The Evolution of Political Rhetoric: The Year in C-SPAN Archives Research

Robert X. Browning
Purdue University, rxb@purdue.edu

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THE EVOLUTION OF

POLITICAL RHETORIC
THE YEAR IN C-SPAN ARCHIVES RESEARCH
Robert X. Browning, Series Editor

The C-SPAN Archives, located adjacent to Purdue University, is the home of the online C-SPAN Video Library, which has copied all of C-SPAN’s television content since 1987. Extensive indexing, captioning, and other enhanced online features provide researchers, policy analysts, students, teachers, and public officials with an unparalleled chronological and internally cross-referenced record for deeper study. The Year in C-SPAN Archives Research presents the finest interdisciplinary research utilizing tools of the C-SPAN Video Library. Each volume highlights recent scholarship and comprises leading experts and emerging voices in political science, journalism, psychology, computer science, communication, and a variety of other disciplines. Developed in partnership with the Brian Lamb School of Communication and with support from the C-SPAN Education Foundation, this series is guided by the ideal that all experimental outcomes, including those from our American experiment, can be best improved by directed study driving richer engagement and better understanding.

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President Trump’s First Term: The Year in C-SPAN Archives Research, Volume 5
THE EVOLUTION OF
POLITICAL RHETORIC

THE YEAR IN C-SPAN
ARCHIVES RESEARCH

Volume 6

edited by
Robert X. Browning

Purdue University Press
West Lafayette, Indiana
To

James M. Barrett

Robert G. Gassert, SJ

James H. Scott

All undergraduate mentors
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FOREWORD

Last summer I had the pleasure of working at the British National Archives just outside of London. With the River Thames nearby and swans swimming in a small stream out front, I entered a highly regarded archive where visitors are greeted with a large banner encouraging them to “explore 1,000 years of history.” I was there to study the correspondence between Harry Truman and Winston Churchill in the lead-up to the Potsdam Conference held in July 1945. The National Archives lived up to its reputation. Not only were the top secret telegrams between Truman and Churchill, along with pages of notes and comments, preserved, but so were the handwritten envelopes in which the telegrams were delivered to Churchill. If something was missing from a folder, even an envelope, it was duly noted on the folder front.

This kind of comprehensive, meticulous archive is not just important to researchers. It is invaluable to the citizens of a country, allowing them to see for themselves how their government works.

The C-SPAN Archives offers us this same level of completeness and care. As the brainchild of Robert X. Browning, the Archives was founded in 1987 to create a record of public debate. Since that time it has grown to be an archive of the entire federal government, with over 262,000 hours of content accessible in its online Video Library. The C-SPAN Archives offers us an inclusive public record of American politics and American politicians. It is an open book to a world of historic videos, verbatim transcripts, Supreme Court oral arguments, Speaker of the House press conferences, and presidential remarks made at the White House and at campaign rallies. No other video archive offers this level of detail combined with easy accessibility.

The record the C-SPAN Archives offers is critical for our understanding of where we are in the evolution of American democracy—in this current age of information pitted against disinformation, the definitions of which are important
to grasp when considering the essential value of the Archives. Information is facts provided about someone or something. Disinformation is false or misleading communication that is spread deliberately to deceive. Never before have Americans been more challenged to monitor and understand the differences between these two types of communication. Fortunately for us the Archives provides the information so that we can discern what is truly disinformation. I frequently use the Video Library for this very purpose—to go back to the original transcript of what was said to compare it to what may be a completely different statement posted on Twitter or made during a press briefing just moments later.

This current volume of The Year in C-SPAN Archives Research, *The Evolution of Political Rhetoric*, represents a remarkable array of works examining the rhetoric of politicians and activists and adds invaluably to our understanding of what is information and what is disinformation. The chapters offer fresh analyses of committee hearings, which include debates on highly contentious Supreme Court nominations and impeachments, and an important look at how gender influences desirable floor time for members of the House of Representatives and White House press briefings. We also learn about politicians in action—from their campaign announcements to their videos posted on Twitter. The book allows us to consider how politicians framed Wall Street in the aftermath of the 2008 financial crisis and how activists worked on the issue of overpopulation in the 1980s and 1990s.

In this critical time in American politics, the C-SPAN Archives is more important than ever. Its chronicle of information keeps us all one step ahead of those who offer falsehoods as though they are truths. This volume is essential to helping us understand and not lose sight of the difference between the two.

*Lyn Ragsdale*
*Radoslav Tsanoff Professor of Public Affairs*
*Rice University*
The 2019 Center for C-SPAN Scholarship & Engagement (CCSE) research conference produced nine papers that use the C-SPAN Archives innovatively to explore important questions in communication, political science, and history. With each annual conference, the authors push the boundaries of new ideas and new technology, revealing new findings and techniques to analyze video, text, and data entries from the C-SPAN Video Library. This year was no exception.

With a theme of Looking Forward–Looking Back: Understanding Change in Policy and Process, these nine authors looked at the recent Supreme Court nominations, presidential impeachment, 2008 Wall Street crisis, presidential campaign announcements, gender differences in questions at White House news conferences, zero population growth rhetoric, women versus men speaking time in the House of Representatives, and the Twitter framing of the For the People Act of 2019. What unites all the pieces, besides their use of C-SPAN video, is the title of this volume, *The Evolution of Political Rhetoric*.

It is the rhetoric of senators questioning Supreme Court nominees Clarence Thomas and Brett Kavanaugh, as well as their accusers in their confirmation hearings nearly 30 years apart that brings insights into time and change. Presidential impeachment is clearly a timely topic, and one chapter looks back at the House rhetoric as members grapple with what is an impeachable offense.

The papers in section two of the book focus on rhetoric surrounding the major Wall Street Crisis of 2008, an important topic, but not a common one for social science. Interestingly we also find in this section that presidential campaign announcements we now take for granted since there were so many presidential candidates in 2020 have received very little analysis. How these candidates presented themselves creates a fascinating rhetorical analysis. Finally, we learn
how men and women approach their questioning in White House news conferences in different ways.

Finally, a historian uses the C-SPAN Video Library to examine how the rhetoric for zero population growth, a key element of the early environmental movement, emerged in early video programs. Data on how many times videos have been viewed allow two authors to analyze the differences between the exposure that male and female representatives receive for their floor speeches. A key piece of legislation for the 116th Democratic congressional majority was the For the People Act of 2019. It sought far-reaching reforms in elections, voting age, and gerrymandering. How members framed such an important piece of legislation is the subject of the last paper in this volume.

The Center for C-SPAN Scholarship & Engagement in the Brian Lamb School of Communication at Purdue University was created to foster research, teaching, and Engagement using the C-SPAN Archives. This annual research conference and resulting Purdue University Press volume represents a key element of our research effort. This volume certainly does not disappoint through the creativity, imagination, and research approaches of the authors.

One additional feature of this year’s conference was research presentations by three Purdue undergraduate students—Andie Slomka, Jordan Dirks, and Gracen Stanczykiewicz—who competed in the CCSE and Lamb School undergraduate research competition. Each presented a 5-minute overview of a communication topic they researched using the C-SPAN Video Library. These three presentations had been selected from ten refereed presentations by students who entered the competition. This feature, which will be continued again this year, introduces undergraduate students to research and exposes them to a professional conference where they present their research. These students demonstrate through their outside-of-class initiative that there is much that can be learned from the C-SPAN Archives at all levels. It is an extension of our classroom efforts to use C-SPAN video, but it requires extra research effort by exemplary undergraduate students.
ACKNOWLEDGMENTS

With every research conference sponsored by the Purdue University Center for Scholarship & Engagement (CCSE) and each resulting volume, there are so many people to thank. Each played an important role in making it all happen. Connie Doebele, managing director of CCSE, is so critical in her mastery of details and contributions to the elements of the conference. Without her, the conference would not be a success. Marifran Mattson, professor of communication and head of the Brian Lamb School of Communication, which sponsors CCSE, is a key supporter and idea person throughout the entire process, from planning through execution. Donna Wiremen and Rachel Ravellette assisted with many details of the program and behind-the-scenes work. Connie was assisted by the work of visiting scholar Peter Watkins and undergraduate students Manuel Arauz Ramirez, Andie Smolka, and Kaleigh Karageorge.

My communications colleagues, Professors Diana Zulli and William Bart Collins, helped review the submissions. Political science colleagues, Professors Jay McCann and Rosalee Clawson, served as discussants and commentators at the conference, as did Janel Jett, an accomplished graduate student in political science. Cherie Drake Maestas, professor and head of political science, lends support to the CCSE activities throughout the year. David Reingold, the Justin Morrill Dean of the College of Liberal Arts, is also an ardent supporter of the conference and the activities of the CCSE. Fara Stalker and Heather Holley from CCSE’s Business Office helped with all the financial details.

Communications Professor Josh Boyd conceived of the CCSE and Lamb School undergraduate research competition and moderated the impressive presentations of Andie Smolka, Jordan Dirks, and Gracen Stanczykiewicz, who won the competition in the spring and presented their research at the conference.

The C-SPAN Education Foundation once again provided the grants to the participants that enabled them to conduct the research and attend the conference.
Brian Lamb, Robert Kennedy, and Susan Swain, all officers of C-SPAN and the Foundation, help through their grant support and their support of the CCSE mission throughout the year.

The Purdue University Press, under the direction of Justin Race, remains committed to quality and timely publication of these volumes. With the assistance of Katherine Purple, Bryan Shaffer, Kelley Kimm, Nina Collins, Chris Brannan, Becki Corbin, Matthew Mudd, and Susan Wegener, the entire staff skillfully executes each step of the publishing process. Kelley Kimm adeptly edits the volume, resulting in a much better book than any of us could achieved alone. Thanks to all.

Robert X. Browning, Editor
Summer 2020
PART 1

A Look at C-SPAN
Programming With All Its “Madisonian Passion”

James A. McCann, Discussant

In any high school or college civics class in the United States, the first few lectures of a semester are sure to focus on the formal architecture of American governing institutions—how leaders are chosen, which branch has which particular rights and responsibilities, and how the three branches check and balance each other. No understanding of policymaking and representation in the United States would be complete without an appreciation of these powers and dynamics.

Introductory textbooks on American politics, however, tend at times to cover the guidelines of the U.S. Constitution as if one were detailing the workings of an assembly line or supply chain (. . . if the president has not signed a congressional bill within 10 days, excluding Sundays, it still becomes a law provided that Congress has not adjourned, but if Congress has adjourned, the bill has been pocket vetoed . . .). Such treatments can make the practice of politics seem formulaic and sterile, which, I suspect, leaves many students uninspired and unengaged.

But if one actually witnesses what checking and balancing looks like in “real life”—the polarizing reactions within Congress over various presidential actions, for example, or the rancorous disagreements over the qualifications of one or another nominee for the federal bench—one cannot help but be reminded of James Madison’s classic characterization of human nature in politics as laid out in Federalist No. 10. An individual’s reason was said to be inherently subjective
and connected to his or her “self-love.” Opinions and passions consequently “will have a reciprocal influence on each other; and the former will be objects to which the latter will attach themselves.” With its complete and unedited coverage of congressional debates and presidential activities, C-SPAN programming can make politics come alive, with all of its “Madisonian passion” on display.

As political scientists, our task is to follow in Madison’s footsteps by considering how representative institutions perform, and what the central dimensions of conflict between the branches tell us about the health of American democracy. The three chapters in Part 1 all contribute important insights in this regard. The first two focus on Supreme Court confirmations: Nadia E. Brown, Sarah Gershon, and Lauren Hanson-Figueroa’s “More Than Partisans: The Role of Identity in the Justice Kavanaugh Hearings” and Joseph Sery’s “Competing and Recurring Narratives: Crafting Credibility in the Confirmation Hill-Thomas and Ford-Kavanaugh Hearings.” The third considers the dynamics of impeachment: Matthew L. Bergbower and Robert Van Sickel’s “Partisanship Over Principle: The ‘Logic’ of Congressional Impeachment Inquiries.”

In their analysis of the Senate hearings on the Kavanaugh nomination, Nadia Brown and her collaborators question the conventional wisdom about the behavior of senators. Conventional accounts hold that disagreements over Kavanaugh’s fitness for the Supreme Court were all about partisanship. The final vote on the floor of the Senate certainly demonstrated a deep partisan divide, with only one Democratic senator breaking ranks to support the nominee. Brown and colleagues do not question the salience of partisan identities in this context. But they suggest that partisanship was not the only relevant identity in play during the hearings.

With the #MeToo movement in the backdrop, the chapter contends that gender identities were also key to understanding the discourse and positioning surrounding the hearings. As the authors state, “cultural meanings were not lost on the Senators.” A systematic compilation of comments raised at the hearings shows that Democrats were twice as likely as Republicans to bring up issues of character and credibility when commenting on Brett Kavanaugh. For their part, Republican senators were much more inclined to write off criticism of Kavanaugh as “just politics,” while being careful not to indict—at least not directly—the character of Dr. Christine Blasey Ford, who had accused the judge of sexual assault when they were both teenagers. Democrats were also much more likely than Republicans to bring up specific facts, particularly the events recalled from that encounter that had taken place several decades earlier.
Overall, the authors posit that the hearings gave senators an opportunity to advance certain representational styles that are linked to gender identities. Democrats supported Blasey Ford and opposed Kavanaugh. This is not front-page news. What this chapter shows is that the ways in which opposition or support was given spoke to longstanding identity groupings within the major parties. A natural extension of this work would be to compare the communication styles and representational roles that were on display during the Kavanaugh hearings to similarly divisive Senate confirmation hearings from the pre-#MeToo era. The most relevant point of comparison would be the 1991 confirmation hearing for Clarence Thomas. The thesis that Brown and her colleagues put forward would lead us to expect significant differences in the way senators referred to gender during their debates.

In his chapter on crafting credibility, Joseph Sery offers this sort of comparison between the Thomas and Kavanaugh hearings, though without focusing on the kinds of gendered roles and identifications that Brown, Gershon, and Hanson-Figueroa consider. Sery instead examines the dynamics of self-presentation for the main protagonists: Clarence Thomas, Anita Hill, Brett Kavanaugh, and Christine Blasey Ford. The theoretical grounding for this piece is the narrative paradigm, which holds that individuals who are exposed to complex scenarios with crosscutting themes actively seek to construct a coherent storyline. We are storytellers at heart, Sery writes. In both 1991 and 2018, there were dueling narratives—Hill versus Thomas, and Blasey Ford versus Kavanaugh. To be compelling, the details of a narrative need to fit together well (what Sery refers to as “narrative probability”), and the narrative should resonate with the everyday experiences of the audience receiving these messages (which Sery labels “narrative fidelity”).

Drawing from C-SPAN coverage of the Thomas hearings, Sery notes that Anita Hill portrayed herself as a responsible civil servant subjected to inappropriate sexually charged comments and overtures. Defenders of Thomas in the Senate pushed back against this narrative, questioning the credibility of Hill’s recollections. This, Sery suggests, was sufficient to advance Thomas’s narrative—that is, that he was being targeted unfairly by activists and was subject to a “high-tech lynching” through the mass media.

Sery then sees history repeating itself in the contrasting narratives that Blasey Ford and Kavanaugh presented 27 years later. Without overtly charging that Blasey Ford was lying, several Republican senators questioned her version of events, poking holes in the narrative. Kavanaugh’s narrative—that the events
Blasey Ford described never happened—was a cleaner storyline. Sery credits the Republican senators who rose to his defense as being instrumental in solidifying this narrative, while at the same time not being perceived as demeaning Blasey Ford, since an independent (female) attorney questioned her recollections in a respectful manner.

“Competing and Recurring Narratives” offers an engaging and persuasive case about the importance of narratives in political settings, where many competing considerations and values are in play and the stakes are high. Sery provides much thick description of these two monumentally significant confirmation hearings. Future research could fruitfully build on the approach that Sery takes, assessing dueling narratives in other highly contentious areas—for example, Senate hearings on controversial cabinet appointments. Ultimately, as more cases of crafting credibility are considered, one might approach a general theory of narrative dynamics.

The third chapter, Matthew Bergbower and Robert Van Sickel’s “Partisanship Over Principle,” examines another key dimension of interbranch checking and balancing—the evolution of congressional efforts to impeach President Trump. Focusing in particular on hearings and debates within the House Judiciary Committee, the authors examine not only successful cases of congressional impeachment—Nixon and Clinton—but also attempts to forward a bill of impeachment bill against Presidents George W. Bush and Barack Obama, two chief executives who are not often brought up when impeachments are discussed.

The authors rightfully note that the Constitution is extraordinarily vague on the grounds for impeachment. This means that lawmakers have very wide discretion to interpret what is or is not an impeachable offense. Through a systematic inventory of statements from the Judiciary Committee, the chapter shows how growing partisan polarization in recent decades has shifted the standards for impeachment. In the 1970s when the impeachment of Richard Nixon was under consideration, there was an appreciable level of bipartisanship. Fast-forward to the Clinton years, and the authors find little to no bipartisanship. Impeachment has seemingly become, in short, less of tool that the legislative branch can employ to discipline an executive who has violated his oath of office and the public trust, and more of a display of partisanship.

This trend brings with it sobering implications for governance. In the final section of the chapter, Bergbower and Van Sickel discuss the implications of their findings for the Trump administration. At the time of their writing, the trial of Donald Trump in the Senate had just begun. In retrospect, the authors’ central
thesis was well borne out in this case. President Trump was fully acquitted on an all-but-uniform party-line vote, with little fresh evidence being presented at the Senate trial, and even less deliberation. Much further work is needed to examine whether partisanship within Congress has truly undermined the original rationale for impeachment proceedings. If partisanship within the Senate now trumps more impartial judgments about what constitutes “high crimes and misdemeanors,” then it is difficult to imagine a scenario in which the requisite supermajority to convict in the Senate could ever be attained. Might this turn of events make an imperial presidency even more imperial?
CHAPTER 1

MORE THAN PARTISANS
The Role of Identity in the Justice Kavanaugh Hearings

Nadia E. Brown, Sarah Gershon, and Lauren Hanson-Figueroa

During the #MeToo era,¹ claims against Judge Brett Kavanaugh were taken more seriously than those against Judge Clarence Thomas in 1991. However, the outcome remained the same. Two men who were publicly accused of sexual harassment and misconduct are currently sitting on the highest bench in the land. Both justices were nominated to the Court by Republican presidents and confirmed by a majority of Republican senators. During the nomination, Professor Christine Blasey Ford accused a 17-year-old Brett Kavanaugh of attempting to rape her at a drunken house party in 1982 when she was 15, whereas Anita Hill accused Clarence Thomas of repeated sexual harassment and inappropriate behavior while she worked for him in the Department of Justice’s Civil Rights division in the Equal Opportunity Employment Commission in the early 1980s. Similarly, despite a span of almost 30 years, the GOP senators who questioned both Anita Hill and Blasey Ford consisted only of men.

However, unlike 1991, there were noticeable gendered differences in Justice Kavanaugh’s confirmation hearings. In Blasey Ford’s case, the Senate Judiciary Committee includes four women—all of whom are Democrats in part because of the backlash to the all-male 1991 panel. Sex crimes prosecutor Rachel Mitchell was hired by the Republican majority Judiciary Committee to cross-examine Blasey Ford. Political elites are aware of this legitimizing impact of having women in the room. As such, attorney Mitchell conducted the questioning of Blasey Ford for the Republican members of the Judiciary Committee. Having a woman address issues of sexual harassment and assault helped to legitimize the procedural process of the Kavanaugh hearing for the majority.
We argue that these cultural meanings were not lost on the senators who questioned Kavanaugh. While women are not the only victims of sexual assault, the issue is often implicitly (and sometimes explicitly) connected with gender. For example, in her opening remarks during Blasey Ford’s testimony, Senator Feinstein (D-CA; Figure 1.1) stated:

There’s been a great deal of public discussion about the #MeToo movement today versus the Year of the Woman almost 27 years ago. But while young women are standing up and saying “No more,” our institutions have not progressed in how they treat women who come forward. Too often, women’s memories and credibility come under assault. In essence, they are put on trial and forced to defend themselves, and often revictimized in the process. (CSPAN, 2018, 0:19:27)

As Senator Feinstein’s statement illustrates, this debate was perceived as speaking to a broader discussion in the U.S. about women’s experiences.

While much of what we know about public opinion and sexual harassment is focused on voters, our study explores the differences among political elites’ view of sexual harassment and misconduct through the lens of the 2018 Kavanaugh hearings. While a great deal of research in gender politics focuses on whether women represent women’s interests in their congressional behavior, only four female senators—all Democrats—participated in this inquiry. As such, this event allows us to examine the representational styles of these (primarily male) senators on an issue associated with women against the backdrop of the #MeToo

**Figure 1.1** Senator Dianne Feinstein (D-CA) remarks at Brett Kavanaugh’s confirmation hearing.
movement. In this context, the Democrats and Republicans were likely facing different gendered constraints. The Democrats—long associated with women and women’s issues—must illustrate their expertise and sensitivity on this issue and their commitment to addressing it on a national level. Republicans, on the other hand, must navigate this issue that they are likely assumed to lack expertise with. Furthermore, unlike other partisan debates over gendered issues the GOP engages on in Congress (Brown & Gershon, 2017), there were no female Republican members on this committee to contribute to the discussion—however, they included a female prosecutor, Rachel Mitchell. This situation was likely made more toxic for Republicans because the accused was nominated by a member of their own party, and by a president who was also accused of and caught on tape bragging about sexual assault. Thus, this 2018 Kavanaugh hearing is distinctive in both the content and the national context under which it was held. As such, this case allows for a unique examination of the ways in which the parties represent women’s interests in their messaging.

We explore messaging on this gendered hearing by using the C-SPAN Video Library recordings of the hearings to examine the senators’ questioning of Kavanaugh and Blasey Ford. These hearings—in the midst of a national discussion of sexual harassment and assault—provide critical insight into the ways in which elected officials view this nationally salient issue and the action they took when confronted with it during Kavanaugh’s confirmation. Given the continued prominence of this event, senators’ remarks may have shaped voter attitudes about both this particular case and the national discussion surrounding sexual misconduct. As our analysis reveals, Democrats and Republicans took decidedly different approaches to this gendered issue. We conclude by considering the implications of our findings for the ongoing national discussion on sexual assault.

SENATE HEARINGS AND COMMUNICATION

Senate hearings—such as the investigation into Blasey Ford’s allegations—draw significant public attention. Nielsen estimated that over 20 million people watched the hearing on network news alone (which does not account for those watching online or in groups) (Bauder, 2018). Undoubtedly, countless more read coverage of the hearings in the press. Given the national attention to this hearing, Senate messaging during it serves not only to investigate the claims before the committee but also to frame the debate over Blasey Ford’s allegations to Americans. As such, senators’ comments during this hearing serve a critical
symbolic function: informing their constituencies both in their states and nationally about this case—what it was about, how they were acting on voters’ behalf, and what they might do about similar cases in the future.

Scholars have long identified the crucial role of communication—from elites to voters—in the representational process (e.g., Evans & Hayden, 2017; Fenno, 1978; Fridkin & Kenney, 2014; Grimmer, 2013). Generally, representational messages serve to educate voters, allowing them to hold elected officials accountable at the polls, as well as to enhance trust and support (Eulau & Karps, 1977). Messaging during congressional hearings and floor debates serves to inform voters of the activities of government and to illustrate the differences among elected officials’ beliefs about contemporary political issues (Brown & Gershon, 2017). By examining congressional hearings, Minta and Sinclair-Chapman (2013) find that diversity in Congress leads to keeping minority interests on the legislative agenda. Therefore, given the national attention to the Kavanaugh case, senators’ remarks during the hearings clearly illustrate their representational style on gendered issues like sexual assault and misconduct.

Generally, the literature on communication and women’s interests focuses on the extent to which candidates and elected officials discuss issues explicitly and implicitly connected with gender (e.g., abortion, domestic violence, birth control) as well as so-called female issues—subjects women are expected to possess special expertise in such as children and families (see, e.g., Dolan, 2005; Kahn, 1996; Windett, 2014). Generally, this research finds that women tend to talk about these issues more frequently than their male colleagues (Fridkin & Woodall, 2005; Gershon, 2008; Kahn, 1996). Furthermore, Democrats are typically found to mention women’s issues and interests at a higher rate than their Republican peers (Dolan, 2005). Additionally, Republicans and Democrats may speak about gendered issues in different ways.

In our own research (Brown & Gershon, 2017) on the 2012 debate over the reauthorization of Violence Against Women Act, we found that when Republicans and Democrats discuss gendered issues the framework of their discussion varies a great deal, with Democrats more frequently emphasizing marginalized communities in their remarks and Republicans focusing on the broad impact of the law for all women. Thus, the research indicates that the parties likely will differ in the extent to which they will speak about issues affecting women and that when called upon to do so during congressional debate, they will differ substantively in the approach they take to the issue. This research would suggest what we might expect to find in the Kavanaugh hearings.
IDENTITY POLITICS AND THE SYMBOLISM OF THE KAVANAUGH HEARINGS

Democratic theorists contend that the exclusion of underrepresented groups from the legislative process renders political institutions illegitimate (Dovi, 2007; Mansbridge, 1999). Having descriptive representatives—meaning, elected officials who look like or share the experiences of underrepresented groups—is crucial in decision-making bodies. Indeed, Atkeson and Carrillo (2007) contend that regime stability and the acceptance (or rejection) of democratic political institutions are beholden to the inclusion of descriptive representors.

Citizens are more likely to perceive a government’s action as legitimate, fair, or correct when there are underrepresented members of society in decision-making positions. In their study of all-male panels, Clayton et al. (2019) examine substantive legitimacy—meaning, the content of the decision reached—and procedural legitimacy (trust in representative institutions and the perceived fairness of decision-making procedures)—to find that both men and women prefer inclusion as a measure of legitimacy. Specifically, they find that when a member of a marginalized group is included in the deliberative process, citizens have greater inherent trust in decisions and change their perception only when the group’s rights are rescinded. Citizens also confer greater legitimacy to the decision-making process when women political elites are present. They find that women's presence legitimizes anti-feminist outcomes for men. Additionally, the presence of women political elites signals to citizens the legitimacy of democratic procedures (Clayton et al., 2019).

With regard to sexual assault, voter expectations are likely to be partisan. Research by Masuoka et al. (2018) posits an intersectional impact of party and gender on mass political behavior to political elites. Their partisan gender theory suggests that partisanship and gender influence voter choices and attitudes when wrongdoings are gendered, such as sexual harassment. Gender and party identification are the chief identities that animate one's response to learning of a political candidate’s sexual improprieties. Sexual harassment, an abuse of power, is more likely experienced by women (Fitzgerald et al., 1997). Thus, a gendered and partisan understanding of sexual harassment is necessary to fully understand political elites’ views of the Kavanaugh hearings.

We may expect senators to react to these expectations in unique ways through their messaging. Given the limited diversity on the Senate Judiciary Committee in 2018, particularly among Republicans, senators may seek to legitimate their actions in a few ways. Given the likelihood that Democratic voters may perceive
Kavanaugh’s actions as especially troubling, Democratic senators are under pressure to illustrate their rejection of assault and support for women in their remarks. As a result, Democrats—long associated with greater support for women’s issues (Dolan, 1998)—should be expected to highlight their strengths and speak specifically to the challenges women face with regard to sexual misconduct and highlight the pervasiveness of the problem in our society. Conversely, Republicans are likely to stay away from discussions of gender and abuse, which voters may not expect them to competently handle—especially since there are no female Republicans on the committee to speak on this issue.

DATA AND METHODS

On September 27, 2018, the Senate Judiciary Committee heard testimony from Supreme Court nominee Kavanaugh and Blasey Ford about her allegations that Kavanaugh sexually assaulted her while the two were teenagers at a house party in Maryland the 1980s. To examine the Kavanaugh confirmation hearings, particularly Blasey Ford’s testimony of sexual assault, we utilized one video from the C-SPAN Video Library. These videos provide a unique opportunity to learn about the ways that senators sought to frame sexual assault and harassment, frame partisan politics, and question Kavanaugh’s fitness for serving on the Supreme Court. The C-SPAN Video Library recording of the hearing captures the stylized real-time discussion and procedures for confirming a justice to the Supreme Court, something that is less examined in the realm of legislative studies. Here, we are able to discern the ideological signals members of Congress send to voters through their public questioning of Blasey Ford and Kavanaugh. We also analyzed the written transcript of the hearings on The Washington Post’s website.

CONTENT ANALYSIS

Using both quantitative and qualitative content analysis, we examined the substance of the questions and responses of the senators, Kavanaugh, Blasey Ford, and attorney Rachel Mitchell during the hearing. In our content analysis, we examine discussion in each speaking segment, meaning each individual time a senator spoke. These segments varied widely in length and content. Some included brief questions, lasting only a few seconds, while others lasted over a
minute and included a wide variety of remarks. This variance represents both the time allotted to each senator to speak as well as their use of the time (e.g., to question Blasey Ford or Kavanaugh or to speak broadly on the issues they believed the hearings centered on). We coded approximately 987 individual segments during which senators or their prosecutor (Mitchell) spoke during the hearing (552 during Blasey Ford’s testimony and 435 during Kavanaugh’s testimony). The number of speaking segments per party also varied as well (see Table 1.1). Democrats had 347 segments, Republicans had 274, and Mitchell (who spoke on behalf of all Republicans during Blasey Ford’s testimony) had 366. The number of segments also differed between each of the two hearing sessions, with Republicans speaking far more during Kavanaugh’s testimony. During Blasey Ford’s testimony, Republicans—particularly Senator Grassley—engaged in some administrative discussion (regarding speaking time, etc.), but GOP members largely chose to yield their time to Mitchell, who questioned Blasey Ford on their behalf.

In coding the speaking segments, we examined whether senators utilized five primary themes in each of their speaking segments: character/credibility, partisanship/politics, details/facts, sexual assault, and women’s roles/rights. We further examined whether (within these statements) senators discussed the following secondary themes: gender, race, victimization, bravery, empathy, alcoholism, and FBI investigation. We coded these segments both qualitatively and quantitatively. In the qualitative analysis, we present the frequency with which various senators employed these themes in their discussion, examining the proportion of total speaking segments, including each theme. To conduct the qualitative analysis, we organized the legislators and attorney Mitchell’s words thematically by context and the legislator’s partisan affiliation once we discerned distinct patterns. We disaggregate by party affiliation to demonstrate that the ways in which Democrats and Republicans discuss these themes vary in significant and meaningful ways.

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<thead>
<tr>
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<th>Democrats</th>
<th>Republicans</th>
<th>Mitchell</th>
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<tr>
<td>Kavanaugh testimony</td>
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<td>Total</td>
<td>347</td>
<td>274</td>
<td>366</td>
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Results

Here we present the results—qualitative and quantitative—for each primary theme coded. Secondary themes are discussed throughout the text and are included in the Appendix.

**Character/Credibility**

First, we examine discussions of character in the hearings (results displayed in Table 1.2). As the data indicate, there are substantive and significant differences in the extent to which the senators discussed character, generally and across the hearings. Throughout the entire hearing, Democrats’ remarks included the theme of character and credibility more than twice as often as Republicans’. This difference is even starker in during Blasey Ford’s testimony (likely due in part to so few Republicans speaking during this session). During Kavanaugh’s testimony, the differences between Democrats and Republicans were substantive but not statistically significant in this regard.

Beyond the variance in the quantity of credibility-themed discussion, there are substantive qualitative differences in the ways that senators incorporated this theme into their remarks. Take for example Mazie Hirono’s (D-HI) closing statement during her questioning of Blasey Ford. In this statement, Hirono asks her colleagues to deeply consider the importance of one’s character in deciding who to confirm to the nation’s highest court. She applauds Blasey Ford for being courageous by coming forward with this accusation although she has received death threats and her family has been forced to move several times in fear for their safety. Our secondary theme of bravery, characterized here by Senator Hirono, demonstrates that Democrats viewed Blasey Ford as courageous

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<th></th>
<th>Democrats (%)</th>
<th>Republicans (%)</th>
<th>Mitchell (%)</th>
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<tr>
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<td>Kavanaugh testimony^a</td>
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<td>7.4</td>
<td>0.0</td>
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*Note: Percentages reflect the proportion of all speaking segments.*

^a Differences between all 3 groups are statistically significant (p < .01, two-tailed).

^b Differences between Democrats and Republicans are statistically significant (p < .01, two-tailed).
for facing the nation and publicly recounting her experiences a sexual assault victim. Hirono stated:

But by coming forward, you have inserted the question of character into this nomination, and hopefully, back into American life, and rightly so. We should be made to face the question of who it is we are putting in positions of power and decision-making in this country. We should look the question square in the face: does character matter? (C-SPAN, 2018, 2:27:01)

Quantitatively, we found this theme of bravery repeated throughout the hearings, particularly by Democrats, who included it more frequently in their speaking segments than their Republican colleagues (see Table A.1 in the Appendix).

Senator Hirono also ties Kavanaugh’s accused behavior to that of President Trump’s allegations of sexual assault. Noting that “the president admits on tape to assaulting women. . . . He nominates and stands behind a man who stands credibly accused of a horrible act” She distinctly questions both the president’s and Kavanaugh’s moral fitness for their positions. For Hirono, this character flaw is a deep one that strikes at the heart of what she sees as American compliancy with sexual harassment, particularly by powerful men. As the only Asian American woman on the Judiciary Committee, Mazie Hirono appealed to a higher purpose. Her questioning of Kavanaugh’s character is tied to a public outrage at the lack of respect for one another. Hirono shared that Americans are inspired by Blasey Ford’s courage:

All over this country shows [Blasey Ford shows] us that we’re not alone, you’re not alone; that women and men all across America are disgusted and sick and tired of the way basic human decency has been driven from our public life. (C-SPAN, 2018, 2:27:40)

In sum, Hirono states that if the accusations of Kavanaugh’s immoral behavior of sexual harassment are indeed factual, then his character failings are another reason Americans lack trust in our political institutions.

Unlike Mazie Hirono, who sought to valorize Blasey Ford’s character, Senator Ted Cruz (R-TX) utilized discussion of Kavanaugh’s character to bolster sympathy for his candidacy for a justice position on the Supreme Court. Cruz’s opening statement to Kavanaugh was to laud his years of service on the bench and to describe this hearing as an injustice to the confirmation process. Cruz noted
that both Blasey Ford and Kavanaugh were treated poorly by both the Senate Democrats and the media. He uses emotional appeals to signal empathy for Kavanaugh. Cruz held:

I will say watching your mother’s pained face has been heart-wrenching as she’s seen her son’s character dragged through the mud after not only your lifetime of public service but her lifetime of public service as well. (C-SPAN, 2018, 2:38:13)

Here Cruz maintains that Kavanaugh has been done a disservice by Blasey Ford’s accusations and that his good character has been tainted because of this. For Cruz, Kavanaugh and his family are subjected to unwarranted character attacks. In sum, Senator Cruz displays a heightened level of empathy for Kavanaugh and his family because of the suffering they endured as a result of the sexual assault allegations. In contrast to the secondary theme of bravery, empathy was emphasized at similar rates among Republicans and Democrats (included in about 3% of their speaking segments).

While both Senators Hirono and Cruz aim to center Kavanaugh’s character by evoking the emotions of empathy and bravery during their remarks at his confirmation hearing, they do so with markedly different motivations. Hirono’s comments call in to question Kavanaugh’s moral aptitude for the position, whereas Cruz seeks to solicit emotional reactions to damage caused through poorly substantiated claims of sexual harassment. Both senators are appealing to different views of the allegations but also to the importance of selecting a justice of good character to the bench.

**Partisanship/Politics**

Next, we examine discussions of partisanship and political motivations in the hearings (results displayed in Table 1.3). In contrast to some of the other themes discussed, partisanship was a prominent theme for all groups across the entire hearing, but at significantly different levels. Democrats discussed partisanship in slightly more of their speaking segments than Republicans during Blasey Ford’s testimony, but these differences are not statistically significant. Republicans employed this theme in a greater proportion of their speaking segments (compared with Democrats and attorney Mitchell) during Kavanaugh’s testimony, where they discussed partisanship at more than twice the rate of Democrats (almost 34% of speaking segments, compared with 14% among Democrats).
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### TABLE 1.3 Partisanship/Politics

<table>
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<th>Democrats (%)</th>
<th>Republicans (%)</th>
<th>Mitchell (%)</th>
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<tr>
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</tr>
<tr>
<td>Kavanaugh testimony⁴</td>
<td>14.0</td>
<td>33.8</td>
<td>7.6</td>
<td>19.7</td>
</tr>
</tbody>
</table>

Note: Percentages reflect the proportion of all speaking segments.

⁴Differences between all 3 groups are statistically significant (p < .01, two-tailed).

⁵Differences between Democrats and Republicans are statistically significant (p < .01, two-tailed).

Given the heightened partisan nature of this confirmation hearing, it is unsurprising that senators would demonstrate deep ideological divisions. This is to be expected. Both sides routinely admonish the other for playing politics during the hearing to benefit their political party. Partisans heavily debated the FBI’s role in investigating the allegations of sexual assault. This came up in over 15% of Democrats’ speaking segments and almost 8% of Republicans’ segments (see Table A.1 in the Appendix). The Democrats called for more thorough investigations of Blasey Ford’s accusations, whereas the Republicans decried that the additional investigations were unnecessary and that it is the Senate’s duty to come up with a final decision based on the report. Indeed, Chairman Grassley (R-IA) exhorted:

Contrary to what the public has been led to believe, the FBI doesn’t perform any credibility assessments or verify the truth of any events in these background investigations. . . . The FBI provided us with the allegations. Now it’s up to the Senate to assess their credibility. Which brings us to this very time. (C-SPAN, 2018, 0:10:24)

Our secondary theme of the FBI’s investigation is readily seen in how Democrats such as ranking member Dianne Feinstein expressed outrage that the Republican-led Senate did not call for a fuller FBI investigation of Blasey Ford’s accusations. She called for the three women who alleged that Kavanaugh had inappropriate sexual content with them to be interviewed by the FBI. Senator Feinstein stated:

Each of these stories are troubling on their own and each of these allegations should be investigated by the FBI. All three women have said they would like
the FBI to investigate; please do so. All three have said they have other witnesses and evidence to corroborate their accounts. And yet Republicans continue to blindly push forward. (C-SPAN, 2018, 0:26:07)

Adding fuel to this partisan fodder, Chairman Chuck Grassley utilized a quote from Senator Joe Biden (D-DE) from Clarence Thomas’s hearing to indicate that additional FBI investigations would be unnecessary. Grassley surmised:

If Senator—Senate Democrats hope for the FBI to draw any conclusions on this matter, I’m going to remind you what Joe Biden said. Now, I said this my statement, but maybe—maybe people aren’t listening when I say, and maybe they won’t even hear this. Joe Biden, quote, “The next person who refers to an FBI report as being worth anything obviously doesn’t understand anything. The FBI explicitly does not—does not, in this or any other case, reach a conclusion. Period. They say ‘He said, she said, and they said.’ Period. So, when people wave an FBI report before you,” or even bring it up now as something prospectively—I’m not—that wasn’t in his quote, “understand they do not, they do not, they do not reach conclusions. They do not make recommendations.” (C-SPAN, 2018, 1:44:32)

Here we see Democrats and Republicans talking past one another while accusing each side of woefully misusing or intentionally utilizing the FBI for partisan purposes. While the FBI was in the forefront of the procedural battle, senators evenly sought to play up the humanistic aspects of the hearings.

For example, Democratic and Republican senators uniformly apologized to Kavanaugh and Blasey Ford for the way that members of the opposing party treated them or the process. For instance, Senator Dick Durbin (D-IL) apologized to Blasey Ford and demonstrated our secondary theme of empathy by stating, “I’m sorry for what this has done to you and your family. No one, no one should face harassment, death threats and disparaging comments by cheap-shot politicians simply for telling the truth” (C-SPAN, 2018, 1:19:06). Conversely, Thom Tillis (R-NC) directed his apology toward Kavanaugh:

And I apologize for what you’re going through right now. I can’t imagine it. I’ve gone through a campaign and had a lot of smears, but it pales in comparison to what you’ve had to deal with. . . . We’ve had members take it on themselves
to release committee confidential documents instead of respecting the process. (C-SPAN, 2018, 2:27:02)

Both sides of the aisle accuse the other of playing politics while damaging the reputation—or safety—of Kavanaugh and Blasey Ford.

When Republican senators questioned Kavanaugh, they often did so with some deference. For example, Senator Ben Sasse (R-NE) asked:

> Was that a fun time for you? When people—Senators could ask questions that are awkward or uncomfortable about potential alcoholism, potential gambling addiction, credit card debt, if your buddies floated you money to buy baseball tickets—did you enjoy that time we spent in here late one night? (C-SPAN, 2018, 2:06:29)

The approach to fact-finding for this case greatly varied by who asked the questions and is clearly seen in how Kavanaugh and Blasey Ford responded to the questions.

**Details/Facts**

As the data in Table 1.4 reveal, fact-based statements comprised a substantive proportion of the senators’ speeches, as well as over 80% of attorney Mitchell’s remarks. Furthermore, differences in the use of this theme were significant across all three groups and between Democrats and Republicans. For example, during Kavanaugh’s testimony, over half of Democrats’ speaking segments included discussion of the facts of the case at hand, compared with around 20% of Republican remarks. While this difference is sizable, it may be due in part to Mitchell’s

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<th>TABLE 1.4 Details/Facts</th>
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<td>Blasey Ford testimony</td>
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<td>Kavanaugh testimony</td>
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Note: Percentages reflect the proportion of all speaking segments.

* Differences between all 3 groups are statistically significant (p < .01, two-tailed).
* Differences between Democrats and Republicans are statistically significant (p < .01, two-tailed).
questioning on behalf of several Republicans, as well as her overwhelming focus on the details and facts in her questions (as opposed to senators’ use of a variety of themes). As discussed in the qualitative analysis below, the ways in which Democrats, Republicans, and Mitchell used this theme varied substantively.

Republican and Democratic senators on the Judiciary Committee sought to use facts and details to support their case, either that Blasey Ford was credibly accusing Kavanaugh of sexual assault or that Kavanaugh was being unduly faulted for this behavior. However, Democrats were much more likely to appeal to scientific studies and written testimony from experts to help argue their case. Conversely, Republicans, through Mitchell, were partial to asking Blasey Ford to recall details from the night in question. When Democrats questioned Kavanaugh on the facts of the alleged sexual assault they were met with hostile responses that often did not produce a yes or no answer. Taken as a whole, the fact-finding aspects of the hearing had severely partisan overtones.

Mitchell, counsel for Senate Judiciary Committee, questioned Blasey Ford. Mitchell is an Arizona prosecutor specializing in sex crimes. To be clear, Blasey Ford was not on trial during the Kavanaugh confirmation hearings. Mitchell used a methodical approach in her questioning of Blasey Ford. For instance, she begins her questioning of by being sympathetic, stating, “I know this is stressful, and so I would like to set forth some guidelines that maybe will alleviate that a little bit” (C-SPAN, 2018, 0:51:03). It is clear in what follows that Mitchell will ask Blasey Ford about specific details of the night in question. For example, she says, “If I ask you a question that you don’t understand, please ask me to clarify it or ask it in a different way” (C-SPAN, 2018, 0:51:11). From there, Mitchell asks Blasey Ford to recall details of the house party in the 1980s where she claims to have been sexually assaulted by Kavanaugh. The questioning also includes clarifying information on who Blasey Ford contacted, from Congress members, therapists, lawyers, friends, and family to The Washington Post regarding the assault. For instance, Mitchell asks:

When you were interviewed by The Washington Post, you said that there were four boys present at the party. And then in your polygraph statement, you said there were four boys and two girls. When you say “two girls,” was that you and another or was that two other girls? (C-SPAN, 2018, 1:12:57)

These types of clarifying questions were typical of Mitchell’s inquiry of Blasey Ford.
In response, Blasey Ford would answer to the best of her ability—often noting that victims of sexual assault do not have a clear memory of the details of their attack but instead remember key information related to the attack itself. For instance, Senator Amy Klobuchar (D-MN) asked Blasey Ford to state what she recalls from the party rather than asking her about things she might not remember. Similarly, Senator Chris Coons (D-DE) empathetically questioned Blasey Ford by first stating:

You know, experts have written about how it’s common for sexual assault survivors to remember some facts about the experience very sharply and very clearly, but not others, and that has to do with the survival mode that we go into in experiencing trauma. Is that your experience, and is that something you can help the layperson understand? (C-SPAN, 2018, 2:02:11)

As a rejoinder, Blasey Ford noted:

Yes. I was definitely experiencing the fight-or-flight mode; is that what you’re referring to? Yes. So, I was definitely experiencing the surge of adrenaline and cortisol and norepinephrine and—credit that a little bit for my ability to get out of the situation. (C-SPAN, 2018, 2:02:31)

While Mitchell probed Blasey Ford about potential inconsistencies in her story, the Democrats took a much more empathetic approach to their questioning of Blasey Ford by asking her to recount details of the event while also acknowledging the inherent memory lapses of victims who have experienced sexual assault. When questioning Kavanaugh about the details surrounding the night of the alleged sexual assault, Mitchell also took a similar methodical approach. She asked: “Dr. Ford described an incident where you were grinding your genitals on her. Have you ever ground or rubbed your genitals against Dr. Ford?” (C-SPAN, 2018, 1:00:52). Then: “Dr. Ford described an incident where you covered her mouth with your hand. Have you ever covered Dr. Ford’s mouth with your hand?” (C-SPAN, 2018, 1:00:59).

