how the tragic frame impacts the individual in conjunction with the hero and fits into the notion of acceptance. Finally, one of the most important functions of Burkean tragedy, the tragic hero must be fully explored.

Burke notes "tragedy flowered when the individualistic development of commerce had been strongly super-imposed upon the earlier primitive-collectivist structure" (ATH, 1984, p.37). This illustrates how the individual is affected directly by the hierarchy of society, and (identical to the epic frame) within the tragic frame the individual must take action. In tragedy, "hierarchy embodies authority, transgression represents disobedience and guilt arises from the 'fear of being excommunicated' by those in authority with whom we must communicate in order to minimize chaos and terror" (Moore, 1992, 110). Therefore, within the tragic frame, it is the hierarchy that preserves the social order and acts to inform society through these ideas of guilt.

The tragic frame fits into Burke's acceptance frame through the usage of the tragic hero. The tragic hero is "depicted as engaging in actions that are inevitable insofar as they arise out of situations or character flaws that members of the audience may have as well" (Brummett, 1994, 134). Since the actions the tragic hero is taking are worthy of being condemned, the tragic hero must be condemned as well. This alleviates the feelings of guilt within the audience because "When audience members experience a tragic text, then, they see their own guilt purged by seeing it punished and destroyed" (Brummett 134). This is a frame of acceptance because it allows the individual to "'resign' himself to a sense of his limitations" (ATH, 39). This resignation is not a destruction of the psychology of the individual, thus, allowing society to remain intact. Because the audience believes the tragic hero's crime is their crime "the offence is dignified by nobility of style" and is not sacrificing anything but the tragic hero (ATH, 1984, p.39).

The third frame within acceptance is comedy. Two key elements within the concept of comedy must be addressed. First, the comic fool takes the position of the scapegoat within the comedic frame (just as the hero and the tragic hero have done). Second, the consequences of the comedic frame are deserving of attention. The comic frame supports the hierarchy through the use of humor: "humor uses incongruity to support the status quo in nontransitional states" (Wolin, 2001, p.104). The use of humor within the comic frame prompts the audience to accept the guilty act by believing the problem itself is not important. The notion of acceptance aids in maintaining a hierarchical and informed society.

The guilty act is always a result of the comic fool. The fool is not committing a crime but merely acting stupid: "comedy warns against the dangers of pride, but its emphasis shifts from crime to stupidity" (ATH, 1984, p. 41). Since stupidity is the cause "the guilty act was inevitable insofar as it was a common human failing. In this way, the comic fool is regenerated into the social hierarchy" (Brummett, 1994, p. 134). The allowance of the comic fool back into the hierarchy is the main principle of this acceptance frame, and allows us to draw consequences out of the comedic frame.

By alienating the comic fool as one who is a victim of stupidity "society sanctions symbolic enactments of social estrangement as a method for confronting transgression and binding people together" (Moore, 1992, p. 112). This allows comedy to remain within the acceptance framework because it continues to allow the individual to remain within their place in the hierarchy, yet place blame on another. The important aspect of this frame is not on the fool but "on the social role portrayed by the rejected clown for the good of the community" (Moore, 1992, p. 112). The nature of the comic frame does not allow for dire consequences of the comic fool. The worst consequences are "shame, humiliation, and embarrassment" which are quite a departure from the condemnation the tragic hero faces.

The comedic frame is linked to the burlesque frame in context of the fool. Within burlesque, the fool is one who "deliberately suppresses any consideration of the mitigating circumstances that would put his subject in a better light" (ATH, 1984, p.55). From this notion, the burlesque is placed within the rejection

framework. This framework is more negative because the fool is dismissing the social hierarchy to the point of a "reduction to absurdity" (ATH, 1984, p.54). The individual is therefore forced to reject the fool, as to not risk the complete collapse of the social order. The individual is forced to look beyond the actions of the fool and "not merely be equal to it, we must be enough greater than it to be able to 'discount' what it says" (ATH, 55). The audience must look above and beyond the actions of the fool. In so doing, the audience is merely rejecting the actions, not outright denouncing them. This is the fine line within the burlesque frame, because "only by keeping a distance between society and the imbecile, does burlesque avoid becoming an entirely cruel frame" (Buerkle, 2003, p. 191). The audience insists the fool "be separated from the clan to make clear what values are acceptable" (Buerkle, 2003, p.191). In this way, the formulation of ideals and values within the social order can occur. This is the relative genius of the imbecile; they force the social order to draw conclusions based on their behavior. Burke notes this through the political example of the French Revolution: "At the time of the French Revolution, when a 'bill of rights' was being drawn, some members of the Assembly suggested that a 'bill of obligations' be included to match them" (ATH, 1984, p. 55). The mere thought of solidifying the notions of the audience is something that does not occur within the acceptance frames. The rejection paradigm is, therefore, one of change.

An interesting aspect arises out of the burlesque framework, when Burke's notion of commercial use is applied. Again, this unification device appears in Burke's critique of Adolph Hitler's rhetoric. The term commercial use is self-explanatory when applied to the fool; he is looking to sell something. Within the context of Hitler it was the need for "financial backers for his movement" (Rhetoric, 1969, p.214). This is the ideal fit for the politicians, for through campaigning they are trying to win both favor and, in Burke's phrasing, "financial backers" (Rhetoric, 1969, p.214).

Through an in-depth analysis of Kenneth Burke's poetic forms, and the probable concurrence between epic, tragic, comic and burlesque we can now move forward in the analysis of the method to Thomas Jefferson and his liaison with Sally Hemings.

Analysis of the public reactions to the DNA evidence pertaining to the paternity of Sally Hemings's children reveal how Americans try to make sense of cultural norms of the eighteenth century as well as hold tightly to a historical construction of a founding father. Following a review of the Thomas Jefferson Memorial Foundation, Inc.'s report, a dissection of the dissenting minority report demonstrates the use of the epic frame in constructing a new identity for Jefferson as well as defending a historical construction. Further, by exploring the media and public responses to this information, a deeper understanding of the use of epic and burlesque frames in tandem can be garnered, as well as an illumination of the oppositional forces at play when both frames are used concurrently.

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### DNA Does not Lie, Unless the Populos Says It Does

President of the Thomas Jefferson Memorial Foundation, Inc., Dr. Daniel P. Jordan, released the official statement on the TJMF research committee report on Thomas Jefferson and Sally Hemings on January 26, 2000. Stressing the foundation's commitment to scholarship and Jefferson's legacy in regard to the "complex and extraordinary plantation community that was Monticello" (2), Jordan asserts that "honorable people can disagree on this subject" (1) but the Foundation concurs with the DNA findings. The report assesses the methods of the DNA study and reviews a number of documentary sources such as Jefferson's personal correspondence, recollections from community members and other freed slaves as had previously appeared in other print sources, and a number of secondary sources pertaining to Jefferson, Hemings, and slavery in general. The report initially identifies a number of scientifically proven facts regarding the DNA evidence, primarily other men considered to have fathered Hemings' children are not DNA matches, and that Eston Hemings was a descendent of Field Jefferson, Thomas Jefferson's father. This evidence does not prove Thomas Jefferson as the father. However, the groups of proven facts related to Sally Hemings construct a more precise link to Jefferson, as her birth patterns match Jefferson's documented Monticello visitation schedule, but not the documented visitation of any other Jefferson male. Further, the descendents of Hemings passed down through generations an oral history of lineage linking back to Thomas Jefferson. In 1873, Madison Hemings, another of Sally's children asserted his siblings (Beverly, Harriet and Eston) were all fathered by Jefferson, and there were no conflicting reports the children had different fathers, and all bore a striking resemblance to Jefferson. The Foundation's concludes the DNA study was conducted in a scientifically valid manner; based on DNA, documentary and statistical evidence Jefferson was likely the father of Eston Hemings; the nature of Jefferson and Hemings's relationship was unclear (whether she was a lover or merely property); and the further implications of the relationship should be explored and used to increase community knowledge and public understanding.

The dissenting minority of the Thomas Jefferson Memorial Foundation, Inc. released its minority report on April 12, 1999, eight months before the official report. Citing historical evidence as its primary reason for dissent, the employment of Burke's frames starts to become clear. The minority report is contending because the argued events took place two hundred years ago, only a few people would have known the truth, and only one left direct evidence in re-

sponse to the claims. On July 1, 1805, Jefferson wrote a letter to Robert Smith, Secretary of the Navy stating,

"You will perceive that I plead guilty to one of their charges, that when young and single I offered love to a handsome lady.... It is the only one founded on truth among all their [Federalist] allegations against me.1"

The ambiguity of this statement is dismissed as the committee simply states, "How can it be [ambiguous]?" (2). The minority report argues Jefferson's nobility as a founding father outweighs scientific evidence because he displays a "character as great as the situation" (Burke, *Attitudes Toward History*, 42), placing their construction of Jefferson well within the epic framing of "hero." The minority report asserts, "None of the others who would have had first hand knowledge of the facts have put down statements in their own handwriting and their own words" (p.2) even though it is common knowledge that in the eighteenth-century slaves were typically discouraged from reading and writing. The acceptance frames present in the minority report reinforce the idea Thomas Jefferson was a man "above" dallying with a slave and work to firmly place Jefferson in the role of hero, and at times in the position of martyr, as the minority report argues to not have "historical accuracy overwhelmed by political correctness," (5) which would make Jefferson's historical significance "meaningless" (5). The minority report illustrates Burke's notion of how discrediting a national legend may be personally upsetting to those who believe in the hero as ideal, because the follower's sense of personal identity and worth is too wrapped up in the hero's persona. The minority report celebrates Jefferson's accomplishments in his lifetime and reinforces his "significantly powerful denial" as stated in his letter to Robert Smith. The minority also employs the use of the burlesque frame to reduce the claims made against Jefferson as outside the norm of Jefferson's expected person. By using the two frames, the dissenters hope to establish a significant psychological distance between "their" Thomas Jefferson and the accusations presented against him.

The majority of those within the media and the general public that accept Jefferson's paternity of Hemings's children as truth, continue to use the epic frame to construct a new identity for Jefferson that is not completely removed from historical constructions of "patriot." Page (1998) argues, "[Jefferson receives] high marks for his public performance, low marks for his private behavior." (A32). The new wrinkle to this, however, is the utilization of the burlesque frame to support the Jefferson's new identity by asserting that due to cultural norms of the time it would be somehow ridiculous to think that Jefferson did not have sexual relationships with the slaves on his plantation, as Deggans (2000) notes, "Jefferson always saw the moral evil of slavery, but he couldn't get out of it." (1F). This intersection of Burkean framing devices illustrates how when the burlesque frame is used in conjunction with the epic frame, historical constructions and values can remain intact, but with greater depth, understanding, and embracing a larger truth.

Those who disagree with the DNA evidence also use both of Burke's frames to further assert their position. Media and public dissenters seek to more firmly entrench Jefferson's identity within the epic frame, ideally isolating him

so thoroughly that accusations become immaterial to the legacy and the icon that dissenters are defending. As one respondent claimed, “The debate shows how far the politically correct crown will sink in order to defame one of our nation’s greatest statesmen.” (Sample, 2000). Dissenters place every claim well within the burlesque frame by arguing that the very fact that the accusations were made in the first place is completely and thoroughly ridiculous. Dissenters usually refer to Thomas Jefferson’s mental resolve and supreme intellect as reasons why he would never participate in a situation that boiled down to a “moral impossibility” (Jefferson and Sally Hemings, 1998). Basically, Jefferson was too busy being the epic hero for any element of his life to ever cross over into the burlesque frame. Leading Jeffersonian scholar and disputer of the Hemings claim, Joseph Ellis, author of *American Sphinx*, referred to the Hemings allegations as a “tin can tied to Jefferson’s reputation.” (Page, 1998). Burlesque framing functions as a means of defense for the dissenters, when presented within the greater context of Jefferson’s epic persona. For example, John Works, a member of the Monticello Association stated after the group voted to deny Hemings descendants membership stated the vote should, “kill this forever so it doesn’t keep coming up again.” (Works, 2002), and continued to assert that the information about Hemings’s children was nothing more than a myth. No mention was made of the scientific validity of the evidence, but Works asserted that a “blue-ribbon panel” of scholars and “just plain patriotic citizens” (Burrill, 2000) had unanimously decided that the allegations were untrue. Further, the Monticello Association, in that vote, chose “not to recognize the Hemings descendants in any... form,” and argued that the evidence claimed that Jefferson “forsook his most sacred oath and was a monstrous scoundrel.” (Oliphant, 2002). Dissenters place Sally Hemings, her children, and the claims of Jefferson’s paternity in a burlesque frame that seeks to construct the allegations as outside of the norm of historical accuracy and possibility.