Democratic senators sought to paint Kavanaugh’s memory of the facts and details of the night in question as unreliable due to his heavy consumption of alcohol. Our secondary theme of alcoholism is clearly a narrative used by Democrats to discredit Kavanaugh’s ability to recount the facts surrounding the alleged sexual assault. For instance, Senator Sheldon Whitehouse (D-RI) asked, “If the
vomiting that you reference in the Ralph Club reference [in your yearbook] related to the consumption of alcohol?” (C-SPAN, 2018, 1:29:10). Pushing a bit further because Kavanaugh did not directly respond to his question, Senator Whitehouse asked Kavanaugh to explain ralphing. From there Kavanaugh said that he enjoys beer, but he did not define the term “ralphing.” Within this same line of reasoning, Senator Amy Klobuchar (D-MN) questioned the veracity of Kavanaugh’s claims because of his drinking:

OK. Drinking is one thing, but the concern is about truthfulness, and in your written testimony, you said sometimes you had too many drinks. Was there ever a time when you drank so much that you couldn’t remember what happened, or part of what happened the night before? . . . So, you’re saying there’s never been a case where you drank so much that you didn’t remember what happened the night before, or part of what happened. (C-SPAN, 2018, 1:42:50)

In providing context to her questions, Senator Klobuchar (D-MN) noted that her 90-year-old father is an alcoholic and still attends AA meetings. Here, Klobuchar is bringing a personal connection to her understanding of how alcohol consumption can lead one to have significant lapses in both judgment and memory. Broadly speaking, alcoholism was mentioned more frequently by Democrats (in 11% of their speaking segments compared with less than 1% of Republican remarks; see Table A.1 in the Appendix).

**Sexual Assault**

Table 1.5 reports the proportion of speaking segments in which senators employed themes centering on sexual assault. Unsurprisingly, the senators on the Judiciary Committee spoke quite differently about sexual assault. As we anticipated, Democrats employ this theme significantly more frequently than Republicans across the entire hearing. These partisan differences are particularly large during Blasey Ford’s testimony, with over 27% of all Democrats’ speaking segments including this theme, compared with less than 2% among Republicans. As the qualitative analysis reveals, there are also substantive differences in the ways that senators discussed assault during this hearing.

While both groups of partisans routinely denounced sexual violence and expressed sympathy for Blasey Ford’s experience, the undertone of the senators’ comments and questions around assault were markedly different. Take for
vomiting that you reference in the Ralph Club reference [in your yearbook] related to the consumption of alcohol?” (C-SPAN, 2018, 1:29:10). Pushing a bit further because Kavanaugh did not directly respond to his question, Senator Whitehouse asked Kavanaugh to explain ralphing. From there Kavanaugh sated that he enjoys beer, but he did not define the term “ralphing.” Within this same line of reasoning, Senator Amy Klobuchar (D-MN) questioned the veracity of Kavanaugh's claims because of his drinking:

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### Table 1.5 Sexual Assault

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<thead>
<tr>
<th></th>
<th>Democrats (%)</th>
<th>Republicans (%)</th>
<th>Mitchell (%)</th>
<th>Total (%)</th>
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</thead>
<tbody>
<tr>
<td>Full hearing(^a,b)</td>
<td>23.1</td>
<td>6.2</td>
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<td>Blasey Ford testimony(^a,b)</td>
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<tr>
<td>Kavanaugh testimony(^a,b)</td>
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<td>10.1</td>
<td>28.8</td>
<td>18.2</td>
</tr>
</tbody>
</table>

Note: Percentages reflect the proportion of all speaking segments.

\(^a\) Differences between all 3 groups are statistically significant (p < .01, two-tailed).

\(^b\) Differences between Democrats and Republicans are statistically significant (p < .01, two-tailed).

instance Senator Cory Booker’s (D-NJ) questioning of Kavanaugh. Booker, the only Black man on the Judiciary Committee states:

So sir, let’s just be clear. In other words, your—your—you have problems with the senators that are up here and how we conducted it; but you’re not saying in any way that she is a political pawn, political operative. You have sympathy for her. She is talking about a sexual assault. Is that correct? (C-SPAN, 2018, 2:33:53)

To that Kavanaugh replies: “I said all allegations should be taken seriously, should listen to both sides . . . ” (C-SPAN, 2018, 2:34:08). This short interaction neatly portrays how both sides uniformly treated Blasey Ford’s allegations. Because Blasey Ford appeared as a credible victim, it was difficult for senators on either side to paint her as a political operative. Relatedly, the current #MeToo moment made it outright difficult for either party to outright dismiss Blasey Ford’s accusations. Therefore, partisans were reluctant to paint general allegations of sexual assault as unworthy of investigation.

The nuance lies in how partisans approached their understanding and discussion of sexual assault. Republicans were more likely to call into question Blasey Ford’s accusations as a specific instance of sexual violence. Democrats, on the other hand, were more apt to discuss a culture of sexual violence and its impact by using her experience as an example. For instance, Republicans such as Orrin Hatch (R-UT) framed the hearing in this way:

We’re talking today about Judge Kavanaugh’s conduct in high school—and even then, and as a freshman in college, I guess, as well. Serious allegations
have been raised. If Judge Kavanaugh committed sexual assault, he should not serve on the Supreme Court; I think we’d all agree with that. (C-SPAN, 2018, 1:50:03)

Or, as Senator John Cornyn (R-TX) noted in his statement on Kavanaugh:

Of course, the— the sexual assault that Dr. Ford claims that you’ve denied. Then the claims of Ms. Ramirez, that not even The New York Times would report because it couldn’t corroborate it. And then Stormy Daniels’ lawyer released a bombshell, accusing you of gang rape. All of those are crimes, are they not? (C-SPAN, 2018, 1:34:00)

For Republicans, these hearings were more than an opportunity to examine whether Kavanaugh was worthy of a seat on the Supreme Court. This was a way of adjudicating a criminal accusation. Senator Cornyn continues:

So this is not a job interview. You’ve been accused of a crime. If you have lied to the committee and the investigators, that is a crime in and of itself, correct? . . . Some of my colleagues across the aisle say, “Well, the burden is not on the accuser because this is a job interview” the burden is on you. . . . I’ve told my [Democratic] colleagues, if we were in court, half of them would be in contempt of court. But you have been accused of a crime, and I believe fundamental notions of fair play and justice and our constitutional system require that if somebody’s going to make that accusation against you, then they need to come forward with some corroboration, not just allegations. But this is your chance to tell your story, and I hope you have a chance to tell us everything you want to tell us. But the burden is not on you to disprove the allegations made. The burden under our system, when you accuse somebody of criminal conduct, is on the person making the accusation. Now, I understand we’re not— this isn’t a trial, like I said, but I just wanted to make sure that we understood. It’s hard to reconstruct what happened 36 years ago, and I appreciate what you said about Dr. Ford, that perhaps she has had an incident at some point in her life, and you are sympathetic to that, and . . . But your reputation is on the line, and I hope people understand the gravity of the charges made against you, and what a fair process looks like. (C-SPAN, 2018, 1:34:32)
We have included this lengthy quote by Senator Cornyn because it uniquely presents how Republicans viewed this hearing. Discussions of sexual assault should not be abstract—instead, allegations of this nature require due process that the Republicans believed was not afforded to Kavanaugh by the Democrats and media. There was also a tremendous amount of concern about Kavanaugh’s reputation. Senators Cruz, Grassley, Cornyn, Hatch, Graham, Crapo, and Tillis, all Republicans, uniformly expressed dismay over what they characterized as the irreparable damage done to Kavanaugh’s reputation because of Blasey Ford’s accusations against him. In this light, Kavanaugh is painted as a victim. Indeed, Senator Lindsey Graham (R-SC) pointily states, “She’s as much of a victim as you are,” to Kavanaugh (C-SPAN, 2018, 1:24:46). For Republicans, this Senate hearing was a “sham”—in the words of Senator Graham—and only served to smear Kavanaugh’s good name. The allegations of sexual assault, while generally serious, should be fully investigated through a criminal court. The accusations by Blasey Ford, however, are uniformly dismissed by GOP senators. In sum, this quote by Graham may be the clearest indicator of the several themes that Republican senators harnessed in their partisan articulation of the challenges to Kavanaugh’s confirmation. Here we see our secondary theme of victimization in which Kavanaugh is painted an undue martyr of the #MeToo movement. Additionally, the perceived lack of due process is a direct challenge to Kavanaugh’s character and credibility, which is a primary theme throughout the hearings.

Conversely, Democrats are both concerned with the statements made by Blasey Ford and about the culture of sexual violence in the nation. Their comments reflect an understanding that the sexual assault experienced by Blasey Ford is a symptom of a wider cultural problem that places mostly women and girls in a vulnerable position. Democratic senators submitted academic scholarship or letters from survivors of sexual violence and their support organizations. For example, Senator Chris Coons (D-DE) asked the following of Chairman Grassley (R-IA):

I’d like to ask unanimous consent to submit for the record five articles, including one titled “Why Sexual Assault Memories Stick,” and one entitled “Why Didn’t Kavanaugh Accuser Come Forward Earlier? Police Often Ignore Sexual Assault Allegations.” (C-SPAN, 2018, 1:58:29)

Similarly, Senator Cory Booker (D-NJ) asked:
Mr. Chairman, I'd just like to introduce for the record, seven letters by the Lambda Legal; from Mormon Women for Ethical Government; youth-led organizations around this country; the International Unions Bricklayers, Allied Craftworkers; a letter from 295 survivors of sexual violence in support of Dr. Ford; and a letter from 1,600 men to campaign in support of Dr. Ford; and those who want to assert men and women that are survivors of sexual violence are not opportunists, do not have political axes to grind, but are coming forward with courage and with heart to speak their truth and try to end the scourge of sexual assault and violence in our country. (C-SPAN, 2:36:22)

Both Coons and Booker are appealing to other authorities who are experts on sexual violence. This is done in a manner to recognize that Blasey Ford's accusations are larger than allegations made by one person against a would-be Supreme Court justice. Rather, her experiences are part and parcel of a culture of sexual violence that is being uncovered in the current #MeToo era. Broadening the discussion enabled Democrats to showcase the seriousness of sexual violence and the importance of taking accusations seriously. To do so would give Blasey Ford's testimony increased legitimacy and demonstrate a belief in victims (who are often women) who make these claims.

**Women’s Roles/Rights**

Finally, we examine the extent to which senators employed women-focused themes in their discussion. The data in Table 1.6 reveal that Democrats employed the theme of women (roles/rights) more frequently compared with Republicans. However, this theme is used in a mere 2% of Democrats' statements and the differences between Republican and Democratic senators in this regard are not statistically significant.

While overt discussions about women as a group were largely absent from both Democratic and Republican senators' testimony, the partisans did employ different frames in how they mobilized this gendered subset of the American population. Women and girls who knew Kavanaugh were mobilized to advocate for his strong moral character, all asserting their confidence in his innocence. The deployment of women in this way demonstrates multiple themes of character, credibility, assault, and details/facts. Here, Republicans are trying to make a connection that in order for Kavanaugh to be a sexual predator, he must have exhibited inappropriate sexual conduct with other women during this time. Because he has women friends, mentees, and colleagues that speak
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You’re supposed to be Bill Cosby when you’re a junior and senior in high school. And all of a sudden, you got over it. It’s been my understanding that if you drug women and rape them for two years in high school, you probably don’t stop. (C-SPAN, 2018, 1:25:43)

To be sure, Kavanaugh was not accused of drugging Blasey Ford so this comparison to Bill Cosby is more incendiary than factual. Senator Graham may be trying to solicit outrage and awe in an attempt to sway partisan indignation.

Republicans sought to show that Kavanaugh respects women, which would imply that he could not sexually assault them. Respect for women was implied through his friendships and mentoring and professional relationships with women. For example, attorney Mitchell questioned:

Prior to your nomination for Supreme Court, you’ve talked about all of the female clerks you’ve had, and the women that you’ve worked with. I’m not just talking about them; I’m talking about globally. Have you ever been accused, either formally or informally, of unwanted sexual behavior? (C-SPAN, 2018, 1:14:48)

Similarly, Lindsey Graham (R-SC) connected Kavanaugh’s nonsexual and professional relationships with women as an indicator that he could not have sexually assaulted Blasey Ford. Graham stated: “You have interacted with professional

<table>
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<th>TABLE 1.6 Women’s Roles/Rights</th>
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Note: Percentages reflect the proportion of all speaking segments.

*Differences between all 3 groups are statistically significant (p < .01, two-tailed).
women all your life, not one accusation” (C-SPAN, 2018, 1:25:39). Likewise, Chairman Grassley (R-IA) introduced a letter signed by Kavanaugh’s female friends, which was intended to demonstrate that because he was friends with women, Kavanaugh could not possibly have assaulted Blasey Ford over 30 years ago. Grassley noted:

I have a letter here from 65 women who knew Judge Kavanaugh between the years ’79 and ’83—the years he attended Georgetown Prep High School. These women wrote to the committee because they know Judge Kavanaugh and they know that the allegations raised by Dr. Ford are completely, totally inconsistent with his character. These 65 women know him through social events and church, many have remained close friends with him—here’s what they say partly quoting the letter. “Through the more than 35 years we’ve known him, Brett has stood out for his friendship, character and integrity. He has always treated women with decency and respect. That was true in high school and it remains true to this day.” In closing they wrote, “Judge Kavanaugh, has always been a good person,” so without objection I put it in the record. (C-SPAN, 2018, 2:01:06)

Directly to this point, Senator Kamala Harris (D-CA) does not argue that having women friends does not correlate one-to-one with whether a person could commit sexual assault. Instead she pointedly asks Kavanaugh, “Ok. And then, do you agree that it is possible for men to both be friends with some women, and treat other women badly?” (C-SPAN, 2018, 2:51:56).

Perhaps the incisive difference between Democrats’ and Republicans’ discussion of women was the acknowledgment (or lack thereof) of the #MeToo movement. Only Democrats placed discussions of Blasey Ford’s alleged sexual assault within a larger context of #MeToo. Within this frame, Democrats see women as a sociopolitical group that is asking for a specific form of representation and advocacy. For instance, Senator Dianne Feinstein (D-CA) prefaced her opening remarks by acknowledging that Blasey Ford wanted to come forward, albeit confidentially, to make accusations of sexual assault public “because [of] how women are treated in the United States, with this kind of concern, is really wanting a lot of reform” (C-SPAN, 2018, 0:16:28). The need to classify women as a special group is followed by Senator Feinstein’s appeal to experts who note that “sexual violence is a serious problem and one that largely goes unseen. In the United States it’s estimated by the Centers for Disease Control one in three women and one in six men will experience some form of sexual violence in their
lifetime” (C-SPAN, 2018, 0:18:16). While men and individuals who identify as nonbinary also experience sexual assault, Senator Feinstein frames sexual violence as a women’s issue. In turn she views this crime as distinctly gendered.

Only Democratic Senators Feinstein (D-CA) and Patrick Leahy (D-VT) directly reference #MeToo during the hearings. Feinstein does so in her comparison to Clarence Thomas’s confirmation hearings in which Anita Hill testified that Thomas sexually harassed her. Here, Feinstein invokes our themes of victimization, empathy, and assault to demonstrate that much has not changed in American politics since Anita Hill’s accusations of sexual harassment nearly 30 years ago. However, she notes that women are change agents who are pushing back against unjust treatment by publicly making allegations against powerful men like Kavanaugh. For Feinstein, the institutions that are supposed to represent women have remained static while the culture has not. These claims are made to demonstrate Blasey Ford’s bravery, and that of the women who helped to propel the #MeToo movement into the national spotlight.

Similarly, Senator Leahy expressed empathy to Blasey Ford and other survivors of sexual violence. He praised them for coming forward and noted that Blasey Ford is an example to other victims who may be too frightened to do so. Senator Leahy announced that “bravery is contagious. Indeed, that’s the driving force behind the #MeToo movement. And you sharing your story is going to have a lasting, positive impact on so many survivors in our country. We owe you a debt of gratitude for that, Doctor” (C-SPAN, 2018, 1:08:35). Furthermore, Senator Leahy noted that he hears from “so many in my own state of Vermont, there are millions of victims and survivors out there who have been inspired by your courage” (C-SPAN, 2018, 1:08:29). The connection that Senator Leahy made to his constituents and the #MeToo movement illustrates that he is attempting to relate to women voters. This rhetorical move demonstrates that Leahy is aware of his public audience—both inside and outside of Washington—who is watching this hearing and deciding how to vote in the 2018 midterm election. Democrats are aware that they need to signal to women voters that they are heard, respected, and valued by this party.

Within this vein, Senator Leahy (D-VT) recalls Anita Hill’s testimony and the importance of believing women. Nearly 30 years after Clarence Thomas’s confirmation hearings, Leahy lamented that the Judiciary Committee was on the wrong side of history. The American public has now come to recognize sexual harassment as a legitimate form of discrimination that is often gender-based. In turn, Senator Leahy appeals to his colleagues on the Judiciary Committee and implores them to believe women who are victims of sexual harassment
and assault. He said, “Chairman, you and I were both here 27 years ago. At that time, the Senate failed Anita Hill. I said I believed her” (C-SPAN, 2018, 1:08:02). Indeed, Anita Hill was referenced several times as senators made comparisons to Blasey Ford’s treatment by either the FBI, the hearing process, or the partisan nature of the accusations. However, Senator Leahy’s comments are the most direct as he expresses his understanding of the hearing process to do (un)justice to women who’ve made allegations against judicial nominees.

**CONCLUSION**

This chapter examined the ways that Democratic and Republican senators navigated a gendered issue to demonstrate partisan handling of sexual assault in the era of #MeToo. The Brett Kavanaugh confirmation hearing in 2018 provided insights into the substantive differences among the parties in their discussion of sexual assault. The data clearly indicate that Democrats largely viewed this allegation as part of a broader moment in American history surrounding the treatment of women. Their discussion, which more often evoked themes of sexual assault—including victims of assault across the country—was in stark contrast to the Republicans’ focus on the facts of this singular instance (particularly through attorney Rachel Mitchell’s questions) as well as partisan politics in their remarks. Our analysis forcefully demonstrates that partisans utilized political communication to signal party support for #MeToo and for due process. Furthermore, the hearings provided senators with a way to package their party’s stance on gendered issues and for the three Democratic presidential hopefuls—Cory Booker (D-NJ), Kamala Harris (D-CA), and Amy Klobuchar (D-MN)—an opportunity to demonstrate their leadership on sexual assault. With millions of Americans tuned into these hearings, senators were able to showcase their views on #MeToo and how they would approach gendered topics in the future.

Given the extant literature, we expected to find gender differences, both qualitatively and/or quantitatively, in how senators questioned Blasey Ford and Kavanaugh. However, given the paltry number of women and people of color on the Judiciary Committee, we did not see these differences. In our analysis of the reauthorization of the Violence Against Women Act (Brown & Gershon, 2017) we found these intersectional differences and, as such, attempted to develop a coding scheme around raced/gendered themes. However, we were not able to do so. Perhaps our findings may be due to the limited diversity in the Senate.
Given the limited diversity present on the Judiciary Committee—particularly among Republicans—this case offers limited insight into how different senators might approach this topic. In the future, we plan to explore racial identity through a content analysis of the Hill/Thomas hearings—in particular, paying attention to whether the frames were similar in both instances, as well as the extent to which they offer praise and express empathy for Hill and Thomas. Unlike the Hill/Thomas hearings, the Blasey Ford/Kavanaugh hearings afforded us a gendered analysis, albeit limited in scope, because of the four women serving on the Judiciary Committee. Future research should explore this comparison. We believe that a raced/gendered comparison will be insightful given the varying identities of the accused and accuser. An intersectional analysis will be necessary in this enterprise.

Lastly, we know that the hearings influenced the 2018 midterm elections. The Democrats flipped the House of Representatives, sending Nancy Pelosi (D-CA) to reclaim the role of Speaker. Furthermore, the 116th Congress has the highest number of women—a record 117 (elected or appointed)—of which more than a third won their seats for the first time. The overwhelming majority of these gains for women were made by Democrats. The Year of the Woman in the new millennium hearkens back to 1992’s Year of the Woman, where women also ran for office in large numbers and helped to change social policies. Bolstered by President Trump’s anti-woman rhetoric and an upheaval of traditional politics, the women who sought and won election in 2018 are well poised to have successful campaigns in 2020 given today’s similar national and cultural politics. While there has been backlash to the #MeToo movement and some of the accused have found limited redemption, the nation’s attitude toward sexual misconduct, harassment, and violence has been forever changed. Americans are more aware of these issues than at any time in the past. Therefore, we expect #MeToo to play a role in the 2020 elections.

NOTES

1. Started by Tarana Burke in 2007 to stand with young women of color who survived sexual assault, the #MeToo campaign was intended to let women know that they were not alone. Today the phrase is a viral awareness campaign on social media that has inspired others to share their stories, stand in solidarity with survivors, and challenge a culture of pervasive sexual assault and harassment.
2. This transcript was amended for accuracies.
3. Blasey Ford’s attorney (Michael Bromwich) also spoke during the hearing several times. His remarks are not included in the analysis presented here.
4. Some speaking segments were lengthy and included multiple themes, while others were relatively short.
5. In addition to these primary themes, we also coded for whether the mention was purely administrative (keeping time, calling recess, etc).
6. See the Appendix for a deeper discussion of the themes as well as examples from the hearings.
7. To be sure, senators accused each party of using Blasey Ford as a pawn by playing politics. But they did not characterize Blasey Ford herself in this light.
8. Two coders conducted this content analysis. We calculated the intercoder reliability on 10% of the speaking segments, yielding an average agreement level of 96%.

REFERENCES


**APPENDIX: THEMATIC CODING**

We examined whether senators utilized five primary themes in their discussion: character/credibility, partisanship/politics, details/facts, sexual assault, and women's roles/rights. We further examined whether (within these statements) senators discussed the following secondary themes: gender, race, victimization, bravery, empathy, alcoholism, and FBI investigation. Below we include a short discussion of these themes as well as sample hearing excerpts from the hearing that illustrates each theme.

**Primary Themes**

1. **Character/Credibility:** Discussion of the morality, character, and credibility of Christine Blasey Ford and Brett Kavanaugh.

   *Senator Blumenthal during Blasey Ford's testimony:* “Let me tell you why I believe you: not only because of the prior consistent statements and the polygraph tests and your request for an FBI investigation and your urging that this committee hear from other witnesses who could corroborate or dispute your story, but also, you have been very honest about what you cannot remember.”

   Secondary theme coded: FBI investigation

2. **Partisanship/Politics:** Discussion of partisan politics and politically motivated behavior.

   *Senator Hatch during Kavanaugh's testimony:* “But the circus atmosphere that has been created since my Democratic colleagues first leaked Dr. Ford’s allegations to the media two weeks ago—after sitting on them for six weeks, I might add—has brought out the worst in our politics.”
3. **Details/Facts:** These include discussion revolving around the facts that are known or being sought, as well as Blasey Ford’s and Kavanaugh’s knowledge of timelines, procedures, and so forth.

   *Senator Lee during Kavanaugh’s testimony:* “It’s also correct that you yourself do not control the FBI or when it conducts an investigation, you are a nominee, you’re not tasked with the job of deciding who, when, whether or how [to] conduct an investigation.”

   **Secondary theme coded:** FBI investigation

4. **Sexual Assault:** These include discussion revolving around particular claims of assault as well as the impact of assault broadly.

   *Senator Klobuchar during Blasey Ford’s testimony:* “Sexual violence is a serious problem and one that largely goes unseen. In the United States it’s estimated by the Centers for Disease Control one in three women and one in six men will experience some form of sexual violence in their lifetime. According to the Rape, Abuse & Incest National Network, 60 percent of sexual assaults go unreported. In addition, when survivors do report their assaults, it’s often years later due to the trauma they suffered and fearing their stories will not be believed.”

5. **Women's Roles/Rights:** These include discussion centered on women’s experiences and beliefs about women.

   *Senator Feinstein during Blasey Ford’s testimony:* “There’s been a great deal of public discussion about the #MeToo movement today versus the Year of the Woman almost 27 years ago. But while young women are standing up and saying “No more,” our institutions have not progressed in how they treat women who come forward. Too often, women’s memories and credibility come under assault. In essence, they are put on trial and forced to defend themselves, and often revictimized in the process.”

**Secondary Themes**

1. **Gender:** Any explicit mentions of gender.

   *Senator Booker during Blasey Ford’s testimony:* “But there are dark elements that allow unconscionable levels of—unacceptable levels of sexual assault and harassment that are [a]ffecting girls and boys, and [a]ffecting men and women.”

2. **Race:** Any explicit mentions of race or ethnicity.

   *This theme did not present itself explicitly in the hearing.*

3. **Victimization:** Explicit mentions of victims or victimization.

   *Senator Grassley during Blasey Ford’s testimony:* “That is why the senators on
this side of the dais believe an expert who has deep experience and training in interviewing victims of sexual assault and investigating sexual assault alleged—allegations should be asking questions.”

4. **Bravery**: Explicit mentions of bravery, courage, or synonyms of these words.
   *Senator Leahy during Blasey Ford’s testimony:* “Bravery is contagious. Indeed, that’s the driving force behind the MeToo movement. And you sharing your story is going to have a lasting, positive impact on so many survivors in our country. We owe you a debt of gratitude for that, Doctor.”

5. **Empathy**: Expressions of empathy toward others (most commonly Blasey Ford and Kavanaugh).
   *Senator Flake during Kavanaugh’s testimony:* “I am sorry for what’s happened to you and your family, as I’m sorry for what has happened to hers.”

6. **Alcoholism**: Mentions of alcoholism as well as discussions of drinking problems and drinking to excess.
   *Senator Whitehouse during Kavanaugh’s testimony:* “Should we draw any conclusion that a loss of recollection associated with alcohol was involved in you not knowing who won the games that you attended?”

7. **FBI investigation**: Explicit discussion of FBI investigations of Blasey Ford’s or others’ claims of Kavanaugh’s sexual misconduct.
   *Senator Klobuchar during Kavanaugh’s testimony:* “Why don’t you just ask the president? Mrs.—Dr. Ford can’t do this. We clearly haven’t been able to do this. But just ask the president to reopen the FBI investigation.”

### TABLE A.1 Secondary Themes

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<th>Theme</th>
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*Note: Percentages reflect the proportion of all speaking segments including the various themes. Speaking segments may include multiple themes.*
CHAPTER 2

COMPETING AND RECURRING NARRATIVES
Crafting Credibility in the Hill-Thomas and Ford-Kavanaugh Hearings

Joseph Sery

Judges have always been at least somewhat political, but they were nonetheless viewed as striving for neutrality and constrained by the Constitution to a greater extent than their counterparts in the executive and legislative branches. Their perceived detachment certainly benefits the judiciary as American citizens have long considered the courts the least ideological of the three branches of government and vested significant faith in their power to remain unbiased. Yet, for the last 40 years such faith has been tested and strained. While this is evident in some of the most critical landmark decisions that have divided politicians and public opinion, the judicial confirmation process is a particularly apt representation of the distinct change in the judiciary and the legislative procedure that confirms them. Whereas the confirmation process used to be a formality, rarely drew much attention, and was completed in a short timeframe, it is now a key site for vociferous political clash, endless dissection from the news media, and diverging public opinion.

This chapter will address the significant shift that has taken place in confirmation hearings held by the Senate Judiciary Committee. In particular, I will offer a comparative analysis of two of the most divisive and controversial nominees, Clarence Thomas and Brett Kavanaugh, and the two women who levied accusations of sexual harassment and assault, Anita Hill and Christine Blasey Ford. Specifically, I will articulate the ways in which the four figures rhetorically constructed their credibility with a media circus surrounding them.
Separated by nearly 30 years, their hearings were affected by the social and cultural norms of their time but faced a similar problem of legitimacy as competing narratives clashed in their attempt to frame the situation. Both Thomas and Kavanaugh had to articulate why they were valid, reasonable, morally upstanding judges worthy of the highest court. Hill and Blasey Ford had to convince the Judiciary Committee and broader American public that their accusations were genuine and their interest in testifying sincere. Surrounding each of these figures was a chorus of politicians and pundits dissecting every moment, which served to fuel the already substantial spectacle of these hearings. Ultimately, the results were the same—Thomas and Kavanaugh were confirmed amidst the controversy—but each crafted their credibility in distinct ways, and tracing their narratives informs the ways in which Senate process and policy have changed over time.

Drawing on Walter Fisher’s “narrative paradigm,” this chapter confronts the various ways in which in each rhetor navigated the competing (if not incompatible) audiences involved, the diverse tactics utilized to construct a credible persona amidst uncertainty, and the issues of coherence and fidelity in their narratives. In order to do so, I will first provide an overview of the narrative paradigm and its place within the rhetorical scholarship on credibility. Importantly, the project expands the narrative paradigm to illuminate not just the construction of a single narrative, nor the idea of competing narratives, but also the ways in which narratives transcend a particular moment as recurring themes and discursive shifts emerge in similar rhetorical situations. The two subsequent sections focus on the similarities and differences that distinguish first, the accusers’ narratives, and second, the defenders’ narratives. Utilizing the C-SPAN Video Library, particular attention is given to the individual testimonies as opposed to the discourse surrounding their testimonies. Each section will draw attention to the similar rhetorical challenges, opportunities, and strategies the individuals faced in their respective situations and transition to the important differences that make their narratives distinct. The chapter concludes by stepping back from the individual narratives of those involved to discuss the changing dynamic in the nomination and confirmation process largely impacted by defining moments like the Thomas and Kavanaugh confirmation hearings. Important to note, what follows is not an exhaustive list of every aspect of narrative found in these hearings; rather, I draw attention to what I believe are the most prominent rhetorical problems and possibilities faced by the four individuals involved.
CREDIBILITY AND THE ROLE OF NARRATIVE

Credibility has always been a cornerstone of the rhetorical tradition with Aristotle (ca. 350–335 B.C.E./1991) going so far as to claim ethos—the character and credibility of a speaker—as the most effective mode of persuasion. Contemporary readings of Aristotle’s seminal work expand upon the centrality of a speaker’s credibility, situating it as both a central form of argumentation (Farrell, 1995) and a necessary requirement in the process of rhetorical invention (Garver, 1994). While many scholars throughout the rhetorical tradition articulated their distinct views on credibility, Kenneth Burke (1969) is arguably the most widely recognized voice since Aristotle. In A Rhetoric of Motives, Burke draws from the burgeoning scholarship of sociology and psychology as he re-establishes credibility for the modern age. Expanding the scope of rhetoric beyond persuasion, Burke situates “identification” as rhetoric’s north star. More importantly, Burkean identification is impossible if the audience does not trust the rhetor or finds their motives suspect. There are certainly examples of cultivating credibility through nefarious means, which Burke (1967) notes in the practice of scapegoating reflected in “The Rhetoric of Hitler’s Battle,” but it is nonetheless a necessary and unavoidable aspect of “consubstantiality”—that is, attaining reciprocal recognition with the audience.

These theoretical contributions by no means constitute the breadth of scholarship in the area. Others have complemented, expanded, or challenged these foundational texts, including Delia’s (1976) examination of credibility through a constructivist lens; Infante et al.’s (1983) investigation of different approaches to credibility; Hyde’s (2004) edited volume that incorporates everything from aesthetics to religion to human-computer interaction; McClosky and Zaller’s (1984) articulation of the distinctly American qualities of ethos; and so many more. Credibility touches virtually every discipline as each have their own array of standards and practices that evolve over time. Yet, if we are to take heed of McKeon’s (1987) characterization of rhetoric as the “architectonic art,” then they all draw upon the rhetorical tradition in one way or another. There is an abundance of scholarship exploring all the intricacies of credibility, but one particular element is crucial in the construction and deconstruction of credibility throughout the testimonies of Thomas, Hill, Kavanaugh, and Blasey Ford: the narratives they each establish in order to cultivate a consubstantial relationship with their respective audiences.
Much like the scholarship on credibility, there are many contributions to a rhetorical understanding of narrative. These works examine such topics as the rhetorical function of literature (Booth, 1983), the relationship between narrative and epistemology (Danto, 1985), the ability to constitute and reconstitute audiences through narrative (Charland, 1987), and narrative’s presence in the rhetoric of popular culture (Brummett, 1994). While these works provide a robust understanding of the scope and influence of narrative, one particular theory will serve as the cornerstone of this chapter. Fisher’s (1984, 1985, 1987, 1989) “narrative paradigm” provides a compelling rhetorical framework to understand the various strategies used to create, maintain, and undermine the credibility of four persons involved in the aforementioned Supreme Court confirmations. In his theory, Fisher challenges the “rational world paradigm,” which he posits as the dominant yet misguided worldview that underscores all manner of assumptions about human agency and our ability to reason effectively. Akin to the classical economic perspective of human agency (“homo economicus”), the rational world paradigm is guided by five reigning axioms (Fisher, 1984).

First, humans are rational beings. Second, judgments are made based on the arguments for or against a position. Third, one’s rhetorical situation (for example, a court of law or legislative body) determines the framework of arguments used. Fourth, the success or failure of an argument is determined by its quality, including soundness and validity. Fifth, our world is objective, and it can be fully comprehended through the lens of rational analysis. In many ways, this is the legacy of the Age of Reason and the Enlightenment: humans are creatures apart from the natural world in their ability to reason through it. Within rhetoric, this ideal is captured in classic notions of the public sphere where citizens discuss and deliberate matters of public concern in a space where the best argument wins the day (Arendt, 1998; Habermas, 1962/1991). While scholars acknowledge the idealization of such a conception of the public sphere and the capacity of citizens to fulfill the lofty expectations demanded, there nonetheless persists an aspirational yearning for democratic deliberation undergirded by the rational world paradigm.

Fisher (1984) argues that human reasoning is not so tidy. In his view, we are essentially storytellers and our reasoning is impacted by a number of contextual factors including “history, culture, biography, and character” (p. 3), all of which impact each other in a myriad of ways. Not only does the rhetorical situation frame the basis on which arguments are built, but also the medium used and the genre of discourse employed (i.e., technical vs. artistic). Good reasons are the domain of not solely rational argumentation but also the various commitments that
tacitly frame our respective worldviews. This is not to say that everything is entirely subjective as Fisher is no solipsist. The grounds for our judgments, however, are much more relaxed than the rational world paradigm demands. We still evaluate the quality of stories presented before us; some stories are more believable than others. Rather than rational deliberation serving as the cornerstone of judgment, Fisher follows Burke (1969) in arguing that the crux of judgment is identification. Importantly, the narrative paradigm does not suggest logic and rational argumentation are inconsequential to our decision-making process; instead, it is “a dialectical synthesis of two strands in the history of rhetoric: the argumentative, persuasive theme and the literary, aesthetic theme” (Fisher 1984, p. 2). In short, logical reasoning is only part of the story.

Fisher (1984) argues that identification and our judgments are built on two pillars: “narrative coherence” (also referred to as “narrative probability”) and “narrative fidelity.” By narrative coherence, Fisher means the degree to which the story is coherent and the extent to which all the pieces hang together. Is the storyteller leaving out important details or manipulating any facts? Does the story have internal consistency such that all of the pieces fit together? Are there contradictions that disrupt the story and make it more difficult to believe? Much like one can be taken out of a film when the characters act in a way that does not make sense given the story being told, so too do we question rhetors in a similar fashion. Narrative fidelity addresses the degree to which stories “ring true with the stories [the audience members] know to be true in their lives” (p. 8). To what extent does a story seem legitimate based on the values and history of the audience? How would we act if we were in a similar situation? Whether a work of fiction or a public controversy, we try to square the values of those involved with our own. Both of these aspects of narrative—coherence and fidelity—are central issues in the public drama that engulfed the testimonies of Thomas, Hill, Kavanaugh, and Blasey Ford. Moreover, tracing the evolution of narratives emerging from similar rhetorical situations offers a glimpse into the ways in which narrative coherence and fidelity change or remain the same given the various contextual nuances and sociocultural shifts.

Fisher is not without his detractors, some of whom take issue with the sweeping nature of his theory and its undermining of the classical rhetorical tradition. Warnick (1987) notes that Fisher’s characterization of what constitutes a “good” or “bad” story suffers from a misunderstanding between the ethical dimension of a narrative and its impact or effectiveness. As a result, one may judge a narrative as “bad” in the ethical sense despite it being profoundly effective, as in
Hitler’s *Mein Kampf*. Rowland (1987, 1989) also takes issue with Fisher’s conception of the narrative paradigm, but rather than focus on its application and the labels used to describe a particular narrative, he challenges the very core of Fisher’s argument: it is not a paradigm. Rowland argues that Fisher’s scope is too broad in its attempt to frame all human communication as inherently narrative in form. Instead, he posits that narrative is one type of discourse among many.

While these criticisms hold some validity, one need not completely subscribe to every aspect of Fisher’s argument to find the theory a useful and insightful rhetorical lens through which to examine the ways in which credibility is created, maintained, and challenged. It is particularly useful in a legal setting, wherein there are competing narratives vying for attention and legitimacy while negotiating multiple audiences. Due to a lack of hard, undeniable evidence, the testimonies of Thomas, Hill, Kavanaugh, and Blasey Ford rely almost entirely on the narratives they construct. The issues of narrative coherence and fidelity are central to their credibility as they must navigate multiple audiences and the clashing, often incompatible narratives given by their counterparts. Moreover, turning to Fisher’s conception of narrative complements the already robust scholarship on narrative/storytelling, legal studies, and rhetoric (Brooks & Gerwitz, 1996; Jackson, 1988; Levinson & Mailloux, 1988; Minow et al., 1993; Olson, 2014; Sarat & Kearns, 1996) and draws attention to the often-overlooked confirmation process. In addition, a focus on narrative adds another scholarly angle to the robust rhetorical scholarship on the Thomas and Hill testimonies (Asenas & Abram, 2018; Beasley, 1994; Hart, 1994; Lipari, 1994; Regan, 1994) and growing attention given to the Kavanaugh and Blasey Ford testimonies (Raymond et al., 2019). The following sections treat the accusers and the defenders separately as a way to address their respective similarities and differences regarding narrative coherence and fidelity. Given the breadth and depth of their testimonies, attention will be given to those aspects of coherence and fidelity that are most central to each narrative.

**ACCUSERS’ NARRATIVES: ANITA HILL AND CHRISTINE BLASEY FORD**

The initial, and perhaps most vital, narrative challenge facing both Hill and Blasey Ford was their need to reconstruct the events that precipitated their accusations. As an aspect of their narrative coherence, Hill and Blasey Ford needed to convince multiple audiences, primarily the senators judging the veracity of their stories, who would soon vote on whether or not to confirm the nominees,
as well as the American public watching the spectacle play out. Both testimonies needed to carefully detail the events that took place. This task was made all the more challenging by the fact that the events occurred years ago. While Hill was reconstructing events that took place roughly 10 years prior to the hearing, Blasey Ford had to reach back over 30 years. Not only did each woman face a similar challenge in crafting a coherent narrative that could hang together amidst scrutiny, but they both used their opening statements to map out the details of their respective experiences.

After outlining biographical information, Hill transitioned to her time working with Clarence Thomas, first at the Department of Education, then later at the Equal Employment Opportunity Commission (C-SPAN, 1991b). Hill noted how her working relationship with Thomas was initially positive, but 3 months into working at the Department of Education problems with Thomas's behavior began to emerge. Claiming she denied a social relationship with Thomas despite his dogged pursuit, she then documented the various things Thomas had supposedly said and done in their workplace. According to Hill, Thomas began discussing pornography and various sex acts apropos of nothing. Importantly, she noted her unsuccessful attempts to stop this behavior despite being “extremely uncomfortable talking about sex with him at all, and particularly in such a graphic way” (1991b). This narrative turn is a key aspect of her coherence because it challenged Thomas's claim that these accusations are new and imagined, if not outright fabricated (C-SPAN, 1991a).

Hill continued, documenting an array of other instances of harassment, most infamously a time at the EEOC wherein Thomas supposedly joked about a pubic hair on a can of Coca-Cola (C-SPAN, 1991b). Noting how she feared reprisal, in an attempt to both advance her narrative coherence and preempt questions about why she remained working with Thomas for so long, Hill then detailed how she left the EEOC for a position at Oral Roberts University. Hill's narrative is reminiscent of an individual attempting to escape a domestic abuse situation by calling attention to the fear and anxiety she constantly felt, the power of the figure imposed on her, and the justification for not reporting the events as they occurred. For many audience members, particularly those who have been in an abusive relationship, this was an important dimension of her narrative coherence because it echoed similar narratives of harassment and abuse. For others, as we will see, this aspect of the narrative was a major source of doubt.

Blasey Ford similarly utilized a detailed narrative in an attempt to convince the Senate Judiciary Committee and American public about the events in her accusation. While the rhetorical situation surrounding Blasey Ford is different—in
part because of the legacy of the Hill testimony, the changing demographics of the Senate generally and Judiciary Committee specifically, and the shifts in American public culture concerning harassment and sexual assault—she also had a significant rhetorical challenge in that she needed to recreate events that occurred over 30 years ago. Like Hill, Blasey Ford’s most poignant articulation occurred during her opening statement. In an interesting rhetorical turn, Blasey Ford began by addressing what she did not recall (C-SPAN, 2018b). Acknowledging the potential weak points in her narrative coherence, Blasey Ford acknowledged the limitations of her testimony while simultaneously arguing that the important details, the ones that should matter in a hearing like this, have been “seared into her memory” (C-SPAN, 2018b). Her strategy may have been in response to the Hill testimony wherein senators continuously called attention to what Hill did not recollect, then used those gaps as a way to undermine her entire testimony.

As Blasey Ford addressed the aspects of the day leading up to the party where she claimed the attempted assault took place, she strove to be as detailed as possible. She noted the events of the day, including swimming at the Columbia Country Club, attending a party with specific individuals including Kavanaugh and Mark Judge, and the narrow staircase that led to the room where she was assaulted (C-SPAN, 2018b). Her recollection of the assault was vivid as she noted that Kavanaugh and Judge were in the room with her, how Kavanaugh put his hand over her mouth to silence her screams, how both jumped on the bed after her, and their laughter throughout the assault. Blasey Ford’s testimony attempted to accomplish at least two things. First, she stressed the lasting trauma the experience has left on her, which also aided her narrative fidelity as a survivor of sexual assault. Second, she provided places and times where she had given voice to her experience, all of which were before the nomination of Kavanaugh. Again, like Hill, these rhetorical turns would prove effective for those who have endured a similar experience or those who are well versed in the reasons victims remain silent but serve as a point of contention for those who have not and are not.

Although both women shared similar elements in their narrative coherence, the differing rhetorical situations led to a significant departure, particularly in the challenges posed by Senate Republicans. For Hill, the main points of criticism levied upon her testimony were the supposed inconsistencies from her original statements to the FBI and her testimony before the Senate Judiciary Committee. At the forefront of this criticism was Sen. Specter (R-PA). As the lead interrogator for the Republicans, Specter continually called attention to the additional elements of her narrative that were introduced during her testimony.
but not the prior FBI investigation. For example, regarding the infamous “Coke incident,” he juxtaposed what Hill had told the FBI and what she was now addressing in her testimony: “And my question to you, why, if this was such an odd episode, was it not included when you talked to the FBI?” (C-SPAN, 1991b). Because she did not disclose the incident to the FBI but did so during the hearing, Specter argued that Hill was adding new, fictitious allegations to further sully Thomas’s reputation. Notably, the issue is not so much that she was changing her testimony but that she was adding additional, often salacious elements to it. Sen. Specter would later claim that “the testimony of Professor Hill in the morning was flat-out perjury” and a “product of fantasy” (C-SPAN, 1991f). Sen. Orrin Hatch (R-UT) would pick up on this line of argument in an attempt to further discredit Hill. Because Hill did not address everything in her statement to the FBI and is recalling previously undisclosed information throughout her testimony before the Judiciary Committee, the consistency of her narrative was brought into question.

In her response, Hill attempted to reclaim the coherence of her narrative by differentiating between what she knew and what she was comfortable revealing to the FBI agents interviewing her:

When the FBI investigation took place, I tried to answer their questions as directly as I recall. I was very uncomfortable talking to the agent about that, these incidents, I am very uncomfortable now, but I feel that it is necessary. The FBI agent told me that it was regular procedure to come back and ask for more specifics if it was necessary. And so, at that time, I did not provide all of the specifics that I could have. (C-SPAN, 1991b)

Hill would later say that the process of the hearing was drawing forth more memories that had been previously repressed. Under her interpretation of the situation, the omission of certain details was not due to malice or deception; rather, she felt uncomfortable with the interview and the details she was asked to recount. She was reliving the trauma she had experienced and tried to overcome. Moreover, she was under the impression that there would be follow-up interviews where she would have the opportunity to go into more detail if necessary. These were not the only moments of the Republican attempt to dismantle Hill’s credibility, but they nonetheless capture the main challenge to her coherence as they negotiated the internal consistency of her narrative while Specter, Hatch, and others tried to dismantle it.
The legacy of Hill’s treatment before the Senate Judiciary Committee no doubt influenced the way in which Republicans handled the interrogation of Blasey Ford. Most importantly, she was questioned not by the Republican senators but by a proxy, attorney Rachel Mitchell, a woman with extensive experience prosecuting sex crimes. One interpretation of her presence stresses her expertise, yet there is little doubt that she was also chosen in order to avoid the optics of a panel of men questioning the validity of Blasey Ford’s experience. However, this did not mean that Blasey Ford was spared questions about her narrative coherence. Whereas Hill was challenged on the basis of consistency, which implied and sometimes outright accused her of malicious intent, the criticisms of Blasey Ford focused on her memory (C-SPAN, 2018b). Mitchell also inquired about specific dates and times, despite Blasey Ford stating in her opening remarks that she could not provide such specificity. As the 3-hour testimony came to a close, Sen. Grassley (R-IA) called attention to the fact that there were three sworn testimonies from people Blasey Ford claimed were at the party who assert that they did not remember anything. Notably, these testimonies were not outright denials of the allegations, only that the individuals questioned did not remember the evening in question.