When combined with epic framing, dissenters construct a two-sided message that constructs a new identity for Jefferson, and further supports their assertions. Non-believers reframe Jefferson in light of the accusations by creating a Jefferson that is more myth than man. Dissenters solidify their claims that Jefferson is still a patriot in spite of the allegations of miscegenation via their use of the burlesque frame within the epic acceptance frame. When used together, the claim of Jefferson as a man of mythic proportions rising above allegations of miscegenation allows people to believe that the largesse of the value of the content of the epic frame dissolves any concerns within the burlesque frame, thus using acceptance and rejection mechanisms to promote the same ideology.

### Conclusions

It is first necessary to examine what this analysis can tell us about why people reject information. Burke’s assertions construct a process by which people rationalize information they receive. This information, once it is placed within a specific frame or frames, is then responded to in a way the information receiver deems appropriate. Key to Burke’s assertions is that receivers always place information in the frames of their own choosing, therefore establishing perception

as a choice as to whether to reject or accept information. Information consumers, then, will always and can always find reason to reject new information, even with a preponderance of evidence demonstrating the opposing viewpoint to be true. The analysis of Burkean framing even illustrates how acceptance frames can be constructed to aid in the rejection of information, and rejection frames can be used to aid in the acceptance of information.

Within the analysis of the Hemings/Jefferson issue it must also be considered what the general acceptance or rejection means for the construction of Jefferson as patriot and the construction of historical events. Both believers and non-believers still consider Jefferson to be a patriot via these constructions. Those that believe he fathered Estlin Hemings still generally view Jefferson as a patriot, arguing that no matter behaviors he engaged in as an aspect of his personal life, his contributions to the creation of American society still provide adequate support for his role as patriot. More appropriate to believers’ acceptance of claims is the dialogue that has been opened among acceptors regarding the practice of founding fathers owning slaves. The primary question arising from their reconstruction of Jefferson as patriot stems around the hypocrisy of guaranteeing life, liberty, and the pursuit of happiness while contributing to the subjugation of a race of people. This dialogue will continue among believers as future generations try to rationalize historical contexts for actions that are dubious in modern society. Dissenters reconstruct Jefferson in spite of the allegations in a manner that diminishes the value of the burlesque when placed in the greater context of the Jefferson hero epic. This reframing can have far-reaching implications as we construct heroes not based on the larger picture of the patriot as person, but the patriot as a collection of societal contributions.

From a perspective of historical values, dissenters present an interesting conundrum for consideration, do we only judge leaders based on contributions, or based on the bigger picture of who the person was as an American citizen? This even lends itself to modern interpretations as different factions of society downplay issues such as Bill Clinton’s marijuana use and George W. Bush’s cocaine use. It is not the information that necessarily shocks the American sense of historical values, but rather the accuracy of American historical memory. Further, the implications for historical accuracy should be considered in light of the scientific evidence in so far as “the black oral tradition is sometimes more reliable than the official “white” version of history.” (Staples, 2003). Despite denials by white historians (*A Presidential Indiscretion*, 1998) the oral tradition of black history survived, ultimately being supported by numerous types of evidence and scholarly opinions. This offers perspective on the very foundation of our historical understanding. What should be accepted as truth? What perspective is the most accurate and valid? Wellman (2000), perhaps, states it best, “When the lies about this country are replaced with the truth we will be able to live together.”

In regard to Burkean methods, the use of acceptance and rejection frames to accomplish the same purpose provides greater insight to the flexibility and breadth of Burke’s methodology when applied to a variety of events. Conflicting frames used in congruence illustrate the lack of absolutes in historical reconstructions. Further, this congruence illustrates the communicative ability of in-

formation consumers to weigh differing perspectives in light of one another and then use both sides of an issue to promote a broader notion of acceptance or rejection. This application can be used to examine the construction of argumentation that uses varying perspectives to promote an ideology or belief system. Further, future research should build upon this analysis by exploring other situations where conflicting frames are used in tandem. Additionally, research should explore using Burke's frames in combination with other perspectives such as feminist theory, postmodern theory, and perhaps even postcolonial perspectives. The combination of using Burke's foundational approach with more modern rhetorical approaches could lend greater insight to all of these perspectives, as each argues a basic power structure that is used in different ways to communicate different meanings.

While the issue of whether or not Thomas Jefferson fathered Eston Hemings will never be resolved with one hundred percent certainty, it is evident that Thomas Jefferson's identity as patriot remains firmly embedded in American culture. Perhaps this controversy can raise the necessary questions of where we place values as a society, and teach us to be critical of who we declare as America's heroes. Although the issues in this discussion revolve around shades of gray, scholars and the public will continue to consider the information in terms of black and white. Regardless, this discussion lends poignancy to whether or not we should construct an American identity of mythological proportions or one that is reflective of all of America's citizens, regardless of heritage.

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## Computer Mediated Communication and Adult Learners: A Case Study of Messages using the Hyperpersonal Framework

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### Abstract

There is an increasing amount of research examining the role of computer-mediated communication (CMC) in a variety of educational settings. Online courses are of particular interest to adult learners. In addition, we notice that communication research rarely studies adult learners, who provide increasing numbers in our face-to-face and computer-mediated classrooms. The purpose of this research is to investigate the interaction that occurs between adult learners in an online course. Specifically, the hyperpersonal framework is used as a lens to examine how participants communicate with one another. The hyperpersonal framework components (receiver, sender, channel, and feedback) were evident through a qualitative analysis of postings. Implications reveal instructors would be well served to understand the interpersonal and hyperpersonal interactions that occur online. In both CMC and traditional classroom settings, adult learners are rarely studied, creating a rich research opportunity for instructional communication scholars.

### Introduction

Communication research provides ample opportunity to examine the implications of computer-mediated communication (CMC), particularly in the classroom. Online courses are changing the way instructors and students interact with each other. Technology in the classroom may range from teacher/student email to electronic chat rooms to distance learning. Instructional communication research that addresses technology in the classroom has focused on teacher-student interaction (Roach, 2002), teacher behavior (Mottet & Stewart, 2001; LaRose & Whitten, 2000), and benefits of CMC, including increased perceptions of learning and participation (Althaus, 1997). There are also recommendations for the uncertainty and skepticism that accompany pedagogical concerns with CMC (White & Weight, 2000; Wittmer, 1998). Understanding how CMC enhances learning becomes increasingly important as technology becomes more prevalent in instruction.

Although an increasing amount of research has examined the role of CMC in a variety of educational settings, there remain many unanswered questions. The past decade has provided important research in instructional communication, focusing primarily on student-teacher interactions and constructs. Waldeck, Speaker and Gavel, Vol 41 (2004)

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Kearney and Plax (2000) suggest several areas that need more research in the area of instructional communication. They note "...very little communication research has examined student-to-student interaction or collaborative learning" (p. 224). With the increase in computer-mediated instruction, they also suggest that more substantive research is needed to help scholars and teachers understand the impact of CMC.

Instructional communication research rarely studies adult learners, who provide increasing numbers in face-to-face and computer-mediated classrooms. Online courses are of particular interest to adult learners. Adult education occurs in far greater numbers than other learning institutions, and with the availability of technology, occurs in the home, workplace and community agencies (Merriam & Caffarella, 1999).

The purpose of this research is to investigate the interaction that occurs between adult learners in an online course by examining messages using the hyperpersonal framework. In addition to responding to the call for more substantive research in computer-mediated classrooms, this research is unique due to its special focus on the adult learner. The impact of technology will be understood through the voices of the adult learners as demonstrated in their postings online.

### Review of Literature

Theoretical and practical implications are important when researching computer-mediated instruction. Courses taught online provide unique challenges to both teachers and students. The literature reviewed for this research includes pedagogical issues and CMC, a framework that is relevant from a communication perspective, and research on characteristics of adult learners.

### Pedagogy and CMC

Computer-mediated instruction is rapidly becoming a mainstay in post-secondary education. Examples of research conducted in the mid to late 90s include the use of technology in group communication, using online information to facilitate learning, and utilizing email for relationship building (Shelton, Lane, & Waldhart, 1999). Flanagan (1999) reports that in some cases, online courses are more satisfying and contribute to increased mastery of material in comparison to traditional classroom environments. Other advantages include increased group cohesion among students, student interaction that extends beyond classroom time, and enhanced learning (Wittmer, 1998).

CMC in classrooms is not without challenges for both students and teachers. For students, unfamiliarity with computer technology may provide a barrier to learning (Brandon & Hollingshead, 1999; Wittmer, 1998). Uncertainty in the medium itself may lead students to question relevance of course material, affect motivation, and engage in resistance behaviors. Teachers may also resist using computer-mediated instruction due to rapid changes in technology and comfort with the methods they have already established. In many cases, teachers are not prepared to teach in the online environment, and mistakenly transfer what they know about traditional pedagogy and experience to this very different medium (Bailey & Cotlar, 1994; Flanagan, 1999; Wittmer, 1998). Lane and Shelton

(2001) note that most CMC research has focused on its positive outcomes. They argue that communication educators "are latching onto the most recent wave of technological advance without fully considering fundamental practical and evaluative pedagogical issues" (Lane & Shelton, 2001, p. 241).

Effective communication and pedagogical decisions are crucial for a successful online course. Reed et. al (2002) researched computer-mediated class discussions for eight years and found an underlying theme that "language is crucial to learning" (p. 8). Participation is more democratic in computer-mediated communication rather than in oral discussions. Three conclusions Reed et. al (2002) draw are: 1) that with proper direction, students can experience coherence in the CMC world, 2) topic construction is critical in shaping group understanding, and 3) online discussions result in different interactions than those found in face-to-face communication. If presented effectively, computer-mediated instruction is not only successful, but also appropriate for the changing face of education.

Berge (1999) contends that education is more inquiry-based than in the past. As a result, students are becoming more self-directed and taking responsibility for their own learning. In other words, pedagogical decisions should move away from the expert teacher to the life-long learner. The online environment seems appropriate for inquiry-based learning and relates to Berge's earlier work on online teaching. Berge (1997) found that online teachers preferred the constructivist approach—learners are involved, show self-direction, and construct their own meaning and knowledge. From a social construction perspective, CMC offers a new environment for discussion. In a face-to-face classroom, conversation flow can determine if students are able to voice their thoughts. For example, conversations may move in a different direction, students may get lost in the conversation and forget what they were going to say, or students may not think what they have to say is relevant. In contrast, online courses allow students to speak at the same time, with more opportunity to talk than in a traditional classroom (Reed et. al, 2002).

Both computer technology and collaborative learning are identified as trends in communication instruction (Shelton, Lane, & Waldhart, 1999). The combination of collaborative learning theories and CMC has resulted in research known as CSCL, or computer-supported collaborative learning (Brandon & Hollingshead, 1999). The CSCL perspective helps explain how technology can help or hinder collaborative learning.

Brandon and Hollingshead (1999) identify collaboration, communication, and social context as crucial to understanding the CSCL perspective: "The social creation of knowledge, when discussed at the level of small groups, is collaborative learning or the development of shared meaning among group members. The collaborative development of shared meaning requires a substantial amount of communication, perhaps even more so in online than in face-to-face groups" (p. 111). As such, there is a development of shared meaning among group members online.

A final issue surrounding CMC and pedagogy is the use of theory. As mentioned above, Brandon and Hollingshead (1999) address theory by providing a

model that combines research on both CMC and collaborative learning. Yet, instructional research tends to be variable driven, with little effort to provide a theoretical framework (Waldeck, Kearney, & Plax, 2001). The use of theory is not only a research concern, but also a concern when making pedagogical decisions. Weisgerber (2002) argues that online courses fail to consider theory as part of the design process. She incorporates the notion of hyperpersonal communication (Walther, 1996) as a guide for the development of online communication classes. According to the hyperpersonal communication framework, this approach helps in understanding the ways CMC users sometimes experience intimacy, affection and interpersonal assessment that differ from those occurring in face-to-face encounters. An awareness of the hyperpersonal framework may enhance the learning process for adult learners online.

### The Hyperpersonal Framework

The hyperpersonal framework comes from the work of Walther (1996). Walther's 1996 review of various research on CMC encounters shows the progression from the impersonal, or reduced channels perspectives to research that suggests CMC enhances relationship development. Early research on CMC took the perspective that fewer nonverbal cues are available due to the very nature of the medium. As a result, impressions were limited and interactions were much more task-oriented (Walther, 1996; Walther, Slovacek, & Tidwell, 2001). Much of this research uses the social presence theory to explain how reduced social presence, such as that found online, reduces the interpersonal warmth and connection that develops in face-to-face interactions.

Walther (1996) cites research that suggests social presence and other "cues-filtered-out" approaches to CMC do not always result in impersonal communication. In an attempt to explain results that point to interpersonal rather than impersonal CMC relationship development, Walther (1996) advances the hyperpersonal framework. This perspective is based on a social information processing perspective, in which social cognition and normal relationship development do in fact influence CMC to be interpersonal and social in nature (Tidwell & Walther, 2002; Walther, 1992; 1996). The primary difference between face-to-face and CMC regarding impression formation and relationship development is the notion of time. Clearly, those CMC encounters that are one-time only or time-limited groups are more task-oriented. However, CMC communication that is ongoing provides the opportunity for participants to use verbal cues and the delayed element of time to result in "normal, but temporally retarded interpersonal development" (Walther, 1996, p. 5). In fact, CMC may allow users to experience increased levels of affection and perceptions of one another due to the medium. This phenomenon is what Walther (1996) labels "hyperpersonal communication," where the communication in an online environment is "...more socially desirable than we tend to experience in parallel FtF interaction" (p. 9). The hyperpersonal framework is explained via four elements of the communication process—receiver, sender, channel, and feedback.

Walther (1996) argues that CMC affects these four factors in ways that are not possible in face-to-face communication. Furthermore, asynchronous com-

munication is key in the development of the hyperpersonal communication. In other words, the notion of time plays a part in the perceptions/impressions formed, particularly since CMC users can respond to others at a time that is convenient. As such, the communication that occurs is not in sync, as is the case with face-to-face communication.

Walther (1996) claims that receivers engage in idealized perceptions of their online partners or group members. In other words, the perceptions of others are inflated due to the nature of the online interaction. Without the presence of face-to-face cues, CMC partners positively over exaggerate their impressions of one another. When in a group setting, individuals perceive greater similarity with other members, increasing their liking for one another. Walther uses the social identification/deindividuation (SIDE) theory to further explain this phenomenon. Without the use of visual cues, participants in CMC cannot see one another as individuals (deindividuation). As a result, any social and/or personal information received is subject to over-attribution (Walther, Slovacek, & Tidwell, 2001).

When referring to senders, socially favorable communication is sent to receivers; in other words, there is optimized self-presentation (Walther, 1996). When using CMC, the ability to be selective with self-impressions is greatly enhanced. Senders are able to manage their impressions due to lack of visual cues and time spent constructing presentational messages. As a result, they engage in what Walther calls personal and relational optimization.

Walther (1996) discusses face-to-face interaction in light of entrainment, or as very synchronized and coordinated. The fact that hyperpersonal messages do not need to follow face-to-face turn-taking rules, they are disentrained, or asynchronous. The asynchronous nature of CMC defines how the channel is important to the hyperpersonal framework. The coordination, or flow, of communication is greatly influenced by the channel, especially since there are no time-bound concerns when regulating the flow of interaction. CMC users can take advantage of the channel to engage in both task and social messages.

The final component of the hyperpersonal model is feedback, which Walther (1996) claims is intensified via CMC. Since the interaction with CMC involves minimal cue interaction, confirmation, or feedback, seems to be magnified. CMC senders and receivers reciprocate, through feedback, idealized images of one another. The interaction, via the asynchronous channel, reinforces and confirms through feedback, the optimal self and idealized receiver, much like a self-fulfilling prophecy.

Taken together, hyperpersonal communication is a different communication system due to the unique characteristics of receivers, senders and the message exchange process (Caplan, 2001). Walther (2001) summarizes the elements of the hyperpersonal perspective as depicting "... how senders select, receivers magnify, channels promote, and feedback increases enhanced and selective communication behaviors in CMC" (p. 4). CMC may take advantage of the capabilities of textual communication to create positive impressions that may not occur in face-to-face, or offline encounters (Tidwell & Walther, 2002).

A learning environment that encourages the conditions of hyperpersonal communication may increase students' perceptions of teachers and other stu-

dents, as well as contribute to information exchange (Weisgerber, 2002). The asynchronous nature of computer-mediated instruction could capitalize on the way messages are sent and optimized. The hyperpersonal framework may be of particular interest when students are adult learners.

### Adult Learners

Educational institutions continue to increase online course offerings and target adult learners. Continuing education is the fastest growing area in education, and most online students are adults (Rudestam & Schoenholtz-Read, 2002). Online courses are expanding to promote lifelong learning and to provide adult professionals with additional training. Because of their multiple commitments, such as with work and family, adult learners have embraced online courses. The asynchronous nature of the online environment allows for flexibility in teaching and learning.

Adult learning is a growing enterprise, surpassing the activities found in all other educational settings (Merriam & Caffarella, 1999). Instructors with the opportunity to teach adult learners should know it is erroneous to speak of the adult learner, as adult learners are as varied as students at any age and level. Some distinct categories for understanding the variability among adult learners include motives for learning, cognitive characteristics, personality differences, roles, and life experiences (Long, 1990).

Perspectives on adult learning often stem from the work of Knowles (1980; 1984), who coined the term andragogy. Andragogy is the science of helping adults learn, and Knowles' (1984) framework of andragogy includes four assumptions of adult learners: (1) adults are self-directing; (2) adults use their personal experiences as a learning resource; (3) adults tend to have a life, task, or problem-centered orientation to learning as opposed to a subject-matter orientation; and, (4) adults are motivated to learn due to intrinsic rather than extrinsic factors. In light of these assumptions, it is clear that adult learning situations should involve real-life tasks and situations, or conditions that allow personal involvement. Adult education literature describes adults as self-directed, self-reflective, and more likely to bring their own life experiences to the learning situation (Pascual-Leone & Irwin, 1998).

Personal experience is particularly important in adult education, as students not only build on prior experience, but their experience shapes learning (Merriam & Caffarella, 1999). Adult educators recognize that pedagogical decisions that encourage group interaction and reflection may be of particular interest to life long learners. Since the adult learner is self-directed, the educator's role should be that of a coach, or facilitator. Educators can make effective decisions when designing an adult course that capitalizes on participants' strengths.

Adult learning research has recently turned to the role of technology (Imel, 1999). An important consideration when designing courses for adult learners is to consider technologies that promote learning. Biswalo (2001) uses distance learning to suggest ways that the environment can be enhanced for adult learners. The opportunities in this setting include individual response times, learning that occurs in a real-world context, participation of all learners without compro-

mising class time, and a community of learners based on intellectual interest rather than physical proximity. Whether the technology involves email, distance learning or an online course, the environment is conducive for capitalizing on the strengths of the adult learner when well designed and implemented on the part of the instructor.

### Summary

Clearly, there is a strong link between adult learners and CMC. Computer-mediated instruction is rapidly changing the face of education. Technology provides interesting research opportunities as adult learners participate in online courses. Online courses are popular with adult learners because the students are involved, self-directed and construct their own meaning. In other words, there is mutual understanding while participants exchange ideas and feelings as they create social knowledge. Much learning takes place in social contexts, or while interacting with others. In fact, social construction of knowledge occurs not only with one's own understanding, but also through the interactions of others.

The hyperpersonal perspective shows how communication that occurs online surpasses the typical interactions that occur in face-to-face relationships, as communicators present and perceive one another in an inflated, positive manner. Using the hyperpersonal framework as a lens to examine CMC in an online course with adult learners provides insight into the ways adult students interact in this asynchronous environment. Analyzing the messages of online postings provides an original, descriptive look at the communication that occurs among adult learners. Therefore, the following research question is raised:

**RQ:** How is the hyperpersonal perspective reflected in the messages sent by adult learners in an online course?

### Method

This study is a descriptive content analysis that is qualitative in nature. Because this research focuses specifically on one class and all the resulting posts, it can be considered a case study. In instructional research, a case study examines educational phenomena in their natural context (Gall, Gall, & Borg, 1999). In case studies, a conceptual framework is used to understand the collected data. The data in this case are the postings, and the conceptual lens is the hyperpersonal framework. Although the data emerged according to theme and course direction, it was content analyzed according to the four components of the hyperpersonal framework.

### The Course and Participants

The online course was taught from a constructivist approach. Learning was inquiry-based and dependent upon the adult learners' messages. The course, Facilitating Learning in Community, was taught online for 14 weeks as an elective in a Masters of Education and Professional Development program at a small Midwestern university through the use of the instructional software, Blackboard.

Eleven graduate students participated in the online course. All of the students in the course were working professionals. Four students were male and seven were female, with a mean age of 43. Only two students had previous experience with an online course.

Students were required to attend two face-to-face sessions. The first session was used to meet classmates as well as verify all students were able to use the technology. The second session was the final class meeting and was used to complete required documents and provide feedback about the course.

### Procedures and Data Analysis

With the exception of the two face-to-face sessions, all course materials and communication was online. Students were encouraged to post questions and comments on the discussion board; however, there were no requirements for number of posts. Students and the instructor generated 554 posts throughout the semester. Posts ranged from 2 to 357 words per posting. The average length of a posting was 94 words.

All postings were printed at the end of the semester. Patton (1990) points out that there are several strategies for analyzing written data, such as according to chronology, key events, or issues. This research fits the strategy of processes, where data is labeled and/or organized according to important processes. The postings were marked according to the components of the hyperpersonal framework, specifically: 1) receiver, 2) sender, 3) channel, and 4) feedback. The intention is not to have mutually exclusive or exhaustive ways of organizing data, but to provide a framework. The framework in this case allows for a content analysis that is descriptive in nature. The researchers individually coded the postings according to the hyperpersonal components, then together discussed the postings for descriptive results and implications.

### Results

Although 554 posts were generated, thousands of messages were embedded in the postings. However, the scope of this research was to focus on those messages that clearly fit the hyperpersonal components.

### Receiver

In the hyperpersonal framework, perceptions of others are inflated in a positive way (Walther, 1996). The adult learners in this case perceived a greater similarity with their classmates due to the nature of the interaction and their shared experience. The postings with this group appear to reinforce this notion. Representative receiver-focused messages include:

- We're on the same page of wanting to stretch and grow in our facilitator skills, so this is a safe place to share experiences that will inform others as well as get feedback to serve as future guidance.
- I know that I won't have any trouble developing strong bonds with you and will be able to develop a shared vision and shared values.

- I really appreciate those who have been holding down the fort. You people just amaze me.
- I am very grateful for this opportunity to share with so many incredible people who value the same love of learning and joy in the profession that I do.
- I have gained more respect and admiration for those people who are always giving of their time and insight. I have learned so much from everyone's postings.
- You are all amazing people and I feel honored to be a part of this course.
- I feel I have learned a great deal about people and how they think...I learned many new things about each one of you also. You really are very intelligent, reflective people.

The influence of both the nature of an online class and the fact that participants are adult learners highlight the inflated views of one another. The postings seem to reflect a need to establish common ground, particularly since all students were part of the same Master's program. This may explain their comfort in giving compliments and reinforcing positive perceptions of one another. As Walther (1996) posited, these online learners idealized their perceptions of their classmates, evidenced in their positive perceptions of one another.