Both Blasey Ford and her Democratic questioners spent a good amount of time reinforcing her narrative coherence in response. Drawing from her expertise in psychology, she addressed the “basic memory functions” that operate in moments of trauma like the one she claims to have endured, thus attempting to deflect the argument about mistaken identity (C-SPAN, 2018b). At one point, Sen. Leahy (D-VT) asked, “What is the strongest memory you have?” to which Blasey Ford replied, “Indelible, in the hippocampus is the laughter, the uproarious laughter between the two and they’re having fun at my expense” (C-SPAN, 2018b). While Sen. Leahy attempted to reinforce the scientific legitimacy of her particular memories, Sen. Durbin (D-IL) tried to mitigate the lack of memory on some aspects of the day in question: “After spending decades to forget that awful night it is no wonder your recollection is less than perfect. A polished liar can create a seamless story, but a trauma survivor cannot be expected to remember every detail” (C-SPAN, 2018b). Other senators would pick up on these two threads, such as Sen. Klobuchar (D-MN) citing her own experiences and Sen. Coons (D-DE) introducing articles on how memories stick. Acknowledging that her recollection of assault was the most vulnerable aspect of her narrative coherence, Blasey Ford and the Senate Democrats made a concerted effort to bolster this aspect of her testimony.
In addition to the reconstruction of events grounding their accusations, Hill and Blasey Ford shared another rhetorical obstacle in crafting a truthful narrative that would hang together: the timeline of the accusations. Both offer justifications as to why they did not come forward at the time, but that did not answer the question of “why now?” The day-to-day breakdown in their respective lead-ups to their testimonies are well documented for Hill (Sisters Testify, n.d.; Totenberg, 2018;) and Blasey Ford (Britzky, 2018; Choi, 2018; Desjardins, 2018) and became a featured argument for the Senate Republicans in both hearings. The details of each of their respective roads to congressional testimony were distinct, yet three important issues linked their narratives and posed a rhetorical challenge to their stories: (1) both allegations came forward late into the nomination process; (2) both had given information to Democratic staffers first that was not made public immediately; and (3) both went public after the stories of their allegations were leaked to the press. The underlying theme in the line of inquiry addressing the timeline was to dismantle the narrative coherence of the Hill and Blasey Ford testimonies, suggesting their decisions were done out of malicious political motivation.

In the Hill testimony, this manifested in various ways. For example, Sen. Specter continually asked Hill if her ultimate goal was “a move to request Judge Thomas to withdraw his nomination” (C-SPAN, 1991b) and drew attention to the various ways in which she could have brought the alleged harassment to the attention of her superiors in the Department of Education and EEOC. Sen. Hatch similarly raised doubt about Hill’s motivation, calling into question the process by which the hearings had unfolded. For their part, Democrats attempted to assist Hill in crafting a coherent narrative on this point but often indulged the idea of political motivation to an unhelpful degree, including Sen. Leahy inquiring about why Hill did not come forward during previous Thomas appointments that involved background investigations and Sen. Biden (D-DE) asking if she was “part of some organized effort to determine whether or not Clarence Thomas should or should not sit on the bench” (C-SPAN, 1991c). In retrospect, their efforts likely produced more harm than good for Hill’s testimony.

Blasey Ford similarly faced questions about the timeline of allegations and the extent to which they reflect an underlying political motivation. In his opening remarks, Sen. Grassley claimed that her testimony aligned with some of his Democratic colleagues’ “stated desires to obstruct Kavanaugh’s nomination by any means necessary” (C-SPAN, 2018b). While interrogated by Mitchell, Blasey Ford was asked who was paying for her legal expenses, implying that she was a
tool used to undermine Kavanaugh’s confirmation. Avoiding the image of doubting Blasey Ford to her face, Senate Republicans took the opportunity to stress the political motivation behind the timeline during Kavanaugh’s round of questioning (C-SPAN, 2018a). For their part, Senate Democrats came to the aid of Blasey Ford, as Sen. Feinstein (D-CA) defended the purported secrecy behind the process and Sen. Harris (D-CA) stated, “What you basically said is you reached out to your representative in the U.S. Congress hoping that person would inform the White House before Judge Kavanaugh had been named. That’s extremely persuasive about your motivation” (C-SPAN, 2018b).

Upon close analysis, one will no doubt find other similarities and differences between the narrative coherence of Hill and Blasey Ford, but the aforementioned points stand out due to the central place they hold in their respective testimonies. There are also important connections between their narrative fidelity as well, some of which interact with and respond to their established coherence. To begin, I will focus on their similarities. Recall that narrative fidelity concerns the degree to which one’s story rings true with the audience. Two interconnected similarities bear examination. First, and related to their narrative coherence regarding the timeline of their accusations coming forward: why remain silent for so long? Although Blasey Ford was farther removed from the events she argued led to her accusation, Hill was likely in a more difficult rhetorical position. Unlike Blasey Ford, Hill did not have the benefit of a previous confirmation hearing from which she could learn and the public could draw comparisons. Throughout Hill’s testimony, there was a recurring theme of senators unable to comprehend why she, or anyone, would not come forward immediately. While Hill’s narrative coherence focused on the discrepancies between her statements to the FBI and the Judiciary Committee and the motivations that led her to testify in the first place, her narrative fidelity was targeted in her decision to move with Thomas from the Department of Education to the EEOC and the contact they had with one another following her departure from Washington. After describing the various things that Thomas allegedly said in front of Hill, Sen. Specter asked, “How could you allow this kind of reprehensible conduct to go on right in the headquarters without doing something about it?” He reiterates this point in his final statement of Hill’s testimony: “The critical move from the Department of Education to the EEOC is not understandable to me, where you make the statements about his offensive conduct” (C-SPAN, 1991b). In his questioning, Sen. DeConcini (R-AZ) drove this point home:
I have a difficult time understanding, and it is obviously because I am not a woman and have not had that kind of personal experience, I have a difficult time understanding, but how could you tolerate that treatment, even though you didn't have another job? I realize that this is part of the whole problem of sexual harassment in the workplace, the fact that women tolerate it. Maybe you explained this sufficiently, but if you wouldn't mind repeating to me what went through your mind: Why, No. 1, you would stay there after this happened several times; and, No. 2, even though it ceased for a few months, why you would proceed on to another job with someone that hadn't just asked you out and pressed you, but had gotten into the explanations and explorations of the anatomy with you? (C-SPAN, 1991c)

In addressing Hill’s telephone correspondence with Thomas, Sen. Simpson (R-WY) also expressed utter bafflement in her willingness to remain in contact with Thomas. These senators tried to place themselves in Hill’s shoes and they simply could not comprehend why she, or anyone, would let these acts continue and why she would continue to work with Thomas. To them, this story lacks narrative fidelity because they assume that if they were in her position, they would file a complaint, leave the harassing environment, and never want to speak to Thomas again.

In an exchange with Sen. Simpson, Hill attempted to explain how such a pattern of judgment was possible: “This response, this kind of response, is not atypical, and I can't explain. It takes an expert in psychology to explain how that can happen, but it can happen, because it happened to me” (C-SPAN, 1991c). In response, Sen. Simpson called her reaction appalling, contradictory, and puzzling. The senators' inability to understand why Hill did not speak up earlier is all too common and continues to be a regular trope in blaming the victim. Hill attempted to address this later, arguing, “I guess one does have to really understand something about the nature of sexual harassment. It is very difficult for people to come forward with these things, these kinds of things” (C-SPAN, 1991c). Despite Hill’s best efforts to illuminate her thought process and educate the senators on why her reaction is fairly common, many of them were unable to break free from the disconnect between her story and how they perceived themselves in a similar situation. In short, her story did not ring true in their experience and thus lacked narrative fidelity.

The legacy of Hill’s testimony, especially the various ways in which the all-White, all-male panel could not comprehend why someone would not come forward
when sexually harassed (or assaulted), lingered over Blasey Ford’s testimony and may be the key reason why the Republican senators were represented by Mitchell as opposed to asking their own questions. Nonetheless, the issue of why Blasey Ford remained silent for so long was a crucial aspect of her narrative fidelity. Echoing the experience many face after sexual assault, Blasey Ford described the impact the assault had on her life:

Brett’s assault on me drastically altered my life. For a very long time, I was too afraid and ashamed to tell anyone the details. I did not want to tell my parents that I, at age 15, was in a house without any parents present, drinking beer with boys. I tried to convince myself that because Brett did not rape me, I should be able to move on and just pretend that it had never happened. Over the years, I told very few friends that I had this traumatic experience. I told my husband before we were married that I had experienced a sexual assault. I had never told the details to anyone until May 2012, during a couples counseling session. The reason this came up in counseling is that my husband and I had completed an extensive remodel of our home, and I insisted on a second front door, an idea that he and others disagreed with and could not understand. In explaining why I wanted to have a second front door, I described the assault in detail. I recall saying that the boy who assaulted me could someday be on the U.S. Supreme Court and spoke a bit about his background. My husband recalls that I named my attacker as Brett Kavanaugh. (C-SPAN, 2018b)

Blasey Ford would reiterate the chilling effect that persisted throughout her life in response to questions throughout her testimony. Her narrative was also reinforced by Sen. Feinstein when she provided statistical data on the number of women and men who experience sexual assault in their lifetimes and the percentage of those assaults that are never reported, which is widely supported in studies and scholarship. Sen. Booker (D-NJ) also noted the inadequate treatment of survivors and how that inhibits people from coming forward.

The second significant similarity in their narrative fidelity is connected with the first in that both women cited a sense of civic responsibility that brought them before the Senate Judiciary Committee. Blasey Ford explicitly made this point in her opening remarks: “I am here today not because I want to be. I am terrified. I am here because I believe it is my civic duty to tell you what happened to me while Brett Kavanaugh and I were in high school” (C-SPAN, 2018b). The purported disinterest in testifying helped to validate the legitimacy of her
statement by underscoring both the sense of civic virtue that many find admirable and the fact that this duty to testify was not going to benefit her. As her testimony stressed, she was placing herself and her family at great risk. Sen. Durbin bolstered this point when he claimed, “You had absolutely nothing to gain by bringing these facts to the Senate Judiciary Committee. The fact you are testifying here today, terrified though you may be, the fact that you have called for an FBI investigation of this incident” (C-SPAN, 2018b). In a clever rhetorical turn, Sen. Blumenthal (D-CT) cited Sen. Graham’s (R-SC) description of Blasey Ford’s “unexpected courage from a deep and hidden place” one calls upon in order to testify against their assailant (C-SPAN, 2018b). While stressing the fact that she was not on trial, Sen. Booker similarly acknowledged the civic duty and accompanying problems she had faced, which, in his mind, strengthened her testimony.

As has been the case throughout this analysis, Hill’s narrative followed a similar pattern but was met with much more skepticism. Her motives were suspect at the outset of her testimony, whereas Blasey Ford was afforded more deference even if the Republican senators did not believe her allegations against Kavanaugh. Again, like Blasey Ford, Hill used her opening statement to stress her civic responsibility: “But when I was asked by a representative of this committee to report my experience,” claimed Hill, “I felt that I had to tell the truth. I could not keep silent” (C-SPAN, 1991b). Hill also stressed her disinterest in wanting to testify, even in the months leading up to Thomas’s confirmation hearing, going so far as to claim, “This is exactly what I did not want” (C-SPAN, 1991c). Noting the disruption the entire process had on her life, Hill claimed, “I have been threatened and I have not gained anything except knowing that I came forward and did what I felt that I had an obligation to do and that was to tell the truth” (C-SPAN, 1991c). Tapping into her persona as conscientious, civically minded individual, Hill attempted to reinforce the role her motivations played as they aligned with her broader narrative coherence. Unlike Blasey Ford, however, Hill was not taken for her word and senators continued to draw attention to the fact that until now she had not come forward in the 10 years since the events initially took place.

The skepticism about Hill’s testimony illustrates a stark contrast between her treatment and the treatment of Blasey Ford and perhaps the most distinct break in their narrative fidelity. Early in Hill’s testimony a counternarrative of Hill as a “scorned woman” seeking public glory who was “prone to fantasy” began to emerge. As he was questioning Thomas, Sen. Hatch asked if Hill was vindictive or sought to be a martyr for the civil rights movement (C-SPAN, 1991d).
Thomas added another dimension by recounting a story wherein Hill took a firm stance on an issue and, upon failing to convince her colleagues, went “storming off or throwing a temper tantrum of some sort that either myself or the chief of staff would have to iron out” (C-SPAN, 1991d). As the primary questioner, Sen. Specter would later inquire about a letter from Phyllis Berry about Hill feeling jilted and a sworn testimony from John Doggett that further reinforced an image of temperamental, if not unhinged, woman that the Republicans were trying to advance. Like Sen. Biden earlier, Sen. Heflin (D-AL) attempted to offer a space for Hill to alter the narrative but only gave voice to the opposition when asking, “Are you a scorned woman? . . . Are you a zealoting civil rights believer that progress will be turned back if Clarence Thomas goes on the Court? . . . Do you have a militant attitude relative to the area of civil rights? . . . Do you have a martyr complex?” (C-SPAN, 1991c). After denying each question, Hill finally burst into laughter at the idea of having a martyr complex. He then asked her to expound upon the psychology of fantasy and whether or not she planned to write a book about this entire ordeal. Even if he had the best of intentions, Sen. Heflin contributed to the challenge of Hill’s narrative fidelity.

Out of all the things that did not age well, these attacks on Hill’s character and the depiction of her as a scorned, vindictive women is arguably the worst: the stark contrast of the accuser, an African American professional woman bringing forth allegations of a sustained traumatic experience, and those asking the questions, a panel of White men unable to identify with her situation. In the nearly 30 years since Hill’s testimony, knowledge about sexual harassment and sexual assault has expanded profoundly. As a result, the attacks on Blasey Ford’s narrative fidelity were much more subdued, yet still present. Sen. Feinstein even called attention to this change by bringing up the #MeToo movement while also stressing how institutional problems continue to impede victims reporting incidents to authorities (C-SPAN, 2018b). In an interesting rhetorical turn, Republicans attempted to validate Blasey Ford’s experience of trauma but stopped before implicating Kavanaugh. In their telling, Blasey Ford had experienced an assault, except Kavanaugh was not the culprit. Several Republican senators voiced sympathy for her experience and her bravery in coming forward, although this was mostly done outside of her testimony since the majority counsel Mitchell did the questioning for Republicans. This gave Democrats and Blasey Ford the opportunity to challenge that narrative without an immediate rebuttal (that would come in Kavanaugh’s testimony). In his questioning, Sen. Leahy called attention to the Republicans describing her as “mixed up” and the theory that there was a Kavanaugh lookalike who was the true culprit. In her opening remarks,
Sen. Feinstein also addressed this tactic as belittling to the trauma Blasey Ford endured and the fact that she had stated numerous times throughout her testimony that she is certain it was Kavanaugh. For those who believed her testimony, the idea that she was “mixed up” was a bad faith argument that reflects a change since the Hill testimony, but not a meaningful one; it serves to reinforce the narrative fidelity of Blasey Ford’s testimony in light of the legacy of Hill’s. For those who believed Kavanaugh, it offered an out from a tricky rhetorical bind created in wake of the #MeToo movement and other social and cultural changes that encourage believing victims.

Overall, these similarities and differences in the narratives of Hill and Blasey Ford illustrate the evolving rhetorical situation surrounding accusers coming forward, especially in such a high-profile setting. Whereas Fisher’s articulation of the narrative paradigm tends to focus on single narratives and their reception, comparing and contrasting these testimonies that transcend time calls attention to the fact that prominent narratives like these are not located only in the moment of testimony and the immediate aftermath. They are part of a continuous, overarching narrative, and mapping the similarities and differences helps to illuminate those elements of American political and public culture that have changed and those that have remained the same. However, these two narratives are only part of the story and cannot be understood without the competing narratives offered by the accused.

THE DEFENDERS’ NARRATIVES: CLARENCE THOMAS AND BRETT KAVANAUGH

As the accused, Thomas and Kavanaugh did not face the same burden of proof obstacle that Hill and Blasey Ford needed to overcome. Denying that the crimes took place meant that they were on different footing regarding their narrative coherence. After all, how can a story “hang together” if there is no story? Nonetheless, they drew upon similar aspects of their backgrounds and careers to paint the picture that the accusations are out of character for them given the overarching story of their careers and personal lives. One important similarity is their respective histories with women and the ways in which they articulated how they have been champions of women throughout their careers. During Thomas’s testimony, he asserted:

“For almost a decade my responsibilities included enforcing the rights of victims of sexual harassment. As a boss, as a friend, and as a human being I was proud
that I have never had such an allegation leveled against me, even as I sought to promote women, and minorities into nontraditional jobs. (C-SPAN, 1991a)

This was a running theme throughout Thomas’s testimony: the work he had done combating sexual harassment during his career. The narrative strategy relies on the incongruity between a sexual predator, which carries various connotations on what that entails and who that can be, and the stalwart advocate for the women who have endured sexual harassment. Sen. Hatch reinforced this element of his narrative when he addressed the ways in which Thomas was an expert on sexual harassment, and Thomas himself would often take the opportunity to stress the breadth and depth of his professional efforts to prevent and respond to sexual harassment:

During my tenure in the executive branch as a manager, as a policymaker, and as a person, I have adamantly condemned sex harassment. There is no member of this committee or this Senate who feels stronger about sex harassment than I do. As a manager, I made every effort to take swift and decisive action when sex harassment raised or reared its ugly head. The fact that I feel so very strongly about sex harassment and spoke loudly about it at EEOC has made these allegations doubly hard on me. (C-SPAN, 1991a)

Attempting to reframe the narrative Hill had advanced in her testimony, Thomas stressed his long history of fighting against sexual harassment in order to suggest that the incidents described by Hill simply do not cohere to the public, professional aspects of his narrative.

Both Thomas and Sen. Hatch would also call attention to the lack of a pattern. Drawing on his experience combatting sexual harassment, Thomas said an allegation from a single individual is highly unlikely to be true: “You could find a pattern and you can find more recent occurrences,” he claimed, adding, “You will find more than one person. . . . You will not find generally just one isolated instance” (C-SPAN, 1991e). Thomas called upon the senators to ask the women who have worked for him to offer an accurate insight into his credibility: “Give them as much time as you have given one person, the only person who has been on my staff who has ever made these sorts of allegations about me” (C-SPAN, 1991d). Again, Sen. Hatch reinforced the coherence of this argument by asserting “one woman’s allegations” should not be enough to upend Thomas’s career of service (C-SPAN, 1991d).
Kavanaugh similarly traced his history with women, in both personal and professional capacities, so as to create a disconnect between his narrative coherence and the one offered by Blasey Ford. In his opening statement, he shared an anecdote about a friend who trusted him with the story of her trauma:

One of my closest friends to this day is a woman who was sexually abused and who in the 1990s when we were in our 30s confided in me about the abuse and sought my advice. I was one of the only people she consulted. Allegations of sexual assault must always be taken seriously. Always. Those who make allegations always deserve to be heard. At the same time the person who is the subject of the allegations also deserves to be heard. Due process is a foundation of the American rule of law. (C-SPAN, 2018a)

His story attempted to accomplish at least three goals. First, the trust his friend had in him is supposed to be indicative of his character and disposition when it comes to women, especially those who have suffered sexual assault. The idea is that nobody could be so trusted by someone in such a vulnerable state while also themselves being capable of the same kind of assault. His friendships with women would be a recurring theme in his testimony, wherein he claimed that he maintained close friendships with women as a teenager and continued to do so. Second, Kavanaugh stressed the need to be earnest and resolute when an alleged victim comes forward, differentiating himself from the sordid treatment of Hill and aligning with an important aspect of the #MeToo movement. Much like the narrative of Blasey Ford being “mixed up,” he would later affirm her experience by saying, “I am not questioning that Dr. Ford may have been sexually assaulted by some person in some place at some time” (C-SPAN, 2018a), but then claiming it could not have been him. Finally, despite the hearing not being a trial, he nonetheless framed the situation in such terms when calling upon the idea of due process as a way to situate the rhetorical requirements of the narrative coherence.

Kavanaugh and Thomas both also stressed the previous hearings and investigations that they have been subject to given their high-profile positions. Both offered rundowns of their respective careers, noting the various times the FBI had done background checks and interviewed people from their pasts. Kavanaugh noted how many had been exposed for “sexual wrongdoing” in the aftermath of the Clinton impeachment and how it “exposed some prominent people,” but there was “nothing about me” (C-SPAN, 2018a). Via questioning from Sen. Hatch,
Thomas similarly noted how his Supreme Court hearing was the “fourth confirmation in nine years” (C-SPAN, 1991d). In an attempt to undermine the testimony of their accusers while cultivating the idea that partisan politics was the main driving force behind the allegations coming forward, both defenders used this strategy to call into question the timing of the allegations occurring in their most high-profile hearings, likely the last that would ever be required of them. As we will see, this aspect of their narrative coherence intersects with their shared narrative fidelity.

The two men part ways in their narrative coherence at two important points. Whereas Thomas focused on the historic treatment of Black men in America, especially those with positions of power, Kavanaugh had a similar challenge that confronted Blasey Ford—namely the accuracy of his memory. Regarding the former, at several times throughout his testimony, Thomas drew attention to the various racial obstacles he had faced throughout his career. In perhaps the most famous statement uttered throughout the process, maybe even the most famous in any Supreme Court confirmation hearing, Thomas argued:

> And from my standpoint, as a black American, as far as I am concerned, it is a high-tech lynching for uppity blacks who in any way deign to think for themselves, to do for themselves, to have different ideas, and it is a message that, unless you kowtow to an old order, this is what will happen to you, you will be lynched, destroyed, caricatured by a committee of the U.S. Senate, rather than hung from a tree. (C-SPAN, 1991d)

Calling attention to the United States’ violent past and horrific treatment of African Americans, Thomas attempted to situate his narrative amidst the broader story of American history. While the methods may be different, the end goal remains the same: to prevent African Americans from gaining a modicum of success and to put fear in the hearts of any who may try.

Thomas also focused on the long-standing racist stereotypes regarding Black men’s sexuality:

> The language throughout the history of this country, and certainly throughout my life, language about the sexual prowess of black men, language about the sex organs of black men, and the sizes, et cetera, that kind of language has been used about black men as long as I have been on the face of this Earth. These are charges that play into racist, bigoted stereotypes and these are the
kind of charges that are impossible to wash off. And these are the kinds of stereotypes that I have, in my tenure in Government, and the conduct of my affairs, attempted to move away from and to convince people that we should conduct ourselves in a way that defies these stereotypes. But when you play into a stereotype it is as though you are skiing downhill, there's no way to stop it. And this plays into the most bigoted, racist stereotypes that any black man will face. (C-SPAN, 1991e)

Thomas was not wrong in his statement that these stereotypes have haunted Black men for a long time and have been used to paint them as barbarians driven by unbridled lust. Stories of this kind were used to strike fear of Black men in White communities and justified violence perpetrated on Black communities, whether the institutional violence of the legal system or vigilantism. Framing his narrative as a representative example of what continues to happen to Black men, Thomas attempted to align his narrative coherence with that of the established knowledge of the racist tropes and stereotypes long used to undermine them. Interestingly, the intersectional positionality of Hill as an African American woman was more or less ignored throughout the hearings.

Kavanaugh clearly could not rely on such an appeal to history and identity as he crafted his narrative coherence. Instead, he faced a similar problem of memory that Blasey Ford needed to overcome in that the alleged events had taken place over 30 years prior. Whereas she relied on the psychology of trauma to legitimate her narrative, Kavanaugh relied on the detailed calendars he kept as a youth. Acknowledging that they were not objective facts that could completely exonerate him, he positioned them as “another piece of evidence in the mix for you to consider” (C-SPAN, 2018a). Nonetheless, as he used them throughout his defense, the underlying argument was that one should defer to them as a neutral, objective resource. In her questioning, Mitchell asked whether or not he documented parties and Kavanaugh replied that he did. However, Blasey Ford noted it was not so much a party as an impromptu gathering, thus challenging the usefulness of the calendar. Kavanaugh also noted how nothing could remotely fit her accusations given when and where he was at the time. Because Blasey Ford could not remember the exact date, only a rough estimate, and the Judiciary Committee refused to follow up with potential leads that could narrow the window for her assault, the calendar thus allowed him the benefit of the doubt.

Kavanaugh also faced an additional challenge to his memory due to his history of drinking. Several Judiciary Committee members asked questions concerning
the frequency and extent of his drinking throughout his high school and college years. Sen. Feinstein claimed that it was “not credible for him to say he has no memory lapses” (C-SPAN, 2018a), thus his recollections are suspect. Sen. Klobuchar would similarly call attention to his drinking as she introduced news reports about it. Kavanaugh replied that the story was from an old college roommate who could not be trusted because their relationship was contentious. Taking a somewhat different angle, Sen. Leahy introduced a book written by Kavanaugh’s high school friend wherein a character reminiscent of Kavanaugh was known for drinking heavily and blacking out. Kavanaugh claimed the work was a fictionalization of their past used for therapy and attempted to shame Sen. Leahy as someone who was making fun of an individual with an addiction. Whether the character was a reflection of Kavanaugh or not, the issue of his drinking was a critical component of his narrative coherence. If one believes he was a heavy drinker who was prone to blacking out, his story becomes quite vulnerable and does not appear to hang together well.

These aspects of narrative coherence, whether shared or distinct, are intimately tied to the narrative fidelity that each man would attempt to construct. Two important similarities were present throughout their hearings: (1) the partisan process that had harmed their character and families, and (2) their judicial temperament. Regarding the first, both men would spend a significant amount of time calling attention to the harm produced by what they perceived to be a concerted effort at character assassination. In his opening remarks, Kavanaugh claimed, “My family and my name have been totally and permanently destroyed by vicious and false additional accusations” and would go on to call the hearings “a national disgrace” where the main objective was not “advice and consent,” per the Constitution, but “search and destroy” (C-SPAN, 2018a). Suggesting that Democrats were searching for a “new tactic” to undermine his appointment since it was becoming increasingly likely that he would become the newest justice, Kavanaugh condemned the entire process as “a calculated and orchestrated political hit fueled with apparent pent-up anger about President Trump and the 2016 election” (C-SPAN, 2018a).

Thomas similarly called attention to the “excruciatingly difficult” experience he and his family had endured. Using disinterest to bolster his credibility, Thomas asserted:

No job is worth what I have been through, no job. No horror in my life has been so debilitating. Confirm me if you want, don’t confirm me if you are so led, but let this process end. Let me and my family regain our lives. I never
asked to be nominated. It was an honor. Little did I know the price, but it is too high. (C-SPAN, 1991a)

He would go on to accuse senators of being driven by “interest groups and hate mongers” in a spectacle he described as “more dangerous than McCarthyism” (C-SPAN, 1991d). Both of their appeals to the struggle they and their families endured are attempts to have the audience identify with their plight. In a sense, both Kavanaugh and Thomas are asking people to place themselves in their shoes with the presumption that they are innocent—to consider how the process would make them feel. It was a fairly effective way in which to get the audience to align with their narrative fidelity.

Whereas this strategy of identification worked in their respective favors, Kavanaugh and Thomas faced a similar obstacle in the issue of judicial temperament. The phrase “judicial temperament” is somewhat vague, but it gets at a set of expectations people tend to have concerning judges and their roles in American democracy and the rule of law. The American Bar Association describes judicial temperament as a judge’s “compassion, decisiveness, open-mindedness, courtesy, patience, freedom from bias, and commitment to equal justice under the law” (American Bar Association, 2009, p. 3). Kavanaugh faced a much more robust challenge than Thomas, in large part due to the visible anger and frustration he exhibited throughout his testimony, so much so that it became a source of parody and sparked think pieces on what judicial temperament should look like. At one point, he claimed the entire ordeal was “revenge on behalf of the Clintons . . . and as we all know in the political system of the early 2000s, what goes around comes around” (C-SPAN, 2018a). When Sen. Klobuchar was questioning him on his drinking habits, he turned the tables and asked, “Have you ever blacked out? I’m curious if you have” (C-SPAN, 2018a), which was particularly caustic given that the senator had just spoken about her experiences with an alcoholic parent. Kavanaugh would later apologize for this moment. In an attempt to justify his lack of patience and courtesy, Sen. Cornyn (R-TX) noted that Kavanaugh was right to be angry at the situation. Those who agreed with Kavanaugh likely saw his anger and resolve as a testament to his narrative fidelity with the presumption that any innocent person would act in a similar fashion, whereas those who perceived him as guilty found his outbursts and disposition indicative of someone without the right judicial character.

Thomas faced milder criticism, but it was nonetheless a part of his narrative. Whereas patience and courtesy framed Kavanaugh’s struggle with judicial temperament, Thomas had his fairness and open-mindedness challenged when he
told the Judiciary Committee that he did not listen to Hill’s testimony. “I’ve heard enough lies” (C-SPAN, 1991d), he claimed. Sen. Heflin would pick up this thread:

> You are, in effect, defending yourself, and basically some of us want to be fair to you, fair to her, but if you didn’t listen to what she said today, then that puts it somewhat in a more difficult task to find out what the actual facts are relative to this matter. (C-SPAN, 1991d)

In his response, Thomas asserted that “there is a difference between approaching a case objectively and watching yourself being lynched. There is no comparison whatsoever” (C-SPAN, 1991d). Again, those who were sympathetic to Thomas likely saw his disinterest in watching Hill’s testimony as how an innocent person would react and those who believed Hill found his behavior unbecoming of a potential Supreme Court justice.

Finally, there are important departures that each took in constructing and defending their narrative fidelity. The changing sociopolitical landscape, different personas adopted by each figure, and disparate treatment of the accusers led to Thomas and Kavanaugh deploying alternate rhetorical strategies. Given the varying dimensions at play, Thomas was able to take a proactive role in crafting his credibility whereas Kavanaugh needed to be on the defensive. Two aspects of their testimonies capture this divide well: Thomas was able to capitalize on a narrative of the parental figure given the heavy skepticism levied on Hill, whereas Kavanaugh was in a more vulnerable position as a result of his high school persona and the hearing taking place in the #MeToo era. Concerning Thomas, recall the dismantling of Hill’s credibility that had taken place during the hearing. With her testimony described as perjury by her Republican interlocutors, Thomas was in an advantageous position. As such, he was able to rely on a narrative that likened himself to a parental figure in order to reinforce his fidelity. Thomas positioned himself as a doting supervisor who saw his role as one of care and mentorship for those under his supervision. He noted both how much he admired Hill’s work ethic and his own concern for “younger kids” who “are not from this city and who do not understand the city,” but also that Hill was distinct because he trusted her common sense (C-SPAN, 1991f). His strategy of parental care was, in large part, an attempt to explain away the various times in which Thomas had driven Hill home during their time at the EEOC and Department of Education. Sen. Hatch, capitalizing on this point, asked leading questions that allowed Thomas to reinforce his persona as professional mentor and parental
“You never thought of any of this as anything more than normal, friendly, professional conversation with a colleague?” (C-SPAN, 1991d). Throughout the hearing, Thomas was often framed as a consummate professional whose only interactions that addressed nonprofessional topics were in a parental, caregiving capacity, thus undermining Hill’s narrative while reinforcing Thomas’s.

Kavanaugh was in a tighter bind. Since the events surrounding the allegations took place during his high school years, he could not deploy the same strategy concerning his relationship with Blasey Ford (or, according to his telling, lack thereof). Instead, Kavanaugh had to defend his high school identity and the various things he said that may be in contrast to the kind, thoughtful, religious persona he attempted to craft in his opening statement. In addition to the aforementioned stories of his heavy drinking, Senate Democrats focused on particular language found in his high school yearbook and the calendars that played such a prominent role in his narrative coherence. For example, Democrats attempted to pin Kavanaugh on his yearbook description as a “Renate alumnus”—a reference to a high school friend. Democrats suggested the phrase referred to a sexual conquest, thus illustrating his indifference to women and perception of sex as a game. In response, Kavanaugh asserted that it was “intended to show affection in that she was one of us, but in this circus, the media determines it was related to sex. It was not related to sex” (C-SPAN, 2018a). Later, Sen. Whitehouse (D-RI) inquired about Kavanaugh’s membership in the “Beach Week Ralph Club,” assuming the term was in reference to vomiting as a result of drinking too much. In response, Kavanaugh claimed he had a weak stomach, so the “ralphing” had nothing to do with drinking heavily. Sen. Whitehouse also called attention to the term “boofed,” which Kavanaugh claimed was flatulence, and the “devil’s triangle,” which implied a three-partner sexual activity but which Kavanaugh asserted was a drinking game involving quarters. Clearly, Senate Democrats and those who believed Blasey Ford did not accept his definitions and considered his reframing as an attempt to maintain unwarranted innocence. Defending him, Sen. Hatch stressed the fact that Kavanaugh wrote and said dumb things in high school, like everyone apparently does: “We’re talking about his time in high school!” (C-SPAN, 2018a). The underlying claim was that immaturity as a teenager does not equate to criminality. The overarching goal of the Democrats was to point out inconsistencies or outright lies in Kavanaugh’s statements and to show that, as a result of these, his entire testimony was tainted fruit from the poisonous tree. In this regard, Kavanaugh faced a similar line of criticism as Hill in that both faced challenges to their consistency and narrative fidelity.
The various elements of narrative coherence and fidelity that were outlined by no means constitute the entire scope of the Hill-Thomas and Ford-Kavanaugh hearings. With more than 25 years separating them and different charges levied, each offered compelling aspects of coherence and fidelity while also responding to their own unique challenges. Given that both men were confirmed at the conclusion of their hearings, one could presume their narratives ultimately won the day, but the margins of their confirmations were narrow. Thomas was confirmed on a 52–48 vote, whereas Kavanaugh was confirmed 50–48. The public was equally divided, which illustrates the significant ideological divide that defined each of these confirmation hearings. The rhetorical legacy will linger indefinitely, and every time a similar situation exists we will hearken back to these hearings, just as the Hill-Thomas testimonies were revived and revisited during Kavanaugh’s hearing. Depending on one’s ideological commitments, the narratives articulated will resonate more or less, with faults and strengths found in the coherence and fidelity of each claim. In addition to the impact on the judges and their accusers, another long-lasting narrative impact goes beyond these individuals, focusing instead on the legislative processes and policies that dictate how such hearings are to be held and the overarching narrative we tell about the Supreme Court.

LASTING IMPACT ON THE NARRATIVE OF SUPREME COURT CONFIRMATIONS

As the previous analysis indicates, there are numerous similarities and differences between the Hill-Thomas and Ford-Kavanaugh hearings. While the events leading up to, during, and following these hearings left an indelible impact on many—most importantly the four individuals at the center of the controversies and their respective families—the hearings also had a significant impact on the narrative we tell about the confirmation hearings and Supreme Court. To what extent do they cohere and ring true for the senators charged with confirming appointees and the American public writ large? Have these moments weakened the legitimacy of the Court? At the level of Senate policy, four particular changes bear mentioning: the questioning done by a third party, the amount of time afforded to testimonies, the role of FBI investigations, and the simple majority required to override a filibuster. These points help to illustrate how the expectations of confirmation hearings is changing.
First, the Senate Republicans implicitly acknowledged the sordid legacy of Hill’s testimony. Although there was not as much criticism at the time, retrospective analyses of Hill’s treatment while in the midst of the #MeToo movement encouraged them to utilize a proxy, attorney Rachel Mitchell, to serve as the face of their inquiry instead of asking the questions themselves. An Arizona prosecutor with significant experience prosecuting sex crimes, Mitchell provided a shield for the Republicans, all of whom were White men, so they could gain (or, at the very least, not lose) credibility while attempting to dismantle Blasey Ford’s narrative coherence and fidelity. Criticized by some, the strategy nonetheless proved effective, and the use of a proxy will likely continue if a similar situation should occur in future confirmation hearings.

Second, the time afforded to the testimonies differed greatly between the two hearings. Thomas and Hill were each given 6 or more hours of testimony, some of which was an extensive question-and-answer session with a single senator. Their hearings spanned multiple days and also included testimony from character witnesses speaking on their behalf. In total, the Senate dedicated over 20 hours to the public hearings. Conversely, Kavanaugh and Blasey Ford each had 3 hours of testimony done in 5-minute increments as the Democrats and Republicans ping-ponged back and forth in their questioning. Aside from their opening statements, Kavanaugh and Blasey Ford were not given an opportunity to offer extensive remarks, nor were individuals called on their behalf despite specific persons being named and offering written testimonies. Those who support Kavanaugh would argue that the spectacle did not merit more time and attention, whereas those who support Blasey Ford would claim the abbreviated schedule indicated a lack of seriousness on behalf of Senate Republicans. With a new precedent set, the abbreviated schedule will likely continue if the individual nominated is from the same political party as the Senate majority.

Third, the role of the FBI in investigating allegations also changed. In addition to the standard background checks that occur during any important nomination process, the FBI played a more active role in investigating Hill’s allegations at the behest of President George H. W. Bush. The statements given to the FBI were incorporated into the hearing, especially during Hill’s testimony. Although the FBI was certainly involved in Kavanaugh’s confirmation process, its presence was much more limited compared to Thomas’s hearing. Despite calls for a more robust investigation by senators, including Sen. Flake (R-AZ), the FBI director and the deputy attorney general did not intend to perform extensive interviews
of the various figures involved. This became a significant point of contention during the hearings, as Senate Democrats continuously called for them and used their absence to indict the process as wholly partisan and done in bad faith.

The final important change involves what is called the “nuclear option” in confirmation hearings. The term refers to the Senate’s ability to require a simple majority in votes that would usually require more per the standing rules of the Senate. Regarding the confirmation hearings concerning the judiciary, Sen. Reid (D-NV) used the nuclear option in 2013 to expedite the confirmations of federal judges with only 50 votes, but not for Supreme Court nominees. That step was taken by Sen. McConnell (R-KY) in 2017 during the nomination of Neil Gorsuch. While the change was not sparked by the Kavanaugh nomination, he nonetheless benefited from it as Senate Democrats were powerless to stop, or at the very least extend, his confirmation hearing. This option is the driving force behind the shortened timeline for testimonies and the lack of an extensive FBI investigation surrounding Blasey Ford’s allegations. Although the Senate may return to the long-standing policies on filibustered nominations, such a return is unlikely.

What do all of these changes mean? In short, the story of the Supreme Court and the role of the confirmation hearings has been significantly altered. In the hyper-partisan climate that has defined the contemporary American political environment, the various changes that have taken place during the time between the two hearings are likely viewed through an ideological lens. As a result, the legitimacy of the political process that confirms nominees is in question, which also undermines the legitimacy of the Supreme Court. Criticisms over the partisanship of hearings was prevalent throughout each of them and was not limited to one political party. In the wake of the caustic nomination process of Robert Bork, the confirmation hearings have often been used as a site for ideological clash and media spectacle. The Thomas and Kavanaugh hearings are distinct in the allegations of sexual harassment and assault levied upon the nominees. In concert with various other issues, including polarizing decisions that make the Court appear less independent and more political, public trust in the Supreme Court has waned over the years. With the eventual retirements of the left wing of the Court, the process and policy changes outlined will result in lasting and perhaps irrevocable alterations. One can only speculate about the potential strategies Democrats or Republicans may deploy in the future since so many previously unthinkable lines (e.g., the nuclear option) have already been crossed. Although one cannot predict whether allegations of sexual misconduct will be a part of future confirmation hearings, the two examples examined in this
chapter underscore how some significant changes have taken place in the process and how other aspects of the process have remained the same.

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CHAPTER 3

PARTISANSHIP OVER PRINCIPLE

The “Logic” of Congressional Impeachment Inquiries

Matthew L. Bergbower and Robert Van Sickel

INTRODUCTION

Our research seeks to explore the evolution of congressional attempts to impeach the president, with particular focus on what constitutional philosophies are used by members of Congress (MCs) to legitimize their impeachment speeches. This exploration includes a successful attempt at impeaching a president with Bill Clinton, the beginning of impeachment proceedings with Richard Nixon, and congressional explorations of impeaching other presidents since Nixon. While Clinton and Nixon are the most well-known examples of Congress exercising its impeachment powers, several other presidents since Nixon have been accused of impeachable offenses by the House Judiciary Committee, the committee which is the focus of our study.

The Constitution provides the initial vague guidance that a president “shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.” Alexander Hamilton in Federalist No. 65 adds to the realm of charges by stating that the Senate is a more suitable venue for impeachment trials over the courts because it would be a trial on the “misconduct of public men . . . from the abuse or violation of some public trust” (2006a, p. 361). Language concerning impeachment briefly appears again in Federalist Nos. 66, 69, 79, and 81 (for an overview, see Gerhardt, 1996). On top of that, state conventions to ratify the U.S. Constitution give further insights on the Framers’ intent to give the House of Representatives impeachment powers. Despite these
few records from the Founding Era, legislators serving over 200 years later have little textual record to guide them in considering the specific contours of using their impeachment power against presidential actions—such as refusing subpoenas of Congress, lying about sex, and approving warrantless wiretapping.

While prior impeachments of a sitting president are obviously important to how the current president behaves in office, threats to impeach are also meaningful. Specifically, impeachment threats and investigations, with their varying degrees of seriousness, still produce institutional effects on executive-legislative branch relations. For example, threats of impeachment target accountability for presidential wrongdoing. Congressional oversight should strengthen when it threatens or investigates impeachment, much like a veto threat offers the president strength in the legislative arena.

We also know that recent presidents have been acutely aware of congressional oversight powers to investigate potentially impeachable offenses. The record shows that this unique power also can affect presidential behavior. In addition to the concern shown in the impeachment cases of Nixon and Clinton, G. H. W. Bush’s personal diaries showcase an overwhelming amount of concern that if he were to wage war in Kuwait and Iraq without congressional approval, and if that war was prolonged with a high number of causalities, that it would surely end his presidency with a 1992 electoral defeat or impeachment. To confirm these personal thoughts, several Democratic MCs directly told the president this fate was likely (Meacham, 2016, pp. 450–457). In the end, the administration decided to push for a U.N. Security Council Resolution to legitimize its preferred military action in the Middle East. After that, Congress took a formal vote and approved a resolution authorizing the use of force to remove Iraqi forces from Kuwait. An air raid attacking selected Iraqi targets was ordered first, on January 15, 1991. The next day, Representative Henry B. Gonzalez (D-TX) introduced articles of impeachment against the president. The Operation Desert Storm military campaign lasted just a few weeks, freed Kuwait, capped the number of U.S. casual- ties at 148, and boosted G. H. W. Bush’s approval ratings to over 80% (Meacham, 2016, pp. 458–469). The president’s triumph gave little incentive for Congress to pursue Gonzalez’s articles of impeachment.

While the environmental context of G. H. W. Bush’s post–Desert Storm popularity may have not been a concern for Gonzalez, it surely was for other MCs. Thus, we should also recognize context in impeachment arguments as legislators may practice pragmatism in their opinions of a president’s possible impeachment.
Specifically, we should expect MCs to consider public approval of the president, electoral effects for themselves and their party, and the power wielded by the executive branch at a given time in their calculation to support or oppose impeachments (for an overview, see Murrill, 2018). For instance, just a few days before Nixon resigned but after the House Judiciary Committee had voted to move impeachment articles to the House floor, Gallup polled support for his removal from office. Support for removal was at 57%, the highest it has been since Gallup started polling the question (Murray, 2017).²

**CONSTITUTIONAL INTERPRETATIONS AND JURISPRUDENCE**

There are many jurisprudential typologies that purport to explain the various modes employed by judges in applying the Constitution to disputes before them (Bobbitt, 1982; Bork, 1971; Epstein & Walker, 2019; Murrill, 2018). For the purposes of MCs publicly evaluating and applying the impeachment clause, these many approaches and descriptions can be distilled down to two basic perspectives. First are the approaches relying upon “textualism” and textual precedent—that is, a search for the meaning of the written words of the Constitution’s explicit impeachment provisions, as well as the written precedents that have authoritatively interpreted those provisions.¹ The second approach can be termed the “extra-textual” approach. This involves looking beyond explicit written impeachment texts to deeper, more holistic meanings, or what some have called “constitutional truths” (Bloom, 2009; Bobbitt, 1982; Bork, 1971). Advocates of this approach look beyond the positive legal text to the more subjective intentions of the Framers and of previous legislatures involved in impeachment matters (or other constitutional provisions).

Both of these approaches have been employed by MCs when discussing presidential impeachment. However, what distinguishes legislative rhetoric in the realm of presidential impeachment is a tendency for all parties involved, whether addressing textual or more philosophical aspects of the Constitution, and whether supporting or opposing impeachment in a particular instance, to more or less across-the-board emphasize originalism. Probably the best-known method of constitutional interpretation, and certainly the one most widely praised and condemned, is the so-called doctrine of originalism, which emphasizes original intent. All variations on this theme begin with the precept that what
matters most in discerning the meaning of the Constitution is what the drafters of that text intended and what the words they adopted meant to them at the time of their adoption. The underlying assumption is that subsequent generations of Americans owe their fidelity to those intentions, and if they no longer seem relevant or acceptable to a current generation, then the Constitution itself must be amended to reflect those evolving views, rather than each generation substituting its own meaning for that of the Framers.

Significantly, ostensible adherence to originalism can take either the textualist or extra-textualist form. This creates confusion as originalism takes on a form that can be used as a strict or non-strict constitutional interpretation of impeachment powers. For whether one is searching for the plain meaning of the words at the time of their adoption, or the broader, historical, social, and cultural meaning of the concepts embodied by those words, the originalist approach mandates that the interpreter return to the various written materials of the time.

We thus arrive at two main conclusions. First, virtually all of those engaged in an impeachment inquiry are focused on identifying the meaning and application of impeachment for the Founding generation, and second, the inevitable focus of such inquiries will be the words of the Constitution and other contemporary documents of the period (e.g., the Federalist Papers). In this context, a strict textualist approach might restrict itself to the meaning of words such as “Treason, Bribery, and high Crimes and Misdemeanors,” or even argue that impeachment be reserved for the commission of actual indictable felonies (Dershowitz, 2018). On the other hand, the non-strict extra-textualist investigator seeks guidance beyond the constitutional text, perhaps in the Federalist Papers, the Declaration of Independence, or the state convention debates surrounding the Constitution’s ratification in 1788–1789. The non-strict extra-textualist approach concludes that impeachable offenses need not be restricted only to “crimes” in the conventional sense. At this point, we are forced to confront the paucity of constitutional provisions actually addressing impeachment.

**INTERPRETING THE CONSTITUTION IN THE LEGISLATIVE BRANCH**

As mentioned, the different approaches to constitutional interpretations are typically found in scholarship focusing on judicial decision-making; but equally important in America’s practicing democracy is how Congress deliberates constitutional issues (Pickerill, 2004). MCs’ interpretation of the commerce clause,
the 2nd Amendment, or the free exercise of religion clause, for example, has profound effects on how legislation is drafted and voted upon. While legislators’ constitutional interpretations are likely more consistent on issues such as religious freedom and gun ownership rights, we expect inconsistency on the issue of impeachment. Specifically, we expect party allegiances to dwarf constitutional values held by MCs on the matter of impeachments. Thus, when seeking to impeach the president, strict and non-strict interpretations of impeachment are forefront, regardless of party. And, while seeking to defend a president from impeachment, strict interpretations of impeachment rationale are prominent.

It still remains uncertain if jurisprudential considerations are appropriate for a congressional debate. Although MCs rarely discuss constitutional provisions and interpretations when it comes to legislative debates, the Judiciary Committees of the House and Senate are identified as being the most likely places where such discussions take place (Pickerill, 2006, p. 137). Also on this note, a comparison of Supreme Court decision-making and congressional decision-making was recognized by the House Judiciary Committee’s 1974 advisory report on impeachments, which stated:

Delicate issues of basic constitutional law are involved. Those issues cannot be defined in detail in advance of full investigation of the facts. The Supreme Court of the United States does not reach out in the abstract to rule on the constitutionality of statutes or of conduct. Cases must be brought and adjudicated on particular facts in terms of the Constitution. Similarly, the House does not engage in abstract, advisory or hypothetical debates about the precise nature of conduct that calls for the exercise of its constitutional powers. Rather, it must await full development of the facts and understanding of the events to which those facts relate. (American Archive of Public Broadcasting 2019)⁴

The “Constitution outside the Court” literature (e.g., Tushnet, 1999; Pickerill, 2004) argues that constitutional interpretations are important outside the judicial branch because other political entities have the power to shape the public’s and governments’ understandings of certain constitutional principles. Overall, it is not just the courts but several political entities that affect how one may interpret the Constitution. These entities are likely to come from some of the more powerful American political institutions, such as the presidency, Congress, the bureaucracy, the media, political parties, interest groups, and state actors. For example, the 14th Amendment’s Equal Protection Clause has been argued
for equal treatment of same-sex couples long before *Romer v. Evans* (1996) and *Obergefell v. Hodges* (2015). In September 1993 Senator Paul Wellstone (D-MN) spoke on the Senate floor of equal protections for all Americans in his opposition to a Department of Defense fiscal authorization amendment that threatened to ban gays and lesbians from serving in the U.S. Armed Forces. And, Ted Weiss (D-NY) referenced the 14th Amendment on the House floor when he introduced legislation to provide non-discrimination protections based on sexual orientation in March 1991.

Constitutional interpretations are shaped from multiple sources, and arguably MCs have more varied influences than judicial actors. While ideology is the most common predictor of judicial decision-making on constitutional matters (Segal & Spaeth, 2002), MCs’ constitutional interpretations may be influenced by their party, constituents, and region they represent, in addition to ideology. For instance, Pickerill (2006) argues that conservative MCs from the West are more motivated to serve on the Agriculture- and Interior-related standing committees because of their relations to the Takings Clause of the Fifth Amendment. These MCs share a unique concern and constitutional interpretation of when government has the power to exercise eminent domain.²

Katyal (2000) also recognizes that MCs have unique constitutional views compared to judges, and that “interpretive symmetry” between the two should not be assumed. Federal judges are unelected judicial actors without party affiliations who occasionally interpret the Constitution to determine the appropriateness of state action, presidential decrees, and congressionally approved legislation. The courts have a history of adhering to stare decisis, thus they are not an institution designed for implementing policy reform. And, courts are seen as the institution to use the Constitution to protect minority rights. MCs have regular elections and relatively short terms in office and are specifically tasked with creating laws to make a more perfect union. Congress does not abide by precedent, rather it actively pursues changing policy from what it was like in the past. Furthermore, constitutional interpretations are rarely discussed as a predictor to explain individual congressional behavior on bill sponsorship, votes, and floor speeches. From these institutional makeups, it makes sense that individuals serving within the judicial branch have constitutional interpretations that are different in practice than those serving in the legislative branch. So what does this mean in the case of MCs debating impeachment charges against the president? Given the political ramifications of an impeachment charge, conservative MCs are not necessarily pigeonholed to be strict interpreters of the Constitution, nor
should we assume that liberal MCs are adopting a non-strict Living Constitution jurisprudence for impeachments.\(^6\)

We do not expect the content from MCs to be entirely within the realm of positive contributions to constitutional deliberation. In other words, MCs do not always engage in the healthiest forms of democratic debate. In some instances, MCs grandstand for television cameras in hopes of receiving media and public attention (Wildrick & Novak, 2018). In these scenarios, it is clear that the MCs' motivations are not to convince their congressional colleagues of a particular nuanced constitutional interpretation of an impeachable offense.

Another major takeaway from our assessment of the “Constitution outside the Court” literature as it relates to our study is that while legislation can and is occasionally challenged in the courts, Congress’s discretion on impeachment is currently unlimited and members use some level of constitutional jurisprudence to make impeachment-related decisions. Our research seeks to find out how much constitutionally based reasoning is present during impeachment proceedings. No court or other institution has thwarted Congress’s ability to impeach the president. It is only in a few rare instances that one can find constitutional provisions on which the courts have provided so little guidance.\(^7\) Finally, we should recognize that there is normative value in MCs deliberating constitutional interpretations as it is an effort to perfect democratic practices (Sunstein, 1993). These debates are expected to “rise above petty partisan politics” (Gerhardt, 2018, p. 21) and instead form a deliberation around constitutional politics (Ackerman, 1989).\(^8\)

**Strict and Non-Strict Constitutional Interpretations: A Legal Versus Political Understanding of Impeachments**

At this point, we are forced to confront the paucity of constitutional provisions actually addressing impeachment and find the extra-textual points raised by the Framers. When judges, scholars, or legislators seek additional constitutional guidance beyond that document’s pages, they often turn to the Federalist Papers, the series of newspaper opinion essays written by James Madison, Alexander Hamilton, and John Jay in defense of the newly drafted Constitution during the ratification period between 1787 and 1789. Several of these essays, either explicitly or implicitly, touch upon the issue of impeachment.

Hamilton in particular seems to have authored the papers that most directly address impeachment. In Federalist No. 65, he focuses on the crux of
impeachment as involving “the abuse or violation of some public trust.” Also in that essay he asserts that impeachable infractions would include

those offenses which proceed from the misconduct of public men, or, in other words from the abuse or violation of some public trust. They are of a nature which may with peculiar propriety be denominated POLITICAL, as they relate chiefly to injuries done immediately to the society itself. (Hamilton, 2006a, p. 361)

In Federalist No. 68 he refers to “cabal, intrigue, and corruption” as the “most deadly adversaries of republican government,” and warns that they “chiefly” derive “from the desire in foreign powers to gain an improper ascendant in our councils.” “How,” he continued, “could they better gratify this, than by raising a creature of their own to the chief magistracy of the Union?” (Hamilton, 2006b, p. 377).

These passages seem to assert at least three important notions. First is the idea that impeachable offenses are essentially those that involve an abuse of power. Second, Hamilton clearly distinguishes such abuses from crimes in the normal sense of the term—they are by definition, as violations of a public trust, political offenses. We can also infer that the impeachment process is itself a political one; elsewhere, in Federalist Nos. 66 and 81, he suggests that impeachment is part of the overall scheme of the separation of powers, as it can also be viewed as a check on the judiciary in addition to the executive. And finally, and importantly, he states that the most extreme examples of abuse of power would be those involving foreign interference in the American political sphere.

To summarize, presidential impeachment debates tend to revolve around questions of the constitutional Framers’ intentions, the appropriate interpretation of the relevant textual materials, and the question of whether impeachment at its root is an expressly legal and criminal matter, or a fundamental political judgment. Our research leads us to also consider that the process has been characterized not by legal or constitutional judgments, and not merely by political questions, but rather by expressly partisan interpretations and arguments. This consideration should not be surprising. The MCs who entertain their impeachment power are “inescapably political creatures, with partisan sympathies, professional aspirations, and constituent pressures” (Whittington, 2019, p. 13). The Richard Nixon, Bill Clinton, and Donald Trump impeachment experiences lead to the inevitable realization that impeachment has largely become, to borrow Whittington’s term, “the plaything of factional politics” (p. 12).
We conducted a content analysis of MC statements from House Judiciary Committee impeachment-related hearings from Richard Nixon to Barack Obama. Our expectation is that MCs will inconsistently use strict and non-strict arguments to support impeachment. The number of House Judiciary Committee meetings discussing the possibility of impeaching the sitting president varies greatly since Nixon’s tenure in office and is listed in Table 3.1. In May 1974 the House Judiciary Committee announced its plan to meet in closed executive sessions around 3 times per week during the summer to investigate, hear, and debate evidence related to articles of his impeachment (CQ Press, 1974). Then, starting in late July, the House Judiciary Committee met in public hearings that were televised by a national public television network. After Nixon’s resignation, a great period of impeachment calmness occurred. Specifically, for the Ford, Carter, Reagan, and G. H. W. Bush presidencies no impeachment-related committee hearings were held. The Clinton impeachment is well documented, and we code eight of those hearings (most of them lasting at least 6 hours). Less known is that G. W. Bush and Obama each had one House Judiciary Committee hearing that discussed the possibility of their impeachment.

Here, we need to recognize that for Nixon and Clinton we are looking at formal impeachment investigations and for G. W. Bush and Obama we are looking at non-formal impeachment investigations. The best example of a formal impeachment inquiry is one where the U.S. House votes to authorize the House Judiciary Committee to conduct an inquiry of the president. This vote happened for Nixon and Clinton. However, according to our search, the House Judiciary Committee held two hearings focused on discussing the impeachment of the president while not being charged from the full House to conduct a formal inquiry. One such committee hearing was during G. W. Bush’s second term and the other was during Obama’s second term. For the purposes of our research, these committee hearings still provide valuable content on the congressional members’ constitutional principles toward impeachment. The political environment is noticeably different for these two meetings nonetheless as it was unlikely that these impeachment discussions were going to progress to an investigation, albeit that was their intent (see Table 3.1 for overview).

The C-SPAN Video Library provides scholars a unique opportunity to explore the variety of reasons that MCs pursue articles of impeachment against various presidents. We code committee member statements per daily impeachment
TABLE 3.1  *House Judiciary Committee Meetings Coded*  

<table>
<thead>
<tr>
<th>President</th>
<th>Dates</th>
<th>Number of days committee debated impeachment</th>
<th>Number of committee members coded</th>
</tr>
</thead>
</table>

| Ford       | —                                          | 0                                           | 0                                |
| Carter     | —                                          | 0                                           | 0                                |
| Reagan     | —                                          | 0                                           | 0                                |
| G. H. W. Bush | —                           | 0                                           | 0                                |
| Clinton    | Oct. 5; Nov. 19; Dec. 1, 8–12 (1998)         | 8                                           | 273                              |
| G. W. Bush | July 25 (2008)                               | 1                                           | 22                               |
| Obama      | Dec. 3 (2013)                                | 1                                           | 17                               |
| Total      |                                            | 17                                          | 476                              |

*Table 3.1: House Judiciary Committee Meetings Coded*

Calculations:

- All other video recordings are available from the C-SPAN Archives.
- Public hearings only.
- Member statements are coded per day. Thus, it is possible for a representative to be coded up to 7 times during the Nixon impeachment hearings and up to 8 times for the Clinton impeachment hearings. The sampled distribution of MCs coded is as follows: 34.4% is from 1974, 57.3% is from 1998, 4.6% is from 2008, and 3.5% is from 2013.
- The chair and ranking member were the only two committee members to speak at the May 9 hearing. This brief public hearing announced that the committee was to investigate the president in closed executive sessions throughout the summer.

hearing. That means some of the same committee members are coded across multiple days. This is not an issue for the G. W. Bush and Obama era data because their committee hearings are for only 1 day. This is less of a concern for the Nixon era data as well because the committee discussed different impeachment charges each day and many of the members’ opinions actually differed from article to article (on the last committee meeting day, July 30, 1974, the committee addressed two articles of impeachment). Even though the different articles were not separately addressed in different days for Clinton, there is much consistency in what the members thought for the entirety of the committee investigation (e.g., see party-line votes in Table 3.2).

One motivation underlying our research exploring congressional impeachment efforts is to gain a better understanding of the explicitly expressed arguments underlying one of the legislative branch’s most powerful constitutional
authorities. Do MCs believe that presidents can be impeached for breaking the law, such as obstructing justice? Do MCs argue that it as an impeachable offense when a president knowingly deceives the public? When the charge of impeachment is produced, how do those in the same party as the president defend the president’s actions? We expect our research to answer these impeachment questions as seen in the U.S. House Judiciary Committee.

Two trained undergraduate students separately coded the impeachment-related House Judiciary Committee hearings. The intercoder reliability results are provided in the Appendix to this chapter. We code rationales behind impeachment arguments, which include strict interpretations of the Constitution as being a president (1) breaking the law, (2) partaking in corrupting actions (including bribery), and (3) committing treason. The non-strict accusations are (1) deceiving Congress and/or the public, (2) losing the public’s confidence in their ability to lead, (3) abusing constitutional powers, (4) neglecting the duties of the office, and (5) violating the oath of office. Furthermore, we are interested in reasons for countering the charges of impeachment such as statements related to a president (1) innocent of wrongdoing (strict), (2) being subject to a partisan witch hunt (non-strict), and (3) acting as intended by the Constitution (strict). Vigorous defenses of the president are expected to come from the president’s party and aggressive charges against the president are expected from the opposition party. This loyalty to the party is expected to also undermine any consistency in constitutional interpretation held by MCs or their party on the matter of impeachment. Of course, MCs may totally disregard constitutional interpretation and simply seek wrongdoing and vote for impeachment without contextualizing their preferences with a personal philosophy on constitutional interpretation. Many argue that MCs behave in this very manner when composing, debating, and voting on legislation (Pickerill, 2006). However, lengthy House Judiciary Committee hearings on impeachment charges lend themselves to MCs engaging in high levels of constitutional interpretation and an understanding of the Framers’ intent.

The juxtaposition between strict and non-strict constitutional interpretations can be illustrated by contrasting statements made by a 1974 Judiciary Committee advisory impeachment report to that of the committee’s ranking member, Edward Hutchinson (R-MI). The report written by lawyers for the committee stated that “to limit impeachable conduct to criminal offenses would be incompatible with the evidence . . . and would frustrate the purpose that the Framers intended” (Staff of the Impeachment Inquiry, 1974, p. 25). Hutchinson disagreed at a press conference shortly after the report went public, stating, “There should be
criminality involved” by the president to justify his impeachment (Naughton, 1974, p. 1).

As another example of strict constitutional interpretation, during a committee hearing devoted to the Nixon impeachment articles Hutchinson first quoted the Constitution’s impeachment clause. Then he informed the committee of the definition of impeachment from an English law dictionary published in 1776. Part of the definition quoted, and emphasized by Hutchinson, was “that the same evidence is required in an impeachment in parliament as in ordinary courts of justice.” He used this definition as the Framers’ intent, that the Founders clearly established a standard of criminal culpability for impeachment proceedings, and thereby identified his constitutional interpretation as strict in the case of impeachment. Illustrations of strict interpretations also can be seen from Democrats in later impeachment-related hearings as well—for example from Representative Jerrold Nadler (D-NY), who in the 1998 impeachment proceedings against Clinton specified on the House floor that criminal acts like perjury are not impeachable offenses when they involve matters unrelated to the duties and responsibilities of the presidency (C-SPAN, 1998c).

Now consider a non-strict illustration from Henry Hyde’s constitutional interpretation during the Clinton impeachment proceedings. A team of Democrats on the committee challenged Hyde to identify the exact words stated by Clinton that were perjurious. If Clinton committed perjury during his Grand Jury testimony, the Democrats wanted to know the exact words in the transcript so that they may debate its specific merits. After failing to answer the question Hyde was ready to dismiss its merits entirely. Responding to fellow committee member Charles Schumer (D-NY), Hyde argued, “This is not an indictment, this is not a criminal proceeding. You keep casting it as such, it isn’t. This is impeachment as we are reminded of ceaselessly . . . ” (C-SPAN, 1998b).

DATA ANALYSIS

We begin our analysis with Table 3.2 which is a cross-tabulation of party-based support for impeaching our four presidents under consideration. As expected, Republicans seek to impeach Democratic presidents when wrongdoing is alleged, and vice versa. The partisan-based split in impeachment opinions is nearly universal for the committee hearings held during the Clinton and Obama administrations. On the other hand, for the Nixon and G. W. Bush administrations,
more bipartisanship is seen for supporting impeachment. Looking closer at the data, though, we can see that none of House Judiciary Republicans supported impeachment of G. W. Bush during the 2008 committee hearing in which Dennis Kucinich (D-OH) presented his case for impeachment. Instead, it is those few Republicans, such as Robert McClory (R-IL) and William S. Cohen (R-ME) who broke rank in 1974 and expressed their support in impeaching Nixon in at least one of the articles against him.

Table 3.3 further delves into the reasoning for MCs to support or oppose impeaching the president during House Judiciary Committee hearings. Overall, strict interpretations are seen at nearly the same rate as non-strict arguments. Specifically, we score 237 combined strict arguments for impeachment while 232 non-strict arguments occur. The most commonly used strict argument is that the president broke the law (221 mentions). The most common non-strict argument is the generic line that the president abused his constitutional authority (93 mentions.) A close second in the non-strict category is deceiving the public and Congress (79 mentions), which matches Hamilton’s points seen in Federalist No. 65.
Earlier we outlined the possibility that Democrats and Republicans could use different philosophies when seeking to impeach the president. If this were accurate, one should expect the party members with strict interpretations of the Constitution (most commonly seen in conservatives) to use strict arguments at a greater rate than non-strict arguments. On the other hand, the party members with non-strict interpretations of the Constitution (most commonly seen in liberals) should be using non-strict arguments for impeachment (as well as strict arguments). We create two variables (ratio) to capture the priorities of MCs in their impeachment arguments. Ratio is calculated as the number of strict arguments divided by the total number of arguments made by the MC on a given day. This calculation is done for MCs who (1) support impeachment, and again for those who (2) oppose impeachment. We graphically present the distribution of the two ratio variables by party affiliation in Figures 3.1 and 3.2. We also calculated

| Table 3.3: Rationale for Supporting or Opposing Impeachment |
|---------------------------------|----------------------------------|
| MCs supporting impeachment      | Number of mentions a |
| Strict                          |                                |
| Breaking the law                | 221                             |
| Partaking in corrupting actions (including bribery) | 16                         |
| Committing treason              | 0                               |
| Non-strict                      |                                |
| Deceiving Congress and/or the public | 79                              |
| Losing the public's confidence in their ability to lead | 8                           |
| Abusing constitutional powers   | 93                              |
| Neglected duties of the office  | 12                              |
| Violated oath of office         | 40                              |
| MCs opposing impeachment        | Number of mentions a |
| Strict                          |                                |
| Innocent of wrongdoing          | 65                              |
| President acting as intended by the Constitution | 101                    |
| Non-strict                      |                                |
| Only partisan motivations (witch hunt) | 57                          |

Note: MC = member of Congress.

a Number of mentions is if a House Judiciary Committee member stated the position at least once per day. Each position allows for a maximize of one mention per MC, per day.
coefficients for the bivariate relationship between ratio and party identification (see notes to Figures 3.1 and 3.2). The differences between the two parties are non-distinguishable, and statistically insignificant in Figure 3.1.

If party members collectively were reliant on strict interpretations of the Constitution to impeach a president, then the right side of the figure should be disproportionately weighted for Republicans. Instead, it is both parties using about the same rate of strict and non-strict arguments to support a president’s impeachment. As for those who oppose impeachments (Figure 3.2), strict arguments seem to be slightly preferred by Republicans. Democrats have a relatively high number of strict arguments as well, but the biggest difference between the two parties is that Democrats use non-strict arguments at a 32% rate while Republicans use them at a 9% rate. Predicated probabilities can further illuminate the difference between parties here as the OLS (ordinary least squares) coefficient suggests a relationship, albeit with a modest level of statistical significance.

**FIGURE 3.1** Ratio of strict interpretation of the Constitution in reasoning to support a president’s impeachment. Note: Figure includes only those MCs who support impeachment (N = 222). A bivariate OLS regression model produces: $\beta = 0.006 (0.04); (p = 0.86)$. A strict interpretation of the Constitution to oppose impeachment is that the president is (1) innocent of wrongdoing and/or (2) acting as intended by the Constitution. A non-strict interpretation of the Constitution to oppose impeachment is that the president is being subjected to a partisan witch hunt.
PART 1 A Look at C-SPAN Programming With All Its “Madisonian Passion”

The sole non-strict MC argument to oppose a president’s impeachment is partisan motivation points, most frequently that a partisan witch hunt is occurring or electoral considerations are being made by the party not holding the White House. Democrats were more likely to make these statements. Specifically, predicted probability changes show a 12% difference between the two parties, with Democrats making more non-strict arguments compared to Republicans. However, the 95% confidence intervals overlap in these effects, eliminating assurance in these results.

NOTES ON THE IMPEACHMENT OF DONALD J. TRUMP

On September 14, 2019, Speaker of the House of Representatives Nancy Pelosi (D-CA) ordered the commencement of an official impeachment inquiry into the behavior of President Trump. A partisan House vote was taken on
October 31, 2019, to make the inquiry officially endorsed by the chamber. Although at least six House standing committees (Judiciary, Intelligence, Foreign Affairs, Ways and Means, Financial Services, and Oversight and Reform) were engaged in investigations, hearings, and litigation over a wide range of Trump’s activities, Pelosi “funneled” their work into the Intelligence Committee. Only after their investigations did the House Judiciary Committee entertain and approve two articles of impeachment over three separate days of public hearings. The allegations against Trump have been described by Pelosi as involving his betrayal of U.S. foreign policy, his undermining the integrity of the American electoral system, and his use of the federal government for his own political and financial gain.

The charges revolved primarily around Trump’s apparent pressuring of Ukrainian president Volodymyr Zelensky to open investigations into Trump’s domestic U.S. political adversaries, while withholding American military aid as a precondition for such cooperation. House Intelligence Committee chairman Adam Schiff (D-CA) and others argued that such behavior violates both federal statutory law (strict), including campaign finance rules, and the president’s oath of office (non-strict). Trump did not deny asking the Ukrainians to investigate Joe Biden (Trump’s potential 2020 election opponent) and Biden’s son Hunter, and he also openly called for the Chinese government to investigate alleged improprieties on the part of Hunter Biden in that country. To date, there has been no clear evidence that Joe Biden or his son committed any crimes in either country. The Trump administration informed the various House committees that it would not cooperate with the impeachment inquiry, would refuse to provide much of the requested documentary evidence, and would forbid administration officials to give requested depositions. Pelosi and Schiff countered that such resistance led to the second impeachment article involving obstruction of Congress.¹⁴

Given that the data highlight the frequency of strict arguments in favor of impeachment, our assessment of the 2020 impeachment is that Democrats needed to clearly show that Trump broke a law or was acting beyond what is intended by the law. Our examination of the recent preceding presidents demonstrates a bipartisan emphasis on these actions being impeachable offenses. And, it appears that a strong congressional argument in late 2019 and early 2020 on Trump’s impeachment did not materialize. Republicans in both the House and Senate were nearly unanimously unconvinced that a criminal action took place.
CONCLUSION

Our analysis demonstrates that when the House Judiciary Committee debates specific charges against a president and whether to impeach the president, members also present a debate on the very power of impeachment. As such, these hearings give us a glimpse into the lack of MCs’ constitutional philosophies in the face of a rare and highly publicized political process. To the out-party, a political opportunity to discredit the sitting president is apparent. Our investigation seeks to better understand the balance between partisan considerations and constitutional principles. We find little to no evidence of a party difference between constitutional interpretations of the impeachment power. While the committee votes on impeachment are expected to heavily split down partisan lines, MCs are free to withhold the motivations behind their vote. This largely does not occur. Instead, MCs on the House Judiciary Committee consistently find constitutional principles to back up their vote. And, these principles are inconsistently presented across party identifications and presidents.

The legislative accomplishments of Lyndon Johnson and the unilateral military policies against Vietnam during both the Johnson and Nixon periods lend themselves to the idea of the imperial presidency, at the expense of a weak Congress (Schlesinger, 2004). With the War Powers Act, Watergate investigations, and impeachment proceedings against Nixon, Congress successfully reasserted its power in the mid-1970s. Similar acts of legislative authority can be seen in subsequent administrations, with impeachment threats being one of the strongest messages of power a Congress can send to the president. However, with some unchecked authority given to the G. W. Bush administration in the wake of terrorist threats, a new era of the imperial presidency threatened Congress’s ability to be a worthy check on the executive (Rudalevige, 2006). Furthermore, illegitimate impeachment threats and poor congressional investigations into the president’s actions (Teter, 2013, p. 1134) compromise one of the most powerful tools the legislative branch has in providing a check on the executive.

It is clear that the impeachment process has become a more popular mechanism for investigating and condemning a president. Prior to Nixon, only Andrew Johnson’s presidency was threatened with impeachment. Most recently, every president since Clinton has experienced some type of impeachment threat from the House Judiciary Committee. This phenomenon speaks to the current state of polarized American politics. Combine this with the unprincipled nature of the constitutional arguments seen by MCs in this chapter and it appears that party identification will continue to be the causal explanation in understanding
congressional behavior to support or oppose impeachment articles against a president. This creates a normative concern about America’s practicing democracy. If impeachment has evolved to only be a tool to gain political points, then the American Congress’s and public’s perception of presidential wrongdoing and investigations become perceived solely as biased. The inconsistent interpretations of impeachment offenses from elected leaders also negatively affect the constitutional literacy of the nation. Given the latest round of debates over Trump’s impeachment, it remains unclear what society should consider as impeachable offenses given the rhetoric from MCs in 2019. Rather, legitimate concerns about abuses of presidential power and behavior by Congress become diluted by notions of partisan wins and losses.

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The authors thank Kirsten Campbell and Abigail Hemmen for their research assistance.

NOTES

1. Resolutions to impeach the president have been drafted for Donald Trump, George W. Bush, Bill Clinton, George H. W. Bush, and Ronald Reagan. On the other hand, Gerald Ford, Jimmy Carter, and Barack Obama were not charged with impeachment by a congressional resolution during their tenures in office. Legislative floor speeches, and subsequently C-SPAN videos, with specific mentions of impeachment on the House floor are extremely limited for most of these presidents. Thus, our study concentrated on legislators’ content from the House Judicial Committee hearings considering impeachment charges for Nixon, Clinton, G. W. Bush, and Obama (addressed in more detail in the paragraphs that follow).

2. As one comparison, support for removing Trump from office was consistently 45%–49% between October 2019 and February 2020 (Bycoffe et al., 2020).

3. In the contemporary era, whether such meanings can or should be inferred from “texts” such as the Congressional Record, media interviews with elected officials, or the president’s Twitter posts is an interesting and important question.

4. Hyde quoted this line in an opening statement during a 1998 Clinton impeachment inquiry authorization committee hearing (C-SPAN, 1998a). This 1974
report was further quoted by ranking member John Conyers (D-MI) during this same committee hearing.

5. MCs can also greater shape how the public interprets constitutional provisions given MCs’ consistent presence in the media and constant interactions with constituencies compared to judges.

6. The living Constitution approach for interpreting impeachment power could be supporting impeachment for a president who artfully eschewed the facts of a sexual relationship with an intern during a Grand Jury testimony.

7. Another example is the Senate’s advice and consent role for judicial and cabinet appointments. As early as *Marbury v. Madison* (1803), Chief Justice John Marshall expressed a belief that this advice and consent power was unreviewable by the federal courts.

8. It would be difficult to conjure up a scenario in which the Court’s interpretation of a constitutional clause would not exist because it would be improper for the Court to do so. The impeachment process is one of those rare instances. MCs are free to use their own criteria of what an impeachable act entails for a president or any civil officer without the guidance of judicial constitutional interpretations. This was directed by the Supreme Court in the 1993 case *Walter Nixon v. U.S.*

   Predating this 1993 case, Representative George Danielson (D-CA) argued during the Nixon impeachment committee hearings while they reacted to the Supreme Court’s decision to have the White House turn over its tape recordings to the Congress, “The Supreme Court ruling very properly did not make any reference to these impeachment proceedings as it should not have, since it is apparent on the face of our Constitution that the Supreme Court has no jurisdiction whatever to inject itself into these proceedings” (American Archive of Public Broadcasting, 2019).

9. Some of the more famous committee hearings involving testimonies from John Dean and Alexander Butterfield were not before the House Judiciary Committee.

10. These video recordings are available from the American Archive of Public Broadcasting (2019).

11. These presidencies nonetheless had their fair share of investigations and scandals. Ford testified before the House Subcommittee on Criminal Justice about any promises of a pardon he may have offered to Nixon before his resignation. The Iran-Contra Affair during the Reagan administration involved investigations by the House Select Committee to Investigate Covert Arms Transactions with Iran and the Senate Select Committee on Secret Military Assistance to Iran
and the Nicaraguan Opposition. An independent counsel was also appointed by the Department of Justice to investigate. Representative H. B. Gonzalez (D-TX) composed an article of impeachment resolution against Reagan, but no hearings on the resolution were held. As previously stated, Gonzalez also pursued impeachment articles against G. H. W. Bush but no committee hearings were held on this charge as well.

12. Articles of impeachment, specified in a House resolution, were composed against G. W. Bush (H.R. 1258, 110th Congress), but not Obama. On December 3, 2013, the House Judiciary Committee held a meeting on “Presidential Powers and the Constitution.” The committee invited a panel of constitutional law experts to testify about the abuses of authority committed by the Obama administration. The Republican majority intentionally did not use the word “impeachment” in their prepared statements. Instead, they wanted the panelists to propose impeachment as an appropriate means to curb presidential abuses of power. And, the panelists did just that.

13. C-SPAN started in 1979, and thus the House Judiciary Committee debate on Nixon’s 1974 impeachment resolutions are not archived by C-SPAN (although parts of the hearings have aired on the network on a few occasions). Transcripts from this committee’s hearings and video from the American Archive of Public Broadcasting (2019) are used for these data.

14. The House approved two articles of impeachment that were sent to the Senate after a delay. After nearly 3 weeks of a Senate trial in which there were no additional witnesses, Trump was acquitted on Article I (Abuse of Power) by a vote of 48 guilty, 52 not guilty and acquitted on Article II (Obstruction of Congress) by a vote of 47 guilty, 52 not guilty.

REFERENCES


# APPENDIX: INTERCODER RELIABILITY ESTIMATES

<table>
<thead>
<tr>
<th>Variable</th>
<th>Observed agreement (%)</th>
<th>Expected agreement (%) (^a)</th>
<th>Cohen’s kappa</th>
<th>Standard error</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Position on impeaching the president</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Support</td>
<td>86.4</td>
<td>41.7</td>
<td>0.76</td>
<td>0.04</td>
</tr>
<tr>
<td>2. Support with reservations</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Oppose</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Reason representative supports impeachment</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>President broke the law/president not above the law</td>
<td>60.0</td>
<td>50.6</td>
<td>0.35</td>
<td>0.04</td>
</tr>
<tr>
<td>President deceived/mislead/lied to the country and/or Congress</td>
<td>79.9</td>
<td>71.9</td>
<td>0.25</td>
<td>0.05</td>
</tr>
<tr>
<td>President has lost the ability to lead</td>
<td>88.7</td>
<td>78.9</td>
<td>0.46</td>
<td>0.10</td>
</tr>
<tr>
<td>President is corruption/did a corrupt act</td>
<td>97.2</td>
<td>97.2</td>
<td>-0.01</td>
<td>0.05</td>
</tr>
<tr>
<td>President abused power/went beyond the office’s constitutional authority</td>
<td>96.5</td>
<td>95.9</td>
<td>0.12</td>
<td>0.03</td>
</tr>
<tr>
<td>President neglected the duties of the office</td>
<td>83.3</td>
<td>74.1</td>
<td>0.35</td>
<td>0.04</td>
</tr>
<tr>
<td>President violated the oath of office</td>
<td>96.9</td>
<td>96.9</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td><strong>Reason representative opposes impeachment</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Innocent of wrongdoing/did not break law</td>
<td>85.5</td>
<td>81.4</td>
<td>0.22</td>
<td>0.05</td>
</tr>
<tr>
<td>Only partisan motivations (e.g., witch hunt or winning elections)</td>
<td>86.3</td>
<td>83.9</td>
<td>0.14</td>
<td>0.04</td>
</tr>
<tr>
<td>President is acting as intended by the Constitution</td>
<td>87.3</td>
<td>87.7</td>
<td>0.02</td>
<td>0.03</td>
</tr>
</tbody>
</table>

\(^a\) Expected agreement should be interpreted as the by chance agreement level between coders. Cohen’s kappa should be interpreted as follows: <0 = poor agreement; 0.01–0.2 = slight agreement; 0.21–0.4 = fair agreement; 0.41–0.6 = moderate agreement; 0.61–0.8 = substantial agreement; 0.81–0.99 = almost perfect agreement (Landis & Koch, 1977).
As the three chapters in Part 2 of this volume demonstrate, the C-SPAN Video Library is a critical tool for examining rhetoric and discourse across the political process. From understanding perceptions of press secretaries to considering the multifaceted nature of presidential campaign rhetoric, the C-SPAN Video Library enables researchers to consider the diverse nature of discourse across contexts and over time. These three studies are very diverse—spanning disciplines and employing diverse methods—yet they are united in their arguments for the importance of deeply studying the nuances of communication, particularly the role of narratives and rhetoric, in shaping our policy and political spheres.

In Chapter 4, “Careless or Criminal? The Social Construction of Wall Street in the Aftermath of the 2008 Financial Crisis,” Justin Rex examines a critical policy moment following the 2008 financial crisis and the political discourse around the Dodd-Frank Act. Rex seeks to understand the role of elite framing in shaping the government’s response following this crisis. He argues that elite rhetoric around white-collar crime has shifted to focus on narratives around risk-taking and unleashing the market and that this, combined with substantial deregulation, explains the lack of action taken against Wall Street executives following the crisis. Rex uses the search capabilities of the C-SPAN Video Library in combination with the legislative history of the Dodd-Frank Wall Street Reform and Consumer Financial Protection Act to identify and examine speeches and debates related to Dodd-Frank and categorize the different narratives used during
the crisis. Ultimately, he argues that narratives focusing on poorly designed and lax regulation, instead of framing the actions leading to the financial crisis as “white-collar crime,” limited the perceived scope of the conflict and shaped policy responses.

Chapter 5, “Schrödinger’s Podium: The Rhetoric of Presidential Campaign Announcements” by Stephen M. Llano and Alexander J. Carver, considers the unique nature of presidential campaign announcements. The authors argue that these announcements sit at the intersection between campaign rhetoric and presidential rhetoric as they act as both a campaign speech and the speech of a future president. From this assessment, Llano and Carver consider how this dual role influences both public evaluation of presidential campaign rhetoric and the construction of these speeches to portray the candidate as both an everyman and better than the everyman. The use of the C-SPAN Video Library is vital to this study, as the authors examine both the content of presidential campaign announcements over time and the chosen setting around the speeches. They argue that both of these (content and setting) are carefully chosen to weave a narrative of everyday exceptionalism that satisfies the dual role of this type of address.

The final chapter in Part 3, “He Said, She Said: How Gender Affects the Tone and Substance of White House Press Briefings” by Newly Paul, looks at how the gender of both journalists and press secretaries affects the substance and tone of White House press conferences. This chapter looks specifically at two of President Trump’s press secretaries: Sean Spicer and Sarah Huckabee Sanders. Drawing from work examining the role of gender in the newsroom, Paul presents conflicting expectations that either female actors would perform in stereotypical feminine ways or that their awareness of gender norms would encourage them to act in ways that counter those broad stereotypes. Once again, the nature of the C-SPAN Video Library was critical to this study, as the author assessed not only the content of journalist questions and press secretary responses but also the tone, which would be impossible using only written transcripts.

These three chapters are linked as they each examine one portrait of what discourse can look like, whether that is a particular type of rhetoric or a specific policy moment. Additionally, they all consider the implications of both the nature of each context and the rhetoric used by various actors on policy and political outcomes. From this, these three chapters collectively demonstrate the breadth of communication recorded by the C-SPAN Video Library. This range of political discourse spans from campaigns to press conferences and provides exciting opportunities for scholars of rhetoric and discourse as they can leverage these
tools to examine different parts of the political and policy process. Additionally, the nature of the C-SPAN Archives as a video library enables scholars to more seriously consider the different facets of political communication, from the setting of the address to the tone of the speaker, in ways that would prove impossible with only transcripts of events. The C-SPAN Video Library contains over 260,000 hours of content that offers unparalleled insight into both particular policy moments and the breadth of political discourse in the United States.
CHAPTER 4

CARELESS OR CRIMINAL?
The Social Construction of Wall Street in the Aftermath of the 2008 Financial Crisis

Justin Rex

INTRODUCTION

Academics (Haugh, 2014), judges (Rakoff, 2014), politicians (Henning, 2019), journalists (Frontline, 2013), and the public (Erman, 2013) alike have all lamented the fact that no executives from major Wall Street banks went to jail for actions related to the 2008 financial crisis, despite ample evidence of criminality (Ramirez & Ramirez, 2017). This inaction stands in stark contrast to the approximately 1,000 executives jailed after the 1989 Savings and Loan Crisis, despite the S&L crisis being of much smaller magnitude (Black, 2012). Why did so few executives go to jail after 2008 and what accounts for the change in policy response from the previous crisis? Scholars have offered a variety of legal (e.g., the statute of limitations is too short), bureaucratic (e.g., limited agency resources), political (e.g., banks captured politicians via lobbying) and economic (e.g., criminal prosecutions risked economic stability) answers (Rex, 2019a).

Despite a robust debate, there is been less focus on how politicians framed elite behavior in the aftermath of the crisis and how these frames shaped their policy response. Over the past several decades, the public narratives framing elite and street crime have shifted: as politicians used increasingly fearful rhetoric to justify a draconian crackdown on low-level blue-collar street criminals, they also shifted their rhetoric about white-collar crime toward a focus on risk-taking and unleashing the power of the market, coupled with deregulation of the financial industry (Hagan, 2012). How did this broad narrative
architecture influence how elite behavior related to the 2008 financial crisis was framed? On one end of the spectrum, controversial industry actors framed their behavior as socially beneficial. For example, during an interview, Goldman Sachs CEO Lloyd Blankfein said banks do “God’s work” (Bryan, 2009). Less positively, President Obama said, “On the issue of prosecutions on Wall Street, one of the biggest problems . . . is that a lot of that stuff wasn’t necessarily illegal, it was just immoral or inappropriate or reckless . . . a lot of practices that should not have been allowed weren’t necessarily against the law” (Marlowe, 2011). Others emphasized criminality. During congressional hearings about the Department of Justice’s (DOJ’s) lack of prosecutions, Senator Elizabeth Warren (D-MA) said, “If you’re caught with an ounce of cocaine, the chances are good you’re going to jail. If it happens repeatedly, you may go to jail for the rest of your life. But evidently, if you launder nearly a billion dollars for drug cartels and violate our international sanctions, your company pays a fine and you go home and sleep in your own bed at night—every single individual associated with this—and I just think that’s fundamentally wrong” (Good, 2013). These quotes illustrate the legally ambiguous space white-collar actors operate within, in which it is difficult to distinguish between legitimate business activity and criminal behavior (Van Slyke et al., 2016), making this ripe territory for examining the relationship between framing and policy response.

This chapter proceeds as follows. First, I discuss previous literature on how public narratives about Wall Street and white-collar crime shifted in the decades before the crisis and literature on the difficulty of creating moral panics around white-collar crime, which informs the research questions and expectations. Second, I outline the methods and data used for study as well as the crisis narratives used to code the Senate speeches under study. Third, I present the results. Lastly, I end with a discussion of the results and implications.

THEORY AND RESEARCH QUESTIONS

Framing the Financial Industry and Financial White-Collar Crime

How has Wall Street, and the financial industry behavior more broadly, been framed in public narrative during the decades that preceded the 2008 financial crisis? Hagan (2012) describes two historical eras of how attitudes toward regulating blue-collar crime on the streets and white-collar crime in the suites have dominated how behavior of street criminals and elite white-collar actors is framed, and how the framing of each worked in concert to support the other.
In the age of Franklin Delano Roosevelt, blue-collar street crime was placed in a social context in which criminals responded to social constraints that left them constrained to reach goals of material success through legitimate means (Hagan, 2012). With the right social setting and the right training, criminals can be rehabilitated to become typical law-abiding members of society. Policies focused on rehabilitation and reintegration. At the same time, study of white-collar crime was growing and arguing that suite criminals should be treated as a legitimate area of concern for social scientists and law enforcement (Hagan, 2012). Policies to tightly regulate business and prevent the excesses that led to the Great Depression were instituted. The age of Reagan flipped these framings, arguing that the public should fear street crime and that the proper way to treat criminals was through incapacitation and incarceration (Hagan, 2012). At the same time it was ratcheting up fear of street crime, the Reagan era was downplaying fears of crime in the suites. White-collar crime was seen more as a product of risk-taking, failure, and unforeseeable accidents rather than intentional deviancy. Corresponding policy shifts followed with the DOJ reallocating prosecutorial emphasis toward street crime and away from white-collar crime as well as an emphasis on industry deregulation, particularly in the financial industry (Hagan, 2012). This framing of elite financial industry behavior persisted until the crisis and still found support in the policy debates after the crisis.

This shift in framing took place against the backdrop of an increasingly finance-driven economy and culture. Johnson and Kwak (2010) chart the shift from the decades of boring banking in the middle of the 20th century in which banking was a respectable but low-risk profession, to one in which risk-taking and outsized financial rewards dominated in the three decades before the 2008 crisis. After the Great Depression, corporate profits in the financial sector were roughly the same as those of nonfinancial corporations (Johnson & Kwak, 2010). Executive pay displayed parity as well. The number of bank failures was small. Securities firms tended to focus on tasks like underwriting stocks and bonds, advising companies on acquisitions and mergers, and acting as brokers for clients (Johnson & Kwak, 2010). Many banks were structured as partnerships, where executives were much more risk-averse because their own money was on the line (Johnson & Kwak, 2010).

In the 1980s, these trends reversed. Profits in the financial sector began to outpace those of the nonfinancial sector, as did banker pay (Johnson & Kwak, 2010). The partnership model fell by the wayside as many banks went public and began working with other people's money (Johnson & Kwak, 2010).
Banks also began getting into riskier trading activities and using risky derivatives. Mortgage-backed securities were originally created by the federal government in the 1960s, but 1990s saw the growth in the size and complexity of mortgage-related derivatives, in addition to federal legislation deregulating the market, allowing the speculative trading that contributed to the 2008 crisis (Headworth & Hagan 2016). The financial industry took up an increasingly larger share of the GDP, and Wall Street banks grew ever larger (Johnson & Kwak, 2010). The ethos began to change as well. Karen Ho (2009) describes the new culture on Wall Street as one with a “volatile combination of unplanned risk-taking with the search for record profits, constant identification with the financial markets and short-term stock prices and continual corporate downsizing.”

Wall Street was also able to export its ideology of unrestrained finance to the larger corporate world in the U.S. in which corporations increasingly followed its logic (Ho, 2009). Wall Street investment banking culture infused U.S. corporations, who placed increasing importance on shareholder value and corporate restructuring to maximize it, leading to a “finance capital-led version of capitalism” (Ho, 2009 p. 35). Further, deregulation of Wall Street became a dominant platform across both major political parties and the industry was lavished with deregulation through multiple decades, despite crises (Hacker & Pierson, 2010). In fact, on the eve of the crisis, the financial industry saw its highest level of deregulation in the previous century (Philippon & Reshef, 2012).

At the same time, financial industry values were increasingly situating themselves in the broader culture, with the growth of credit cards and debt, the centrality of homeownership, investing in the stock market, and finance being a prime destination for graduates of elite universities as Wall Street amped up its recruitment of the best and brightest (Johnson & Kwak, 2010). Together these reinforced the positive cultural framings of the financial industry Hagan (2013) describes and the “quiet coup” finance made over American society and politics (Johnson, 2009). Though this positive image was challenged with events like the savings and loan crisis in the 1980s, the failures of hedge funds like Long Term Capital Management in the 1990s, the corporate scandals in the early 2000s, and movies like Wall Street and its antagonist’s “greed is good” ethos, the damage kept the financial industry’s image in the realm of legitimacy; though it involved risk-taking, greed, and sometimes spectacular failure, it was certainly not one in which crime was rampant, requiring the public fear and crackdown that blue-collar street crime and the drug trade required (Hagan, 2012). In short, its values influenced both corporate culture and the broader public, and elites across the political spectrum were aggressive champions.
Prosecutions and the Nature of White-Collar Crime

In the context of financial market triumphalism and Wall Street’s, and its values’, ascendance, the 2008 financial crisis occurred. Though the Wall Street, and the financial industry more broadly, received broad backlash for contributing to the crisis, particularly gaining intense criticism when banks were bailed out to the tune of hundreds of billions of dollars with the Troubled Asset Relief Program, why was the industry able to weather this negative framing and avoid significant criminal sanctions, despite a popular backlash? In other words, why were white-collar financiers able to escape the label of criminal deviant despite events that challenged its social legitimacy? As countless news stories, books, and articles after the crisis asked, why was public anger not translated into more prosecutions for bankers? Why did no high-ranking executives from major financial firms go to jail?