### Sender

Walther (1996) suggests that in hyperpersonal communication senders manage the impressions they send to others about themselves. The nature of the online environment allows them to posture and purposefully send messages of personal and relational optimization. In this case, adult learners showed little evidence of personal optimization. However, they clearly posture, or manage, what they are saying about their own uncertainty and frustrations. Examples include:

- Either way, stranger or friend, one of the biggest problems for me in this setting is the fear of sounding unintelligent or the fear that I will be thought of as unintelligent.
- This senseless banter is just what is on my mind. I am often the silent voice, and I believe I must be more present in the discussion threads.
- When I logged onto Blackboard and saw the extent of activity, I realized I'm going to have to plan time more carefully.
- I have to admit though, the suggestion that we develop a set of values for our virtual community caused my heart to race.
- I find myself intimidated because I am going beyond my comfort zone in my ability to utilize a computer other than to word process or send email.
- Am I thinking too hard on this? Maybe, but I have been struggling with the fact that I have not participated in this class as much as I would have expected my students to participate if I were facilitating this class. I've been feeling guilty and perhaps a bit overwhelmed by all the reading and other stuff going on in my life.

- I'm puzzled but not surprised. I'm the one who knocked off the back steps of the house on my first attempt to back the car up when I was 16.
- I have not taken the time to fully edit my posts. After reading what many people said in regard to their editing, I was a bit ashamed...that my posts could have been more reflective if I would have taken the time to really edit my pieces. Another item that I can learn from.
- Interestingly, these adult learners were more negative in their self-presentation, as indicated by their willingness to express self-directed angst, frustration, and weaknesses. However, it is clear that the way they present themselves is selective in the way they come across to others, although that presentation is negative in nature. The postings include messages that could be interpreted as both sender and receiver regarding the hyperpersonal framework, as the use of negative perception in turn elevates the receivers and their abilities.

### Channel

In the hyperpersonal framework, the channel is key to understanding the interactions of participants. The channel is asynchronous in nature, affecting the coordination, or flow of communication (Walther, 1996). These adult learners, as reflected in the following postings, embraced the asynchronous nature of the channel:

- I am excited to see where this class takes us and all of the information that I can gain through everyone else. I will be learning how we can form a community online as I watch everything unfold.
- I like the way you summarized your thoughts about each person's comments. I know we can't always do that, but it helped me get an idea of how you were responding to all of the thoughts.
- So then, what is a learner's responsibility to other members of the online community? Is it fair and equitable to take and not contribute to the dialogue? Is it OK to reflect privately in a course designed to help every member learn from each other?
- This is one of the great things about this class. In a regular class, someone may comment on something that you would like more time to reflect about, but can't since the class keeps moving forward with or without you. Here, we can read and reflect at our own leisure and post questions for more clarification. I think that in itself helps develop connections to our learning and as a result, deeper understandings.
- Interestingly, we found more channel messages that were directed at the pragmatic nature of the channel (use of a computer) than those that were evidence of disenfranchisement. In fact, many messages focused on the technical difficulties experienced with the channel itself. Technical difficulties were more frequent in the beginning of the semester, but their expression with these difficulties became more sophisticated as time passed:
- I'm on a MAC and having trouble opening some documents posted by PCs; any clues for me as to how to overcome that hurdle?

- I pushed the wrong button...and lost all the messages. My board says I've read them all; actually, I haven't started. I know they probably aren't really lost...but I sure can't find them. Tried the expand and collapse button. Didn't help. Any ideas?
- I followed your directions step by step but when I press the collect button, I get a dialogue box that reads "you must have one item selected to collect". And that's the problem. I seem to have buried those items out on the back 40 with no map to find them!
- Being a novice on Blackboard, I feel like I am going through the motions but I am not yet comfortable with the process.
- A lot more time has been spent on the computer than usual and I am feeling that twitch in my eye from squinting. The physical problems mentioned in the text are real and are a concern for me.

The uncertainty with the channel also reflects the negative self-perceptions of senders. Although there were concerns about the technology and their own limitations, all of the adult learners discussed the positive implications of the channel. Although this discussion of the channel is different from Walther's (1996) channel in the hyperpersonal framework, it is important to reveal how the medium itself is discussed and interpreted by adult learners. The following postings show some of the positive comments about the channel and how the asynchronous nature contributes to the other components of hyperpersonal communication:

- I look forward to having a place to meet when we are not physically together.
- It will be great to convert those email sessions into online discussions or announcements.
- I guess one of the exciting elements to this is being able to strengthen our communications skills via the Internet.
- I think Blackboard is a wonderful tool for sharing and a lot of learning can take place in a constructivist environment.

### Feedback

Based on the hyperpersonal framework, feedback is magnified online. Through the use of feedback, senders and receivers reciprocate idealized images of one another (Walther, 1996). However, since the adult learners tended to NOT idealize themselves, the feedback messages were more in line with the positive perceptions of the receivers. They seemed to focus more on others than on themselves. The postings were affirming in nature while asking questions or seeking information.

- I finally read your idea carefully and think we should all use this method more often. Good work!
- I like the idea of supporting one another as much as we can.
- Amen. I agree. As a matter of fact, being able to share the joy of learning with others having a common foundation is a real blessing.

- Thank you for sharing your thoughts. They not only have helped me better understand what we have just gone through in regard to this online class, but given me more things to reflect on.
- Love this! I think you nailed it for me.
- What do the rest of you think?
- Any comments, questions or criticisms about this approach?
- So then, what is a learner's responsibility to other members of the online community? Is it fair and equitable to take and not contribute to the dialogue? Is it ok to reflect privately in a course designed to help every member learn from each other?

Adult learners in this research tended to affirm one another on a regular basis. When they were not affirming others, they were seeking feedback from the group.

Based on the analysis of the results, the four components of the hyperpersonal framework were present in postings. The four components of the hyperpersonal framework (receiver, sender, channel, and feedback) were evident, although the sender messages did not appear to selectively inflate one's presentation of self.

### Discussion and Implications

A pedagogical concern with CMC instruction is uncertainty with the technology itself (Brandon & Hollingshead, 1999). The messages examined in this case study reinforce concerns on the part of these adult learners when using technology in an online class. Participants were specific about addressing strengths and weaknesses of the online learning environment. In an attempt to make sense of this channel, many messages compared online interactions to face-to-face communication. This attempt at sense making is typical of adult learners' willingness to use their experiences to shape their own learning (Merriam & Caffarella, 1999).

Knowles' (1984) framework of andragogy includes the notion that adults tend to have a life, task, or problem-centered orientation to learning as opposed to a subject matter orientation. As such, adults tend to be intrinsically motivated, self-directed, and turn to personal experiences as a resource. This examination of adults' online communication provided a unique way to see how adults indeed used their own life experiences and the reinforcement of others consistently throughout the course. Although the examples provided for this research were representative of the hyperpersonal framework, it should be noted that these and all postings frequently turned to social and identity messages rather than a consistent focus on the course itself. Although this may not be unique to communication in an online setting, it reveals how the adults in this class reveal traits that are consistent with andragogy research.

The lens of the hyperpersonal framework examined adult learners' perceptions of the receiver, sender, channel, and feedback. Walther (1996) argued that hyperpersonal communication intensifies and idealizes perceptions of self and others because of asynchronous interactions online. As a result, any social

and/or personal information received is subject to over-attribution (Tidwell & Walther, 2002).

Our analysis of the receiver messages indicated that adult learners did inflate their perceptions of their classmates. Responses revealed a strong affinity toward one another and were extremely complementary. Although the participants were acquainted through the same graduate program, early postings addressed the uncertainty that exists with an online course as they shared their experiences. However, it became clear that bonds grew stronger online through the positive perceptions and compliments that were showered on one another. Based on this analysis, the idealized receiver concept within the hyperpersonal framework was obvious in adult learners' communication online. Therefore, the online instructor could discuss hyperpersonal research and how online students positively over exaggerate their perceptions of one another. The online instructor could also ask students to challenge one another and encourage them to provide constructive criticism when appropriate online.

Walther (1996) claims that senders portray themselves in a socially favorable way online by managing their self-presentational messages. Although there were many sender messages embedded in postings, the nature of those messages tended to avoid self-optimization. We found an abundance of messages that showed personal angst and negative self-perceptions—these adult learners downplayed their abilities. They did not hesitate to express negative feeling and attitudes about themselves, such as with their technological skills, contributions to the group, and their intelligence. This may be unique to the adult learner population because adults are more willing to increase their self-awareness (Imel, 1999). Because adult learners use critical reflection, the presentation of self is not focused on others' perceptions, but instead, on their own self-awareness.

Adult learners should feel comfortable assessing themselves. Biswalo (2001) notes that adult learners experience anxiety because of their fear of failure and/or looking foolish to others. Within a few weeks of an online course, an instructor may notice adult learners tend to downplay self-presentation while inflating their peers' abilities. This is an opportunity for the online instructor to facilitate a discussion about the hyperpersonal framework and the role of the sender. Although it is common to inflate perceptions of others online, adults should know that their classmates may also be feeling similar anxiety about the online experience. This not only validates their negative self-perceptions, but also allows for the non-threatening, supportive climate that is advocated by adult learning scholars (Biswalo, 2001; Imel, 1999; Merriam & Caffarella, 1999).

The channel is discussed via the hyperpersonal framework as instrumental to the idealized perceptions of senders and receivers due to the asynchronous nature of computer technology. As such, communicators are not bound by time in the message exchange. The implication is that the channel itself reinforces the ways senders and receivers present themselves in a positive manner. The results of this study indicate that while the asynchronous nature of the channel was appreciated, the channel itself was a major influence in all aspects of the class.

Although it appears that these adult learners appreciated the opportunity to re-

flect on postings of others and carefully compose responses, it is difficult to discern channel messages as explained in the hyperpersonal framework through content analysis alone. Observation or follow-up interviews with participants may provide insight into how the channel influences personal impression management decisions. The channel messages that were prevalent go beyond the role of the channel by pragmatically addressing concerns such as technical difficulties and personal limitations. The way the channel messages were described by adult learners were in the recognition that technology is primarily a medium that can help or hinder communication rather than using it as an opportunity to manage impressions.

One major concern of an online class for adults is the use of technology. Uncertainty with technology likely reinforces adult learners apprehension and participation level. One way to reduce this anxiety is to have a face-to-face meeting at the beginning of class to make sure all students are capable of using the required technology. Another suggestion is to offer flexibility to accommodate certain circumstances. Technical difficulties will occur, so online instructors need to communicate their understanding of events beyond students' control.

Walther (1996) claims that feedback is intensified through CMC. The hyperpersonal framework shows that feedback between senders and receivers online reinforce and confirm positive perceptions. In this case study, the feedback component was present due to the nature of the course. Intensification describes how the participants appeared interested in giving and receiving feedback to one another. However, feedback messages, as presented in the hyperpersonal framework, were somewhat influenced by the lack of self-optimization regarding sender messages. As such, the feedback messages tended to reinforce group members, showing the influence of the idealized receiver. This was clearly evident through the recurring posts that were affirming in nature. In addition, feedback messages frequently sought information and asked questions. The questions seeking information further reinforce the willingness to clarify and admit weaknesses rather than present oneself as an expert. In fact, the feedback questions may have influenced the idealized perceptions of the receivers through reinforcement and affirmation.

Research with adults shows how learning is affected by stages of development. Adult learning is frequently motivated by life transitions and is usually voluntary. Adult learners bring a mature perspective to classrooms due to work, family and life experiences (Merriam & Caffarella, 1999; Rudestam & Schoenholtz-Read, 2002). This understanding of adult learners sheds light on the nature of the messages examined for this research. The messages exchanged by these adult learners were reflective of a supportive environment where careful reflection and question asking was encouraged. In fact, the results of this research and the suggestions provided are consistent with Maehl's (2000) recommendations when teaching adults. Specifically, an instructor should incorporate problem-centered learning that includes life experiences as well as emphasize collaboration rather than control, which allows for mutual respect (Maehl, 2000). By examining the postings in this case, adults clearly took it upon themselves to use

life experience and collaboration as they consistently communicated respect for the other. It is possible that an online environment, due to its asynchronous nature, plays to the strengths and preferences of adult learners.