Part of the reason may be that no criminal actions occurred, and there was thus nothing to prosecute. Despite greedy, reckless behavior, financiers were operating in the wild west of deregulated finance but were careful not to step over the line into criminality. Obama’s quote earlier in the chapter is illustrative of the common argument that these were sins of greed, not criminality. This was an opinion shared by DOJ leadership as well. And in fact, as detailed below, this line of argument became a dominant narrative to explain the crisis and justify new regulations across the financial system.

Yet, the criminal argument cannot be so easily dismissed. Mortgage fraud was rampant throughout the system, leading the FBI to declare it an epidemic in 2004, years before the crisis hit (Schmitt, 2008). This initial fraud was baked into the complex securities Wall Street bundled and frequently misleadingly sold to investors, banks, and pension funds throughout the system (Barak, 2012; Ferguson, 2012). And after the crisis hit, foreclosure fraud, a straightforward crime to prove, was rampant throughout the system, despite a lack of will to prosecute it (Mayer et al., 2014). The white-collar crime narrative will be outlined in more detail below, but here it is noteworthy that it has substance and cannot be so easily dismissed.

Others have pointed to more mundane, but no less important, reasons for the lack of prosecutions, though these did not build into larger narratives of the financial crisis. For some, the hurdles were bureaucratic, like the DOJ’s decision to prioritize firm-level prosecutions instead of individuals (Garrett, 2016), or the prioritization of terrorism, at the expense of white-collar crime, after 9/11 (Rakoff, 2014). Others argued that the political dominance Wall Street built
pre-crisis did not subside, and it was able to maintain its political influence throughout the crisis aftermath and financial reform period (Connaughton, 2012). Economic reasons also predominated, including the worry that many firms were too big to fail without harming the broader financial system (Pontell et al., 2014). Lastly, legal arguments included the difficulty of meeting the high burden of criminal proof in such complex cases as well as a short statute of limitations (Headworth & Hagan, 2016).

These arguments echo the larger literature on white-collar crime. Why it is harder to raise a public moral panic over white-collar crimes than it is for street offenses like drug use and property crimes (Levi, 2009)? Levi argues it is hard to sustain moral panic about white-collar crime because there are several entry barriers to challenging the dominant framing. The first category of reasons relates to finance's, and the private sector's more broadly, relationship to the capitalist structure. Whereas street crime is a direct affront to social order or private property, it is relatively more difficult to negatively label person/actions that are not seen as acting outside the normal moral functions of capitalism (Levi, 2009). As others have noted, there is inherent ambiguity in separating normal business practices from white-collar crime (Pontell, 2005). As discussed above in relation to the recent financial crisis, some are quick to draw a distinction between the morally suspect, but legal, risk-taking and greed Wall Street engaged in. Further, business occupies a privileged place in market societies, in which it is handed the responsibility to play a key role in important social functions that a more centralized government would otherwise undertake, like producing certain goods, as well as maintaining high employment and economic growth (Lindblom, 1977; Yeagar, 2016). This position gives it a stronger veto than any other interest group against government policies that may affect it, given it can threaten negative social consequences on jobs and economic prosperity (Lindblom, 1982). More broadly, government often does not interfere with markets in a capitalist society for fear of negative consequences and violating the intellectual superstructure of free market orthodoxy that dominates current politics (Levi, 2009).

A second body of reasons relates to the nature of the offense. White-collar crime happens abstractly, typically involving paperwork and money shifting, whereas street crime has a more concrete reality; street crime occurs directly between persons, or in intimate places in the case of property crime, and often poses a direct threat to a victim's physical well-being (Levi, 2009). Moreover, unlike street criminals, white-collar criminals have legitimate access to their
Careless or Criminal? CHAPTER 4

victims (such as their bank account), which lends an offense more legitimacy
than that of a street criminal, who has to break into someone’s house (Van Slyke
et al., 2016). White-collar crime is also often harder to detect, and it takes a long
time to connect the dots and prosecute a case, which makes sustaining moral
panic about it difficult (Levi, 2009). Suite crimes also happen within a corpo-
ration, which provides a larger degree of diffuse responsibility and anonymity
than street crimes; this diffusion, along with the ambiguity of what is outside
normal business practices versus socially beneficial risk-taking and greed, makes
proving the criminal mens rea of intentional harm more difficult (Levi, 2009).
Even if crime is detected, and is prosecuted, simplifying what is often complex
behavior for a jury or the broader public is difficult; assault or robbery is more
intelligible than securities fraud involving a fraudulent prospectus for a collateral-
derized debt obligation.

Third, the political, economic, and cultural power of elite criminals gives
them more power than street criminals to shape the dominant social construc-
tion of their behavior. The revolving door (Project On Government Oversight,
2013) and similar social circles (Kwak, 2014) among key government economic
advisors, Securities and Exchange Commission personnel, DOJ leadership, and
Wall Street and its law firms gives the financial industry cultural power to cap-
ture elite institutions to shape their response to the 2008 crisis. There was in-
tense opposition to the regulatory reforms in the wake of the 2008 crisis, and
reform passed by a thin partisan majority. An attempt to criminally prosecute
large financial institutions and executives likely would have received even more
opposition. Given the above-mentioned features, Levi (2009) argues that most
attempts to create a moral panic about white-collar crime fail and end with fi-
nancial and regulatory remedies, rather than retributive ones. Fitting this pat-
tern, few individuals in the financial industry and no executives at major banks
went to jail; instead, banks paid fines to the tune of hundreds of billions of dol-

Research Questions and Expectations

The foregoing suggests important questions.

Research Question 1: What are the main narratives politicians used to
explain Wall Street’s role in the 2008 financial crisis during the years
following the crisis?
Research Question 2: Did politicians use narratives that described Wall Street executives as white-collar criminals feature frequently during policy reform debates after the crisis?

As indicated earlier, portrayals of Wall Street range from white-collar criminal to greedy capitalist to innocent participant swallowed up by unforeseeable economic events. Though elements of each of these stories had their proponents, which narrative had the most champions? Given the preexisting power of the financial industry and the way it infiltrated the broader corporate and public culture in the U.S., and given the difficulty of building and sustaining moral panics about white-collar crime for the many reasons listed above, I expect criminal accounts of the crisis to be infrequent.

DATA

The data gathering process used several sources. First, I used the legislative history of the Dodd-Frank Wall Street Reform and Consumer Financial Protection Act, which was compiled by the Law Librarians’ Society of Washington, D.C., to find all legislative actions related to the Dodd-Frank Act, including hearings, bill introductions, amendments, and floor debate (LLSDC, 2017). Given the size and scope of the bill, there were a considerable number of actions before its eventual passage. To narrow the scope, I focused on legislative actions in the Senate, narrowing further to debate on the floor. The Senate is often regarded as the slower, more deliberative upper chamber, and the Senate majority leader has relatively less power to control debate, making it a good place for studying narratives, given the opportunity for debate. Further, as other scholars have noted, the Congressional Record series is an underutilized but nevertheless important place to study the thinking of legislators, given that elected officials prepare and edit speeches, and these are included in the official historical record (Newton, 2005).

After identifying the dates of relevant Senate legislative actions from the Law Librarians’ list, these dates were searched in the C-SPAN Video Library’s Congressional Chronicle for the Senate. For each date, the Chronicle lists all Senators who spoke on the floor that day and provides full text for each. To narrow further, any speeches unrelated to Dodd-Frank were not included in the dataset. For example, given that health care reform was being debated at
a similar time, many speeches were eliminated as unrelated. Additionally, any speeches related to strictly procedural matters were eliminated as well. After narrowing, the dataset included 123 speeches by 58 senators across 13 separate days of floor debate. Procedurally, debate included the bill’s introduction, amendments, and debate on the conference version reconciling differences between the House and Senate bills. Table 4.1 provides descriptive data about the speeches included in the dataset.

### METHODS

After compiling the dataset of relevant speeches, I used the social construction of target populations theory and the Narrative Policy Framework (NPF) to analyze senators’ discourse. SCTP theory seeks to determine how policy discourse influences policy outcomes and proposes that “the allocation of benefits and burdens to target groups by public policy depends on the extent of their political power as well as their positive or negative social construction” (Sabatier & Weible, 2014). In other words, the social construction and the power of political actors targeted by policy act as independent variables that influence the policy benefits or burdens actors receive (Schneider & Ingram, 1993). For example, advantaged targets, like veterans, have high political power and positive social constructions and thus receive ample resources through policy (Schneider & Ingram, 1993). Contenders, like big business, have power but are negatively constructed and typically receive symbolic policy burdens (Schneider & Ingram, 1993). Dependents, like mothers, have less power but positive constructions and tend to receive meager resources (Schneider & Ingram, 1993). Deviants, like criminals, have low power, are negatively constructed, and receive strong punishment and harsh regulation (Schneider & Ingram, 1993). Table 4.2 summarizes this framework. SCTP theory has been widely used and substantiated in the public policy literature to study social constructions and policy outcomes for actors in all four categories (Pierce et al., 2014).

Given its extensive political power, Wall Street would fall into either the advantaged or the contender category according to SCTP theory. Yet, social
TABLE 4.2  Social Construction of Target Population Theory*

<table>
<thead>
<tr>
<th>Power</th>
<th>Positive Constructions</th>
<th>Negative Constructions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strong</td>
<td><strong>Advantaged</strong></td>
<td><strong>Contender</strong></td>
</tr>
<tr>
<td></td>
<td>(high benefits, low burdens)</td>
<td>(symbolic burdens, hidden benefits)</td>
</tr>
<tr>
<td></td>
<td>Veterans</td>
<td>Big business</td>
</tr>
<tr>
<td>Weak</td>
<td><strong>Dependent</strong></td>
<td><strong>Deviant</strong></td>
</tr>
<tr>
<td></td>
<td>(low benefits, high burdens)</td>
<td>(high burdens, low benefits)</td>
</tr>
<tr>
<td></td>
<td>Mothers</td>
<td>Criminals</td>
</tr>
</tbody>
</table>

*Modified from Schneider and Ingram (1993).

constructions are not static and shift over time (Schneider & Ingram, 1993). Though Wall Street was arguably in the advantaged category before the crisis, in the aftermath, competing narratives constructing Wall Street as a contender or deviant gained traction as well. To determine which categorization was used in a Senate speech, I used the NPF to analyze precisely how the target population is constructed, either negatively or positively. The NPF argues that the elements of story underpin the policy narratives political actors use to justify policy, including a setting, characters, plot, and a moral (Jones et al., 2014). Narratives gain traction to the extent that they appropriately tap into public perceptions about who is deserving of government resources and which groups are deserving of punishment (Schneider & Ingram, 2005). For example, the basic narrative embedded in the earlier quote from Obama indicates that the setting for the story of the financial crisis is Wall Street and the financial industry. The key characters are major Wall Street banks and the plot is one of greed gone awry (rather than more insidious criminal motives) and the moral is that this greed, and the risk-taking it fostered, need to be better regulated rather than criminally punished.

I conducted content analysis (Singleton & Straits, 2005) of each Senate floor speech and coded the speech into predefined categories of narratives based on the most prominent explanations of the financial crisis that emerged during its aftermath (Levitin, 2008). To make sure categories are clearly defined, exhaustive, and mutually exclusive, I created a codebook of eight different narratives for the crisis, identifying the setting, characters, plot, and moral for each. These categories are described in more depth in the next section.
What are the dominant narratives used to explain the financial crisis and Wall Street’s role in the crisis? And do these narratives portray Wall Street positively or negatively and as powerful or weak, according to categories of SCTP theory? According to the NPF, the first ingredient in a narrative is the setting for the story. The broad setting for the narratives has been described previously. Over the decades preceding the crisis, there were key cultural, political, and economic changes that set the stage for the crisis: the financialization of economy, increasing risk-taking in the financial sector, decades of financial deregulation, an ideology of self-regulating markets, both major political parties moving toward a neoliberal view of finance and markets, a growth in both inequality and consumer debt, and the rise of the homeownership society that promoted expanding homeownership.

Several broad, distinct, and sometimes overlapping narrative threads emerged in the aftermath of the 2008 financial crisis, which are described below and summarized in Table 4.3 (later in this section). These range from more structural accounts, which place less blame on individual actors, to more agentic accounts, which place blame squarely on the shoulders of particular actors (Headworth & Hagan, 2016). On the furthest end of this spectrum, one structural narrative is that of the 100-year flood. Former Treasury secretary Hank Paulson likened the crisis to a 100-year flood, an unlikely outcome from a highly complex confluence of events that few if any could have predicted (Belvedere, 2013). Though housing bubbles had burst for particular geographic areas in the past, few expected that the housing market as a whole could experience such substantial declines. Further, dominant theories about the efficiency of financial markets further precluded worries about a recession. Summing up this view after reflecting on narratives that place more blame on individual actors, Levitin (2008) argues, “None of these characters can carry the drama themselves. For better or worse, all of these individuals and institutions were no more than bit players in a crisis that is marked by its maddening impersonality” (p. 1008). According to this theory, there were no true villains because nobody is to blame for a crisis nobody could have seen coming or had the power to prevent if they did. Wall Street, along with the broader public, is a victim of historical events.

Similarly, Posner (2009) identifies a series of interrelated incentives in the financial system that encouraged individually rational behavior that led to
collectively irrational outcomes for the financial system. A case in point is the proliferation of low-quality mortgages. The original lenders had little incentive to monitor quality as they were securitized quickly, and the risk spread and masked into the securitization chain funneled through Wall Street banks and the government-sponsored entities. The key actors supposedly monitoring the qualities of the complex securities in which risky loans were bundled were the credit ratings agencies. They had an incentive to rate the securities as low risk because they would lose business when banks would take securities to another ratings agency to shop for the stamp of approval. Like originating bad mortgages with the intent to sell them to others, shopping for ratings was individually rational for the parties involved but collectively irrational for the broader economy (Posner, 2009). Summing up this view, Citigroup’s CEO Chuck Prince infamously said, in response to why he kept investing in what would soon be toxic assets, “When the music stops, in terms of liquidity, things will be complicated. But as long as the music is playing, you’ve got to get up and dance. We’re still dancing.” Here again, there are no real villains, just individuals and firms acting in their own self-interest, but acting within broader historical and economic systems that they did not shape.

Despite the complexity of the crisis, others have been more willing to point the finger at particular actors. One such view is the easy money narrative (Levitin, 2008). According to this story, the Federal Reserve set interest rates low in an era with a surplus of global money looking for investment. Doing so lured investors looking for higher returns into riskier and riskier investments. Eventually this search led to the toxic mortgage-based investments and derivatives that blew up the financial system. Unlike previous narratives, this one has a clearer villain in the form of centralized banks, though like previous narratives, Wall Street is implicitly relatively positively portrayed and skirts any blame.

According to the poorly designed regulation narrative, a variety of government policies and bureaucracies are to blame for the crisis, not just the Fed. The conservative version of the regulatory narrative focuses on government incentives run amok, with particular attention on the government-sponsored entities (GSEs) Fannie Mae and Freddy Mac, as well as legislation like the Community Reinvestment Act, which encouraged lending to traditionally underserved populations, leading to banks to lend to people who should not be getting loans and creating too much risk. These government intrusions created problems in an otherwise well-functioning market. The lending mandates pushed banks to lend to people who would otherwise never be able to quality for a mortgage,
leading to imprudent lending. The GSEs were able to build up risk by buying and securitizing pools of bad loans and had no incentive to be prudent given the implicit backing of the federal government, which most anticipated would bail them out if needed. These incentives were a moral hazard and created a clear case of government failure waiting to happen. In this narrative, the real villains are government bureaucrats and legislators, whose attempts at regulating the market backfired. Again, Wall Street's image remains fairly positive according to this narrative because blame is placed elsewhere.

The deregulation, lax regulation, and lax enforcement narrative points to decades of deregulatory financial legislation from Reagan to Clinton that set the stage for reckless financial speculation. This deregulation was amplified through lax enforcement by key financial regulatory agencies, who turned a blind eye and/or did not properly understand the risk growing in the system. Further, there was an unholy alliance between industry and government, in which the financial industry exercised outsized influence, pushing for deregulation through lobbying and campaign donations as well as benefiting from a revolving door between industry and regulatory agencies (Johnson & Kwak, 2010). Together, these actions created a financial system with nobody supervising and greedy, reckless financiers who destroyed the economy. Like the more conservative-friendly, poorly designed regulation narrative discussed above, this narrative places some blame at the foot of legislators and bureaucrats, though it takes a much different angle; government policy can work, but it was corrupted and coopted by legislators and bureaucrats who too closely favored the industry at the expense of the broader public. Unlike the previous narratives, Wall Street is portrayed more negatively; rather than being a passive bystander, it actively pushed for deregulation and reduced oversight of its activities and engaged in lucrative but socially destructive risk-taking. Wall Street then is a clear villain and a key driver of the crisis; the moral is that it needs reining in with more stringent regulations.

Similarly, the Frankenstein innovation narrative portrays Wall Street more negatively (Levitin, 2008). Legislators enabled deregulation of the derivatives market. Doing so allowed Wall Street to create complex mortgage-based derivatives that few within government or the private sector properly understood, leading to huge amounts of unknown risk. Instead, the government and industry primarily relied on the major credit ratings agencies to assess the risk in these complex products. A fee-for-rating model allowed investment banks to shop for the rating they wanted and incentivized ratings agencies to give high ratings to maintain business, further obscuring risk. Key actors also misunderstood the
<table>
<thead>
<tr>
<th>Narrative</th>
<th>Characters</th>
<th>Plot</th>
<th>Moral</th>
</tr>
</thead>
<tbody>
<tr>
<td>100-year flood</td>
<td>Innocent victims: legislators, regulators, Wall Street, homeowners, public</td>
<td>Naïve, well-meaning actors unsuspectingly overwhelmed by crisis</td>
<td>Wrong to blame any particular actors harshly; bail out banks and support homeowners to maintain health of financial system and avert economic depression</td>
</tr>
<tr>
<td>Misaligned incentives</td>
<td>Wall Street investment banks, ratings agencies, legislators, investors</td>
<td>Collective action problem: individually rational actions lead to collectively irrational outcome</td>
<td>Tweak financial market and corporate incentives to align with public interest</td>
</tr>
<tr>
<td>Easy money</td>
<td>Federal Reserve, investors, Wall Street</td>
<td>Low interest rates incentivize search for high returns in riskier investments</td>
<td>Tighter monetary policy</td>
</tr>
<tr>
<td>Frankenstein innovation</td>
<td>Legislators, Wall Street, financial industry</td>
<td>Deregulation, innovation lead to complex, misunderstood financial products</td>
<td>Tighter regulation of financial instruments, derivatives</td>
</tr>
<tr>
<td>Category</td>
<td>Actors Involved</td>
<td>Problems</td>
<td>Solutions</td>
</tr>
<tr>
<td>----------------------------------</td>
<td>--------------------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Deregulation, lax regulation/</td>
<td>Legislators, regulatory agencies/bureaucrats, Wall Street</td>
<td>Politicians’ deregulation; agencies’ weak enforcement; nobody prevents banks from harming borrowers, economy</td>
<td>Need tighter regulation, e.g., Consumer Financial Protection Bureau, investor protections, existing agencies need new authority</td>
</tr>
<tr>
<td>enforcement</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Poorly designed regulation</td>
<td>GSEs, borrowers/homeowners, politicians pushing credit expansion</td>
<td>Push to serve underserved minority populations that don’t have access to credit creates perverse incentives; moral hazard of GSEs</td>
<td>No bailouts to reduce moral hazard; eliminate mandates for lending to underserved areas</td>
</tr>
<tr>
<td>Greed/reckless innocence</td>
<td>Villains: homeowners, Wall Street</td>
<td>Buyers in search of bigger homes and banks in search of profit lead to infection of risk and toxic assets in financial system</td>
<td>New regulations to rein in greed; let actors pay for the consequences of their actions; no bank bailouts, no help for homeowners</td>
</tr>
<tr>
<td>White-collar crime</td>
<td>Wall Street CEOs</td>
<td>Mail, wire, securities, control fraud mislead investors/public for profit</td>
<td>Need harsher criminal enforcement and sanctioning for banks and their executives</td>
</tr>
</tbody>
</table>

Note: GSEs = government-sponsored entities.
systemic risk posed by the way these investments tied large institutions together financially, creating the potential for the failure of one bank to ripple across the financial system. Here Wall Street is painted again as a central driver of the crisis because its allegedly risk-reducing innovations were actually much more risky than anyone thought, and they actively pushed against attempts to bring more transparency to the market, particularly with the Commodity Futures Modernization Act of 1999. The moral is that these instruments are in need of more transparency and/or regulation.

The greed narrative offers a more generalized narrative for the crisis, and one that intersects with other narratives by providing a less structural and more personal motive for behavior that drove the crisis (Levitin, 2008). Homeowners, driven by greed for bigger and bigger houses, pushed themselves beyond their means with mortgages they would never be able to pay back. This greed intersected with the greed of mortgage brokers, real estate owners and investors, and banks all looking for bigger returns on their investment. All were looking to make a profit, and the securitization machine allowed everyone to make a buck while seemingly diversifying risk enough to prevent a market collapse. The right tends to focus its ire most on the greed of homeowners who should have known better. The left has focused its ire on the greed of Wall Street executives who knew they were building risk into the system but tried to make money as long as they could, then offloaded toxic assets onto unsuspecting investors when it was clear a crisis was on the horizon. Though a variety of politicians criticized Wall Street’s greed, they described it as within the legal boundaries of a capitalist system that needed more regulation, not criminal punishment for fraud. Though banks and their executives were reckless, they were innocent of graver moral sin worthy of criminal punishment. With a variety of villains, the moral of this story for the right was to let homeowners and banks get what was coming to them—the loss of their home or the failure of their bank. The government should not enable the behavior with support for struggling homeowners or bailouts to reckless banks. The moral from the left is that the financial industry needs new regulations to better channel the greed toward the public good and curb its worst excesses. In both narratives, Wall Street is portrayed negatively.

The white-collar crime narrative is the most critical of Wall Street. This account is primarily articulated by law professors and white-collar crime scholars, though a variety of news outlets have run stories over the last decade questioning why there were not more prosecutions for Wall Street executives after the crisis. Scholars emphasize the presence of a criminogenic environment that arose in the
financial system in which crime became routinized up and down the mortgage se-
curitization chain (Black, 2012). Some argue entire companies, like Countrywide
Financial, became criminogenic enterprises, in which crime was routinized as
normal business (Mayer et al., 2014). Key actors routinely falsified mortgage doc-
uments, creating a giant pool of “liars loans,” knowing they could easily sell them
to investment banks that would securitize them and sell them off to investors.
Investment banks knowingly hid key information about risks inherent in these
securities, or that some were created to fail by the very investment banks selling
them, and offloaded them to unsuspecting investors (Barak, 2012). Unlike the
greed narrative, the criminal one argues that actors were not just making a profit
by playing within the cowboy capitalism’s rules of a heavily deregulated finan-
cial system. They knowingly and repeatedly violated fraud and securities laws in
search of profit. Though primarily articulated by academics, it found some pop-
ular purchase in the frustration that no Wall Street executives went to jail for ac-
tions related to the crisis. News stories in major publications like The New York
Times, Frontline, The Atlantic, NPR Marketplace, and The New York Review of
Books, among many others, all ran stories about the lack of criminal accountabil-
ity in the years following the crisis. Charles Ferguson, the winner of the Oscar
for Best Documentary in 2011 for his film on the crisis called Inside Job, even
used his acceptance speech to decry the lack of criminal prosecutions for Wall
Street. A majority of Americans in one opinion poll even believed there should
have been more punishment accounting to public opinion polls, and the moral
of this narrative is that there should have been. According to this narrative, the
lack of prosecutions was not for a lack of criminal behavior but a lack of will
in the Obama administration to prosecute widespread crime, instead prioritiz-
ing the financial health of the system over criminal accountability (Pontell et al.,
2014). Unlike in the other narratives, Wall Street is painted as a criminal deviant.

The key characters, plot, and moral of each of these narratives is summa-
rized in Table 4.3.

RESULTS

Table 4.4 shows the aggregate results of the narrative codes for speeches, as well
as the totals by party. In total there were 123 separate substantive speeches by 58
senators, split fairly evenly between Democrats and Republicans. The results sug-
gest that three narratives dominated the speeches: poorly designed regulation,
Frankenstein innovation, and deregulation. The greed narrative followed after, with the other four narratives being employed much less frequently. How did the use of particular narratives vary by party? The overall leading narrative, poorly designed regulation, was used almost exclusively by Republicans. This is unsurprising, given their skepticism of government regulation; it makes sense that they would portray the crisis as one of government overreach and mistakes, downplaying the private sector’s role in the crisis.

Key villains in this narrative are the government-sponsored corporations Fannie May and Freddie Mac, who helped encouraged home lending by buying and securitizing mortgages and did so recklessly given the assumption that they had the implicit backing of the U.S. government. Senator Judd Gregg (R-NH) lays out this narrative well:

It is estimated that the American taxpayer will end up picking up somewhere around $400 billion to $500 billion in costs as a result of the activities of Freddie and Fannie. . . . But a lot of the initiative for that came from the Congress, basically asserting that people should be able to get those types of loans and pushing Freddie and Fannie from using what had been very traditional spurned writing standards in the 1990’s into much more aggressive standards as they moved into the period of 2000, 2001, and the early 2000 period, and as a result had you this proliferation of loans that didn’t have the underlying value and did not have the capacity to be repaid and they were all securitized by Fannie

<table>
<thead>
<tr>
<th>Narrative</th>
<th>Democrats</th>
<th>Republicans</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Poorly designed regulation</td>
<td>6</td>
<td>39</td>
<td>45</td>
</tr>
<tr>
<td>Frankenstein innovation</td>
<td>30</td>
<td>14</td>
<td>44</td>
</tr>
<tr>
<td>Deregulation, lax regulation/enforcement</td>
<td>37</td>
<td>5</td>
<td>42</td>
</tr>
<tr>
<td>Greed/reckless innocence</td>
<td>21</td>
<td>8</td>
<td>29</td>
</tr>
<tr>
<td>Misaligned incentives</td>
<td>7</td>
<td>8</td>
<td>15</td>
</tr>
<tr>
<td>Easy money</td>
<td>3</td>
<td>8</td>
<td>11</td>
</tr>
<tr>
<td>100-year flood</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>White-collar crime</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>67</strong></td>
<td><strong>56</strong></td>
<td><strong>123</strong></td>
</tr>
</tbody>
</table>
and Freddie . . . a path towards basically decoupling Freddie and Fannie from the American taxpayer, making it—having those two organizations no longer be dependent on the American taxpayer and have the American taxpayer no longer have to pick up the debts of mistakes made by those two corporations, when those mistakes—even when those mistakes were caused to some significant degree by the Congress taking actions which were inappropriate or which were bad policy. Not necessarily inappropriate but definitely bad policy. (C-SPAN, 2010c, 21:25)

Similarly, according to Senator John McCain (R-AZ):

I am not calling for the abolition of Fannie and Freddie. I am calling for them to stop being in the government trough. I am saying that Fannie and Freddie ought to be doing their job in competition with everybody else who finances home loan mortgages in America and the history of these organizations is replete with enabling by the Congress of the United States. (C-SPAN, 2010c, 1:56:10)

Given that government intervention was the cause of the crisis, the moral of this story is that more government regulation is not the solution. According to Mitch McConnell (R-KY):

Later today we'll have a decisive vote on the financial regulatory bill that does nothing to reform the government-sponsored enterprises that many people believe to have been at the root of the financial crisis this bill grew out of. . . . As it turns out, the American people don't seem to like this government-driven solution to the financial crisis any more than they like the democrats’ government-driven solution to the nation's health care crisis. . . . All told, this bill would impose 533 new regulations on individuals and small businesses, regulations that will inevitably lead to the kind of confusion and uncertainty that will make it even harder for struggling businesses to dig themselves out of the recession. . . . So here's a bill that fails to address the root causes of the kind of crisis it meant to prevent, that creates a vast, new, unaccountable bureaucracy that, if past experience is any guide, will lead to countless burdensome unintended consequences for individuals and small businesses. (C-SPAN, 2010d, 1:22:20)
Similarly, Senator Richard Shelby (R-AL) highlighted the inadequacy of bureaucracy preventing the crisis and the ineffectiveness of this as a solution to preventing the next one:

Nearly two years ago, the financial crisis exposed massive deficiencies in the structure and the culture of our financial regulatory system. Years of technological advances, product development, and the advent of global capital markets rendered the system ill-suited to achieve its mission in the modern economy. Madam president, decades of insulation from accountability distracted regulators from focusing on that mission. Instead of acting to preserve safe and sound markets, the regulators primarily became focused on expanding the scope of their bureaucratic reach. And after the crisis which cost trillions of dollars and millions of jobs, it was clear that significant reform was necessary. But despite broad agreement on the need for reform, the majority decided it would rather move forward with a partisan bill. The result is a 2,300-page legislative monster I believe before us that expands the scope and the power of ineffective bureaucracies. It creates vast new bureaucracies with little accountability and seriously I believe undermines the competitiveness of the American economy. Unfortunately, the bill does very little to make our financial system safer. Therefore, I will oppose the Dodd-Frank bill and urge my colleagues to do the same. . . . All the democrats will succeed in doing with the help of republicans is to give the failed bureaucracies more power, more money and a pat on the back with the hope that they will do a better job next time. This is not real reform, madam president. That is just more of the same. (C-SPAN, 2010d, 00:49:45)

Alternatively, Democrats’ most frequent narrative was that of deregulation and lax enforcement. Though in part this narrative places blame on government and regulatory agencies for not being tougher on Wall Street, the emphasis is on the way the financial industry grew too strong and powerful, and shaped policy and deflected oversight accordingly. And too much of the activity on Wall Street was done in the absence of any regulation at all, either because areas like derivatives were deregulated or because regulation never kept up with new changes in the market. Further, the Consumer Financial Protection Bureau, a centerpiece of the reform legislation, was important to add because it could act as the consumer watchdog that banking regulators had failed to be before the crisis. Thus, the main villain is an out-of-control financial sector that needs tougher regulation.
Like the poorly designed regulation narrative did for Republican Party orthodoxy, this narrative fits well within the expected Democratic ideological orthodoxy.

Senator Carl Levin (D-MI) typifies this narrative, with attention to inadequate regulation and supervision of the financial sector:

For too long, too many firms on Wall Street have had a free rein to reign to profit, to prosper from their risky bets when they pan out, and to have the taxpayers cover the losses when they don’t pan out. For too long there has been no cop on the beat on Wall Street. That must end, and we can end it today by passing the Dodd-Frank bill. (C-SPAN, 2010d, 4:17:45)

Consumers in particular were under-protected, according to Senator Chris Dodd (D-CT):

I think it is widely understood, Mr. President, that it was a failure of consumer protection that was at the very heart of the financial crisis. It was of course these bad mortgages that were being sold, that people were being lured into, that was where the fires began, that consumed our economy or nearly consumed our economy. (C-SPAN, 2010a, 2:55:40)

The moral then is legislation that puts in place stricter oversight and protections. Senator Harry Reid (D-NV) argued:

We're going to give consumers and investors the strongest protections they have ever had against abusive banks, mortgage companies, credit card companies, and credit rating agencies. We're going to bring derivative markets that operate in the darkness out in the light. We're going to hold Wall Street accountable because we know we're accountable to the American people. (C-SPAN, 2010d, 1:32:24)

Senator Jeanne Shaheen (D-NH) outlines the broad scope of these new recommended protections:

We need to put in place reforms to stop Wall Street firms from growing so big and so interconnected that they can threaten our entire economy. We need to protect consumers from abusive practices and empower them to make sound financial decisions for their families. We need more transparency in regulation in the now shadowy markets where Wall Street executives and investment
banks have made gambles. In those shadowy markets, the Wall Street firms got all the upside and American families got all the downside. We need to do everything we can to ensure that a financial crisis like the one we experienced in late 2008 never happens again. And we need to ensure that taxpayers will not be asked to bail out Wall Street. In short, we need to pass the strong Wall Street reform bill that is before us today. (C-SPAN, 2010d, 3:09:00)

The second and fourth leading narratives were most frequently used by Democrats but had more bipartisan support from Republicans. The Frankenstein innovation in the derivatives market that created complex financial instruments that few inside or outside government understood was something both parties highlighted as a driver of the crisis. Describing the portions of the bill to address these complex products, Senator Dodd argued:

We tried to deal with the exotic instruments that had caused so much of the difficulty. The derivatives market was a $90 billion market and it mushroomed in less than a decade to $600 trillion, putting our nation at risk because of a lack of transparency and accountability to determine what was occurring in those markets. To consider it a radical idea that we might want to have transparency and accountability I find rather remarkable considering what our country has been through. (C-SPAN, 2010d, 1:15:45)

According to Senator Saxby Chambliss (R-GA):

I have spent a great deal of time understanding the over-the-counter derivatives market, its complexities and its legitimate utility. I have found that both Republicans and Democrats generally agree on the major issues relating to derivatives regulation. We all generally agree that there needs to be greater transparency, registration, more clearing and compliance with a whole host of business conduct and efficient market operation regulations. (Bush, 2019)

Similarly, senators in both parties blamed greed on Wall Street as a key driver of the crisis, though Democrats were more likely to do so. According to Senator Byron Dorgan (D-ND):

[T]hey were building a house of cards that came down and nearly collapsed this country’s entire economy. A lot of people are still paying the price for it. They got up this morning without a job, millions and millions of them and
they can’t find work. They’re the victims of the cesspool of greed that we’ve watched for far too long. (C-SPAN, 2010d, 4:08:00)

According to Senator Levin:

The evidence from our investigation and from so many other sources is clear: we must put a cop back on the beat on Wall Street so that the jobs, homes, and futures of Americans are not again destroyed by excessive greed. (C-SPAN, 2010d, 4:20:35)

The last four narratives were much less frequently used. Notably, the one speech coded using a white-collar crime narrative was a very weak version of this argument. Senator Arlen Specter (D-PA) was not describing rampant law-breaking that led to the crisis or advocating for throwing more bankers in jail. Rather, he spoke on behalf of an amendment that would allow investors and the public better grounds to sue for various kinds of financial fraud (C-SPAN, 2010b). Though white-collar crime researchers are less concerned with whether elite behavior receives civil or criminal penalties, instead concentrating on the nature of the offense and the public harm done (Sutherland, 1983), this speech is a much more muted version of the full-throated, populist, radical appeal to put executives behind bars.

DISCUSSION

With Research Question 1, I asked what are the main narratives politicians used to explain Wall Street’s role in the 2008 financial crisis during the years following the crisis. The results suggest that the brunt of the focus fell along party lines, in which Republicans blamed poorly designed government policies and the Democrats blamed deregulation and lax enforcement, along with blaming complex securities created by Wall Street. As one might expect, the crisis narratives fell into clear partisan paths that fit neatly with center-left tendency of the Democratic Party and the harder right turn the Republican Party has taken in the last few decades (McCarty et al., 2016). Yet, an economic crisis of this magnitude offers the possibility to radically rethink the status quo, as some previous crises have. The popular movements that grew out of the crisis, Occupy Wall Street on the left and the Tea Party movement on the right, were further to the left and right of their parties, and both had an anti-elite flavor, toward different
ends. Though the Tea Party made significant inroads in institutionalizing itself within the Republican Party (Williamson et al., 2011), Occupy Wall Street did not have the same impact on the left (Gitlin, 2013), though it had more success reframing the dialogue around inequality. In response to Research Question 2, did politicians use narratives that described Wall Street executives as white-collar criminals feature frequently during policy reform debates after the crisis, the answer is clearly no. Only one senate speech broached the idea of criminal conduct and focused more on civil fraud. Voices like Occupy on the left did call for more prosecutions but did not push either party in this direction.

Another way to view the narrative landscape is to see how the eight narratives used fit into the social construction of target population typology, as outlined in Table 4.5. Theorists note that though constructions can be static in the short term in crystallizing the framing of a target population, they do have the power to shift over time (Schneider & Ingram, 1993). With the eight narratives we can see the contest over trying to shift away from, or maintain, Wall Street’s dominant social construction of advantaged on the eve of the crisis. One could argue it shifted from advantaged to contender after the negative attention the crisis and Wall Street’s role in it brought to the industry. Republican narratives pushed against this framing, but Democrats pushed successfully to have it labeled more negatively as a contender, with some support from Republicans.

If it wasn’t treated as a deviant, to what extent did the policy outcomes of the Dodd-Frank Act fit with those we would expect a contender to receive according to SCTP theory, symbolic burdens, and hidden benefits? The most clearly

<table>
<thead>
<tr>
<th>Power</th>
<th>Positive</th>
<th>Negative</th>
</tr>
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<tbody>
<tr>
<td>Strong</td>
<td><strong>Advantaged</strong>&lt;br&gt;(high benefits, low burdens)</td>
<td><strong>Contender</strong>&lt;br&gt;(symbolic burdens, hidden benefits)</td>
</tr>
<tr>
<td></td>
<td>Misaligned Incentives</td>
<td>Frankenstein Innovation</td>
</tr>
<tr>
<td></td>
<td>Easy Money</td>
<td>Deregulation</td>
</tr>
<tr>
<td></td>
<td>Poorly Designed Regulation</td>
<td>Greed</td>
</tr>
<tr>
<td>Weak</td>
<td><strong>Dependent</strong>&lt;br&gt;(low benefits, high burdens)</td>
<td><strong>Deviant</strong>&lt;br&gt;(high burdens, low benefits)</td>
</tr>
<tr>
<td></td>
<td>100-Year Flood</td>
<td>White-Collar Crime</td>
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TABLE 4.5 The Social Construction of Wall Street as a Target Population Embedded in Crisis Narratives
symbolic burden Wall Street received was the billions of dollars of fines leveled by various financial regulators. Though these fines achieved some symbolic justice and worked to appease populist demands for justice from the public, they were small slaps on the wrist compared to the profits of major banks and have not achieved substantive reforms in the industry (Macartney & Calcagno, 2019). Though these fines are large, they fall short of the strength of criminal punishments. Importantly, for all the arguments from the Obama administration that it did not like Wall Street greed despite its legality, neither the administration nor anyone in Congress introduced new criminal provisions into the Dodd-Frank Act to expand the scope of criminal law (Ramirez & Ramirez, 2017). The clearest hidden benefit Wall Street and the financial industry received was the over $14 trillion in back-channel lending and cash infusions through obscure Treasury Department and Federal Reserve programs, which received much less attention and public outcry than the direct bailout funds in the Troubled Asset Relief Program (Prins, 2010).

Yet, not all reforms were symbolic. The Dodd-Frank Act provides more clear procedures for winding down too-big-to-fail institutions that avoid bailouts or lending of last resort from the Fed (Konczal, 2013). Whether these can be followed in practice if one of the largest Wall Street institutions fails is another question. The Consumer Financial Protection Bureau was a substantial win for consumers, and Wall Street lobbied vehemently against it. Likewise, the Volcker Rule attempts to reduce insured banks from engaging in speculation in the derivatives market. Analyzing the Act more comprehensively is outside the scope of this chapter, but the above suggest some, but not all, provisions fit with the expectations of SCTP theory.

CONCLUSION

This study has several implications for theory. First, though the scholarship on the SCTP theory has grown and become well established in the field of public policy and political science, contender groups like elite business actors, corporations, and banks are the most understudied category; instead, much of the analysis focuses on marginalized groups lacking political power (Pierce et al., 2014). Thus, this study offers a case in how social construction dynamics operate for groups labeled contenders. Second, just over a decade out from the crisis, scholars, journalists, and the public are still grappling with the lack of criminal
accountability for Wall Street, what it means for equity in the broader criminal justice system, and the dangers it poses for financial stability in the broader economy. This research suggests another plausible hypothesis for why there were no prosecutions: the stories we told about the crisis, and Wall Street’s role in particular, shaped the policy responses we pursued. In many ways, the narratives about the crisis, and the social construction of Wall Street, successfully contained the scope of conflict in the regulatory and civil justice arenas and prevented critics from expanding the scope of conflict to the criminal justice system. A necessary, though not sufficient, condition for shifting the weight of the criminal justice system toward more prosecutions is a compelling narrative to paint Wall Street as deviant, and thus worthy of harsh criminal sanctions. Though there was some support for this narrative among commentators, interest groups, and citizens outside government, the Senate floor speeches show this narrative failed to penetrate elected official rhetoric.

How does this study help us understand policy change over time? It demonstrates the broader consequences of the financialization of the U.S. economy over the last several decades and how this change has affected policy outcomes. As the financial sector grew to take a larger share of GDP, financial deregulation grew to historically high levels, which allowed banks to grow larger and amplify their political power to push for more policy benefits for the industry. In turn, this power shaped the narratives about the crisis, and Wall Street’s role in it, as well as the policy response. As SCTP theory posits, powerful, but negatively constructed, actors will be able to push policy burdens toward less strict and more symbolic regulations, while avoiding the harsher criminal punishments reserved for actors constructed as social deviants. Though the Dodd-Frank Act reversed the decades-long trend of financial deregulation, adding some new substantive and symbolic regulatory burdens on the industry, it allowed some of the biggest issues, like whether to tax or break up the largest financial institutions given their economic and political power, to remain largely unaddressed (Johnson & Kwak, 2010; McDonnell, 2011). Further, key actors were able to avoid criminal sanctioning or new criminal statues to deter future financial crime. This outcome suggests that the growth in political and economic power of the industry has changed the ability of the criminal justice system to hold the worst actors to account, in contrast to previous financial crises (Ramirez & Ramirez, 2017). To the extent criminal accountability is an effective deterrent, its absence allows substantial risk to remain in the financial system. Ultimately, this suggests that
changes in the political and economic power of the financial industry have narrowed the scope of policy response key political actors are willing to pursue.

REFERENCES


INTRODUCTION: THE CAT IS BOTH IN AND OUT OF THE BAG

The change I seek and the change we must all seek isn’t liberal or conservative. It’s different and it’s both.

— Bill Clinton, presidential campaign announcement, October 3, 1991

Erwin Schrödinger’s cat was created as a thought experiment to illustrate the ridiculousness of believing that a conscious observer was needed to affect an atom’s quantum state. It serves as a metaphorical argument to prove a point about how ridiculous quantum theory sounded. An unobserved cat in a box, at risk of death from an explosion triggered by a Geiger counter present to detect the decay of a radioactive substance would simultaneously be alive and dead according to those who believed that the observer was needed for the substance to decay. Schrödinger hoped it would be clear to all that cats can be either alive or dead, not both, and thus it was ridiculous to assume that a conscious observer was needed to determine the state of the atom. Unfortunately for Schrödinger, rather than making his point, his thought experiment has led to memes and fantastic jokes supposing the existence of living-dead cats.

This experiment was never meant to be conducted. It was meant to challenge claims about perception and theory. We are extending his idea as a metaphor into the realm of presidential rhetoric in order to answer a strange question: Why
has so little been said about presidential announcement speeches? We think the rhetoric of the presidential campaign announcement presents a quantum-state problem: Can you offer presidential rhetoric and not yet—or ever—be president? As our epigraph indicates, presidential candidates speak in a tension of coexistence. Contrary ideas must be unified, and caring citizens of the United States like you and me should speak like a president. Echoing Clinton, the presidential campaign announcement speech isn’t presidential discourse or unpresidential discourse—it’s different and it’s both.

Our study looks at campaign announcements over time that are archived in the C-SPAN Video Library. In these speeches, the candidate must present themselves as a legitimate contender for the office of president. Simultaneously, they must be affected by and understand the problems faced by Americans. Understanding common problems and being exceptional often find themselves in a productive tension in campaign announcement speeches. Of course, form plays a big role in how we evaluate these speeches. For example, the presidential State of the Union would have different criteria from a national address on health care. But what wouldn’t be up for questioning is the nature of the speaker—they are the president. What changes when the speaker must speak “presidentially,” yet does not hold the office?

We maintain in our study that the best way to be a viable candidate for president is to speak like one. Rhetoric, unbeholden to physics, can very easily hold the identity of a speaker in a “definitive” and “not yet” state simultaneously. And holding a candidate in that quantum state seems to be the goal of presidential campaign announcement rhetoric. The rhetoric of who I am and what I have done as “not the president” should be thought of as the words of a president. Very much like the cat, the speaker exists as president and as non-president at the same time. And just like Schrödinger’s fictional cat, is both until the box—the ballot box—is opened.

Our study is meant to convey examples of this simultaneous state and its power throughout the announcements. Every candidate provides unresolvable simultaneous states of their existence in order to provide proof that they are president(ial). The candidates can do this in multiple ways. First, directly, they can speak as they imagine the president ought to speak or, perhaps, how they believe their audience believes that the president ought to speak. Failure to do this or discrepancies between their vision of presidential speech and the audience’s can be disastrous for the candidates. Candidates might suffer from this when
they fail to transcend regionalism or to make such regionalism endearing to the large fraction of the electorate. Paul Tsongas’s 1992 campaign announcement speech is an example of such a failure. Second, they can play on their indeterminate state—as a citizen like us and as the president—by saying that they’re just like us because of their unique, unshared experiences. They listen and care for the people like equals, and they have held positions and offices that none of us have access to. They have a loving family who supported them that is just like, and nothing like, yours. They have ideas for the country that are their own, but they are exactly what you want: freedom, prosperity, security, and happiness. But they in comparison to the other candidates are best positioned to deliver these things that we all have, know, and want. These logical tensions serve as perfect rhetorical reasoning.

How do we study contradictory, coexistent articulated states of being? How is this persuasive? Kenneth Burke (1969) defines rhetoric as “forever proving opposites” (p. 45). But even these speeches seem to have given rhetorical scholars trouble, since we find very little scholarly literature addressing their significance.

A RESEARCH LACUNA

For the vast amount of rhetorical scholarship focused on the president and the presidency, we were surprised to find such a small amount of scholarship on the campaign announcement speech. What we did find says more about the strange nature of this form of public address than it does about the speeches themselves. Furthermore, many sites of presidential research and on presidential figures do not clearly or obviously archive the announcement speech among the other papers of a former president or national political figure. This suggests that campaign announcement speeches are not commonly considered to be part of presidential rhetoric studies.

Ryan Neville-Shepard (2014) writes about campaign announcements for the purpose of crafting a genre of third-party political candidate discourse. His essay indicates the lack of scholarship on campaign announcements when he has to rely on *Time* magazine to provide evidence for a diachronic structure to these speeches. Although Neville-Shepard gives careful attention to campaign announcements, he focuses only on third-party candidates, arguing that disruption of the traditional campaign announcement is one of the few ways
third-party candidates can get solid attention to their efforts. He takes a traditional announcement model from Trent et al. (2011), who outline the purpose of the campaign announcement in very functional terms—namely that these speeches serve to attract attention, establish reasons for the candidacy, request support, and prove that the candidate has the background or experience for the job. Neville-Shepard attends to the campaign announcement speech precisely because it is viewed as outside the normal and more studied presidential forms of public address. He does this to make his claim about third-party candidates, not to examine or study the form of the announcement itself.

Jeffrey Tullis (1987) famously argued that the modern presidency is constituted rhetorically. Instead of the 19th-century mode of presidential discourse, often aimed at the Congress, 20th-century presidents aimed their rhetoric at the people directly, to address their needs, perform leadership, and to gain support for their policies. This shift in the way presidents speak and write was significant to Tullis, so much so that he argued there might be a “second Constitution” operating for 20th-century presidents, where the president might attempt to persuade the people as to what issues matter, what issues are important, and therefore circumvent the role of congressional representatives. Tullis has since softened that view, arguing that all presidencies are rhetorical, in the sense that presidents define their leadership role, and their relationship to the people and government, through their public address (Tullis, 1996). However, neither in The Rhetorical Presidency nor in his reflective 1996 essay did Tullis mention campaign announcement speeches. If rhetoric is so vital to the construction of what counts as presidential, these speeches seem central. But they are ignored by Tullis, and by other scholars who investigate the role of public address in the formation of the office of president. For those who run for this office, constituting themselves as equal to the task, or as presidential themselves, is a discursive role played out first on the national stage through speech.

In Presidents Creating the Presidency, Karlyn Kohrs Campbell and Kathleen Hall Jamieson (2008) argue more directly that the words of the president are constitutive with the public and official conceptions of “the presidency,” yet they do not discuss campaign announcements. The Appendix to their book, “Other Rhetorical Forms,” does not mention this form of public address. This furthers our observation that campaign announcements are not considered presidential rhetoric by scholars. In taking inventory of rhetorical moments where the nature, form, and scope of the presidency would be forwarded in speech, States of the Union, inaugural addresses, and campaign rhetoric come to mind at once.
But it is perhaps because these speeches are not the official words of an actual president that they are ignored in scholarship.

Compounding the strangeness, we have comments from the candidates that these speeches are taken seriously. In her post-campaign book, *What Happened*, Hillary Clinton (2017) wrote, “For weeks before the speech, I went back and forth with my team about what to say and how to say it” (p. 76).

We believe these speeches warrant attention they have not received. First, insofar as presidential speeches warrant attention, then so too should these speeches receive attention because they are presidential in two ways. First, the winning candidate’s speech is no longer merely a candidate’s speech but the speech of the future president. Adding these speeches to the presidential oeuvre allows comparisons and considerations that might not otherwise be made. The tremendous attention on Barack Obama’s 2004 DNC nomination speech—he was then a state, not U.S., senator in the Illinois legislature—and the speeches of a young Abraham Lincoln are precedent for the importance of speeches of presidents before they were president. Second, if we view the presidency not as a person but as an institution that includes, for example, the constitutionally defined successors to the president in the case of their death and the staff members who execute their orders, then we might take the small step to include all candidates for the presidency as part of the presidency. Together they reflect issues of the campaign and adapt to the positions of the others. Their speeches also deserve attention because of their position as candidate, as in between states—not yet president but making rhetorical choices so that we see them as presidential.

We take a different approach than the received view that these speeches are meant to prove or posit something that is taken logically or rationally by an audience. Instead, we draw on the work of Edwin Black and Kenneth Burke to argue that the presidential campaign announcement is a complicated text that defies the preestablished speech genre for many reasons, the most central of which is that it is given by someone performing as though they are in a position that does not yet exist for them—United States president.

Edwin Black’s essay *The Second Persona* (1970) gives us some resources to think through how rhetors address audiences. The speech is not necessarily aimed at people who are compartmentalized, separating their clear and solid identity from the logical reasons they would support a candidate. Instead, audiences are called into being by the rhetor by highlighting one identity or another through speech. Public address is not the delivery vehicle for facts and logic, it is creation of identity:
The quest for identity is the modern pilgrimage. And we look to one another for hints as to whom we should become. Perhaps these reflections do not apply to everyone, but they do apply to the persuasible, and that makes them germane to rhetoric. (Black, 1970, pp. 112–113)

Using these hints, the speaker suggests who they wish for their audience to be. And if the suggestion is attractive and persuasive, the audience will follow through: “In all rhetorical discourse, we can find enticements not simply to believe something, but to be something. We are solicited by the discourse to fulfill its blandishments with our very selves” (Black, 1970, p. 119). Black is urging rhetorical scholars to connect their criticisms with ideology. For our purposes, we believe these speeches call on audiences to become a particular kind of American inhabiting a proposed “America,” one that serves as both canvas and evidence that there is a good American life that their audience can participate in, and that we all share a responsibility in keeping it alive. Black writes that although we can speak about public address as a kind of thing, the audience also hears it as an inducement to become something.

The candidate also must make a place for themselves as both part of this ideological American scene, while maintaining their uniqueness as a presidential figure. For this, we turn to Kenneth Burke’s refiguring of rhetoric as the attribution of motives through simultaneous articulations of identification and division. Burke (1969) defines rhetoric as “an essential function of language itself . . . the use of language as a symbolic means of inducing cooperation in beings that by nature respond to symbols” (p. 43), providing a rich definition of rhetoric that can illuminate the campaign announcement speech. Instead of a rationalist model of public address, we see candidates attempting to identify or divide (acknowledging that any act of identification is also a division, and vice versa), with various attitudes, values, beliefs, figures, and places that are significant to the American imaginary. “You persuade a man [sic] only insofar as you can talk his language by speech, gesture, tonality, order, image, attitude, idea, identifying your ways with his” (p. 55). Burke understands rhetoric as far more than a container for facts and evidence.

Rhetoric functions as identification, in a “compensatory” relationship to division. When one attempts to identify with another, they are “substantially one with a person other than [themselves]. Yet at the same time [they remain] unique, an individual locus of motives” (Burke, 1969, pp. 20–21). It is this relationship that allows for persuasion to occur, as people see themselves as
connected to motives that are not their own, but are consubstantial with others through identification.

Burke's idea can be pushed on a bit in order to provide understanding for the campaign announcement speeches. As a candidate speaks to the ideologically constructed “American” audience, they identify with them as American in all the ways that matter. This rhetorical move provides consubstantial association with the speaker’s motives, such as being elected president, forwarding particular policies and plans, and taking a corresponding attitude toward the role. As speeches that establish a mode of being for the audience and an association with that being for the speaker, the campaign announcement speech becomes a speech of two places. The candidate must speak to the audience as one of them, one of the fellow travelers within the American ideology, and at the same time constitute themselves as separate, and apart from the crowd. This is the challenge of the campaign announcement speech.

**RHETORIC, ATTITUDE, AND PUBLIC ADDRESS**

The presidential campaign announcement is a complex rhetorical event that serves as a direct argument for why someone should become president, both through direct rational means and through a Black-Burkean ideological identification, while simultaneously offering the candidate a space to perform presidentally—as if they were already president. The candidate is not rationally explaining why they should be given the office; they are performing as the office, as someone consubstantial with the presidency, someone who is already there in all aspects except official title. They sound presidential, they have acted presidential, and they understand America from the bottom up, as any good president should—they’ve lived it.

Our process is fully inductive. We looked at the speeches to see what they had in common and where they diverged. Using our rhetorical theorists, we found several ways that candidate speeches attempt identification. Most candidates arrange their speech around different kinds of ways of identifying: with places and times, with people, and with America. We also found variety in how candidates announce they are running and how they ask for support.

These speeches remain in a state of tension throughout. All of the speeches seem to offer common, American sites of identity and value and use these moments to prove that the candidate is uniquely suited for the job.
REALIZING AMERICA THROUGH SPACE, PLACE, AND TIME

Dwight Eisenhower’s 1952 announcement (see C-SPAN, 2016) in his hometown of Abilene, Kansas, sets up a speech that starts with his childhood, the values he learned, and why that experience positioned him so well to lead America in war. Eisenhower mentions the weather, Kansas, his hometown, and all the positive associations one would have with returning home after a long absence. But he, pun intended, clouds this family reunion by mentioning the rain and indicating that no matter how bad the rain gets, it won’t be as much water as the English Channel holds. This reference serves to put Eisenhower as a common man, but uncommonly so. He’s happy to be in Abilene, just as you would be to be home, but his happiness comes from someone who planned and led the invasion of Europe in 1944. Eisenhower is consubstantial with us, someone who is American and loves America, but is his own person, someone who has been involved in the most important and unique experiences imaginable. Similarly, Senator John McCain (R-AZ), another military veteran, divides space and place in order to create consubstantiality between himself and America:

I have the privilege of beginning my campaign with you here in New Hampshire, but I began this day as I began my career of service to our nation . . . in the company of United States Naval Academy midshipmen. Whenever I see those young men and women, and think of their dedication and the purposeful careers on which they will soon embark, I am reminded of how lucky I was to have been one of them. So there is no more appropriate place for me to have begun this mission than Annapolis. I do not announce my candidacy to satisfy my personal ambitions. My life has already been blessed more than I deserve. (Llano, 2020v)

McCain’s introduction, or opening, is interesting in comparison to Eisenhower’s as McCain connects his campaign for president to his entering the navy. For him, this is one long story of service to the country, just like all the midshipmen in Annapolis are about to do. But not all of them are McCain. He’s lucky to have been a common “midshipman”; this service has satisfied all his ambitions. He doesn’t mention his privilege or potential inside help due to his familial connections. He seeks the presidency because of his dedication to Annapolis, the navy, New Hampshire—the country. We see in these two examples that location
does not have to be material, and speakers can use the physical and material location of a speech to conjure, through contrast, “the place they are really from.” For Eisenhower, victory over the Nazis; for McCain, a lifetime of sacrifice in service to America. Both of these claims are accented through the tension they hold with the physical location of the speech. The speakers are consubstantial with where they are from, but they have been so many places.

Extremely different in both distance and person would be Senator Kamala Harris, choosing Oakland, California, for her announcement address. Harris grew up in Oakland, but more importantly, she cites her work as prosecutor as where she learned her values:

In fact, my mother used to say, “Don’t sit around and complain about things, do something.” Basically I think she was saying you’ve got to get up and stand up and don’t give up the fight! And it is this deep-rooted belief that inspired me to become a lawyer and a prosecutor. It was just a couple blocks from this very spot that nearly 30 years ago as a young district attorney I walked into the courtroom for the very first time and said the five words that would guide my life’s work: “Kamala Harris, for the people.” (Llano, 2020i)

This is a powerful example as to how identity, geography, and consubstantiality work together. Harris connects her family’s values, her career, and her career’s orientation toward public service as part of the same movement. All of us can identify with being inspired by a loved one or family member, and many of us have connections to our culture—Harris makes reference to Bob Marley, a hidden reference to her Jamaican roots—but not the way Harris did, and not in Oakland. Her unique story is our story. It could be any of us, but it isn’t.

Hillary Clinton and Donald Trump both announced in New York, Trump’s home and Clinton’s adopted home (where she was senator for 8 years). Trump’s announcement within Trump Tower had value beyond convenience. His speech focused on his competency to be president, and the Trump Tower, especially that it is located in Manhattan, serves as obvious evidence of his abilities:

But in two seconds, they [the lenders] give me whatever I wanted. So I have a total net worth, and now with the increase, it’ll be well over $10 billion. But here, a total net worth of—net worth, not assets, not—a net worth, after all debt,
after all expenses, the greatest assets—Trump Tower, 1290 Avenue of the Americas, Bank of America Building in San Francisco, 40 Wall Street, sometimes referred to as the Trump Building right opposite the New York—many other places all over the world. But he [Trump’s father] used to say, “Donald, don’t go into Manhattan. That’s the big leagues. We don’t know anything about that. Don’t do it.” I said, “I gotta go into Manhattan. I gotta build those big buildings. I gotta do it, Dad. I’ve gotta do it.” And after four or five years in Brooklyn, I ventured into Manhattan and did a lot of great deals—the Grand Hyatt Hotel. I was responsible for the convention center on the west side. I did a lot of great deals, and I did them early and young. And now I’m building all over the world, and I love what I’m doing. (Llano, 2020b)

Trump’s connection of Trump Tower as the evidence of his successful pursuit of his dream is one way candidates can construct identification. Trump here ties his success with stories about his family, and his father warning him about uncharted territory. Here Trump shows he is wealthy and capable, standing inside the building that his efforts led to.

Contrast this to Hillary Clinton, who announced on Roosevelt Island. It matched her desire to position herself in succession to the legacy of Franklin D. Roosevelt, whom she saw as connected to the presidents she was most closely connected with, Bill Clinton and Barack Obama. Reflecting on the speech, she wrote:

Four Freedoms Park, at the tree-lined tip of Roosevelt Island, commemorates the universal freedoms FDR proclaimed during World War II: freedom of speech and worship, freedom from want and fear. It’s a picturesque spot with a striking view of the New York skyline. Announcing my candidacy there felt right. (Clinton, 2017)

Just as meaning was attributed to Trump’s announcement location so it was for Clinton, particularly because she could use the environment to reinforce identification with the audience:

To be in New York with my family, with so many friends, including many New Yorkers who gave me the honor of serving them in the Senate for eight years. To be right across the water from the headquarters of the United Nations, where I represented our country many times. To be here in this beautiful
park dedicated to Franklin Roosevelt’s enduring vision of America, the nation we want to be. And in a place . . . with absolutely no ceilings. (Llano, 2020c)

Clinton identifies herself with New York and then New Yorkers, but strategically places her work at the UN as “New York”—she was here working, representing the United States. She then identifies her motives with that of Roosevelt, whose park is in New York, and above it all, no limits, as she proved through her exceptional career, being in New York alongside her fellow New Yorkers.

There are many variations on this idea of coming back to one’s roots as a resource to run for president. Ronald Reagan’s 1979 campaign announcement (see C-SPAN, 2015a) did not occur in a live format like these previous two. In a prerecorded message, Reagan appears in a location that is either his professional or home office. We are invited to listen to him not as a member of the public but as a guest in his study—someone important enough to be invited into his inner circle. Moreover, by speaking like a lead actor Reagan is returning to his professional home on the screen, a professional home that brought him into the homes of Americans. Although the set is quite different, one is immediately reminded of Richard Nixon’s so-called Checkers speech, also given from an office appropriate for a serious conversation about being right for elected office. This intimate scene lies in stark contrast with the obvious publicity of the presidency.

Robert F. Kennedy announced his campaign in March 1968 from the Senate caucus room as if he were on official business for the country as Senator Kennedy (see C-SPAN, 2018). The location may seem odd to contemporary viewers, but Senators Stuart Symington (D-MO) and John F. Kennedy (D-MA) announced their presidential campaigns there in 1960 and Senator Eugene McCarthy (D-MN) announced from there in November 1968. Robert Kennedy may have been following Senate norms or alluding to his brother’s legacy. Moreover, the substance of Kennedy’s speech refers to differences within the party as to who should lead it into the election. With these factors in mind, and the lateness of Kennedy’s decision to run, the venue—rather than in New York where he was senator or in Massachusetts, to which his family was so closely tied—is a choice interesting to analyze for its power to trigger identification with the audience. Contrasted with Reagan, the Senate caucus room identifies Kennedy as a senator, and perhaps important and distant, rather than someone you’d meet in a home office.

Pete Buttigieg spoke from his hometown of South Bend, Indiana, where he also was serving as mayor, but riffed on this traditional venue by speaking from
an old, closed factory that was owned by Studebaker. He referenced this openly in his speech:

> Once in this city, we housed companies that helped power America into the twentieth century. Think of the forces that built the building we’re standing in now, and countless others like it now long gone. Think of the wealth created here. Think of the thousands of workers who came here every day, and the thousands of families they provided for. And think of what it must have been like in 1963 when the great Studebaker auto company collapsed and the shock brought this city to its knees. (Llano, 2020f)

Buttigieg asks us to identify with the powerful American company, then with the workers, then with the South Bend families that were hurt. Pete Buttigieg is not only standing in a place that represents past success—he asks the audience to imagine it as a driving force for the country as a whole. And now the audience stands with him in a place that meant so much, but also serves as an example of future success:

> For the next half-century it took heroic efforts just to keep our city running, while our population shrank, and young people like me grew up believing the only way to a good life was to get out. Many of us did. But then some of us came back. We wanted things to change around here. And when the national press called us a dying city at the beginning of this decade, we took it as a call to arms. I ran for mayor in 2011 knowing that nothing like Studebaker would ever come back—but believing that we would, our city would, if we had the courage to reimagine our future. (Llano, 2020e)

By standing and speaking in a place that symbolizes the greatness that once was South Bend, Pete Buttigieg visually demonstrates that he and the audience have achieved another sort of success. The past cannot return, but together they have proven they can reimagine the sort of city South Bend can become. Buttigieg crafts the audience as the type of people who would want to be there, standing in a site of economic failure to prove they are a symbol of success.

Cory Booker’s speech is similar, given from Newark, another city that experienced economic difficulty. Booker chose a connection rooted in traditional rhetorical pathos when he spoke about what the speech location meant:
We’re here today to seek justice. We’re here today because we are impatient for that justice. And our sense of urgency, our impatience, comes from the most demanding of values, it comes from love. Love of our families. Love of our communities. Love of country. Love for each other. Newark, Brick City, this community taught me about that love. It's not feel-good, easy-going love. It's a strong, courageous love. It is defiant love. . . . The kind of love that is essential to achieving justice. I learned here that you can’t make progress dividing people, you can’t make progress by stoking fear, or setting us one against another. I learned that the only way to overcome the tough challenges is by extending grace, finding common ground, and working together. (Llano, 2020g)

Instead of an economic crisis uniting the audience, a shared commitment to justice that comes from intense love is what brings them all together. But notice that it’s a love everyone can understand and should be recognizable to everyone, yet it is a very specific relationship with a very specific set of actions that can only be gained from growing up in Newark, New Jersey. Like Buttigieg, Booker relies on the universal particular to establish his universal uniqueness as a reason that has brought him to this point. Both sites of struggle and failure are symbols of an abiding success through identification. We can be consubstantial with Booker, but we can’t be him. He should be president because of his association with our adversity, which is uniquely his.

Success can be a powerful element in how to open the announcement. Donald Trump chose to make his announcement from Trump Tower, the seat of his power as someone who wishes to be perceived as a businessman and the embodiment of success. Jon Huntsman announced his campaign at Liberty State Park, New Jersey, the same location where Ronald Reagan announced his general election campaign in September 1980. Selection of physical location is, in itself, an argument for the candidate's presidential status. But one can go too far, such as the choice of Ron Paul to make his announcement from the Iowa City Airport Holiday Inn—perhaps a little too close to the everyday American to foster the sort of identification needed.

References to location, geography, and time function to constitute the speaker and the audience as either American, or special in their uniqueness of being together. This is Burke’s theory of consubstantiality: we are powerful since our motives are aligned; we recognize one another as individuals who share motives through a common identity. But candidates are not limited here. They can also
employ narrative to connect events and situations around people to a story of how they plan to intervene and save the country.

Many campaign speeches share a story of America: where we were, where we are now, where we might be in the future. Such an arrangement is so obvious in traditional oratory that it is barely worth a mention. We believe that it is important in these speeches because it casts the speaker as someone who has taken part in this story, just like the rest of us, but has a unique perspective, one that not anyone else could have. It is this unique position within the American experience that makes the speaker a good candidate.

Most candidates discuss their childhood, their upbringing, and the family events that shaped who they are. Here in Ronald Reagan’s 1979 announcement we see an example where the focus is on his personal experiences living in the United States:

I’m sure that each of us has seen our country from a number of viewpoints depending on where we’ve lived and what we’ve done. For me it has been as a boy growing up in several small towns in Illinois. As a young man in Iowa trying to get a start in the years of the Great Depression and later in California for most of my adult life. I’ve seen America from the stadium press box as a sportscaster, as an actor, officer of my labor union, soldier, officeholder, and as both a Democrat and Republican. I’ve lived in America where those who often had too little to eat outnumbered those who had enough. There have been four wars in my lifetime and I’ve seen our country face financial ruin in the Depression. I have also seen the great strength of this nation as it pulled itself up from that ruin to become the dominant force in the world. (C-SPAN, 2015a)

Here we see the “Schrödingerian” character of presidential announcement discourse. Reagan proves that he is both common and uncommon; with us and above us; presidential and yet everyday. Reagan starts with the commonality of perspective, suggesting we all have a valid view of the United States from our life experiences. He then details his own experiences, highlighting how oppositional and unique each one was. These are amazing vantage points on American history that are unique, but could be ours. Reagan is at the same time both right there with us and with a better vantage point to understand the history, and the direction, of the country. He is giving us the chance to identify with him while
the totality of his experiences implicitly suggests his uniqueness as a candidate. In campaign announcements, candidates must place themselves as similarly special Americans. Reagan's motives are consubstantial with America, but he is clearly his own, unique person, ready to be president, but also just like us.

SEEKING THE SEEKING OF THE PRESIDENCY

Aside from location and scenery, we were interested in what sort of approach candidates took toward the thesis—that they would be seeking the presidency. Very few candidates come out and immediately say they are seeking the nomination, and of the candidates who do, they are more likely to have done so in the mid-20th century than at the start of the 21st.

Trump gives the impression that much of his speech is impromptu and that his speech was intended to begin with the statement of facts:

Our country is in serious trouble. We don't have victories anymore. We used to have victories, but we don't have them. When was the last time anybody saw us beating, let's say, China in a trade deal? They kill us. I beat China all the time. All the time. (Llano, 2020a)

Hillary Clinton, begins her speech by transitioning from the absence of ceilings on Roosevelt Island to the actual Roosevelts:

You know, President Roosevelt's Four Freedoms are a testament to our nation's unmatched aspirations and a reminder of our unfinished work at home and abroad. His legacy lifted up a nation and inspired presidents who followed. One is the man I served as Secretary of State, Barack Obama, and another is my husband, Bill Clinton. (Llano, 2020d)

The phrase “you know” suggests that Clinton and her team are politically savvy. They gesture to this information as commonplace, as an aside, letting the audience become the kind of audience that would know such information. Leading a receptive audience from wild enthusiasm for her speech to uncertain ground, as if they are students at the start of a history lecture, is an odd choice. Perhaps Clinton and her speech writers were trying too hard to transition from
their physical location to the rest of the speech. How might Trump have said what Clinton said?

Wow, Roosevelt—what a winner! That's right, winner. Beat the Nazis, can you believe that. I mean, he really kicked the shit... Oh, am I allowed to say that? No, better not. Gotta think of the children. Speaking of children, I love my children. There they are. Stand up. Yes, stand up. Beautiful. Beautiful. Just like Roosevelt made America. What an example, Bill, Obama, tried to be like him, but not quite. Hey, they tried. But, I'm the real next Roosevelt. The real winner.

No candidate wants this to be a persuasive enterprise. Ironically, they want the choice to be a non-choice. They don't open the option. They wish to describe themselves as the living embodiment of American values. Whatever struggles they faced, whatever life lessons they learned, and whatever values they were taught and internalized will be common enough to be recognized as American, but unique enough to ensure that the candidate, and only the candidate, could be president. If they have to ask for consideration, they are behind. Most candidates declare that they are seeking the office as a natural conclusion to their life experience, values, and abilities. There's not a lot of choice involved. Ironically, this is how most candidates persuade us that they should be president. Elizabeth Warren's campaign speech is a good example of this:

Hardworking people are up against a small group that holds far too much power, not just in our economy, but also in our democracy. Like the women of Lawrence, we are here to say enough is enough! We are here to take on a fight that will shape our lives, our children's lives, and our grandchildren's lives, just as surely as the fight that began in these streets more than a century ago. Because the man in the White House is not the cause of what's broken, he's just the latest—and most extreme—symptom of what's gone wrong in America. A product of a rigged system that props up the rich and the powerful and kicks dirt on everyone else. And so, once he's gone, we can't pretend that all of this never happened. It won't be enough to just undo the terrible acts of this administration. We can't afford to just tinker around the edges—a tax credit here, a regulation there. Our fight is for big, structural change. This is the fight of our lives. The fight to build an America where dreams are possible, an America that works for everyone. I am in that fight all the way. And
that is why I stand here today: to declare that I am a candidate for president of the United States of America. (Llano, 2020h)

Warren declares that she is a candidate because she is in the fight all the way, that she is not a tinkerer, that she understands what is at stake in the fight for America itself. She connects her campaign to the labor leaders of Lawrence, Massachusetts, who stood up for themselves in the lumber mill she’s speaking in. Such identifications and constitutions of who the audience is for this speech indicate that the declaration of candidacy might be a bit modest. She’s already leading the fight. It’s pretty much her identity.

In contrast, Ronald Reagan seeks the presidency out of obligation to a national narrative that has been corrupted by failed current leadership and bureaucracy:

They [current leaders] tell us we must learn to live with less, and teach our children that their lives will be less full and prosperous than ours have been; that the America of the coming years will be a place where—because of our past excesses—it will be impossible to dream and make those dreams come true. I don’t believe that. And, I don’t believe you do either. That is why I am seeking the presidency. I cannot and will not stand by and see this great country destroy itself. Our leaders attempt to blame their failures on circumstances beyond their control, on false estimates by unknown, unidentifiable experts who rewrite modern history in an attempt to convince us our high standard of living, the result of thrift and hard work, is somehow selfish extravagance which we must renounce as we join in sharing scarcity. I don’t agree that our nation must resign itself to inevitable decline, yielding its proud position to other hands. I am totally unwilling to see this country fail in its obligation to itself and to the other free peoples of the world. (Llano, 2020l)

Reagan simultaneously stands with and apart from the American people who believe in prosperity and freedom, against those who forecast a grim future for the country and the world. Reagan is standing up against the faceless accountants of the government who instruct us to prepare for a meager future instead of accepting wealth as the natural result of hard work. This partition places him against such people and with the natural order at the same time, making his identification with the narrative of hard work and prosperity clear. He seeks the presidency because he sees a failing obligation of the country to itself and the free
world. This is a style of asking where the candidate indicates that they have seen a particular obligation or need and only they can do something about it—even though many of us would identify with the characterizations of the world as they are presented in these speeches.

**PORTRAYING A FUTURE PRESIDENCY PRESIDENTIALLY**

Speaking as president, but not having the role, creates some rhetorical opportunity when discussing policy during the announcement. Speakers often move to proving ability or capacity to act on the problems they’ve outlined in their narrative or opening, and then indicate a presidential response.

Here’s Elizabeth Warren, proving that she has the capacity to address the issues America faces:

> When government works only for the wealthy and well-connected, that is corruption—plain and simple. And we need to call it out. Corruption is a cancer on our democracy. And we will get rid of it only with strong medicine—with real, structural reform. Our fight is to change the rules so that our government, our economy, and our democracy work for everyone. And I want to be crystal-clear about exactly what I mean when I say that. First: We need to change the rules to clean up Washington. End the corruption. We all know the Trump administration is the most corrupt in living memory. But even after Trump is gone, it won’t be enough to do a better job of running a broken system. We need to take power in Washington away from the wealthy and well-connected and put it back in the hands of the people where it belongs! That’s why I’ve proposed the strongest and most comprehensive anti-corruption law since Watergate. (Llano, 2020s)

Warren argues that corruption is a cancer on democracy that requires the serious medicine of “real structural reform,” which is anti-corruption law. Warren argues that defeating Trump is not enough to solve the issues facing America, that the system itself needs overhaul, but that overhaul means passing more laws. A systemic solution is offered for a systemic problem, and that is what returning power to the people looks like.

Compare this to Ronald Reagan’s from 4 decades earlier:
The key to restoring the health of the economy lies in cutting taxes. At the same time, we need to get the waste out of federal spending. This does not mean sacrificing essential services, nor do we need to destroy the system of benefits which flow to the poor, elderly, the sick and the handicapped. We have long since committed ourselves, as a people, to help those among us who cannot take care of themselves. But the federal government has proven to be the costliest and most inefficient provider of such help we could possibly have. We must put an end to the arrogance of a federal establishment which accepts no blame for our condition, cannot be relied upon to give us a fair estimate of our situation and utterly refuses to live within its means. I will not accept the supposed “wisdom” which has it that the federal bureaucracy has become so powerful that it can no longer be changed or controlled by any administration. As president I would use every power at my command to make the federal establishment respond to the will and the collective wishes of the people. (Llano, 2020n)

Both speeches indicate that the president should return power to the people, both through law. It is the directness and refusal to accept “business as usual” that forms the core of both arguments. But the culprit here is quite different: corruption for Warren and wasteful spending for Reagan. Both are a type of corruption however, consubstantial with a government that has left the people out of its operation either through willful evil or gross incompetence. The solution is to return power to the people by electing another president to operate this return from within using the available laws and processes. Apparently even proposed presidential actions are quantum here. The power must be returned by returning another singular figure to the top to orchestrate this return. The vague exercise of presidential power — “whatever is available” or “proposing laws” — is not the argument here. The point is to identify as a president who is a strong actor and who will take action. The force is in the speech itself.

THE END OF THE BEGINNING: CLOSING THE SPEECH

Ending the announcement speech often involves the candidate asking for support. This can be riddled with tension as the candidate has already made several claims to the inevitability or unique fit they have to be president. How do candidates balance the arguments of their unique position and ability to be president
with asking the common folks to help? At some point it seems that there is little influence we can have in the face of this formidable historical moment.

Ronald Reagan ended his announcement by rehearsing his interpretations of the current leadership’s narrative on what is wrong with America:

In recent months leaders in our government have told us that, we, the people, have lost confidence in ourselves; that we must regain our spirit and our will to achieve our national goals. Well, it is true there is a lack of confidence, an unease with things the way they are. But the confidence we have lost is confidence in our government’s policies. Our unease can almost be called bewilderment at how our defense strength has deteriorated. The great productivity of our industry is now surpassed by virtually all the major nations who compete with us for world markets. And, our currency is no longer the stable measure of value it once was. (Llano, 2020m)

Instead of encouraging resistance to these horrible leaders, or anger toward them, or indignation that this horrible story has any credibility whatsoever, Reagan moves his appeal for conviction to a different level entirely:

We—today’s living Americans—have in our lifetime fought harder, paid a higher price for freedom and done more to advance the dignity of man than any people who have ever lived on this Earth. The citizens of this great nation want leadership—yes—but not a “man on a white horse” demanding obedience to his commands. They want someone who believes they can “begin the world over again.” A leader who will unleash their great strength and remove the roadblocks government has put in their way. I want to do that more than anything I’ve ever wanted. And it’s something that I believe with God’s help I can do. (Llano, 2020p)

Reagan is indignant that anyone would buy that story if they identified with America the way he does—by living in different states, having different jobs, and suffering economic hardship. Hardly uncommon experiences. He then tells the audience they have worked harder and supported human dignity more than anyone else, ever. He aspires to leadership, but alongside them. And he asks God to support him, not those he’s going to be working with in the future. He closes with a connection between his vision and the vision of the Pilgrims, evoking
more religious support for his candidacy than the actual living Americans he claims to support:

We who are privileged to be Americans have had a rendezvous with destiny since the moment in 1630 when John Winthrop, standing on the deck of the tiny Arbella off the coast of Massachusetts, told the little band of Pilgrims, “We shall be a city upon a hill. The eyes of all people are upon us so that if we shall deal falsely with our God in this work we have undertaken and so cause Him to withdraw His present help from us, we shall be made a story and a byword throughout the world.” A troubled and afflicted mankind looks to us, pleading for us to keep our rendezvous with destiny; that we will uphold the principles of self-reliance, self-discipline, morality, and—above all—responsible liberty for every individual that we will become that shining city on a hill. I believe that you and I together can keep this rendezvous with destiny. (Llano, 2020)

We are invited to support this Puritan vision by standing alongside him, being consubstantial with him, and that alone will help bring the Puritan vision to pass. We are induced to help him because he wants to be with us, working together, from the Oval Office, a place very few people are ever allowed to enter. At the same time, he appears to already hold that office, speaking with the authority he asks us to help him get.

Elizabeth Warren directly asks her audience to stand with history and fight even though all the evidence points to the fight being hard and against nearly impossible odds:

So, no, I am not afraid of a fight. Not even a hard fight. When the women of Everett Mill walked away from their machines and out into the cold January air all those years ago, they knew it wouldn’t be easy. But they also knew what was at stake for themselves and their families. And they weren’t going to let anyone tell them it was “too hard.” Doubters told the abolitionists, “It’s too hard.” Skeptics told the suffragettes, “It’s too hard.” Cynics told the trust-busters, “It’s too hard.” Naysayers told the foot soldiers of the civil rights movement, “It’s just too hard.” But they all kept right on going and they changed the history of America. Sure, there will be plenty of doubters and cowards and armchair critics this time around. But we learned a long time ago that you don’t get what
you don’t fight for. We are in this fight for our lives, for our children, for our planet, for our futures—and we will not turn back. (Llano, 2020t)

Warren sets herself up as standing with the people, but standing with exceptional figures that stood up for social justice through history. She uses repetition—“too hard”—to indicate the similarity between her run for president and impressive campaigns for social justice. Equating these events might be enough—rhetorically she has created her campaign as a fight against injustice and evil. But then she raises the stakes by indicating that the fight includes the planet, all children, and the future of everyone and everything.

With the stakes this high we can say Warren is attempting to whip the audience into an emotional frenzy of desire to fight realizing that they could lose everything, serve the right side of history, and prove the critics wrong with their actions. But the actions she explores the audience to take are not the obvious connection:

My daddy ended up as a janitor, but his little girl got the chance to be a public school teacher, a college professor, a United States Senator—and a candidate for president of the United States. I am grateful, all the way to my bones. Grateful—and determined. So here is the promise I make to you today: I will fight my heart out so that every kid in America can have the same opportunity I had—a fighting chance to build something real. I will never give up on you and your future. I will never give up on your children and their future. I am in this fight all the way. It’s a long way to election day. But our fight starts here. And it starts with you. It starts with your decision to get involved, right now. Join us on Elizabeth Warren.com. Help us organize. Volunteer. Pitch in 5 bucks. We need everyone in this fight. The textile workers here in Lawrence more than 100 years ago won their fight because they refused to be divided. Today, we gather on those same streets, ready to stand united again. This is our moment in history, the moment we are called to. This is our moment to dream big, fight hard, and win! (Llano, 2020u)

Warren turns back to her everyday-unique identity and reinforces how unusual and common her life story is—a requisite in these speeches for the joint purpose of consubstantiality with the American people and the American presidency. She asks the audience to donate $5 to stand in solidarity with the lumber mill strikers, the civil rights movement, the suffragettes, and abolitionists. Even
though the audience support is needed, it is Warren’s unique life and her unique gratitude for that life which is the engine that will propel her, and all of us, to the presidency, winning the battle for the children and the Earth. The stakes couldn’t be higher, but all it takes is $5 from you to participate in this historic triumph.

Cory Booker chose the date of his announcement to correspond with the date that Martin Luther King Jr. was in jail in Birmingham, Alabama, and wrote his famous response to the editorial by concerned clergy. He begins his peroration with reference to this corresponding date:

He was arrested on Good Friday while demonstrating against segregation, and on this very date, Saturday, April 13th in 1963, Martin Luther King Jr. woke up in that jail cell in Birmingham. The same jail cell where he wrote on the margins of a newspaper that had been smuggled in to him, this letter, these words: “For years now I have heard the word ‘Wait!’ This ‘Wait’ has almost always meant ‘Never.’ We must come to see . . . that ‘justice too long delayed is justice denied.’” He spoke to the possibility of what we can achieve when we realize our own power and refuse to wait. The children of Birmingham and a man named King showed what was possible when they refused to wait for justice and confronted dogs and fire hoses—when they defeated Bull Connor and brought down segregation in the city. (Llano, 2020q)

Booker argues that refusal to wait is the reason that King’s civil rights vision and leadership was able to bring down segregation. Booker discusses this immediately after talking about how his parents refused to wait to get their family fair and livable housing in Newark. Booker seems to be comparing himself to King, but he dilutes it, showing that it is a commitment to the principle of “not waiting” that led his parents to finding justice for his family, King his victory over southern segregation, and Booker his run for president. These three things have in common a commitment to a principle that is not only shown successful but is shown to be the principle of racial justice through this comparison.

Booker continues by then invoking the audience to act on this comparison, the idea that Booker’s campaign is the inheritor of the “not waiting” principle shared by King and by his family:

America, we know our history—it is perpetual testimony to impatient, demanding, unrelenting people who in every generation stand up for justice. Generations of Americans have shown us what was possible when they refused
to wait. Now it's our turn. And we have work to do. America, we can't wait. America, we will not wait. Together, we will run at the tough challenges. Together, we will do the things that other people tell us are impossible. Together, we will fulfill our pledge to be a nation of liberty and justice for all. Together, we will win. And together, America, we will rise. (Llano, 2020r)

Unlike Reagan, who focuses on himself as the leader the Pilgrims, needed and whom we should stand with, and unlike Warren, who believes in the power of disproportionately small actions to face incredible challenges, Booker’s peroration focuses on faith in the time-tested promise of “not waiting.” Using highly charged and poetic language, he repeats the phrase, demanding that we “not wait” to face the challenges ahead. By not waiting together, we will be successful. But we must do it with him, as he is the inheritor—through both his family history and the important date of his candidacy—of the principle of the practice. Again we see the dissonance of Booker having special and unique encounters with the “not waiting” principle, which is also an American principle, responsible for our greatest victories in racial justice. Although a unique intervention—you have to decide to stand with Cory Booker—it is our time generationally to “not wait.” History shows this as an inevitable part of American politics, yet standing with Booker is the only way to make it successful this time.

Candidates have a number of options to choose from to prove that they are both with us and exceptional at once. But what happens when the campaign year itself is seen as an exception? For many, 2016 was such a year, and a closer look at the two major candidates helps us address that question.

THE 2016 ELECTION — SPEECHES AND IDENTIFICATION OPTIONS FOR EXCEPTIONAL CANDIDATES

Former first lady, senator, and secretary of state Hillary Clinton and billionaire and reality TV star Donald Trump are exceptional candidates. Does identification work for these candidates? At first glance, they are too exceptional to identify with their audience. However, there are at least four ways that their speeches can call their audiences to identify with them. First, by arranging their speeches differently the candidates could have increased or decreased the potential for their audiences to identify with them. Second, identification need not be an either-or proposition. It may come in degrees. Hillary Clinton and Donald Trump might seem disingenuous if they claimed to be our
neighbors, like Julian Castro, Kamala Harris, Pete Buttigieg, and Cory Booker can still claim, but that doesn't mean that they can't achieve some identification. Third, they can claim third parties for their campaign or identify themselves with them to get identification. Fourth, even though Clinton and Trump can't be our neighbors, their exceptional status gives them the option to identify with the audience on the basis of what they hope to be—a trailblazing and resilient defender of the people, especially children, or a famous Manhattan businessperson who claims to be worth billions.

First, ancient to modern rhetoricians believe that the arrangement of speeches influences the audience. Utterances earlier in the speech are often believed to be more important. It is in the beginning of the speech, and perhaps at the very end, when the least attentive audience members can be reached. “If you only remember one thing . . .” is a phrase often heard near the beginning or end of a speech for that type of audience member. Clark Judge, former speechwriter for President Reagan, said in Presidential Speechwriters (C-SPAN, 2017) that candidate Barack Obama, unlike Hillary Clinton, began his speeches immediately after coming on stage because his campaign knew that it was in those first minutes that the television agencies were most likely to air the speech. Thanking members of the immediate audience is attentive to their needs but costs the speaker the opportunity of getting their message to the much larger television audience. This is another reason important points should be made early in televised political speeches (which campaign launch speeches usually are).

Hillary Clinton presented herself in multiple ways in her announcement speech. Early in her speech she speaks of her relationship to presidents: “One is the man I served as Secretary of State, Barack Obama, and another is my husband, Bill Clinton” (C-SPAN, 2015b). Later in her speech she talks about her ancestors and childhood:

It’s America’s basic bargain. If you do your part you ought to be able to get ahead. And when everybody does their part, America gets ahead too. That bargain inspired generations of families, including my own. It’s what kept my grandfather going to work in the same Scranton lace mill every day for 50 years. It’s what led my father to believe that if he scrimped and saved, his small business printing drapery fabric in Chicago could provide us with a middle-class life. (Llano, 2020j)

This description is the one to which more of her audience could have connected. However, she begins with the former, noting her connection to past
presidents. Perhaps Clinton believes that identifying as close to the presidency makes her more presidential? It is an unusual choice, but she is in an exceptional position compared to most candidates.

Second, Clinton presents herself as the competent figure who is aware of, and concerned about, the difficulties of average Americans, but is no longer like them. She separates herself from her audience by reciting what they have suffered with a litany of “You . . .” statements:

You worked extra shifts, took second jobs, postponed home repairs . . . you figured out how to make it work. You see corporations making record profits, with CEOs making record pay, but your paychecks have barely budged. . . . You brought our country back. (Llano, 2020k)

By using this construction Clinton conveys that her experience has been different than most Americans. At the same time, these statements convey that she is aware of everyday problems. She may be identifying with her audience but it is unclear that the identification is reciprocal. Had she placed herself as the person who knows those who have been hurt by the recession—like Bill Clinton did in response to a question at the 1992 town hall debate—she might have allowed for greater identification between her and her audience. She, like many in the audience, could have known people who suffered even if she did not.

Both candidates mentioned stories from earlier periods of their lives and could have done more to connect their lives to the voters. The template would have been “even if I’m no longer like you, I was like you, and understand you.”

Third, Hillary Clinton and Donald Trump can claim third parties for their campaign or use those parties as an identification bridge between themselves and the audience. We can understand the following passage from Clinton in this light:

I’m running to make our economy work for you and for every American. For the successful and the struggling. For the innovators and inventors. For those breaking barriers in technology and discovering cures for diseases. For the factory workers and food servers who stand on their feet all day. For the nurses who work the night shift. For the truckers who drive for hours and the farmers who feed us. For the veterans who served our country. For the small business owners who took a risk. For everyone who’s ever been knocked down, but refused to be knocked out. I’m not running for some Americans, but for all Americans. (C-SPAN, 2015b)
Clinton tries for no less than identification with all Americans. We can see the following Trump statements in this light:

We have wounded soldiers who I love, I love, they’re great, all over the place, thousands and thousands of wounded soldiers. . . . It’s going in, and that’s gonna be going into Tennessee. Great state, great people . . . my fellow Republicans, and they’re wonderful people, I like ‘em. (C-SPAN, 2015c)

Fourth, both Clinton and Trump highlight experience that no average voter has participated in. This divides them from their audience. Donald Trump provides an example of this distance:

I sell apartments for—I just sold an apartment for $15 million to somebody from China. Am I supposed to dislike them? I own a big chunk of the Bank of America Building at 1290 Avenue of the Americas, that I got from China in a war. Very valuable. And I have assets—big accounting firm, one of the most highly respected—9 billion 240 million dollars. And I have liabilities of about $500 million. That’s long-term debt, very low interest rates. In fact, one of the big banks came to me and said, “Donald, you don’t have enough borrowings. Could we loan you $4 billion?” I said, “I don’t need it. I don’t want it. And I’ve been there. I don’t want it.” But in two seconds, they give me whatever I wanted. So I have a total net worth, and now with the increase, it’ll be well over $10 billion. But here, a total net worth of—net worth, not assets, not—a net worth, after all debt, after all expenses, the greatest assets—Trump Tower, 1290 Avenue of the Americas, Bank of America building in San Francisco, 40 Wall Street, sometimes referred to as the Trump Building right opposite the New York—many other places all over the world. (C-SPAN, 2015c)

Trump’s choice is to directly own his wealth and exceptional status. This direct approach is unusual, but perhaps it’s called for given its unavoidability. Trump also might appeal to his audience by being the sort of rich person they would imagine being—direct, wealthy, and proud of it.

Hillary Clinton’s attempt at addressing this problem is quite a bit different:

As a senator from New York, I dedicated myself to getting our city and state the help we needed to recover. And as a member of the Armed Services Committee, I worked to maintain the best-trained, best-equipped, strongest
military, ready for today’s threats and tomorrow’s. And when our brave men and women come home from war or finish their service, I’ll see to it that they get not just the thanks of a grateful nation, but the care and benefits they’ve earned. I’ve stood up to adversaries like Putin and reinforced allies like Israel. I was in the Situation Room on the day we got bin Laden. (C-SPAN, 2015b)

To suggest that she was not exceptional might have seemed disingenuous. A passage from her 2017 post-campaign memoir, What Happened, suggests she was aware of the ways in which she was limited and considered those limitations when writing her campaign announcement speech:

I also knew that despite being the first woman to have a serious chance at the White House, I was unlikely to be seen as a transformative, revolutionary figure. I had been on the national stage too long for that, and my temperament was too even-keeled. (Clinton, 2017)

Clinton and Trump, both exceptional candidates, have options to identify with the audience. Rather than say that they are like their audiences, they can suggest that they are what they want their audiences want to become. Donald Trump, in reference to popular opinion conveyed by the media, said, “A lot of people say, ‘He’ll never run. Number one, he won’t wanna give up his lifestyle.’ They’re right about that, but I’m doing it” (C-SPAN, 2015c). Here Trump hopes to become likable because he is bucking the trends, going against what’s expected, and doing what he wants. This can be very persuasive to audiences on the level of identification with motives.