Using the hyperpersonal framework as a way to study adult learners' messages revealed that all components were present. Shared experiences, self-directed learning, and other factors that influence adult learners were present in their postings. The components of the hyperpersonal framework are clearly interdependent, and in this case, the downplaying of the optimized self can be recognized in the other components.

From a pedagogical perspective, the hyperpersonal framework is suggested as a framework to inform, or influence, the design of online courses (Weisgerber, 2002). Although many online courses are taught, seldom do instructors consider the influence of CMC on curricular decisions (Lane & Shelton, 2001). Instructors would be well served to understand the interpersonal and hyperpersonal interactions that occur online. This research provides a descriptive understanding of adult learners' postings. Future research could utilize other methodologies to examine this phenomenon in a variety of online classroom settings. In both CMC and traditional classroom settings, adult learners are rarely studied, creating a rich research opportunity for instructional communication scholars.

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## Points of Stasis in the 1960 and 2000 Presidential Debates

Kevin Stein

### Abstract

The clash component of a presidential debate sets it apart from other types of campaign messages because the candidates are faced with a potential for “imminent rebuttal” not found in other types of messages, such as television spots or stump speeches. This study is a rhetorical analysis of the 1960 and 2000 presidential debates and attempts to identify the specific points of stasis (clash) where two arguments meet. These points of stasis are labeled in the classic rhetorical theory literature as conjectural, qualitative, definitional, and translative. The study tests the application of these categories as a precursor to future research employing content analytic methods.

### Introduction

Communication scholars have long considered political debates to be an important area for research, with special attention placed on questions relating to debates occurring on the presidential level. Debates provide voters with information needed to draw distinctions between candidates, potentially guiding an election-day decision. While debates may matter less when information about candidates is readily available through other media channels or when a race is not particularly close, recent scholarship has shown that when the conditions are right, a debate can be an important tool for disseminating valuable information to voters. Scholars have focused on a wide variety of debate features, both verbal and nonverbal, yet little seems to influence the tone or impact of the debate more than the type and level of clash that occurs. After all, isn't this what debate is about—two or more people who stand on opposing sides of an issue engaging each other in direct lines of argumentation. Remove the element of clash and it's not a debate, but rather a juxtaposition of the unrelated thoughts of two speakers. The opponents share the same space, but little else.

The clash component of a debate sets it apart from other types of campaign messages. Stump speeches, acceptance addresses, television spots, Internet sites, and brochures may contain arguments about the opponent's positions, but the face-to-face element as well as the potential for “imminent rebuttal” is lacking. Days or even weeks may separate clash in non-debate campaign messages, while the defense of a position in a debate will often immediately follow an attack (Benoit and Wells, 1996). Another reason for focusing on clash is that viewers of the debates really enjoy it. McKinney and Carlin (1994) used focus groups to examine the 1992 debate series. They discovered that voters were interested in seeing a significant amount of clash as long as the exchanges were structured. If clash is a primary reason that voters tune into a debate, then it

should be worthwhile to examine how these exchanges take place and on what issues.

This paper will focus specifically on the clash present in both the 1960 and 2000 debate series by exploring the specific points of clash that define each exchange. It will first provide some insight into the unique context of each of these historically significant debate series. Second, the paper will discuss the contributions and limitations of the extant literature. Third, it will provide a theoretical framework for examining debate clash and discuss the specific methods used to analyze the debate texts in light of the theory's basic tenets. And last, the paper will offer the results of the textual analysis and discuss the implications of the results.

### The 1960 and 2000 Debates

In 1960, the first ever televised presidential debate aired. Networks wanted to model these exchanges after the 1948 primary debate between Thomas Dewey and Harold Stassen. However, the primary debate had some limitations that made it less than desirable for a major television event. For one, the 1948 radio debate included twenty minute opening statements by the candidates followed by eight and a half minute rebuttals. Vice-president Richard Nixon and Senator John F. Kennedy both recognized that this would not have appealed to the television viewers. They negotiated changes in the format that would cut the opening statement down to eight minutes followed by alternating questions put to the candidates by journalists. Another limitation of the 1948 primary debate was that it centered entirely on the discussion of a single foreign policy issue. Nixon and Kennedy both agreed that this was a poor option because it might lead to slips of the tongue that would embarrass our international allies. Four debates were held between September 26th and October 21st of 1960. All of the debates had a similar format, but debates one and four omitted the opening statements and moved directly to the alternating questions (Kraus, 2000). Benoit and Harthcock (1999) report that the primary function of the 1960 debate for both Nixon and Kennedy was to acclaim their own achievements less often than to attack those of their opponent. Whether acclaiming or attacking, both candidates most often discussed policy rather than character issues. Though this finding points to a more congenial debate, Ellsworth (1965) found that the debate was much more confrontational than both candidates' acceptance addresses and stump speeches. The debates provided the candidates with an opportunity to directly question each other and to respond to any attacks. While future debates would make the 1960 debates look less argumentative, the Nixon/Kennedy debates were the first presidential debates to pit two candidates against each other on national television. The very purpose of the debate was to create a forum where the candidates could engage each other in face-to-face debate.

The 2000 debate series was very different from the 1960 debates. In 2000, there were three debates at the presidential level and, because of changes in format, each was more conducive to direct clash. Participating in the debates were Vice-president Al Gore and Texas Governor George W. Bush. Gore had a slight lead going into the first debate and was expected to emerge victorious because

of his previous debate experience (McKinney, Dudash, & Hodgkinson, 2003). In the first debate, the candidates stood behind lecterns while the moderator asked alternating questions. The candidates would have time to respond after which the moderator was given time to follow up with additional questions. The second debate was the first of its kind. The moderator, Jim Lehrer, was seated across from the two candidates in what Lehrer labeled a “conversation.” The candidates were not too confined by rules, with the only restriction being a two minute time limit on each response. The third debate was patterned after the 1992 and 1996 town hall debates. The moderator would select questions that were originally submitted by a carefully chosen group of undecided voters. Candidates had two minutes to respond to each question. The rules allowed the moderator to ask follow-up questions, but the voters were not allowed to ask additional questions. Unlike the 1960 debates, there were more opportunities for clash because each candidate had an opportunity to comment on his opponent’s response. Additionally, when Lehrer felt that a candidate was being evasive, he would follow up with a clarification question that was essentially aimed at redirecting the candidate toward a more complete answer. A few studies address the issue of clash in political debates. What follows is a discussion of the relevant literature and an assessment of the strengths and limitations of this scholarship.

#### Literature on Campaign Debate Clash

While some may not see a huge difference between the terms “debate” and “clash,” the literature certainly reveals various distinctions between the two. Carlin (1989) began a discussion about whether a political debate should be labeled a debate at all. She begins by citing the critics who argue that debates are merely “joint appearances” or “orchestrated” news conferences” (p. 208). She contends that political debates actually meet many of the requirements established in varying definitions of the activity. One of the primary features of a debate is that it involves participants on opposing sides of a conflict. In campaign debates, there’s no question that members of the two major parties have opposing views on many policy issues. Another feature is that participants “adhere to a formalized set of rules to present their ideas.” Candidates always negotiate a strict set of guidelines that are to be enforced during each debate. The third requisite for a debate is that “a third party is the target of candidates’ messages” (p. 209). Carlin (1989) identifies the third party as the panelists who pose the questions to candidates, but this can also consist of voter-questioners (town hall format), viewers at home, or all variety of media analysts.

But can a political debate be devoid of clash or is it simply intuitive that a political event deemed a “debate” will certainly contain moments of direct argumentation between candidates? Though some debates contain less instances of clash than others, the structure of a debate usually provides the opportunity for clash. Many of the criticisms of current debate formats aren’t without substance. Often, candidates do stand close to each other in a debate, each spouting off memorized answers to given questions; and one candidate’s answer might be the opposite of the other candidate’s response. Does this count as clash if neither candidate engages in the process of comparing the two positions and showing

how they are different from each other? Some studies help to further define what it means to engage in clash. Benoit and Wells (1996) explain that instances of clash occur in exchanges where an attack is made and a defense follows. They argue that an attack consists of two elements: 1) A candidate identifies a harmful that has been committed; and 2) The candidate attributes responsibility for the act to his opponent. Defense consists of the basic strategies offered in the apologetics literature. Some of these include denial (I didn’t do it), bolstering (The good things I’ve done outweigh the bad), defeasibility (I didn’t know what I was doing), and mortification (I’m sorry). While their work is valuable in identifying some instances of clash, not all clash centers around an attack, at least not an overt one. Sometimes candidates will engage in a process of comparison where they will argue: “Your plan is okay, but mine is much better.” Though this does begin to attack the opponent’s policy goals as being inferior, it doesn’t seem to be consistent with the examples of attack offered by Benoit and Wells (1996). These attacks go much further, revealing shortcomings in the opponent’s policy proposals or his character.

Carlin, Morris, and Smith (2001) and Ellsworth (1965) utilize a category scheme that contains different types of clash. Ellsworth (1965) uses six clash categories, but Carlin et al (2001) use nine categories, adding an additional three categories for instances labeled “non-clash.” The six clash categories include: 1) Candidate’s analysis of his own positions; 2) Candidate’s analysis of his opponent’s position; 3) Candidate’s extension of an earlier statement of his own position; 4) Candidate’s extension of an earlier statement on his opponent’s position; 5) Candidate states his position and the opponent’s and compares them; and 6) Direct statement to the opponent. The non-clash categories include: 1) Analysis of self, opponent, or world not linked to policy or character; 2) Candidate states a policy without analysis of the position; and 3) Statements that function to follow rituals.

The research reveals, to no one’s surprise, that candidate’s do engage in fair amount of clash. However, for any content analysis, the category scheme must be mutually exclusive and exhaustive (Riffe, Lacey, and Fico, 2001). The above categories are fairly exhaustive in the way that they allow for almost every utterance in the debate to be labeled. Carlin et al (2001) concede that there is some overlap in the application of the “direct statement to opponent” and the “statement of opponent’s position” categories. They claim that instances containing this ambiguity should be “double coded.” This coding decision could have a significant influence on the frequencies reported. This blurring of lines between categories should give coders a difficult time, but the authors report high levels of reliability. Perhaps this is because they report average intercoder reliability. Some categories are more clearly illustrated than others. These more obvious categories might function to counteract a severely low reliability on the more vague categories. Difficulties such as these do not show up in the final number reported for reliability. Additionally, labeling of “candidate’s statements on their own positions” as a clash category lacks justification. Clash is ordinarily defined as an instance where two opposing views meet. This category allows utterances that aren’t addressed by the opponent to be labeled clash. If Gore argues that he

is in favor of a 20% income tax cut for the middle class and Bush changes the subject to his policy on health care, the exchange should not be classified as clash, yet would be under the categories offered by Carlin and her colleagues.

The literature is limited in its explanation of what constitutes clash and on which types of issues clash usually occurs. Because of these limitations, this paper seeks to test the application of Stasis theory, which provides four distinct categories to explain the specific points at which clash (stases) take place. If a textual analysis of the 1960 and 2000 debates reveal the presence of these points of stasis, future studies can seek to apply the categories using broader content analytic methods.

### Stasis Theory

Researchers of political campaign debates have drawn on many theories outside of their immediate area of specialization to explain the content and effects of these events. Theories such as Uses and Gratifications (Rosengren, 1974), Third-person effects (Tiedge, Silverblatt, Havice, & Rosenfeld, 1991), and Agenda-setting (Cohen, 1963) have all been borrowed from mass media scholarship to explain antecedent conditions contributing to the generation of debate content and the effects of such content. Interpersonal theories such as Expectancy Violation and rhetorical theories such as Aristotle's canon of invention have been used to explain communication happening in political debates. But despite the extensive borrowing of theory from outside interest areas, some important theoretical frameworks have yet to be applied to the study of political debates. One example is Stasis theory, which was first introduced by Hermagoras, developed later by Aristotle, and eventually borrowed by Cicero for use in *De Inventione*. The word stasis comes from the Latin meaning "standstill" or "conflict." Most people see it as the point of "clash" where two opposing arguments meet. It is the single most important point of order that must be resolved before a conclusion can be drawn. The theory has been most commonly used to examine points of clash in legal argumentation, since the courts in ancient Greece and Rome were an ideal locale for citizens to resolve disputes.