IDENTIFYING WITH THE CURRENT AMERICAN STORY

The questions What’s wrong? Where should we go? and How do we get there? are common elements of political speeches, campaign announcements included. So far, this chapter has focused on the audience identifying with the candidate as a person with their motives. However, campaign speeches also invite the audience to identify not with the candidate as a person but with their story that answers these questions.

This perspective can recalibrate how we interpret campaign speeches, especially our evaluation of facts, reasons, and arguments. Errors and gaps in those—the focus of fact-checking websites—are likely insignificant to audience
members who broadly agree with the candidate’s story of America’s current condition and the path forward.

When we piece together how Hillary Clinton and Donald Trump explain America’s current condition, what they would like it to become, and how to go about making that change from their campaign announcement speeches, we find sharp differences in answers and style. Clinton presents a world in which false promises, economic theories, Republican tax cuts, powerful currents, technological advances, corporate management, political paralysis, and powerful forces explain the status quo and says that by working with Congress and implementing many policies she will make an economy that works for everyone. Trump says that nice, stupid, weak, corrupt, loser politicians have sold the country down the drain; that Mexico and China are causing problems; and that a tough, smart, strong winner who is too rich to be bought by lobbyists, and who can negotiate with other countries, is needed to make America great again (rich, with guns, local educational control, Medicare, Medicaid, social security, a strong military, and veterans’ care).

Clinton’s story often uses vague phrases (“time-tested values were replaced by false promises”) and is impersonal, even described as oceanic phenomena (tides and currents), and her solution is to be elected so that she can work with Congress to implement policies. Trump’s story, in comparison, is vivid, personal, and simple: there are bad people; elect him to be the hero to stop them. The familiarity of the latter—a common action movie plot—may have predisposed people to identify with it and ignore his shortcomings.

The content and stylistic differences between speeches can be latched onto by audience members; stories can constitute audiences, whether intended or not. Awareness of both stories and stylistic choices allows auditors and speechwriters another perspective on how speeches might influence us. Auditors might wonder what vagueness obscures or specificity excludes, what is the balance between impersonal forces and individual actors in explaining the status quo, and how that answer influences the proposed solution.

CONCLUSION: THE FUTURE OF ANNOUNCEMENTS

As TV and the internet dominate the mode of political communication, campaign announcements have become rhetorical events aimed at an “immediately distant” audience where the present audience—whether for Governor John Kasich (R-OH) at Ohio State’s basketball arena or Senator Ted Cruz (R-TX) at
Liberty University—becomes a part of the larger rhetorical message meant for those watching synchronously or asynchronously on a screen somewhere. This has already been foreshadowed with the 1979 Reagan announcement. Candidates have already announced their candidacies on YouTube, distinct from “launching” their campaigns, but perhaps we are not too far away from a Twitter announcement or a livestream on Twitch as the preferred mode for announcing one’s candidacy.

There is diversity among campaign announcements in every presidential year and between campaign years. When we compare the 1992 campaign announcements to the 2020 announcements, we see that the use of personal narrative is now greater. Announcing from a significant location (Nebraska State Capitol for Bob Kerrey; Arkansas State Capitol for Bill Clinton; Lowell Massachusetts, the hometown of Paul Tsongas; Independence Hall for Jerry Brown; New Hampshire for Pat Buchanan) is common to both elections. However, many of today’s candidates tell us comparatively more about themselves and their life stories.

It may be that today’s candidates are using public narrative—also known as the story of self, the story of us, the story of now—to craft parts of their speech. Public narrative is taught to community organizers, and Marshall Ganz’s classes at the Harvard Kennedy School have helped spread it to political operatives. This speech format is motivated, in part, by the belief that if someone is to do public work, they owe it to the people they are trying to lead to give an account of their public selves. Public narrative helps create the everyday exceptionalism we’ve identified in this chapter. Ganz writes:

> Our stories of self overlap with our stories of us. We each participate in many us’s: family, community, faith, organization, profession, nation, or movement. A story of us expresses the values, experiences, shared by the us we are evoking at the time. But a story of “us” not only articulates values of our community; it can also distinguish our community from another, reducing uncertainty about what to expect from those with whom we interact. Social scientists often describe a “story of us” as collective identity. (Ganz, 2010)

Is this not reminiscent of Burke? We identify, and when we identify we divide. Both identification and division benefit us and we become “substantially one with a person other than [ourselves]. Yet at the same time [remaining] unique, an individual locus of motives” (Burke, 1969, p. 21).

As we viewed these presidential campaign announcement speeches, reason and logic (those features that many observers look for and evaluate in speeches)
are deemphasized and in their place creation of consubstantial identities to offer a new, potential identification are seen. This will be nothing less than a radical shift in perspective for many and has consequences for our understanding and potentially for candidates’ production of these speeches. Instead of a detailed policy speech that would prove the candidate had completed—and can do or get someone to do—the difficult work of policy research and proposal, as well as understands the constraints of a national budget, we get connections between the candidate and ourselves through closed factories, Independence Hall, the idea that Americans are both common and one of a kind—everyday exceptionalism—and ideology. The campaign announcement speech is a form of presidential address that can only be described as dissonant unless you give up the belief that persuasion is predicated on conscious rationality or structured, school-style, logic. In this case it is predicated on the fundamental contradiction that what makes America so incredibly special is its commonality and everyday experience that not everyone can have.

NOTES


2. None of the other essays in Martin J. Medhurst, Ed., Beyond the Rhetorical Presidency (Texas A&M University Press, 1996), cite or discuss campaign announcement speeches, even though the volume purports to investigate the importance of public address in creating and constituting presidential authority and power.

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The White House press briefing is an important tradition in American politics since the time it first started in 1929. The briefing allows reporters to question the president and other public officials on their policies and actions. In the absence of the president, the press secretary acts as a representative of the president and conducts briefings for the press. Existing research on the White House press briefing has focused mainly on the president (Meeks, 2018; Clayman & Heritage, 2002; Clayman et al., 2006; Clayman et al., 2007) and a much smaller body of work has focused on briefings involving the press secretary. Research on press secretaries has examined the nature and responsibilities of their role (Kumar, 2001) and the rhetorical maneuvers they employ to answer reporters’ questions (Schubert, 2014), but questions still remain about the gendered aspects of this role (Meeks, 2018).

We know that gender plays an important role in the newsroom and in the ways in which news is sourced and framed (Craft & Wanta, 2004; North, 2009; Steiner, 2009). Two studies so far have examined the impact of gender on White House press conferences—both from the perspective of reporters. In the first, Clayman et al. (2012) examined questions asked by men and women reporters between 1953 and 2000 and found that women are more likely than men to ask questions that are assertive and adversarial. The second study by Meeks (2018) examined the issue topics of reporters’ questions and their variance by gender and found that men and women reporters emphasize different issues. Women
reporters are more likely than men to emphasize so-called masculine issues such as foreign trade and the economy.

Though these studies indicate gender-based differences in the nature and issue topic of questions posed by reporters at press conferences, they refer to presidential news conferences where the reporters ask questions of the male president. We are yet to know whether these trends extend to conferences held by press secretaries, and whether these effects are conditioned on the gender of the press secretary. Moreover, we are yet to systematically analyze whether there are differences in the styles of men and women press secretaries.

Given these gaps in research, it is important to examine how gender considerations affect the White House press corps and the office of the press secretary, which are both overwhelmingly male institutions. Of the 33 press secretaries at the White House since 1929, all but 5 have been men. Incidentally, the Trump administration has appointed 3 women press secretaries—Sarah Huckabee Sanders, who was the 3rd woman press secretary; Stephanie Grisham; and Kayleigh McEnany, who is the current press secretary.

The Trump administration offers a unique opportunity to examine the working style of a man as well as a woman press secretary. Sean Spicer held the post for 6 months, between January 20, 2017, and July 21, 2017, and Sarah Huckabee Sanders was in office for 2 years, from July 26, 2017, to July 1, 2019, before being replaced by Grisham. McEnany assumed the office on April 7, 2020. This unique set of circumstances allows for a comprehensive examination of an important process in the American democratic system, and this chapter explores this trajectory of research using videos from the C-SPAN Video Library. First, I explore differences in the tone and style of questioning the press secretary by reporter gender; second, I examine the patterns in the responses of the two press secretaries.

The question about the approach to this study—that is, the examination of gendered aspects of the White House press secretary’s office—bears some explanation. While scholars have theorized about the masculine nature of the office of the president in America (Dittmar, 2015), the office of the press secretary per se is not associated with gender stereotypes. However, I argue that it is useful to study the relationship between the White House press corps and the press secretary from a gendered perspective for a few reasons. The office of the press secretary has always been a male area of expertise, with only three women before Sanders holding the post since the time this office was established in 1929. Given the absence of women in this position, it is possible that reporters view a
woman press secretary as a novelty and a deviance from the masculine norms of the office and adjust their behavior accordingly (Shoemaker & Cohen, 2006). Stereotypes and social role theory posit that social context can make our social identities salient at an implicit level (Cota & Dion, 1986; Shih et al., 1999). In the case of women press secretaries working in a male-dominated profession, gender considerations could be activated among reporters as well as the women press secretaries themselves given the small number of women who have historically occupied this role. In addition, the focus on gender from external sources such as media coverage could also make gender salient. For example, in the period following Sanders’s appointment, the media highlighted that many top appointees in the Trump administration were men (Goren, 2017; Lowrey & Johnson, 2018), while pointing out Sanders’s gender and her powerful role as an exception (Kerns, 2018). Sanders also faced sexist attacks from a handful of media columnists who criticized her weight and appearance (Siegel, 2017). These instances of increased focus on her gender in the media could have made gender considerations salient in Sanders’s mind as well as in the minds of the White House reporters, and it is important to analyze how gender dynamics worked in the press briefing room.

**WHITE HOUSE PRESS BRIEFINGS AND ROLE OF THE PRESS SECRETARY**

Press secretaries play four important roles (Kumar, 2001): They act as information conduits for the press by accurately representing the president’s policies and actions; they represent constituents such as the White House press office, the president, White House staff, and reporters; they act as administrators by coordinating media coverage of the president and coordinating information with the press office inside the White House; and lastly, they are active in communications planning. Though press secretaries change with every administration, there is a general understanding about the duties that they are expected to perform (Kumar, 2001), namely: “Tell the truth, don’t lie, don’t cover up, put out the bad news yourself, put it out as soon as possible, put your own explanation on it” (p. 298).

One of the main functions of the press secretary involves holding a daily televised press briefing which lasts from 45 minutes to an hour (Kumar, 2001). While Spicer held 40-minute press briefings toward the beginning of his tenure, he shortened them considerably, to about 25 minutes, a month later. When
Sanders took office, she continued this tradition of shorter briefings. For both secretaries, the briefings followed the pattern set by their predecessors. The briefings would start off with them reading prepared communications announcing new policy that the president had introduced, the president's schedule, responses to critics, and information on breaking news (Kumar, 2001). They would then take questions from the press. Sometimes senior administration officials were brought to the briefings to help answer questions. The press secretaries also carried written statements on topics that the reporters were likely to ask and would sometimes read these statements in response to the questions.

The relationship between the press and the press secretary has often been described as “a duel” (DeCandia et al., 2013, p. 67) and “one of interdependence and cooperation” (p. 67) because on one hand the White House seeks to influence the press agenda and public opinion, and on the other the press tries to hold the president accountable and ask questions that will yield newsworthy information.

The job of the press secretary involves wearing many hats, and research indicates that there are a few different ways to measure their success. The first is whether they are considered an “insider” of the administration—that is, whether their opinions are sought and whether they advise the president. This indicates that they understand the administration’s positions and are in a position to explain it to reporters (Towle, 1997). They are also considered successful by the manner in which they disseminate information. A press secretary who is tightly controlled by the president tends to act as a mouthpiece and is less respected than someone who is a representative of the president and is allowed to “interpret, elaborate, and expound on the president's thoughts” (p. 298). Other indicators of a press secretary’s success include the president's own actions, which demonstrate whether the press secretary is approved and respected, and the demeanor of the press—if the press secretary has knowledge, credibility, and organization skills, they are more likely to be respected by reporters (Towle, 1997).

Though there is scant research about the experiences of women press secretaries, Dee Dee Myers, who was the first woman press secretary, recalls in her 2008 memoir that during the Clinton years the White House communications office was very gendered and that despite being press secretary she did not enjoy autonomy or equal pay because of the belief that she was not capable of handling the press (Myers, 2008). On one hand reporters commented on her appearance, but on the other they asked her hard-hitting questions. Though Sanders and Spicer occupied the office of the press secretary more than 2 decades after Myers,
when public opinion about gender stereotypes had changed (Dolan, 2014), the glass ceiling of the presidency remained to be shattered, and only a handful of women had been appointed to the top communication job in the White House. The enduring novelty of women in the White House raises the possibility that gender could be an important factor in the press secretary’s relationship with the press.

Spicer was appointed press secretary as soon as Trump took his presidential oath, and he remained in his appointment for 6 months and 1 day. He had a political background, having served previously as communications director of the Republican National Committee and later chief strategist of the organization. Yet, Trump’s treatment of Spicer, and media coverage of Spicer’s reign, was largely negative. During his tenure as press secretary, Spicer received a lot of negative coverage ridiculing him for several scandals and gaffes, including his assertion that the size of the Trump administration Inauguration Day crowd was the largest in history, despite the existence of credible evidence to the contrary. Reporters described him as easily frustrated and unable to handle pressure (he left without taking any questions at his very first media briefing). When Trump fired FBI chief James Comey, media coverage ridiculed Spicer for “hiding in the bushes” to avoid reporters’ questions and for his lack of knowledge about the president’s actions. Trump often joined the press in publicly criticizing Spicer (Borchers, 2017), but when Saturday Night Live actor Melissa McCarthy parodied him, media reports indicated that Trump was displeased because he felt that by having a woman comedian portray Spicer’s role, he had appeared weak and incompetent (Karni et al., 2017).

In the beginning of May 2017, the White House began leaning on deputy press secretary Sanders and banked on her to handle important news occurrences such as Comey’s firing, when they knew that reporters would ask difficult questions. Media reports compared the two press secretaries’ styles and said that while they both deflected questions, Sanders seemed better than Spicer at “keeping her cool, maintaining composure and at least giving an answer and not seeming quite so flustered” (King, 2017). Sanders, who had a long career in political campaigning and had served as senior adviser on Trump’s 2016 presidential bid, finally became press secretary when Spicer resigned in protest of the appointment of Anthony Scaramucci as communications director.

Press reports described Sanders as “more in line with what you would expect of a professional press relations person” (Chang, 2017). A report described her thus:
She is a little muted, a little dead-eyed, yes, but she is also less aggressive, less condescending, less startlingly terrible. She speaks in a slow and deliberate Southern accent, often gracing her speech with rueful smiles. And she is not so obviously a shrieking propaganda mouthpiece, as Spicer was. (Chang, 2017)

Thus, both press secretaries can be considered partially successful in light of Towle's (1997) measures of success. While Spicer was criticized by both the president and the press, Sanders seemed to enjoy the president’s favor. Despite occupying the same role, Sanders and Spicer had different personalities as press secretary. This, coupled with the gendered press coverage and the acrimonious relationship with the press, could give rise to different rhetorical strategies for the two secretaries. The next section provides an overview of gendered rhetorical styles to provide a context for the examination of the press secretaries’ verbal styles.

**GENDERED RHETORICAL STYLES**

Since no study to date has compared the rhetorical styles of men and women press secretaries, I draw from existing research on gendered rhetorical styles from leadership studies and political public relations. The literature of gender roles posits that as a result of the social roles men and women play in society—men as agentic and women as communal—men and women employ different languages that suit these gendered roles (Bakan, 1966). Men tend to use language that emphasizes individuality and to be more direct in their word choices, while women focus on expressiveness and meeting the needs of others and tend to use an indirect style of speech (Tannen, 1995). Masculine rhetoric is defined as “decisive, direct, rational, authoritative, and aggressive and feminine rhetoric is defined as cautious, receptive, indirect, emotional, and polite” (Baker, 1991, p. 36, as cited in Aldoory, 1998, p. 77).

Feminist scholars, however, disagree on these binary classifications because they portray women as lacking conventional leadership traits and rhetorical styles, and argue that women in leadership positions could have a different understanding of leadership and the language that a leader should use. In in-depth interviews with women public relations professionals, Aldoory (1998) found that the respondents envisioned leadership roles as ones that involved building consensus among team members; expressing motivation, passion and courage for the job; and being human toward their staff. Overall though, the findings
indicated that “women were not explicitly emotional, cautious, or indirect. They exhibited a mix of assertiveness and rational analysis with receptiveness and sensitivity” (p. 97).

Given this background, it is difficult to hypothesize whether press secretaries, who share some common ground with public relations professionals, will differ in their rhetorical strategies on account of their gender. On one hand, given the masculine nature of the White House, Sanders could employ so-called masculine rhetoric in order to appear tough and in control, but on the other hand, she could adopt so-called feminine rhetorical strategies in order to ensure amicable relations with the press, especially given that the White House press corps is made up of reporters from various partisan, regional, international, and national mainstream publications. The section that follows delves into the gendered aspect of journalism and examines how women and men reporters in the White House press corps differ from each other.

GENDER AND THE NEWS

Traditional gender roles and socialization act as factors in influencing men and women reporters to bring “different values, interests, and priorities to the newsroom” (Rodgers & Thorson, 2003, pp. 659–660). As a result of gender socialization, men and women reporters tend to highlight different news stories or frame stories in particular ways. Gender roles are derived from the traditional roles that men and women play in society—men as breadwinners and women as caretakers. As a result of these traditional roles, men and women are associated with specific issues and traits (Kahn, 1991). Men are considered naturally suited to handling so-called masculine issues such as foreign policy, the economy, and defense, while women are perceived as natural fits for handling issues such as childcare, the environment, and health. With reference to traits, men are considered naturally tough and decisive, while women are perceived as more emotional and warm.

In the newsroom, these gendered expectations historically formed the basis on which editors assigned stories to men and women reporters. While men were considered capable of covering politics and economics—issues that were considered prestigious and usually got front-page coverage—women were mostly tasked with covering soft news “from the realm of the domestic, the emotional, the personal” (Chambers et al., 2004, p. 36). These differences are evident in modern newsrooms. The Status of Women in U.S. Media report (Women’s Media
Center, 2019) found that women make up only 41.7% of the workforce in newsrooms. They are overwhelmingly absent from sports desks and online news sites, as well as upper-level management positions.

Men and women reporters also differ in the ways in which they report and write their stories. Women reporters are more likely to use women sources (Hardin et al., 2007) and more ethnic sources, and they assign more space and prominent positions (such as the first paragraph of the story) to women sources (Armstrong, 2004).

Extant research on presidential press conferences, however, indicates that women reporters tend to be more aggressive in their line of questioning than men (Clayman, 2004). Men and women reporters in the White House press corps also differ in the substance of their questions. While men reporters are more likely to ask questions about issues considered traditionally masculine such as defense and foreign trade, as well as issues considered more feminine such as environment and health, women reporters are more likely to discuss masculine issues such as macroeconomics and immigration (Meeks, 2018). Women reporters are also unlikely to question presidential candidates on issues of interest to women (Turcotte & Paul, 2015).

Researchers attribute this gender-incongruent behavior to newsroom norms and routines, which are overwhelmingly masculine and favor male-oriented behaviors and styles of reporting. Since men sources and masculine topics are considered inherently superior and are rewarded in the newsroom, women reporters unconsciously tend to follow the patterns set by their men colleagues. Thus, they are unlikely to erase stereotypes in their coverage of women candidates (Meeks, 2013), are likely to quote more men than women on social media (Artwick, 2014), and depend more on men as sources even when the newsroom management is overwhelmingly women (Everbach, 2005). Given these incongruent expectations, it is essential to examine whether the gender of a reporter has an impact on the tone and style of questioning the press secretary, and whether this differs depending on the gender of the press secretary. It is also important to examine whether gender determines how a press secretary reacts to reporters’ questions.

From the discussion above, I propose the following research questions:

1. Do men and women reporters differ in their tone and style of questions?
2. Do men and women reporters differ in the issue topics of their questions?
3. Is the tone of questions affected by the gender of the press secretary and the gender of the reporter?
4. Do men and women press secretaries differ in their rhetorical strategy?
METHOD

Sample

I started by randomly selecting 10 press conferences from the C-SPAN Video Library covering the first 6 months of Spicer’s and Huckabee Sanders’s terms as White House press secretary. The Video Library provided video recordings of the press conferences, along with transcripts of the press secretaries’ opening remarks, the questions asked by reporters, and the responses given by the press secretaries. Only those videos that had transcripts were chosen for analysis. Once I had shortlisted the press conferences, I compiled a dataset using each question as a unit of analysis. When a reporter got the opportunity to ask a question, they could choose to ask a single question or a series of questions in one turn. Following the transcript available through the Video Library, I counted a reporter’s turn to ask a question as one single question regardless of the number of questions this turn had. For example, a reporter asked Spicer the following question at the press conference on February 21, 2017:

The comments that the President made today about anti-Semitism. In terms of the timing, obviously he was asked about it, but they also came after his daughter, Ivanka, sent out that tweet. Has she counseled him? Was she one of the people saying it’s important for you to forcefully denounce this? Why today? (C-SPAN, 2017)

Though this turn includes multiple questions, they were all asked in a single turn and were therefore coded as one question. Follow-up questions tended to vary in terms of the topics they brought up and were therefore coded as separate questions. Using this method, the final dataset had a total of 833 questions gathered from 20 press conferences.

Independent Variables

As shown in Table 6.1, the two independent variables were reporter gender and gender of the press secretary. These variables were both coded dichotomously. Since the press conference covered by C-SPAN included shots of the reporters asking questions, I was able to note the gender of the reporter visually. In some instances where the press secretaries called out the reporters by name, I was able to double-check gender identification against the reporter’s biographical information, which I obtained by conducting online searches.
<table>
<thead>
<tr>
<th>Variable</th>
<th>Measurement</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Independent variable</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reporter gender</td>
<td>Whether a question was asked by a man or a woman reporter (0 = man, 1 = woman)</td>
<td>0 = 60.5</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1 = 39.5</td>
</tr>
<tr>
<td>Press secretary gender</td>
<td>Whether a question was asked to a man or a woman press secretary (0 = man, 1 = woman)</td>
<td>0 = 49.4</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1 = 50.6</td>
</tr>
<tr>
<td><strong>Dependent variable</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Type of question</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Direct</td>
<td>Do questions lack cautiousness and self-referencing phrases? (0 = no, 1 = yes)</td>
<td>0 = 12.86</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1 = 87.14</td>
</tr>
<tr>
<td>Accountable</td>
<td>Do the questions ask for explanations or justifications? (0 = no, 1 = yes)</td>
<td>0 = 79.69</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1 = 20.31</td>
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<tr>
<td>Interruption by reporter</td>
<td>Do the reporters interrupt the press secretary? (0 = no, 1 = yes)</td>
<td>0 = 83.91</td>
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<td></td>
<td></td>
<td>1 = 16.09</td>
</tr>
<tr>
<td>Interruption by press secretary</td>
<td>Does the press secretary interrupt reporters? (0 = no, 1 = yes)</td>
<td>0 = 90.73</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1 = 9.27</td>
</tr>
<tr>
<td>Adversarial</td>
<td>Do the questions criticize the administration or indicate the presence of contrary opinions? (0 = no, 1 = yes)</td>
<td>0 = 71.67</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1 = 28.33</td>
</tr>
<tr>
<td>Initiative</td>
<td>Do the questions indicate enterprise rather than passiveness? (0 = no, 1 = yes)</td>
<td>0 = 44.95</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1 = 55.05</td>
</tr>
<tr>
<td>Assertive</td>
<td>Do the questions invite yes or no responses? (0 = no, 1 = yes)</td>
<td>0 = 39.78</td>
</tr>
<tr>
<td>---------------------------</td>
<td>---------------------------------------------------------------</td>
<td>-----------</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1 = 60.22</td>
</tr>
<tr>
<td><strong>Tone of question</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Positive/neutral, negative</td>
<td>Positive and neutral nonverbal indications include neutral facial expression and positive body language; negative nonverbal indications include raised voice, use of sarcasm, grim facial expression, agitated body language (0 = positive/neutral, 1 = negative)</td>
<td>0 = 87.88</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1 = 12.12</td>
</tr>
</tbody>
</table>

**Control variable**

**Issue**

| Voter fraud (0 = no, 1 = yes) | 1.68 |
| Immigration (0 = no, 1 = yes)  | 14.17 |
| Personnel issues (0 = no, 1 = yes) | 7.92 |
| Foreign affairs (0 = no, 1 = yes) | 16.33 |
| National security (0 = no, 1 = yes) | 3.84 |
| Politics (0 = no, 1 = yes) | 8.52 |
| Race (0 = no, 1 = yes) | 6.96 |
| Taxes (0 = no, 1 = yes) | 4.44 |
| Terrorism (0 = no, 1 = yes) | 3.6 |
**Dependent Variables**

The dependent variables shown in Table 6.1 were derived from Clayman et al. (2012), who analyzed the conditions under which reporters are likely to aggressively question presidents, and Bucy and Grabe (2016), who analyzed candidates’ tones in presidential debates in the 2012 election. Following these authors, I used a total of eight dependent variables.

The first set of dependent variables relate to question type and included the following categories: direct, accountable, adversarial, initiative, and assertive. Following Clayman et al. (2007), I coded questions as direct when they were blunt in discussing issues. For example, questions that included self-referencing phrases such as “I wonder . . . ,” and “Can/Could/May I ask . . . ” show that a reporter is requesting permission to ask the question and relying on the press secretary’s willingness to answer the question, which indicates a “cautious stance toward the question” (p. 29). I coded questions as accountable when the reporters explicitly asked the press secretary to “explain and justify” (p. 31) the president’s policies. This included questions phrased using words such as “How could he/Why did he/Why is he . . . ” The category adversarial included questions that had an “oppositional stance” (p. 31) in the preface of the question or in the question as a whole. Following Clayman et al. (2007), questions that invited debate using phrases such as “How do you respond to that/What is your reaction to that” were also coded as adversarial. Questions that were coded as initiative included those that built a context in the beginning of the question, combined more than one question in one turn, and included a follow-up question. As Clayman et al. (2007) explain, these indicate “a more vigorous posture by the journalist” (p. 29). Assertive questions were those that invited yes/no responses. Lastly, I added two new categories, interruption by reporter and interruption by press secretary, to these existing categories to measure whether reporters or press secretaries interrupted each other. Interruptions are commonly interpreted as attempts to stop a speaker while they are making a statement and could be interpreted as a ploy to assert power (Hordecki & Piontek, 2014).

The second dependent variable is tone of question, which was dichotomously coded as positive/neutral and negative. Using Bucy and Grabe’s (2016) guidelines, I interpreted negative tone as instances where the speaker’s voice “had a menacing or hostile feel” (p. 55), where confrontations or terse back-and-forth verbal exchanges occurred between a reporter and the press secretary, and “where the overall tone of a segment could be characterized as enraged, feisty, or aggressive” (p. 55). Positive/neutral tone was interpreted as instances where the
speaker’s “vocal quality had an optimistic or cheerful feeling” (p. 55), or where “the tone suggested an attempt at bonding or reinforcing a sense of goodwill” (p. 55) with reporters.

**Control Variables**

The control variables shown in Table 6.1 were the issue topics covered in each question. While there were upward of 25 issues discussed in the questions, the regression model that I fit for the third research question controlled for the top 7 that appeared most frequently. If a question addressed two issues, the issue that had the greatest number of words in the question or the issue that was reflected in the answer was used as a deciding factor.

The primary researcher and a graduate research assistant coded 10% of the sample in order to establish intercoder reliability for the variables (Lombard et al., 2010). After two rounds of coding, acceptable Krippendorff’s alpha levels ranging from 0.70 to 1 were reached for all variables (Krippendorff, 2004). The primary researcher then finished coding the rest of the dataset.

Since this project adopts a mixed-methods approach to the research questions, I also conducted a qualitative thematic analysis of the responses of Spicer’s and Sanders’s responses to reporters’ questions in order to determine the rhetorical strategies used by each. I was particularly interested in determining whether Spicer and Sanders differed in terms of the images and metaphors they used in their daily briefings and whether these conformed to traditional gender roles. As described in Nowell et al. (2017), I started by familiarizing myself with the data and taking extensive notes on my thoughts about potential themes. I then generated initial coding schemes and went back and forth refining these themes. Finally, I documented each theme with detailed descriptions of the context. One caveat must be addressed here with reference to the coding of rhetorical themes. Following existing qualitative research practices (see, e.g., Blank-Libra, 2004; Christiansen, 2018; Newton et al., 2004), a single coder assessed the rhetorical themes in the press secretaries’ responses.

**RESULTS**

The first research question examined whether men and women reporters differ in their tone with and style of questioning of the press secretary. The results indicated that women reporters (59.41%) are significantly more likely than men
reporters (40.59%) to use a negative tone in their questions: $\chi^2 (1, N = 833) = 19.07, p = 0.000$. In terms of the type of questions asked, women and men were similar in all measures except three: accountability, initiative, and questions that interrupted the press secretary. Men (50.89%) were more likely than women (49.1%) to ask accountability-related questions that asked for explanation or justification: $\chi^2 (1, N = 832) = 8.34, p < 0.01$. Men reporters (52.24%) were somewhat more likely to interrupt the press secretary compared to women reporters (47.76%): $\chi^2 (1, N = 833) = 4.57, p < 0.05$. Lastly, men were also more likely than women to ask questions that took an initiative—that is, questions that had context, included more than one question at a single turn, or included a follow-up question: $\chi^2 (1, N = 833) = 4.57, p < 0.05$.

The second research question examined whether there were issue-related differences in the questions asked by men and women reporters. Figure 6.1 shows that foreign affairs, immigration, politics, and questions related to the Trump administration appointees were among the most asked about topics during these news briefings. However, there were no statistically significant differences between men and women reporters’ likelihood of asking questions that addressed these issues. Though race-related issues did not form a major part of the question

![Chart](chart.png)

**FIGURE 6.1** Question topics in 20 press conferences organized by Sean Spicer and Sarah Huckabee Sanders between 2017 and 2018.
topics, women reporters (65.52%) were significantly more likely to ask such questions compared to men (34.48%): $\chi^2 (1, N = 833) = 17.66, p = 0.000$. Similarly, women reporters (78.57%) were more likely to ask questions about voter fraud than men reporters (21.43%): $\chi^2 (1, N = 833) = 9.098, p < 0.01$. Women (59.38%) also asked more questions than men (40.63%) on national security — $\chi^2 (1, N = 833) = 5.503, p < 0.05$ — while men (64.34%) were more likely than women (35.66%) to ask about taxes: $\chi^2 (1, N = 833) = 11.66, p = 0.001$.

The third research question explored whether the gender of the press secretary and the gender of reporters had an effect on the tone of questions. I conducted a logistic regression to check the interaction effects of reporter gender and gender of the press secretary, but none of the interaction effects were significant. Thus, women and men reporters did not significantly differentiate between men and women press secretaries with respect to the tone of their questions.

The fourth research question examined differences in the rhetorical strategy of men and women press secretaries. Specifically, it examined the secretaries’ act of interrupting reporters’ questions. Though the press secretaries did not interrupt reporters often — only 9.27% of questions were interrupted — a chi square analysis revealed that Spicer (76.62%) was significantly more likely to interrupt reporters than Sanders (23.38%): $\chi^2 (1, N = 831) = 25.0523, p = 0.000$.

A follow-up qualitative content analysis of the two press secretaries’ responses to the press showed a number of interesting patterns. They were similar in their use of rhetoric that deflected blame on the Democrats and that they blamed the press for wanting to create false narratives about Trump, lied outright, “reinterpreted” the president’s statements on Twitter, repeated standard talking points, and stalled reporters’ attempts to get information by saying they did not have sufficient information and would have to check and get back to the reporters. Despite these similarities, Sanders and Spicer differed in a few different ways.

**Use of Humor**

Sanders adopted humor to ease into the press briefing, a strategy that was missing from Spicer’s briefings. Sanders would often start off with a joke or comment to reporters. For example, during one press briefing she said to a group of reporters who did not acknowledge her presence when she walked into the room: “All smiles, all the time. Good afternoon.” When one person greeted her back, she said, “Somebody is polite out there,” inciting scattered laughter from the reporters. In another instance, a reporter said he apologized if a question he was asking
had already been answered the day before. Sanders responded saying, “It’s okay, everybody here likes to ask the same question many times,” again inciting laugh-
ter from the reporters. When she returned to the briefing room from a vacation, she greeted reporters saying, “It’s good to be back. You guys don’t seem nearly as excited. I thought for sure there’d be balloons or something. We’ll save that for next time, I guess.” Another instance of the use of humor was when a reporter asked Sanders whether the president would read Hillary Clinton’s book, and Sanders responded: “Whether or not he’s going to read Hillary Clinton’s book, I am not sure. But I would think that he’s pretty well-versed on ‘what happened.’ And I think it’s pretty clear to all of America.” In contrast to Sanders’s light-
hearted approach, Spicer would set a more formal tone for the press briefing by refraining from making comments and instead launching straight into reading his prepared remarks. He rarely used humor to deflect difficult questions from reporters, choosing instead to confront them.

**Use of Parenthood and Family Metaphors**

Sanders used parenthood metaphors to humanize the president, defend his actions, explain his policies, deflect uncomfortable questions from reporters, and to connect with them. For example, when reporters questioned her about Don Jr.’s meeting with a Russian lawyer, she responded that the president did not dictate anything but simply “weighed in as any father would, based on the limited information that he had.” She also used family-based anecdotes to illus-
trate the impact of the president’s policies. For example, in the press briefing on August 24, 2017, in which she discussed his VA Choice Act targeted toward vet-
ersans’ health, she read aloud an emotional letter that a father had written to his son who was on his second tour of duty in Afghanistan. She also had a habit of announcing birthdays at the start of the briefing—of people in her own family, White House staffers, or reporters—and in a press conference on September 12, 2017, she announced the birth of Eric and Lara Trump’s son, Eric Luke Trump.

**Intertwining the Personal and the Political**

Sanders often used personal anecdotes and stories from regular Americans to demonstrate the impact of Trump’s policies and to demonstrate his popularity among supporters. In the press briefing on September 13, 2017, Sanders informed the reporters that Frank, a 10-year-old boy from Virginia who had written to
the president offering his services to mow the lawn at the White House, had been invited to visit the White House. She followed this announcement by saying, “The President is committed to keeping the American Dream alive for kids like Frank, and we’re all looking forward to having him here,” thereby adding a concrete name and human element to the concept of the American Dream and linking it to the president’s economic and jobs growth initiatives.

Similarly, she started the September 25, 2017, briefing by reading a story about the Little Rock Nine—the group of black children who were refused entry into Central High School in Arkansas in 1957 because of their race. Sanders said that 20 years ago, in 1997, she was a student in the same school and witnessed president Clinton and her father, governor Mike Huckabee, opening the doors of the school to welcome the nine black students to mark the 40th anniversary of the event. This was an ironic opening to the press briefing because the reporters’ questions that followed her story were about racial issues and Trump’s criticism of NFL players who took a knee during the national anthem.

**Dealing With Conflict**

While Spicer appeared to get ruffled when cross-questioned by reporters and adopted a stern, scolding tone to berate them, Sanders would avoid getting into back-and-forth conversations with reporters. While Spicer would maintain eye contact with the reporter while he challenged them and responded to their attacks, Sanders chose to give a succinct response to the question, then signal that the reporter’s turn was over by turning her body and gaze away and calling on another reporter. For example, at a September 25, 2017, briefing, a reporter questioned her about Trump’s criticism of NFL players and whether she thought his rhetoric was divisive. She responded by explaining that he was simply in favor of honoring the American flag. To the reporter’s repeated follow-ups about whether he went too far by calling the players “SOBs who should be fired,” Sanders simply repeated herself. Finally, she cut off the reporter, saying, “I answered your question.” Throughout the exchange she maintained an even tone and did not display aggression in her body language. In contrast, Spicer, when questioned by a reporter about Trump’s criticisms of a federal judge as incompetent for blocking the enforcement of the travel ban on Muslims, struggled to answer questions and engaged in a lengthy back-and-forth with the reporter. He adopted a more confrontational approach, often doubling down on his claims, and raising his voice to make his point.
DISCUSSION

The White House press corps has become more diverse over the years, with a growing number of minority and women reporters. While that is good news, this study finds that women reporters ask fewer questions than men reporters, which indicates that they are called upon less frequently than men. Out of the 833 questions analyzed in this study, 60.5% were asked by men while 39.5% were asked by women. This finding is similar to that of Meeks (2018), who analyzed press briefings conducted by President Obama in 2014 and 2015 and found that men reporters still ask the greater number of questions in the briefing room. This shows that despite the presence of a woman press secretary, the long-time masculine routines of the press briefings are persistent.

Interestingly though, men and women reporters did not hew to gender stereotypes in the issue topics of their questions, and there were no significant differences in the frequency of men and women asking questions about the most popular topics. For example, both men and women were equally likely to ask questions about foreign affairs. However, they differed in their frequency of asking questions regarding racial issues, which are traditionally considered a feminine area of expertise. Though these questions were less commonly asked, women reporters (65.52%) were significantly more likely to ask them. This is a valuable addition to the literature on gender and the newsroom and illustrates the importance of having a diverse group of reporters at the White House, which can ensure that issues pertaining to diverse audience groups are represented in political news. If the news focuses overwhelmingly on men's issues, the press agenda will not reflect the audience's needs.

In terms of the types of questions asked, this study found that men ask questions about accountability and initiative more frequently and are also more likely to interrupt the press secretary, regardless of gender. Accountability-related questions ask for explanation or justification, and initiative questions include more than one question at a single turn. Clayman et al. (2012) consider these questions part of the adversarial trend of questioning the president, and while in-depth interviews with reporters would help uncover the reasons behind these disparate styles, one possible reason for these differences would be that given the masculine norms of the White House press corps, men reporters are more comfortable asking adversarial questions than women reporters, who might be concerned about straying too far from gender-stereotypic behavior. The same reason could explain why men were more likely to interrupt the press secretary, regardless of gender.
This study also finds that women reporters in the White House press corps are significantly more likely than men reporters to use a negative tone in their questions, but that they did not differ in the tone they adopted toward men and women press secretaries. The first finding is in line with existing research about women reporters in the White House being more aggressive than men (Clayman et al., 2012) and could be attributed to women reporters adopting the masculine norms and routines of the White House politics beat in order to assert their competence. The lack of influence of the press secretary’s gender could be attributed to reporters’ reactions to the turbulent politics of the White House and their desire to perform their function as a watchdog regardless of the gender of the source. It could also signal that though reporters sometimes cover the White House briefing in gendered terms, they do not consider gender salient when it comes to doing their job and holding politicians accountable.

In terms of gendered behavior associated with the press secretaries, I found that Spicer was significantly more likely to interrupt reporters than was Sanders. Sanders used a mix of feminine and masculine rhetorical styles, while Spicer was more confrontational and more conventionally masculine. The differences in rhetorical styles made Sanders appear more in control and professional and could be a result of the trust the president demonstrated in her.

From the perspective of reporters, however, the different rhetorical styles did not change the nature of the briefing in any way. Reporters asked about the same number of questions of each press secretary, and the different rhetorical styles did not result in either press secretary’s briefings being longer or shorter or more or less informative than the other’s. In the sample analyzed in this chapter, Spicer held a couple of hour-long press conferences: one in January 2017 and the other in February 2017 after returning to the briefing room from a weeklong break. But all of his other briefings lasted on an average about 25 to 30 minutes. Sanders also held short briefings ranging from 25 to 30 minutes. In addition, though she used anecdotes and family references to bring emotion into the briefing and humanize the president, the reporters almost never maintained this tone. Their questions often deviated sharply from the tone and agenda set by both press secretaries at the beginning of the briefing.

The findings from this study are interesting and produce insights for political journalism as well as communication professionals, especially crisis communicators, who liaise with the media. The findings also contribute to the broader literature on women in politics. Though press secretaries are not elected representatives, their position is political because they act as the public face of the
person who occupies the highest elected office in the country. Their job involves defending the actions of the president and justifying and interpreting the policy decisions of the administration. The literature on women in politics shows that voters use partisan cues rather than gender stereotypes to evaluate women candidates but that gender considerations might be activated during certain conditions, such as when women candidates launch unprovoked attacks against men candidates or act unprofessionally. For example, while voters are equally likely to penalize men and women candidates who cry or express anger on the campaign trail, they are likely to evaluate women more negatively than men for expressing anger (Brooks, 2011). This study indicates that in using a mix of feminine and masculine rhetorical strategies, Sanders is attempting to create a fine balance where she does not project an overly aggressive and partisan image of herself but tries to appear fair and in control of the message. She also avoids getting into verbal arguments with reporters, which could lead people to evaluate her negatively. Spicer, on the other hand, is unafraid to express his anger and uses so-called masculine rhetoric, but in his case it backfires, with both reporters and the president evaluating him negatively.

In November 2018 a widely circulated clip purported to show CNN reporter Jim Acosta snatching a microphone from the hands of a woman identified as the deputy press secretary. Partisan media and the White House immediately attacked Acosta for what they termed his aggressive behavior toward the staffer, and Acosta lost his access to the White House briefly as a result of the incident. White House staffer Stephanie Grisham tweeted the following message about the incident: “President Trump believes in a free press and expects and welcomes tough questions of him and his Administration. We will, however, never tolerate a reporter placing his hands on a young woman just trying to do her job as a White House intern.” She went on to say that the conduct was an example of “outrageous disregard for everyone, including young women, who work in this Administration” (Press Secretary, 2018).

Though not always at the forefront, gender considerations occupy an important role in the interactions between the White House press corps and the press secretaries, and this study makes an exploratory attempt to parse this dynamic. Future studies could address some of the drawbacks of this study, such as the examination of a small subsection of data and the lack of inclusion of confound variables such as reporters’ experience and the partisan leaning of the media organizations they work for, which could affect the media–White House relationship.
REFERENCES


PART 3

Looking Forward and Looking Back at Analysis of Communication Impacts

Rosalee A. Clawson, Discussant

C-SPAN is a public affairs television network founded by the cable industry. Through its gavel-to-gavel coverage of the U.S. Congress and its attention to other major political happenings, the network makes politics accessible to people across the nation. C-SPAN deepens democracy by fostering transparency in real time.

The C-SPAN Archives and its Video Library are just as critical to democracy. The C-SPAN Video Library provides a digital record of the network’s coverage, enabling unprecedented access to a tremendous source of information and creating a permanent archive of democracy in action. The C-SPAN Video Library is quite simply a national treasure. It is an easily searchable public repository that provides the authoritative record of events occurring in the legislative body and beyond. It is a technological testament to democracy.

Founded in 1986 by Robert X. Browning, a Purdue political science professor, the C-SPAN Archives and its Video Library are a critical resource for a wide variety of stakeholders. Congressional staffers rely on the Video Library to prepare their bosses for political interactions. Fact-checkers and journalists use it to do their reporting. Campaigns incorporate favorable video clips into advertisements, and opposition researchers plumb the depths of the archives to identify just the right video to attack their opponents. And of course citizens and
interest groups use the videos to gather information and assess whether members of Congress are representing their interests.

Educators are another key group using the C-SPAN Video Library. Since the Video Library’s inception, teachers have incorporated video content into their lesson plans, first through VHS tapes delivered through the postal system and now through instantaneous online access. The C-SPAN Video Library is an invaluable resource for teaching a wide range of American government topics. Thanks to Professor Browning’s vision and foresight, individuals ranging from the highest level of political elites to average, everyday citizens have access to the complete record of C-SPAN—over 260,000 hours to date—to view, analyze, clip, and share.

In recent years the C-SPAN Video Library has encouraged scholars to use video in their research endeavors. By holding a series of academic conferences and working closely with the C-SPAN Center for Scholarship & Engagement at Purdue University, the C-SPAN Video Library has stimulated a number of exciting research projects across many disciplines, including political science, communication, history, and African American studies, among others. The annual conferences have featured senior scholars and cultivated the participation of graduate students and junior faculty, with the goal of training a new generation of scholars to incorporate C-SPAN videos into their research agendas.

The 2019 Research Conference provided scholars the opportunity to present their innovative research in a focused setting that allowed for significant feedback and discussion. The “Looking Forward and Looking Back at Analysis of Communication Impacts” panel featured original research by three scholars. These scholars used the C-SPAN Video Library to explore enduring questions of interest to those who study political communication.

First, historian Caitlin Fendley takes advantage of the C-SPAN Video Library’s longevity to examine how a controversial issue—population growth—was portrayed on the network in the 1980s and 1990s. Specifically, in Chapter 7, “Americans for Zero Population Growth: Media, Politics, and Public Understandings of Overpopulation,” she profiles three C-SPAN video clips that illuminate who was discussing overpopulation as a problem and how the issue was discussed. The video clips feature interest group leaders from Zero Population Growth (ZPG) and the Population Institute, a think tank expert from the American Enterprise Institute, and Paul Ehrlich, the author of The Population Bomb. Fendley demonstrates that several themes emerge from these videos, including the importance of individual choice, not coercion, for determining family size; the impact of the
United States and other rich nations on population and consumption; and the role of individual responsibility in family planning and in taking political action to curb the problem. Fendley’s video analysis provides a window into the public debate about population growth that occurred in the 1980s and 1990s.

Next, political scientists Bryce J. Dietrich and Jielu Yao emphasize the public service role played by the C-SPAN Video Library. In Chapter 8, “Is There Anybody Out There? C-SPAN, Women, and the Distribution of Desirable Speech Time,” they analyze which C-SPAN videos are viewed more often to understand which Congress members’ videos are accessed most by the public. Dietrich and Yao argue that the same factors that predict which members of Congress will receive more attention in the mainstream media will also explain whose speeches are more likely to be viewed online. Therefore, they hypothesize that party leaders, members with greater seniority, and more ideologically extreme members will garner more online views of their videos. Analyzing video downloads between 1980 and 2019, they find evidence to confirm their hypotheses. Indeed, party leaders, more senior members, and those at the ideological extremes get more views. They also find that women members of Congress receive more views than men members of Congress.