Stasis theory says that there are essentially four questions that can be asked about a specific point of clash. The first question deals with conjectural issues or issues of fact. For example, does something exist or is it true? The second question deals with definitional issues. One might ask about a certain object's component parts or what some examples of it might be. The third question deals with qualitative issues, meaning issues of quality. For example, is it good or bad, right or wrong? The fourth question deals with procedural or translative issues. In debating translative issues, it might be argued whether a particular person has the power to rule on an issue or if the procedure proposed for enactment is faulty.

While Stasis theory was, and still is, appropriately applied to forensic types of argument, it seems perfectly suited for other studies whose central questions explore the nature of clash between rivals. Contemporary political debate research has thus far only discovered the frequency of clash in a given contest and perhaps the major topics that serve as the impetus to argumentation. Stasis the-

ory not only furthers discussion of the content at the heart of each point of clash, but also provides labels for specific types happening in political debates.

Here are just a few literal and hypothetical examples to illustrate the theory. A point of conjecture for candidates engaged in a debate might be whether or not the deficit is rising, inflation is up, jobs are down, or the threat of terrorism still exists. A point of definition emerged in one of the 2000 presidential debates between Gore and Bush when Gore asked Bush how he felt about affirmative action. Bush proceeded to clarify the term "affirmative action" before agreeing with Gore's interpretation of the term. Some questions of quality that might also emerge. What is the impact of terrorism on U.S. security? What effect will a congressional gridlock have on the ability of the president to push through his agenda? How significant is the problem of inter-city crime? Translative issues might center on procedural issues of the debate, such as who has the right to ask questions or how much time is allowed. They might also regard procedures that the candidates promote for correcting the ills of the nation, such as their specific policy proposals. An inquiry into the specific points of stasis in the 1960 and 2000 debates seems to call specifically for rhetorical analyses or content analyses that look at the implications of such "points of clash" or the overall frequency of their use. Therefore, the rhetorical analysis conducted in this study is meant to be exploratory. It is designed to test the application of the categories of Stasis theory to presidential debates in order to pave the way for future study.

The text of the 1960 and 2000 presidential debates were collected from the website of the Commission on Presidential Debates ([www.debates.org](http://www.debates.org)). Four debates were analyzed from 1960 and three debates from 2000. The analysis was done in three stages. First, the debates were read without consideration as to the specific categories that might be applied to instances of confrontation. Places in the debate that met the following requirements were unitized for further analysis. First, positions introduced by the candidates had to be in direct opposition to each other. If one candidate proposes a solution to a specific problem and the other candidate offers an alternative solution, the positions are considered to be opposing. If one candidate makes an affirming statement about his own policy goals or attacks the opponents policy position, it is not considered a clash unless the targeted candidate directly replies to the attack. Second, each point of clash had to revolve around a single issue. Cicero argues in *De Inventione*: "No issue or sub-head of an issue can have its own scope and also include the scope of another issue because each on is studied directly by itself." There is some difficulty in determining what constitutes an issue because there are broad issues, such as education, and there are sub-issues within the broader issue, such as school vouchers, mandatory testing, and teacher salaries. In this analysis, the primary focus is on the broader issues, which include major issues emphasized by both candidates. Third, it does not matter if there is a temporal gap between opposing arguments. Often, one candidate will attack his opponent, but the guidelines of the debate prevent him from responding for several minutes. Despite intervening discourse occurring between the attack and defense, the instance of clash can still be adequately identified. During the second reading, I re-examined the marked instances of clash and attempted to label them as con-

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[www.dsr-tka.org/](http://www.dsr-tka.org/)

jectural, definitional, qualitative, or translative. The third reading was done in an effort to determine if particular patterns were evident that would illuminate differences between the two series of debates. The followings sections provide some textual excerpts to illustrate the specific points of stasis occurring within the seven debates.

### Points of Stasis in the Debates

There are examples of clash on each point of stasis from both series of debates. Due to space limitations, I will paraphrase the argument that triggered the dispute and then provide textual excerpts of the candidates' responses that generated the clash.

### Conjecture

Issues of conjecture center on whether something exists or not, or whether something is true or not. There were several instances of clash on conjectural issues. In the first Nixon/Kennedy debate, Kennedy made the argument that since the advent of the Eisenhower administration, America has been standing still. To this, Nixon replied:

I think we disagree on the implication of his remarks tonight and on the statements that he has made on many occasions during his campaign to the effect that the United States has been standing still...Is the United States standing still? Is it true that this administration, as Senator Kennedy has charged, has been an administration of retreat, of defeat, of stagnation? Well, we have a comparison that we can make. We have the record of the Truman Administration of seven and a half years and the seven and a half years of the Eisenhower Administration. When we compare these two records in the areas that Senator Kennedy has discussed tonight, I think we find that America has been moving ahead.

The point of stasis is the central component of a clash that must be resolved in order for the argument to reach its logical conclusion. In this example, the issue that must be resolved is whether or not America is standing still. The dispute centers on the truth or falsity of a factual claim. If Kennedy had argued that America is making less progress than other countries in the world, it would have been more qualitative, yet he begins the dispute with a conjectural declaration.

Another example of a conjectural point of clash took place in the third debate between Bush and Gore. Bush argue that under Gore's tax plan, 50 million Americans would get no tax relief. Gore's only reply was "that's not right." It was a short exchange that hinged on a single factual detail. When Bush made the attack, the implication was obviously that it is bad to enact a policy that doesn't provide tax relief to so many voters, yet he doesn't say it. As a viewer of the debate, we might assume that he is making a qualitative statement that establishes the harmful nature of Gore's policy, but it is the voters who are supplying this conclusion. It is merely implied by Bush. As long as Bush doesn't provide any additional analysis, the point of stasis remains a conjectural one.

A third example of conjecture comes from the first Bush/Gore debate. Bush made the argument that Gore doesn't support mandatory testing for schools, but rather voluntary testing. Gore provided this response: "First of all, I do have

mandatory testing. I think the governor may not have heard what I said clearly. The voluntary national testing is in addition to the mandatory testing that we require of states. All schools, all school districts, students themselves, and required teacher testing." This argument also centers on a point of fact. The issue is simply whether Gore supports mandatory testing in schools. It doesn't center on the negative implications of this position, why mandatory testing should be the policy of choice, or what "mandatory" really means.

### Definition

A definitional dispute deals with what something means or what its components are. A dispute of this kind occurred in the first Bush/Gore debate as well. When Bush was asked about the types of judges that he would appoint to the Supreme Court, he said that he will put competent judges on the bench who are "strict constructionists." Gore took issue with his use of the term by arguing:

We both use similar language to reach an exactly opposite outcome. I don't favor a litmus test, but I know that there are ways to assess how a potential justice interprets the Constitution. And in my view, the Constitution ought to be interpreted as a document that grows with out country and our history. And I believe, for example, that there is a right of privacy in the Fourth Amendment. And when the phrase "a strict constructionist" is used and when the names of Scalia and Thomas are used as the benchmarks for who would be appointed, those are code words, and nobody should mistake this, for saying the governor would appoint people who would overturn Roe v. Wade.

In this example, the point of stasis is on the meaning of a single two-word phrase. The exact meaning must be established before voters can know which types of judges Bush will really appoint to the Supreme Court.

A second argument centering on the definition of a word occurred in the third Bush/Gore debate. Bush argued that he didn't support quotas in the employment process. Gore responded: "Affirmative action isn't quotas. I'm against quotas, they're illegal. They're against the American way. Affirmative action means that you take extra steps to acknowledge the history of discrimination and injustice and prejudice and bring all people into the American dream because it helps everybody, not just those who are directly benefitting." To this Bush answered: "If affirmative action means quotas, I'm against it. If affirmative action means what I just described what I'm for, then I'm for it. You heard what I was for. The vice-president keeps saying I'm against things. You heard what I was for, and that's what I support." The instance of clash might indirectly address some points of fact or quality, but its primary focus is on what is meant by the term "affirmative action." Only by resolving this question does the dispute reach its natural conclusion.

### Quality

Issues of quality center on whether some is good or bad, right or wrong, significant or insignificant. In the first of the Kennedy/Nixon debates, Kennedy proposed several solutions to improve medical care for the elderly. Nixon argued that Kennedy's policy proposals would be counterproductive and actually

hurt those people that they claim to help. Nixon said: “And so I would say that in all these proposals Senator Kennedy has made, they will result in one of two things: either he has to raise taxes or he has to unbalance the budget. If he unbalances the budget, that means you have inflation, and that will be, of course, a very cruel blow to the very people—the older people—that we’ve been talking about.” The point of stasis is moved from fact to quality at the point that Nixon attaches a negative implication to the policies offered by Kennedy. If he had simply argued that the policies wouldn’t work, it would be a point of conjecture.

In the third Kennedy/Nixon debate, Kennedy argued that the Eisenhower administration hasn’t done enough to encourage disarmament between the United States and the Soviet Union. Nixon vehemently denies the attack and stresses the significance of the contributions made by the administration. Nixon argued:

There isn’t any question but that we must move forward in every possible way to reduce the danger of the war; to move toward controlled disarmament; to control tests; but also let’s have in mind this: when Senator Kennedy suggests that we haven’t been making an effort, he simply doesn’t know what he’s talking about. This has been one of the highest level operations in the whole State Department right under the president himself. We have gone certainly the extra mile and then some in making offers to the Soviet Union on control of tests, on disarmament, and in every other way.

The point of stasis centers on quality because Nixon argued that the Eisenhower administration went further in promoting disarmament than they were required to. It enhances the significance of the achievement. Simply encouraging disarmament would be a point of fact, but encouraging disarmament beyond public expectations is an issue of quality.

### **Translative**

Translative issues always hinge on what should be done in a given situation. It asks who is responsible for dealing with a set of circumstances and what procedures should be enacted to address the problem. In the second Bush/Gore debate, Gore argued that he believes that a gun-free zone should be established in all schools and that child safety trigger locks should be a mandatory requirement. Bush provided an alternative proposal to the same problem. He said:

Well it starts with enforcing law. When you say loud and clear to somebody if you’re going to carry a gun illegally, we’re going to arrest you. If you’re going to sell a gun illegally, you need to be arrested. If you commit a crime with a gun, there needs to be absolute certainty in the law. And that means that the local law enforcement officials need help at the federal level. Programs like Project Exile where the federal government intensifies arresting people who illegally use guns.

The point of stasis centers on the necessary procedure for dealing with the gun issue. In this case the procedure is to “get tough” on those individuals who illegally carry guns. Bush and Gore offer different solutions to the same problem. Resolution of this clash depends on settling which procedure is correct for handling the problem.

Another translative point of clash took place in the third Bush/Gore debate. Both candidates debated the necessity of government control in health care. Gore’s contention was that a national health care plan was needed from the federal government. Bush argued: “I’m absolutely opposed to a national health care plan. I don’t want the federal government making decisions for consumers or for providers. I remember what the administration tried to do in 1993. They tried to have a national health care plan. And fortunately, it failed. I trust people, I don’t trust the federal government.” In this example, the point of clash is whether the federal government should be granted the power to control health care or if this power should be relegated to the people.

### **Implications**

Differences in the points of stasis between the 1960 and 2000 debates are not entirely clear. Without generating frequency data to explain the prevalence of the strategies used in both series, it is impossible to know how they truly differ. However, it seems appropriate to point out some potential differences they may exist. First, very little of the clash in the 1960 debate series centers on qualitative or definitional issues. Kennedy and Nixon may have had fewer opportunities to engage in definitional clash because of the format of the 1960 debates. Even though the candidates had negotiated for much shorter opening statements and response times for individual questions, their statements were still relatively lengthy. The candidates would often cover several issues in each response. When a candidate was forced to reply to one of these lengthy messages, they would usually choose one or two of the major ideas in the opponent’s statement to address. Because definitional issues are often considered to be more trivial than issues of fact or procedure, candidates may have been less inclined to address discrepancies in the language choices made by the opponent. Additionally, Kennedy and Nixon may have focused less attention on issues of quality because it often requires comparison between two positions. The length of responses may have made it more difficult to make these comparisons. Instead, the candidates dedicated much of their time asserting their own positions. This lack of policy comparison is consistent with previous literature that portrays the Kennedy/Nixon debates as congenial (Benoit & Harthcock, 1999). More policy comparison would have likely created a more confrontational tone to the 1960 debates. However, this negative tone never transpired.

The 2000 debates contained all four points of clash. Many of them were conjectural and translative, but all were represented. Each strategy served a unique purpose. Candidate clash occurs on conjectural issues because the validity of claims is often based on factual evidence. If the factual support for a claim is established as untrue, the claim of the candidate is dismissed and credibility is likely damaged for other claims. Clash on translative issues is important because it establishes the workability of particular policy proposals. Candidates must convince voters that their proposals are based on sound reasoning. If an opponent can convince the debate viewers that a procedure for remedying a social ill won’t work or that there is a superior alternative, they may stand a better chance of defeating that opponent. Issues of quality are important because it may not be

enough for a candidate to establish that a policy won't work. They must establish that the policy can cause significant harm. On the other hand, when touting their accomplishments, it may not be enough to show that an enacted policy was merely adequate, but that it generated significant positive results. Clash that takes place on the meaning or definition of terms can happen for a variety of reasons. One reason is that a candidate feels his position has been misrepresented by the opponent. The candidates must clash on the precise meaning of words used to describe that position. Definitional points of clash can also occur because a candidate has been cornered into conceding an argument that they didn't want to concede. For example, Bush was allowed to admit that he supported the basic philosophy of affirmative action without technically supporting it because of the ambiguity with which the term was defined.

In conclusion, I would like to return to the initial justification of this project, which was to explore the reasonableness of future applications of Stasis theory using other methodological approaches. The points of stasis, namely conjectural, definitional, quality, and translative were all present in the debates. There were some difficulties in determining at what point a conjectural point of stasis becomes a qualitative point of stasis; however, future studies, particularly content analyses, can further develop the category definitions as well as specific rules for the coding procedure. While previous literature sets up parameters for identifying when a clash occurs, few studies have thus far identified what types of issues those clashes center on. Hopefully, this study is a step toward a closer examination of those specific instances of candidate clash.

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## The Role of Spokesperson in Ambiguous and Complex Crises: The CDC and Anthrax

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### Abstract

This study evaluates the role of spokespersons in complex organizations facing ambiguous crises. Specifically, the Centers for Disease Control and Prevention's (CDC) response to the anthrax crisis in 2001 is offered as a case study. A content analysis of the print media coverage of the anthrax crisis reveals that many claiming affiliation with the CDC spoke on behalf of the organization, resulting in what appeared to be a fragmented CDC message. The study concludes that the CDC's failure to provide a central spokesperson contributed to the ambiguity of the situation.

### Introduction

Nearly all organizations may at some point face crisis situations (Cohn, 2000). For the purpose of this study, crisis is defined as a "specific, unexpected, and nonroutine event or series of events that create high levels of uncertainty and threaten or are perceived to threaten an organization's high-priority goals" (Seeger, Sellnow, & Ulmer, 1998). Ideally, organizations respond to crises with plans for communicating important information to stakeholders and public audiences (Olaniran & Williams, 2001). For public or governmental organizations, a primary purpose of crisis communication is the reduction of public uncertainty and anxiety by dissemination of timely and accurate information on which an informed public can act (Sellnow, Seeger, & Ulmer, 2002).

If effective crisis communication plans are used when an emergency arises, the organization has a better opportunity to meet its obligations to all stakeholders and minimize the damage such events can do to reputation, image, and credibility (Fearn-Banks, 2002). Communicating such information in an orderly and precise manner is paramount. Hence, most crisis management plans encourage the appointment of a primary spokesperson to share consistent messages with the public (Coombs, 1999; Kaufman, Kesner, & Hazen, 1994; Benoit, 1997; Turner, 1999; Rugo 2001). Should the public lose trust or confidence in a public organization, the ramifications can be distressing. A case in point is the Centers for Disease Control and Prevention's (CDC) response to the 2001 anthrax crisis.

On October 4, 2001, the CDC in Atlanta, Georgia, released a statement announcing that the death of Bob Stevens, of Boca Raton, Florida, was due to a suspected case of inhalational anthrax. In the months following, as the anthrax

attack became international headline news with front-page billing, the CDC came under intense scrutiny for its handling of the crisis.

Initially, the CDC assumed the first case of inhalational anthrax, which occurred in Florida, was an isolated incident, with good reason. The US had experienced only 18 cases of inhalational anthrax in the previous century. Within days, however, as the anthrax attack spread to the Capitol, the CDC recognized it was engulfed in a full-fledged crisis.

This study examines the role of spokespersons for the CDC in the print media as the crisis unfolded. The print media was selected because of its wide distribution and its availability. Throughout the crisis, three types of spokespersons emerged in the print media: 1) official and formal CDC sources, including administrators of the CDC and its official spokespeople; 2) unofficial CDC sources, including supra resources such as CDC lab workers, Department of Health and Human Services (HHS) staff (those employees or staff of the HHS and CDC not authorized to comment or report on anthrax and the investigation; and 3) unofficial and informal sources, including anyone called upon by the press to comment, including former CDC staff and non-CDC bioterrorist and anthrax experts.

In this study, we first provide a context for interpreting spokespersons during crisis situations. Next, we clarify the method for the study and reveal our key findings. We conclude with a series of conclusions and implications based on the study.

### Spokespersons in Organizational Crisis Situations

Although an organization cannot predict a crisis, it can implement strategies to effectively respond to the vagaries of such an event. By preparing a system of communication, an organization can quickly respond to the public's communication needs (Marra, 1998). If the press presents useful, rather than sensationalized, information on bioterrorism the public can make informed decisions (Covello, 1992; Osterholm & Schwartz, 2000; Seeger, Sellnow, & Ulmer, 2001). The best, most consistent information comes from the cooperation of all agencies involved (Osterholm & Schwatz, 2000). By including the organization's stakeholders in this multi-agency communication coordination, crises can be resolved more quickly and essential channels of communication can be created, resulting in greater understanding between the organization and its stakeholders (Seeger, Sellnow, & Ulmer, 2001). The ability to properly disseminate information may then minimize erroneous public theorizing and avoid unnecessary public alarm.

A crisis contingency plan helps expedite an organization's image restoration process (Benoit, 1997). Such a crisis contingency plan should be based on what has been effective in past models. Effective strategies include three aspects. First, the organization should be willing to share information. Failure to provide information promptly can result in serious negative repercussions to the organization's image and finances (Marra, 1998), while sharing information increases the organization's credibility. Second, legitimacy can be regained when an organization is willing to accept responsibility for harmful mistakes (Hearit, 2001;

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Sellnow, Ulmer, & Snider, 1998). Finally, an organization must be flexible enough to meet the diverse needs of its different stakeholders (Benoit, 1997; Sellnow & Ulmer, 1995; Covello, Peters, Wojtecki, & Hyde, 2001). To avoid the threat of imposed legislative changes, an organization's crisis plan can be designed to accommodate change in order to meet the needs of outside parties (Gaunt & Ollenburger, 1995). A successful public information campaign can help the organization regain public trust (Sellnow & Ulmer, 1995), as well as keep the public informed and involved (Covello, 1992). In a health threat situation, an effective plan lets the public know how best to reduce their personal health risk (Heath & Abel, 1996a).

Identifying and presenting a centralized message can often avoid the detriment caused by conflicting messages. Organizational procedures established to meet the needs of the media are a key variable in this process. In cases of a crisis with widespread public interest, the press needs information quickly. Journalists are likely to seek out members of an organization who can provide that information (Covello, 1992). Organizations should try to accommodate them (Balian, 1999). The intense media scrutiny may make controlling the message difficult because different members of an organization have different levels of knowledge (Heath & Abel, 1996b). Because of this, all levels of employees should be informed on the organization's message (Turner, 1999). If the organization has multiple people releasing information, message and time of release should be coordinated (Balian, 1999). To avoid a lapse in the stream of information, an organization's communication with all involved parties—employees, investors and shareholders, and the media—should be continuous. This approach to information sharing reduces the risk of miscommunication or confusion regarding the organization's intended messages (Burton, 1989; Turner, 1999). Coordination with other organizations sharing a common general goal is as important as coordination within an organization. Because different organizations may have different, even incompatible, agendas, one organization should be in charge during a crisis (Osterholm and Schwartz, 2000). In risk situations, apparent disagreements between agencies can lead to public mistrust. Coordinating organizations need to work together from the early stages of a crisis to make sure the public receives clear, consistent messages. Risk communication training for all involved organizations is helpful. Indirectly involved, yet trusted, third party voices lending support to the centralized message will also help achieve the desired result of a credible and consistent message (Covello, Peters, Wojtecki, & Hyde, 2001).

An effective way for an organization to manage the messages it provides to the public is to have a single spokesperson (Kaufman, Kesner, & Hazen, 1994; Benoit, 1997; Turner, 1999; Rugo 2001). Having more than one spokesperson can result in mixed and confusing messages (Kaufman, Kesner, & Hazen, 1994). While a spokesperson should be a top executive in an organization (Turner, 1999) in some situations, the CEO may not be the best person for that role (Kaufman, Kesner, & Hazen, 1994). Whether or not an executive officer should be the spokesperson depends on the severity of the crisis and the executive's willingness to risk public scrutiny (Rugo, 2001). If not the CEO, the spokesper-

son should be an industry expert and ally to the organization (Rugo, 2001). At the very least, the spokesperson should have a positive outlook toward both the press and the organization (Balian, 1999) and be both knowledgeable and flexible in the messages he or she provides (Murphy, 1996). To act quickly, a spokesperson must be an autonomous (Marra, 1998), experienced, and media-trained person who is well informed, prepared, and self-controlled (Rugo, 2001; Nicolazzo, 2001). The key to public receptiveness of a spokesperson is credibility. Covello, Peters, Wojtecki, and Hyde (2001) state that not only do spokespersons need to be trustworthy; they must also be the best persons to communicate messages of risk. If more challenging information needs to be communicated with a sense of credibility, a technical expert can be trained on message delivery and supported by an experienced spokesperson (Heath, 1995). The public attributes low credibility to government and industry spokespersons. It views governments as having insufficient resources to meet the public demands and public agencies as conflict ridden and inadequate (Covello, 1992).

**Method**

Using three online databases (Lexus-Nexus, Infotrac, and the Electric Library), 503 anthrax and CDC-related news stories appearing in major US newspapers from September 1, 2001, through February 25, 2002, were examined. These databases were selected based on their comprehensive indexing of a wide variety of major newspapers throughout the United States. The search focused on the words "CDC" and "anthrax." The authors read each of the articles to identify instances where a CDC spokesperson was identified. A speaker was not identified as a CDC spokesperson unless the speaker was described in the news article as having some affiliation with the CDC. The identity of the spokesperson and their relationship to the CDC was recorded (see Table 1).

**Table 1: Number of Representatives and Appearances Totals**

Number of Appearances:	1	2	3	4	5	6	7	8	10	11	15	20	22	41	51	111
	41	13	7	3	3	2	2	1	2	1	1	1	1	1	2	1

**Discussion**

The data collected during this study indicate the CDC was faced with an ambiguous and complex crisis making it nearly, if not completely, impossible to consistently follow basic crisis communication principle of maintaining a centralized spokesperson during the crisis.

*CDC Spokespersons*

Perhaps the most telling symptom highlighting the CDC's incapacity to follow traditional crisis communication principals was its inability to control the number of representatives speaking to the media. Table 1 indicates that 81 different individuals were cited by name and title as spokespersons for the CDC during the crisis. CDC Director Koplan and HHS Secretary Health and Human

Services (HHS) Tommy Thompson<sup>1</sup>, were quoted most frequently, while 79 other representatives were quoted at least once, some as many as 41 times. The media appeared to have unfettered access to a large number of CDC employees. The result was less than ideal. Because so many individuals spoke freely, apparently in many cases without the assistance or guidance of trained public relations personnel, the CDC was unable to control the consistency of its public messages.

With so many different speakers, confusing and contradictory messages damaging to CDC's image and reputation were inevitable. The *San Francisco Chronicle* summed up the situation, stating, "There has been no single, comparable authority on the bioterror attacks at home. The CDC has appeared reluctant to step into the breach, allowing mixed messages to go through state and local health agencies" (Hall & Stannard, 2001).

Another troubling spokesperson issue for the CDC was the imposition, by outside authorities, of a limit on who could respond to the press at the onset of the crisis. The Atlanta Journal and Constitution reported October 28, 2001, that "privately, CDC staff say they were kept from speaking out in the early days of the outbreak by orders from HHS" (McKenna, 2001). Further, the Boston Globe reported, "In the first two weeks of the anthrax crisis, senior Bush administration officials told both Koplan and Surgeon General David Satcher to remain publicly silent" (Donnelly, 2001). As seen in Table 1, HHS Secretary Tommy Thompson was the second most quoted spokesperson during the crisis. While he had oversight responsibility for the CDC, he is not a physician, an epidemiologist, or an expert in bioterrorism, and therefore in several cases, he appeared ill equipped and unprepared to answer sophisticated medical questions while serving as a principal CDC spokesperson. Some of his remarks were inaccurate or misleading, a fact quickly identified and chronicled by the media. For example, he commented that the nation should be on the lookout for "mysterious health symptoms," and was roundly criticized by the media for feeding hypochondria (Morse & Stoltz, 2001).

A principal focus of crisis communication is the dissemination of centralized messages. Conveying centralized messages is vital as it represents a primary opportunity for an organization to tell its story. Early in the crisis, the CDC was successful in conveying the message that it was inadequately funded, ill equipped, and poorly housed. Shortly thereafter, President Bush visited the CDC's Atlanta offices and Congress passed a bioterrorism finance bill addressing the CDC's financial woes, providing it with a \$4.3 billion budget, approximately \$400 million more than the previous year (McKenna & Eversley, 2001).

This success was not repeated, as the CDC did not follow up with additional centralized messages. Instead of seizing the opportunity to broadcast its mission, scope, and role, the CDC's leadership took a more passive role, allowing staff to

<sup>1</sup> The CDC is under the supervision of the Secretary of Health and Human Services. Hence, Secretary Thompson was empowered to speak on behalf of the CDC during the anthrax crisis.

be characterized as hardworking medical sleuths or detectives (Russakoff, 2001 & McClam, 2001). Unfortunately, frustration over lack of progress in the investigation tarnished even this seemingly positive characterization of CDC staff.

The fragmented function of CDC spokespersons during crisis, summarized in Table 1, ultimately limited the CDC's ability to offer timely and consistent messages to the press. The Palm Beach Post emphasized this point, stating, "Good science is what you want from the CDC; good PR would be an added bonus" (Reid, 2001). The Boston Herald suggested that members of the CDC "are better at science than the bells and whistles of Web design and self-promotion," further supporting this finding (Brown, 2001).

### Contributing Factors

Clearly, the CDC did not meet the standards for effective spokespersons established in the crisis communication literature. To assume that this failure was completely due to error or poor planning on the part of the CDC, however, fails to account for the complexity of the anthrax crisis. In this section, we describe those factors that may have influenced or impaired the CDC's crisis communication.

The crisis was ambiguous because little was known about how widespread exposure to anthrax spores would affect the nation. The Atlanta Journal and Constitution reported, "When Bob Stevens, 63, a photo editor at the tabloid newspaper The Sun in Boca Raton, Fla., died Oct. 5 from inhaled anthrax, it was the first fatal U.S. case since 1976. Prior to that, only 18 cases of inhalational anthrax had been seen in this country during the past 100 years" (Seabrook, 2001).

In part, the CDC's spokespersons were limited in that they simply did not have the information the public was demanding. The CDC operated on the basis of the limited knowledge it possessed. It assumed "the inhaled form of anthrax could not be contracted through sealed letters" (Borenstein, Murphy, & Pugh, 2001). "[CDC] Director Jeffrey Koplan said it was 'highly unlikely to virtually impossible' for someone to develop pulmonary anthrax from spores that floated from one piece of mail to another" (Connolly & Nakashima, 2001). By stating its position in such absolute terms, the CDC calmed the fears of millions of Americans worried about contracting anthrax through the mail. But the calming benefit came at a high cost. When it became clear people who had been exposed to anthrax through the mail were becoming sick and dying, the CDC's previously conclusive position caused significant damage to its reputation and credibility. Senator Tom Harkin was quoted as being "upset because he had thought the CDC 'was really on top of this' and it wasn't" (Borenstein, Murphy, & Pugh, 2001). It was widely reported that Harkin told CDC Director Koplan, "Maybe I'm wrong, but it just seems to me that something broke down here or is broken down. It's obvious people are getting sick, people are dying, and we can't afford to keep letting this happen . . . I am very concerned about what CDC is doing and how they are operating" (McClam, 2001; McKenna, 2001).

In the political arena and among other US health professionals the news that people could contract anthrax by handling the mail resulted in an apparent widespread loss of trust in the CDC. The Washington Post reported that Health Commissioner George DiFerdinando acted against CDC advice when, on October 19, he “instructed all 1,000 postal workers at the Hamilton processing center to begin taking antibiotics as a precaution” (Russakoff, 2001). At the time, there was no evidence postal workers could contract inhalational anthrax by handling the mail and “officials in Washington were following the CDC’s advice not to treat postal workers” (Russakoff, 2001). Said DiFerdinando, “Epidemiologically, I had no data. This was a gut decision, and it’s the decision I’m proudest of” (Russakoff, 2001). Within three days, two postal workers “would die of pulmonary anthrax and [CDC] health officials would put thousands of District postal workers on antibiotics” (Russakoff, 2001).

In an attempt to restore its image, CDC Director Koplan defended his agency: “We had had no cases of inhalation anthrax in a mail sorting facility. There was no reason to think this was a possibility” (Meckler, 2001a). He took responsibility for the initial position on cross contamination and acknowledged it was flawed: “Knowing what we know today, would we have done things differently three or four days ago? Yes” (Borenstein, Murphy, & Pugh, 2001). Others helped by addressing this difficult situation. White House spokesman Ari Fleischer attempted to refocus the public’s attention on the real culprits, telling reporters, “The president believes the cause of death was not the treatment made by the federal government or the local officials, or anyone else, but the cause of death was the attack made on our nation by people mailing anthrax” (Meckler, 2001a). HHS Secretary Tommy Thompson was also quick to defend the CDC. He told Congress, “We’re going to err on the side of caution in making sure people are protected” (Meckler, 2001a). These quick and strongly supportive responses assisted Koplan and the CDC in restoring and repairing some of the damage caused by its initial stance on cross-contaminated mail.

The crisis was complex because of the context in which the attack occurred. Due to the September 11 terrorist attacks, the nation was sensitized, alert, and aware of the potential threat of new attacks. As the crisis matured, inhalational anthrax deaths occurred in Florida, New Jersey, New York, Washington D.C., and Connecticut. Cross-contaminated mail processed through the Brentwood, New Jersey, postal facility found its way to dozens of locations throughout the country.

The media’s heightened attention to the crisis generated an insatiable appetite for new information well beyond the CDC’s ability to fully satisfy it. Despite 26 telebriefings conducted by the CDC during the crisis, along with 24 formal CDC press releases, the media still sought statements and interviews from many current and former CDC personnel, sometimes to no avail. The Pittsburgh Post-Gazette implied as much when it commented, “CDC officials would not return numerous calls seeking comment” (Labs, 2001). We suggest the CDC did not intentionally ignore calls; rather, there were so many calls and so much media pressure that the CDC and their inadequate crisis communication systems were overwhelmed. Unfortunately, this void was often filled by infor-

mal CDC spokespersons who, because they lacked coordination and vital information, contributed to the fragmented communication of the CDC.

### Conclusions and Implications

Previous research concludes that proper crisis planning is essential and is characterized by the establishment of crisis communication systems before crises emerge. Such systems should be fashioned after historically successful plans and should include mechanisms allowing for continuous communication with all stakeholders through the media. Cooperation among involved agencies is also essential to resolve the crisis and provide greater understanding for all stakeholders.

Effective communication plans help organizations restore credibility because they exhibit a willingness to avoid secrecy and promptly distribute information. Successful plans encourage organizations to admit fault where necessary and accept responsibility, strengthening organizational legitimacy in the process. They allow organizations to be flexible to meet the diverse needs of all stakeholders, especially the public’s need for accurate information on how best to reduce personal health risk. Successful plans for public organizations present centralized messages, establish procedures to continuously meet media needs, educate employees to provide unified messages at appropriate times, call for risk communication training of senior staff, and include a mechanism to determine the appropriate lead agency. Having one specially trained, well informed, trustworthy, and credible spokesperson is ideal. Typically, the CEO or another senior leader of the organization is called on to serve this function and deal directly with the media.

The anthrax attack was a highly complex, difficult crisis fraught with ambiguity and uncertainty. The organizational structure of the CDC, with its multiple centers of expertise, when coupled with numerous investigative sites, made following many of these communication guidelines nearly impossible. The media’s insatiable need for information apparently led the CDC to allow media access to nearly all of its employees, without any coordination except for the message that the CDC was understaffed, inadequately housed, and poorly funded. Once Congress acted to resolve its financial concerns, the CDC could have identified a new central message. No new message emerged. Left to their own devices, the media pursued multiple avenues, putting the CDC in a poor light as the communication crisis seemed to spiral out of control. Subsequent contact with the media led to contradictory, confusing messages from different official and unofficial spokespeople. This problem was exacerbated when the CDC disseminated incorrect information about inhalational anthrax. With so many different voices speaking on behalf of the CDC, officially and unofficially, it was difficult for the CDC to convey its messages to the public and nearly impossible for the public to discern which messages were authoritative and which were not. Conflict with other governmental agencies such as Congress and Health and Human Services also hurt the CDC’s credibility and image.

### Implications

The CDC is not without fault in its mishandling of the spokesperson role during the anthrax crisis. Attempts to provide conclusive information before such statements were prudent weakened the CDC's credibility, yet crisis conditions made much of the standard advice for crisis spokespersons impractical. The CDC's experiences during the anthrax crisis suggest two implications. First, a combination of intense media pressure, active political involvement, multiple investigative sites, and public participation of equal yet independent elements of an organization make following existing guidelines on funneling all communication through designated spokespersons difficult if not futile. Much of the literature devoted to crisis communication is based on for-profit organizations with a focused group of stakeholders. The recommendations from this knowledge base cannot account for the intense scrutiny the CDC experienced during the anthrax crisis. Further research is needed to establish practical standards for operating in such a multi-faceted and complex organizational setting.

Second, when faced with a highly fluid, ambiguous situation, it becomes quite difficult and perhaps impossible to follow the major guidelines espoused in well-prepared, effective crisis communication plans. A willingness to share information, admit fault, accept responsibility, work to meet stakeholder needs, and inform the public on how to reduce personal health risk may not be enough to protect organizational reputation and credibility. Many Americans were terrified at the prospect of a bioterror assault through the government mail system. The demands placed on the CDC to offer immediate, accurate, and conclusive information were unattainable. Recognizing and sharing these limitations at the outset of a crisis may contribute to a public understanding of the communication constraints an organization is facing. Further study in this area is warranted.

Terrorism has long been understood as a potential source of organizational crisis. Nevertheless, the existing literature could not have anticipated the level of anxiety and scrutiny generated by the September 11, 2001 assaults and by the subsequent anthrax crisis. This study establishes one clear example of how the complexity of wide-scale terrorism makes it problematical for complex organizations to follow the established crisis communication guidelines. Future research should explore the unique needs generated by such horrific events.

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