Finally, communication scholar Katelyn E. Brooks conducts a rhetorical framing analysis of another controversial issue: election access and integrity. Specifically, in Chapter 9, “For the People Act of 2019: A Framing Analysis of Legislators’ Videos on Twitter,” Brooks identifies and analyzes 89 videos circulated by current members of Congress on Twitter regarding the For the People Act of 2019 (H.R.1) between January 3 and July 3, 2019. The shared videos include news media clips, C-SPAN clips, and member-produced videos. Brooks argues that social media posts are now a critical form of congressional communication with constituents. Her study adds to our understanding of how representatives communicate with the public on contested policies. As with so many issues these days, H.R.1 is contested along partisan lines, with Democrats in favor of the legislation and Republicans opposed.

Brooks shows that some H.R.1 frames were used consistently by members of both political parties and across different video sources. Representatives often shared videos that highlighted their individual positions on the issue, connected the bill to local issues in their districts, and explained the impact of H.R.1 on money in politics. There were also some partisan differences in the framing of H.R.1. Democratic members of Congress tended to frame the legislation as promoting government for the people, whereas Republican members emphasized
the bill as an example of federal overreach and encroachment into state authority over elections. Importantly, Brooks argues that sharing C-SPAN footage over social media lends credibility to a member’s message. Members are likely tweeting C-SPAN clips to bask in the reflected legitimacy of the public affairs network.

Collectively these three chapters provide insights into how controversial issues are portrayed on C-SPAN, how representatives use social media and C-SPAN video to communicate with their constituents, and which C-SPAN videos receive more viewership. These chapters contribute to scholarship in history, communication, and political science. It is important to explicitly note that this research is possible solely because of the extraordinary video footage made freely available and easily accessible by the C-SPAN Video Library.

The research in Part 3 of this volume lays the foundation for a wide variety of future work on the effects and use of C-SPAN videos. For example, Fendley’s analysis of historical themes concerning population growth could be extended to assess the impact of these arguments on political activists today. Brooks might employ a social media network analysis to examine which constituents are more likely to retweet the C-SPAN video clips of H.R.1 compared to the news media or member-produced clips. A next step for Dietrich and Yao might be to further explore why women members of Congress receive more views than men members of Congress and what impact that has on political discourse. The possibilities for future work are many and varied. It is clear the C-SPAN Video Library is an unmatched resource catalyzing important academic research.
In 1991, USA Today asked sci-fi author Isaac Asimov, “What should the nation’s top priorities be in 1991?” Asimov responded:

We are facing so many problems; however, above everything else are the problems of the environment and population. As long as the population keeps increasing in the world, the environment will continue to deteriorate in every way. And life will become harder and more miserable for all of us. (“Ask Asimov,” 1991, p. 2)

Asimov’s concern was at odds with many political leaders at the time. In fact, just 1 year later, President George H. W. Bush actively began pushing for population growth as an “engine of change” and “friend of the environment” (Hoff, 2012, p. 246). He emphasized the compatibility between economic growth and environmental protection and the need for “cleaner growth” (“Excerpts From Speech by Bush on ‘Action Plan,’” 1992).

And yet, as Asimov’s remarks revealed, serious concerns about population growth never went away. For members of Zero Population Growth (ZPG), the largest grassroots population group in the United States, and other population-conscious Americans, the 1990s were characterized by deep concerns about an overpopulated Earth. The 1994 Cairo Conference brought together population experts to discuss new population policy, “giving prominence to reproductive health and the empowerment of women,” as well as focusing on the “needs of individual women and men, rather than achieving demographic
targets” (United Nations Population Fund, 1994). The success and influence of
the conference was measured by its ability to achieve international consensus on
population issues, advancing a new definition of population policy and giving
nongovernmental organizations (NGOs) “unprecedented involvement in formu-
lating national policy statements and drafting the Program of Action,” which,
among other things, helped to “chart population policy” for the next couple of
decades (McIntosh & Finkle, 1995, pp. 223, 224).

Grassroots activists continued to organize on the issue of overpopulation,
and many popular works raised awareness about the perceived problem. An
examination of population concerns during the 1990s demonstrates that the
“population bomb” narrative that burst onto the scene in the 1960s continued
successfully despite increased conservative backlash, concerns over the “birth
dearth,” and pro-family, antiabortion political discourse during the Reagan and

Political conflicts between conservative and liberal ideologies have often cen-
tered on family values. Historian Robert O. Self, for example, demonstrates that
the social movements of the 1960s and 1970s, such as the feminist and gay liber-
ation movements, challenged earlier patriarchal and heterosexual ideas of family
life, including traditional male breadwinner and female housewife roles, and the
promotion of parenthood and childbearing, which had previously dominated
American culture (Self, 2012). Debates between traditional and modern defi-
nitions of family inevitably tie into population anxieties and broader concerns
related to reproductive rights. Proponents of the zero population growth move-
ment directly challenged these traditional family values by reimagining and en-
couraging small families of two or fewer children as the ideal (Rogers, 1971).2
Even recently, political commentators and demographers have noted that the
positive consequences of the feminist and sexual revolutions, such as women
entering the workforce and accessing birth control and legal abortion, have led
to continued declining birthrates in the United States, which some believe could
lead to a “demographic crisis” if significant cultural changes and pronatalist pol-
licies are not implemented (Kurtz, 2005).3 This crisis includes financial and social
disruption: an increasingly unsupportable aging population, worldwide depres-
sion, and the fear that “religious traditionalists” will outpopulate secular liber-
als (Kurtz, 2005). Thus, gains made by the progressive social movements of the
1960s and 1970s challenged not only conservative ideas of family but the very
notion of population growth as a societal good.

Scholars have argued that population concerns are politically charged, which
prevents serious discussion of overpopulation and “ignores significant global
realities and trends” that point to ecological and human concerns about population growth (Kopnina & Washington, 2016, pp. 133–134). Although there is not always a sharp political division between pro- and zero-growth proponents, and there have always been exceptions, many of the social and practical solutions put forth by zero population growth advocates have promoted politically and culturally contentious issues—legalizing and promoting abortion, increasing access to contraceptives, and encouraging comprehensive sex education—all of which have tapped into the dominant liberal-conservative divides. But these proponents of zero population growth have also sought deeper societal changes by challenging pronatalism, which continues to be a dominating cultural force in the United States. Groups like ZPG promoted “pro-family” values as well, but with a focus on improving the lives of families and society at large by ensuring only wanted children were born, and on a habitable planet. They argued that access to abortion and contraceptives, and destigmatizing small or childfree families, would help accomplish this.

The C-SPAN Video Library provides insight into the growing conversation around population growth. Advocates of zero population growth emphasized individual accountability for population issues, as well as the ways in which Americans could take responsibility for national and global consequences of unchecked population growth. These activists viewed the population problem as one partially caused by and resolvable by Americans, urging the need to confront overpopulation concerns in the United States before doing so abroad. The C-SPAN Archives provide an opportunity to examine public discourse regarding fears of overpopulation, as well as the extent to which population proponents encouraged grassroots activism with the importance of individual responsibility in mind. Based on this early research, it is clear that the story of the population bomb was anything but a cohesive narrative, and the constantly conflicting ideas about overpopulation—what to do about it, what or who was causing it, and whether it even existed—undermined the very goals of population activists and allowed room for other groups to manipulate its ideas to darker ends.

SCHOLARSHIP ON POPULATION CONTROL

When discussing population growth issues during the 20th century, scholars usually focus on the late 1960s and the 1970s, a time when the zero population growth movement was at its height (Connelly, 2008; Hoff, 2012). Some narratives go as far back as the late 1940s and the 1950s to highlight the work
of foundational environmentalists in the population movement (Desrochers & Hoffbauer, 2009).\(^6\) By the mid-1970s and 1980s, the population movement seemed to have lost some of its popular momentum. The movement’s predictions of mass famine and death had not come true and, in fact, the fertility rate in countries like the United States was slowing (Ehrlich, 1968; World Bank Group, n.d.). Into the 1980s, governmental stance on population generally sought to encourage growth in developed nations, as for many, fears of stagnation replaced ecological concerns (Hoff, 2012, pp. 230, 245).

Further, the forced sterilization campaign in 1970s India and China’s one-child policy revealed the coercive side to the population movement. Previous scholarship on population control and growth has mainly focused on these coercive aspects and unfortunate outcomes. Scholars have also primarily explored overpopulation as a global issue and one of developing countries (Connelly, 2008; Dowbiggin, 2008). Historian Matthew Connelly (2008), for example, argued that “all [population control proponents] looked at human beings not as individuals but as populations that could be shaped through the combined force of faith and science” (Connelly, 2008, xii). More recently, historians have focused on concerns regarding U.S. population growth through the lenses of economics, politics, and the media, as well as its role within American environmentalism (Hoff, 2012; Olszynko-Gryn and Ellis, 2018; Robertson, 2012). And yet, though a global issue, grassroots population organizations like ZPG believed that addressing overpopulation began at home and encouraged individual action and local activism.\(^7\) Though ZPG would eventually turn its focus toward more global reproductive health initiatives, from the late 1960s into the 1990s it sought to educate Americans about the environmental and human importance of having smaller families.

### USING THE C-SPAN VIDEO LIBRARY

Material in the C-SPAN Video Library sheds light on these conversations and organizing networks. Individuals devoted to zero population growth in the United States in the late 1980s and the 1990s (when the majority of the videos I analyzed were from) were concerned not only with global trends and increasing aid and access to contraceptives in developing countries but also with the consumption, affluence, and birth rate of their own country. My project seeks to better understand how many of these concerned Americans—whether they be a population scientist, a politician, or a member of a grassroots organization—understood
and conveyed ideas of population growth to wider audiences. Specifically, my research explores two broad questions using the C-SPAN Video Library: (1) who was discussing overpopulation as a problem and how did they discuss it, and (2) what role did they feel Americans had in both contributing to and resolving this problem?

In this chapter I will focus on a few key individuals and their role in the population debate as showcased in three C-SPAN videos that capture the issues and politics of the population conversation at the end of the 20th century. These videos are representative of the common themes I found in other C-SPAN videos and in my dissertation research more broadly. Four main themes emerged in these videos: the importance of (1) choice and voluntarism, not coercion, in stabilizing the population; (2) individual responsibility and collective action; (3) America's role in the population problem; and (4) education and resources. While searching through the Video Library, I began with very broad and general searches, using keywords like “population” (and variants, such as “overpopulation,” “population bomb,” and “population crisis”), relevant individuals and groups (e.g., Paul Ehrlich, ZPG), and other issues closely related to the population debate (e.g., abortion, contraception, immigration, environmental policy).

After narrowing down nearly 100 videos that appeared relevant in some significant way, I decided to focus on the late 1980s and the 1990s (about 25 videos) in order to give the videos proper historical context and provide a structured, succinct analysis of the topic. The main reason for this was a practical one: a majority of the most relevant videos from the C-SPAN Video Library were from the 1990s or later, and I wanted the ability to appropriately ground my analysis in historical and archival research and tie the videos to my larger research project. Further, from my research findings so far, the zero population growth movement appears to have experienced a shift in emphasis during the late 1980s and 1990s from focusing on family planning to tying environmental problems to modern quality of life issues. These included addressing the problem of American affluence and overconsumption as well as urban pollution, traffic, and crowding as directly detrimental to the health of urbanites and their children. Focusing on these concerns successfully raised awareness about the connections between population growth and the problem of cities by demonstrating the immediate, visible, and overbearing effects of overpopulation. Therefore, the C-SPAN Video Library gave me the opportunity to further explore and confirm these trends gleaned from primary and archival materials.
PART 3 Looking Forward and Looking Back at Analysis of Communication Impacts

DEFUSING THE POPULATION BOMB

By the late 1960s, the population bomb ignited. At the time, American citizens from across the political spectrum expressed increased concern over the environmental effects of unchecked population growth. The most famous declaration of alarm was biologist Paul Ehrlich’s *The Population Bomb*, published in 1968, which “incited a worldwide fear of overpopulation” by arguing that having too many people on Earth would lead to mass starvation and death across the globe (Mann, 2018). That same year, Ehrlich formed ZPG, a nationwide grassroots group concerned with the effects of population growth on the environment and quality of life. ZPG mainly sought to challenge the pronatalist norms of American society by encouraging people to have smaller families and “stop at two.” Members of ZPG took population activism into their own hands by educating friends, family, colleagues, and local communities about the need to curb population growth. They also supported resources and measures that would make this possible, such as fighting for increased access to abortion, birth control, and sterilization, and promoting pregnancy prevention and comprehensive sex education.

Twenty years later Ehrlich, members of ZPG, and other population activists continued to focus on local and national strategies to defuse the population bomb.

The first video clip I analyzed is part of a talk presented in 1989 by Paul Ehrlich (see Figure 7.1) titled “Growth and the Environment: Defusing the Population Bomb,” excerpted from a longer seminar titled “Global Environmental Problems: The New Energy and Environmental Agenda” sponsored by the Wirth Washington Seminar. Through the 1990s, Ehrlich continued to fight for population stabilization, noting the harmful impact that America’s population had on the rest of the world. In contrast to popular conceptions of overpopulation, which posited that the main problem is the rapid population growth in developing countries, Ehrlich emphasized that “the worst overpopulation . . . is, of course, in the rich countries” (C-SPAN, 1989a). His argument focused not just on demographics, though, but consumption as well, a reference to the I = PAT equation. Developed in 1971 by Paul Ehrlich and environmental scientist John Holdren, the I = PAT equation argues that the human impact of ecosystems (I) equals population (P) multiplied by affluence or consumption (A) and the technology (T) that drives consumption (Holdren 2018, p. 69). The United States, Ehrlich argued, is particularly problematic due to its high consumption and “sloppy,” inefficient technology that drives that consumption, even outdoing other developed nations (Fendley, 2019c).
In sum, Ehrlich recognized that the problem of population was not confined to developing countries with larger populations but was a global problem in which everyone must act. He argued that Americans need to be politically active not only to curb population growth but also to recognize the extraordinary influence that the United States and other wealthy countries have on the rest of the world (Ehrlich & Ehrlich, 1990, pp. 227, 230, 231).

**THE POPULATION GROWTH DEBATE ON C-SPAN**

On January 25, 1989, the Close Up Foundation, as part of its *Current Issues* segment, invited guests Ben Wattenberg and Susan Weber (see Figure 7.2) to discuss and debate the issue of population growth. Wattenberg, senior fellow at the American Enterprise Institute and author of the 1987 book *The Birth Dearth*, stated that while the global population was growing, it was doing so at a historically slower rate, turning back the positive trend of nearly 200 years of growth in the United States. In response, Weber, executive director of ZPG, argued that this very growth contributed to the many ills of the modern world: pollution, traffic, crowding, and poverty, to name a few (C-SPAN, 1989b).

The clip chosen from this wider debate, focusing on Weber’s arguments, highlights the ways in which organizations like ZPG encouraged Americans to fight population growth by having smaller families (Fendley, 2019b). When asked
what we should do about overpopulation, Weber highlighted the importance of “making careful decisions”: of recognizing that not everybody desires to have children, and that parents should consider adoption as opposed to conceiving more biological children. Her challenge to pronatalism was coupled with the issue of affluent consumption: that the high standard of living of developed countries has resulted in too much waste being produced. Her solution was to address, like the $I = PAT$ equation, both the population and its high degree of consumption. The longer video, spanning a little over an hour, features a back-and-forth discussion between Weber and Wattenberg, as well as Q&A, centering on one of the central questions of the population debate: is population growth a good thing, or not (C-SPAN, 1989b)?

Though Weber and Wattenberg debated whether population growth was a problem, they both agreed on one thing: that people should have choices.\textsuperscript{10} If people want to have smaller families or countries want to lower their population, the choice should be available to them (C-SPAN, 1989b). This meant not only increasing access to contraception, sterilization, and abortion but changing the broader views and knowledge Americans held about families. Members of ZPG, like Weber, argued that the promotion of smaller families challenged the pressure that many experienced to have children in a largely pronatalist society like the United States. Some Americans believed that encouraging couples to have only one or two children at most infringed on “the freedom of the individual”
to plan their own families. Thus, population activist groups like ZPG sought to both highlight the population problem and attempt to dismantle deep-seated pronatalist attitudes that prevented many from having fewer, or no, children (Peck & Senderowitz, 1974, p. 1; Sharbutt, 1973).

The Weber and Wattenberg debate also highlights the two opposing theories of population growth that had reached a high point in the late 1980s. The first, in support of population growth, was the “birth dearth,” an alarming decrease in American fertility rates, which Wattenberg (1987) argued was the result of many factors, including better education and career opportunities for women, legalized abortion, increased access to contraceptives, urbanization, and environmental concerns (p. 129). He felt that fear of the “population explosion” was partly to blame as well (p. 12). After all, attitudes about the ideal family had changed drastically since the early postwar years to be more in line with ZPG’s “Stop at Two” mantra. For example, a 1945 Gallup Poll revealed that 47% of Americans believed that four or more children was the ideal family size, and in 1959 it was nearly the same at 45%, while by 1985 only 11% believed this. By 1985 56% believed two children were best, while only 16% had felt this way in 1959 (p. 6).

His fears were also part of larger conservative concerns about population/environmental activists and their values (Kaye, 1987, p. 20).

Wattenberg argued that the “birth dearth” would hurt not only Americans but the whole “modern, Western world” by leading to economic turbulence, causing personal unhappiness and unfulfillment for millions of adults, and damaging American and western political power and security on an international scale. He argued, for example, that a nation cannot achieve “super-power” status without a large population to support it (Wattenberg, 1987, pp. 7, 8, 82). And, although Wattenberg himself said he did not support the idea that America should remain of mainly “white European ‘stock,’” he speculated increased immigration and high fertility rates of non-White people would likely cause “racial and ethnic turbulence” in the United States as the percentage of White Americans decreases significantly (pp. 112–115).

In contrast, Weber and other members of ZPG posited that, despite the strides the population movement had made toward normalizing the two-child family, there was still much work to be done. Publications such as the ZPG Reporter frequently cited the need to encourage one-child and childfree families and to make small-family choices acceptable and widespread. For example, in 1990 ZPG published Planning the Ideal Family: The Small Family Option, which encouraged one- and no-child families, recognizing the “sizeable amount
of societal and parental pressure to reproduce” (“Childfree by Choice,” 1989). While only children were often viewed as selfish, childfree couples, too, were stereotypically labeled selfish and materialistic (and very likely to wind up seriously regretting their decision to not procreate) (“Childfree by Choice,” 1989; Wasserman, 1990; Wattenberg, 1987). ZPG tried to dispel notions that it was abnormal to not want children, even inviting childfree women, like Leslie Lafayette, to share their positive experiences and lives without children (Lafayette & McCarty, 1994, p. 5).

The final clip described here involves a discussion of population growth by Werner Fornos, president of the Population Institute, a nonprofit that seeks to increase “access to family planning information, education, and services” (Population Institute, n.d.). Like Ehrlich and Weber, Fornos emphasized the role of Americans in population growth and the importance of recognizing that role. He attempted to refute the idea that the population problem was one that “others” had to deal with. Unlike Ehrlich, though, he believed that each couple should have the number of children they could care for and be responsible for. Give people the education, resources, and opportunity to make family planning decisions for themselves, he argued, and they will often choose to have smaller families (C-SPAN, 1998a, 1998b). In response to a Q&A session question, Fornos emphasized that it was “our [American] prohibitive consumptive lifestyles [that] contribute to what’s happening on this planet. . . . We in the industrialized world make up 20% of the world’s population, and we consume 80% of the world’s resources” (Fendley, 2019a). Population growth was slowing, particularly in developed nations like the United States, but American affluence continued to be highly problematic. Though Fornos, with publications like Gaining People, Losing Ground: A Blueprint for Stabilizing World Population (1987), often focused on the role of government in stabilizing the global population, he and others helped to remove the “vague vastness of the population problem” that had been an issue for concerned Americans at the time (Morain, 1988, p. 29). This, coupled with tangible grassroots solutions provided by groups like ZPG, gave such people the drive and resources to, they hoped, affect greater change.

As these three C-SPAN video clips demonstrate, population stabilization was on the minds of many environmentally conscious individuals, even into the late 1980s and the 1990s when how to tackle this issue (or whether population growth was an issue) was a problem of increased political division. At the turn of the 21st century, environmentalists and proponents for curbing the population, like Democrats Al Gore, Timothy Wirth, and Gaylord Nelson, continued to push for
policy, resources, and awareness of the population problem. Rhetoric about the importance of assuming more personal responsibility for social issues permeated both the Democratic and Republican parties at the time. Many of these individuals noted the continued silence from the government, citing the persistent controversy caused by any discussions of curbing population growth (C-SPAN, 1992, 1994, 2003). And population advocates of the 1990s were plagued with the task of trying to undo the “The More People, the Better” mentality of the Reagan-Bush era (Sharpless, 1995, p. 95). Grassroots population activism flourished under the Clinton administration, though it was his vice president, Al Gore, who spoke up about the population problem (“Grassroots Action,” 1993). Despite cultivating a movement of increased awareness about population issues over the latter decades of the 20th-century, the population movement failed to create a “national dialogue on sustainability” (C-SPAN, 2003). Even so, Americans for zero population growth continued to push for policy solutions and political involvement, while keeping in mind their own impact on the wider world.

The 1990s proved to be a decade of great debate over the population problem, and the C-SPAN Video Library provides insights into these conversations. For example, many key figures in the environmentalist movement published significant works throughout the decade, demonstrating that the fuse on the population bomb continued to burn brightly. A steady publication of popular texts, studies, and grassroots booklets—from Paul and Anne Ehrlich’s *The Population Explosion* (1990) to Joel E. Cohen’s *How Many People Can the Earth Support?* (1995) and even Al Gore’s *Earth in the Balance: Ecology and the Human Spirit* (1992)—highlighted the dangers that unchecked population growth continued to cause for human life and the planet. Many of these voices stressed the importance of individual responsibility, awareness, and activism, channeling the population movement of the 1970s, which had recognized the “individual sacrifices of the everyday citizen” to combat population growth whose “personal decisions have massive social implications” (Flippen, 2000, p. 167; Sharbutt, 1973). This emphasis on each individual was in part a challenge to the pessimistic, declension narrative of the environmentalist movement, which obscured individual efforts in the face of large-scale detriment to the Earth (Kirk, 2007, p. 6).

Satisfied that the two-child ideal had come to fruition, ZPG shifted its focus to destigmatizing the one-child and childfree family. Others joined in as well. For example, in 1998 environmentalist Bill McKibben published *Maybe One: A Personal and Environmental Argument for Single-Child Families*, refuting the idea that only children are more selfish or at risk of behavioral problems, all
while inviting other families to consider “stopping at one” to curb the population (McKibben, 1998). He believed that it was time for Americans to develop “some new social norms, through gradual shifts in what’s counted as desirable” when it comes to having children (or not) (p. 12). After having his first child, McKibben sought a vasectomy (McKibben, 1998). Would one surgery solve the population problem? Of course not, he likely recognized. But his actions, and those of other concerned Americans, highlights the dedication to solving overpopulation by taking personal responsibility for it. He, too, contended that Americans needed to be having smaller families: not under coercion, or fear, but because they recognized their individual stake in a wider, global issue. This is one aspect of the history of the population movement that is rarely acknowledged in historical scholarship: the importance of individual responsibility and conscious decision-making in family planning that population proponents encouraged; the need for every person to take personal or political action to help curb the population. Through continuing to research the various ways in which Americans have understood population growth, I hope to illuminate the extent to which population-conscious Americans have sought dramatic changes by thinking globally and acting locally.

NOTES


2. For example, one of ZPG’s former director of operations, Norman L. Rogers, argued that “to achieve the goal of Zero Population Growth, American couples must be convinced that they should have not more than two children” (Rogers, 1971).

3. Pronatalism is defined as “any attitude or policy that is ‘pro-birth,’ that encourages reproduction,” or “that exalts the role of parenthood” (Peck & Senderowitz, 1974, p. 1).

4. In the 1970s, for example, liberals and conservatives alike united over a “revitalized celebration of population growth” due to concerns over U.S. stagflation. Further, Hoff (2012) argues that most economists who analyzed the effects of
the “birth dearth” or contemplated the consequences of a no-growth society “did not have a political agenda” (p. 231). Even so, support for zero population growth has stemmed mainly from liberals and moderates, while concern over population decline is largely characterized as conservative.

5. Unfortunately, the need to curb the population was sometimes used to rationalize racially charged anti-immigrant rhetoric, which “took off as a grassroots issue” during the early part of the decade (Goodman, n.d.). White supremacists like John Tanton used concerns about overpopulation to fuel and reinforce anti-immigrant, pro-eugenic attitudes and policy, which have not only left an ugly enduring legacy but stigmatized serious discussions of population issues (Goodman, 2019; Hoff, 2012, p. 247; Kopnina, & Washington, 2016).

6. For example, Pierre Desrochers and Christine Hoffbauer argue that the “intellectual roots” of Ehrlich’s *The Population Bomb* lay in the environmentalist works of Osborn (1948) and Vogt (1948).

7. However, some of their efforts were still focused on global family planning. When ZPG later changed its name to Population Connection, it shifted its focus mainly to the global population problem and increasing contraceptive access to women in developing countries.

8. Numerous monographs have discussed ZPG’s role in many of these issues, though not at length. For example, see Staggenborg (1994), Kluchin (2011), and Connelly (2008).

9. This is in contrast to, for example, those who believed that increasingly sophisticated technologies will mitigate population and consumption-related problems. See, for instance, Kirk (2007).

10. Though, like many on the opposing side of the population debate, he encouraged incentives or persuasion to convince Americans to have more children. See Cohen (1988).

11. By contrast, the Reagan-Bush administrations held mixed positions on population growth. The Reagan administration viewed the economic consequences as “neutral” and focused on promoting pronatalism at home while seeking to end funding for population initiatives in developing countries. Much of the controversy involved a growing lobbying influence of conservative, anti-interventionist Christian Americans who condemned providing family planning funding for abortions. Seeking to undo the United States’ previous financial support for population-curbing initiatives abroad, Bush “continued the policies of the Reagan administration in opposing any financial assistance,” such as funding for
the United Nations Fund for Population Activities (Sharpless, 1995, pp. 95, 96).

12. In 1992 she founded the ChildFree Network, “a national support organization for adults childfree by choice or chance.” Leslie Lafayette was interviewed by ZPG member Laura McCarty.

13. As illuminated by the C-SPAN Video Library, Al Gore would talk explicitly about the need to address population growth, while Bill Clinton alluded to, but did not state in his address, that there was a population problem. See C-SPAN (1992) and C-SPAN (1993).

14. Al Gore stated something similar when reflecting on why he had written *Earth in the Balance*: “Instead of seeing it just as an outgrowth of the new scientific and technological assault on the Earth and the population explosion which is adding one China’s worth of people every 10 years, I began to feel that the deeper causes are within our own lives as individuals. What gives us the notion that we are just isolated from one another with no responsibility to the future our children are going to live in, no connection to the communities in which we live our lives” (C-SPAN, 1992).

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INTRODUCTION

Estimating C-SPAN’s media footprint is difficult since viewership statistics are not publicly available. And, rightfully so. Unlike local and national news organizations, C-SPAN is not meant to generate a profit. Rather it aims to create a public and nonpartisan record of what transpires on Capitol Hill. In doing so, it provides an important public service, especially to third parties who often use C-SPAN video to highlight important policy discussions. To this end, the C-SPAN Video Library is the main platform by which this information is found and ultimately downloaded, but we know very little about what type of information is accessed. This study addresses this noticeable gap in the literature by answering a simple question: what types of videos are viewed on C-SPAN’s website?

Answering this question not only gets at the heart of C-SPAN’s role in the broader media cycle, but it also adds considerably to previous literature. First, regardless of whether a study considers local or national coverage, we often do not know the extent to which a single news story is viewed. Instead, scholars tend to use aggregate viewership statistics to suggest that lots of people watch the network or show and in turn must also view a given story. However, just because a news story appears on a popular network or show does not mean the story itself was watched by the same number of viewers. By providing the number of times a video was viewed online, the C-SPAN Video Library actually provides such
a measure, which makes it particularly useful for assessing the overall interest viewers have in certain members of Congress (MCs) and legislative activities.

Second, C-SPAN itself is often offered as the primary way by which floor speeches reach constituents and colleagues (see, e.g., Maltzman & Sigelman, 1996). As Kingdon (1989) notes, “it has become common for members or their staff to listen to the debate on the set in the office, keeping one ear on the proceedings while attending to other kinds of work” (p. 103). Although the number of online views is not what Kingdon describes, in this study we use this measure as a proxy for such interest, which we argue is the most direct measure to date. Not only does our approach give some insights into whether some representatives are given more desirable floor time, but it also helps determine whether such speaking efforts are valuable from a policy or electoral standpoint.

In the next section of this chapter we review previous work on congressional media coverage, which is then placed in the broader context of C-SPAN. Using these insights, we generate several testable hypotheses related to various MC characteristics. Similar hypotheses will be developed about certain issues, but we have not yet conducted these analyses. Ultimately, we find that women are actually viewed more than men on C-SPAN’s website, which can be attributed to a number of factors, something we discuss in the conclusion of this chapter.

**LITERATURE REVIEW**

Political communication scholars have long noted the importance of journalism norms when covering Capitol Hill (e.g., Bennett, 2016; Cook, 1998, 2006; Sparrow, 1999). Although several factors are predictive of news coverage, variables like novelty and timeliness have been shown to be the most relevant (Tuchman, 1978). This is unsurprising given the corporate side of the news business, which often favors more marketable forms of journalism (Hamilton, 2004; Sparrow, 1999). Congressional news coverage is likely influenced by these same economic pressures.

For example, scholars have consistently found that MCs with higher political standing are more likely to be covered by national news organizations (e.g., Cook, 1986; Johnson & O’Grady, 2013). Over the course of their careers, party leaders develop working relationships with news organizations. When they appear again and again, they create a continuity that is valuable to both journalists and viewers. Moreover, unlike the rank and file, Speakers such as Nancy Pelosi
(D-CA) or Paul Ryan (R-WI) can actually turn their rhetoric into action, making them inherently more newsworthy. This is why institutional standing is “the first and clearly most studied variable” (Vos, 2014, p. 2448).

Mixed results have been found for other variables. For example, Fogarty (2008) found no significant relationship between seniority and news coverage, whereas the inverse is true for Cook (1986), Kuklinski and Sigelman (1992), and Sellers and Schaffner (2007). Similarly, Cook (1986) found that more extreme MCs were more likely to be covered by the news, whereas Squire (1988) and Arnold (2004) found no such relationship. These inconsistencies also extend to demographic characteristics, like gender, where Vos (2014) identified four studies in which gender was a significant predictor and eight studies in which it was not. Even though only one of these gender studies was based in the United States, similar inconsistencies have also been found in the news coverage of legislative activity on Capitol Hill.

For example, Gershon (2012) found that MCs who produced more press releases were more likely to receive press coverage, suggesting that members who apply “more effort to communicate with the press” are likely to be rewarded (p. 170). Arnold (2004) found a similar result with respect to the amount of effort on Capitol Hill. Using counts from the Congressional Quarterly Weekly Report, he found that MCs who produced more “newsworthy activities” appeared more often in local and national newspapers. Unfortunately, outside of these studies, little evidence has been found to suggest legislative work is positively associated with the amount of media coverage. For example, Fogarty (2008) found that the number of bills sponsored and the number of press releases had no significant effect on the number of newspaper articles they received, leading him to conclude that members’ actions “play no role in the amount of coverage they receive” (p. 461).

Although many have studied C-SPAN (e.g., see Frantzich, 1996), scholars of legislative speech have considered it the most (Maltzman & Sigelman, 1996; Morris, 2001). In these studies, C-SPAN is offered as one of the main ways that floor speeches reach constituents and colleagues. This study makes a similar argument, but instead of focusing on instances in which C-SPAN is viewed directly, we are primarily interested in the redistribution of C-SPAN footage by third parties, like media outlets or interested citizens.

Similar to studies that have used social media posts as a way to measure political interest (Barberá & Rivero, 2015), we use the number of views on the C-SPAN Video Library to achieve a similar end. However, instead of focusing
on the general public, we focus on C-SPAN viewers who tend to be more politically sophisticated (Maltzman & Sigelman, 1996). Although we fully acknowledge the limited scope of our study, we also point out the advantage of being able to directly measure viewership—at least with respect to the C-SPAN website.

Previous work has operationalized media coverage by counting the number of times people and policies are mentioned. Such efforts assume that each newspaper article is being read at the same rate and each television broadcast is being watched by the same number of people. By using the actual number of times a video is viewed on C-SPAN’s website, our study does not suffer from this limitation, even though we fully acknowledge that the number of online views is at best a useful proxy for the number of people who actually watched.

THEORETICAL EXPECTATIONS

Our theoretical expectations are derived from previous literature on congressional media coverage. On the one hand, C-SPAN video often appears on national and local television broadcasts, which means the variables that generally predict congressional news coverage should also predict the number of views on C-SPAN. However, C-SPAN is also a nonprofit entity, meaning many of the motivations of national and local news organizations may not apply to the number of times videos are viewed on C-SPAN’s website. With this caveat in mind, we will now outline our initial hypotheses.

First, we expect that senior MCs will be viewed more often on C-SPAN’s website. News agencies often insist on “relevancy” (see Harcup & O’Neill, 2016, p. 1482), meaning those who have a greater opportunity to influence the legislative process are more likely to be covered (see Harcup & O’Neill, 2016, p. 1471). Thus, both seniority (Kuklinski & Sigelman, 1992) and institutional position (Cook, 1986; Johnson & O’Grady, 2013) should increase the number of C-SPAN views. For similar reasons, we also expect party leaders will also receive more views.

Second, the classic workhorse versus show horse hypothesis suggests that some MCs are better able to garner media attention while others focus more on their effort on legislative duties (Payne, 1980). Although several studies have called this hypothesis into question (e.g., Langbein & Sigelman, 1989; Sinclair, 1986), others have found that congressional “mavericks” are increasingly “rewarded by considerable media exposure” (Cook, 1986, p. 205). More recently, Wagner & Gruszczynski (2018) also found that ideologically extreme MCs
received more coverage. These results and previous work on partisan rhetoric (Morris, 2001; Proksch & Slapin, 2012) lead us to expect that ideologically extreme MCs will receive more C-SPAN views.

Finally, we are interested in whether women are viewed more often than men, but we have no strong expectations given the mixed findings in the literature. For example, Niven (2005) finds that female MCs receive less total coverage, but Carroll and Schreiber (1997) find that they receive more attention on “women’s issues” like abortion and family leave. Conversely, when they address other matters news outlets are less likely to cover their efforts (Braden, 1996). However, since we know female MCs are more likely to speak about “women’s issues” (Gerrity et al., 2007; Osborn & Mendez, 2010), they should receive more views on C-SPAN’s website, even though the underlying mechanism is still unclear.

DATA AND METHODS

The C-SPAN data used in this study were collected in fall 2019. The study includes all videos posted on the website, including their descriptive data. Our main variable of interest is shown below “View in Congressional Chronicle” in Figure 8.1. This is the total number of times the video was viewed on the C-SPAN Video Library. Although we cannot say who viewed the video, we see this as being equivalent to the total amount of news coverage used in previous studies. Instead of identifying newspaper and television mentions, we directly measure the number of times videos are viewed on C-SPAN’s website.

The total number of views was obtained for 7,749 videos beginning in 1980 and ending in 2019. Of these, 6,010 were videos of “House Sessions,” 1,282 were “Morning Hours,” and 457 fit into neither category. For the purpose of our initial
analysis, we aggregated our data to year-level measures of the total number of views for videos in which the MCs appeared.

Speech data was obtained from HouseLive—an online service from the Office of the Clerk that provides live and archived video of proceedings in the U.S. House. In total, speech data was collected from 863 U.S. House debates beginning on January 6, 2009, and ending on August 4, 2014, representing the totality of debate occurring on the U.S. House floor over those 5 and a half years. These data were then restricted to speeches that were at least 50 words, yielding the text for 74,158 speeches.

Ideology is measured using DW-Nominate scores obtained from VoteView. Seniority and gender were obtained from GovTrack. Party leaders are defined as the Speaker of the House, majority/minority leader, and majority/minority whip. This is entered into our models as a dummy variable with a 1 indicating the MC was a party leader and a 0 otherwise. In addition to our main independent variables, we also included whether the MC was a member of the majority party as an additional control. The MC’s race was also included as a control, as well as fixed-effects for the year in which the video appeared and the state the MC represented. The former controls for any temporal trends in C-SPAN online views while the latter accounts for MCs receiving more views simply because they represent larger constituencies.

RESULTS

Figure 8.2 shows the total number of speeches delivered in a given year for all MCs (see histogram A) and the total number of views on C-SPAN’s website (see histogram B). These numbers were calculated in the following way. Imagine in 2019 a MC gave two speeches. Let’s also assume the videos of the debates in which the first and second speeches appeared were viewed 10,000 and 15,000 times, respectively. This means the MC would have two total speeches and 25,000 total views on the C-SPAN Video Library in 2019. This calculation was repeated for all MCs and years in our floor speech data (2009–2014). To make histogram B more comparable to histogram A, we divided the total number of speeches by 10,000, so histogram B should be interpreted as 10s of 1000s of views.

Both histograms are right skewed, meaning most MCs delivered few speeches and received little attention on the C-SPAN Video Library, while some MCs gave many speeches and had a large number of online views. Given the skewed nature
of the distribution outlined in histogram B, the total number of views was divided by the total number of days the MC spoke in a given year, which gives the expected number of views for a given speech. This assumes the speech was observed when someone watched the video on C-SPAN’s website, which we understand is a strong assumption but is necessary nonetheless.

To understand our main dependent variable, imagine that the MC outlined above delivered their two speeches on two separate days. The standardized measure would be 12,500, which is the expected number of views for the videos in which the MC appeared in 2019. Since this variable is also right skewed, we ultimately took the log yielding the following measure:

$$\log \left( \frac{\text{Total Number of Views}}{\text{Total Number of Appearances}} \right)$$

The range of the standardized variable is 4.91 to 11.95, which is a much more reasonable distribution.

Table 8.1 reports the results from an initial ordinary least squares model. Consistent with previous literature, we find party leaders tend to receive more views on C-SPAN’s Video Library. More specifically, when all other variables are held at their mean and modal values, party leaders and the rank and file are
predicted to receive 8.91 and 8.50 views every time they appear (logged). This suggests that party leaders are viewed 4.82% more than the rank and file, which is consistent with our first hypothesis. Similar results are found for seniority, suggesting that MCs who have stronger institutional positions are more likely to garner attention on C-SPAN’s website.

A statistically significant relationship is also found for ideological extremity. This variable is the absolute value of each MC’s DW-Nominate score—a common measure produced by VoteView to quantify MC ideology—with larger values implying they are more toward the tails of the liberal and conservative spectrum. Here, when all other variables are held at their mean and modes, MCs who are

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<thead>
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<th>TABLE 8.1 What MC Characteristics Predict Online C-SPAN Viewership?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dependent variable:</td>
</tr>
</tbody>
</table>
| \[
\log \left( \frac{\text{Total Number of Views}}{\text{Total Number of Appearances}} \right) \]
| Constant 7.747*** (0.161) |
| Female 0.108** (0.051) |
| Party leader 0.414** (0.196) |
| Seniority 0.006*** (0.002) |
| Committee chair -0.070 (0.074) |
| \(|\text{DW-Nominate}| 0.359*** (0.089) |
| White -0.056 (0.067) |
| Majority party -0.069 (0.041) |
| State fixed effects ✓ |
| Year fixed effects ✓ |
| N 2133 |
| Adjusted R² 0.532 |

Note: *p < 0.1; **p < 0.05; ***p < 0.01.
at the median of the absolute DW-Nominate scale are predicted to receive 8.52 views every time they appear on C-SPAN (logged), whereas those who are at the third quartile of ideological extremity are predicted to receive 8.69 views for every appearance (logged). This 2% difference suggests that as MCs move further out on the ideological spectrum, they are increasingly likely to be viewed on the C-SPAN Video Library.

Finally, we find that female MCs receive 1.12% more views than male MCs. More specifically, when all other variables are set to their mean and modes, female MCs are predicted to receive 8.62 views every time they appear on C-SPAN (logged), whereas male MCs are predicted to receive 8.52 views (logged). This result is consistent with our initial expectation and suggests that female MCs may have an advantage over their male colleagues with respect to the level of the attention they receive on C-SPAN’s website.

We next considered the degree to which issues traditionally advanced by female MCs are viewed by those watching on C-SPAN’s website. Here, there is little guidance in the literature. In fact, we know of no study that has considered viewership levels for individual issues, let alone those that appear on C-SPAN. Based on the timeframe of our data (2009–2014), we expect health care will likely be covered heavily due to the Affordable Care Act, but beyond that we have little a priori expectations.

Given that we have no strong prior expectations, we decided to use an unsupervised topic model developed by Roberts et al. (2014) to determine what topics tend to generate the most views on C-SPAN. This model allows researchers to “structure” the underlying Dirichlet distribution with other covariates. Although one could use any number of covariates to fit this model, in this chapter we only used two: the date of the speech and the speaker’s ideology. The first covariate attempts to account for the fact that only a handful of topics are discussed on a given legislative day. Similarly, liberals are more likely to discuss similar issues as compared to their conservative counterparts, and vice versa. Thus, including the member’s ideology—as measured by DW-Nominate scores—should help create more sensical topics.

The results of our topic model are found in Table 8.2. Here, the column on the far right is the average proportion of speeches dedicated to that topic, meaning a score of 0.10 implies one should expect to find that topic in 10% of the average speech. The labels (second column from right) are not provided by the model but are added post hoc. These are meant merely to help with the exposition of the model results throughout the remainder of this chapter. The remaining
### TABLE 8.2 Using a Structural Topic Model (STM) to Identify the Issues Being Discussed in the U.S. House of Representatives

<table>
<thead>
<tr>
<th>Topic</th>
<th>Word 1</th>
<th>Word 2</th>
<th>Word 3</th>
<th>Word 4</th>
<th>Word 5</th>
<th>Label</th>
<th>Proportion</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>court</td>
<td>case</td>
<td>justic</td>
<td>judg</td>
<td>law</td>
<td>Law 1</td>
<td>0.01</td>
</tr>
<tr>
<td>2</td>
<td>right</td>
<td>peopl</td>
<td>constit</td>
<td>american</td>
<td>freedom</td>
<td>Rights</td>
<td>0.03</td>
</tr>
<tr>
<td>3</td>
<td>collegu</td>
<td>support</td>
<td>today</td>
<td>like</td>
<td>new</td>
<td>Collegiality 1</td>
<td>0.05</td>
</tr>
<tr>
<td>4</td>
<td>work</td>
<td>make</td>
<td>need</td>
<td>peopl</td>
<td>can</td>
<td>Values</td>
<td>0.07</td>
</tr>
<tr>
<td>5</td>
<td>war</td>
<td>militari</td>
<td>afghanistan</td>
<td>forc</td>
<td>defens</td>
<td>Middle East 1</td>
<td>0.02</td>
</tr>
<tr>
<td>6</td>
<td>school</td>
<td>educ</td>
<td>student</td>
<td>colleg</td>
<td>communiti</td>
<td>Education</td>
<td>0.02</td>
</tr>
<tr>
<td>7</td>
<td>republican</td>
<td>american</td>
<td>democrat</td>
<td>will</td>
<td>pass</td>
<td>Party</td>
<td>0.04</td>
</tr>
<tr>
<td>8</td>
<td>busi</td>
<td>small</td>
<td>regul</td>
<td>cost</td>
<td>will</td>
<td>Business</td>
<td>0.02</td>
</tr>
<tr>
<td>9</td>
<td>budget</td>
<td>spend</td>
<td>cut</td>
<td>year</td>
<td>debt</td>
<td>Spending Cut</td>
<td>0.04</td>
</tr>
<tr>
<td>10</td>
<td>secur</td>
<td>nation</td>
<td>inform</td>
<td>protect</td>
<td>agenc</td>
<td>Security</td>
<td>0.03</td>
</tr>
<tr>
<td>11</td>
<td>energi</td>
<td>oil</td>
<td>gas</td>
<td>will</td>
<td>price</td>
<td>Energy</td>
<td>0.02</td>
</tr>
<tr>
<td>12</td>
<td>state</td>
<td>unit</td>
<td>texa</td>
<td>border</td>
<td>come</td>
<td>Immigration 2</td>
<td>0.02</td>
</tr>
<tr>
<td>13</td>
<td>care</td>
<td>health</td>
<td>insur</td>
<td>will</td>
<td>cost</td>
<td>Health Care</td>
<td>0.04</td>
</tr>
<tr>
<td>14</td>
<td>women</td>
<td>children</td>
<td>famil</td>
<td>live</td>
<td>life</td>
<td>Children</td>
<td>0.03</td>
</tr>
<tr>
<td>15</td>
<td>nuclear</td>
<td>israel</td>
<td>iran</td>
<td>world</td>
<td>peac</td>
<td>Middle East 2</td>
<td>0.02</td>
</tr>
<tr>
<td></td>
<td>job</td>
<td>economi</td>
<td>creat</td>
<td>american</td>
<td>econom</td>
<td>Jobs</td>
<td>0.04</td>
</tr>
<tr>
<td>---</td>
<td>-----</td>
<td>---------</td>
<td>-------</td>
<td>----------</td>
<td>--------</td>
<td>---------------</td>
<td>------</td>
</tr>
<tr>
<td>17</td>
<td>peopl</td>
<td>get</td>
<td>thing</td>
<td>talk</td>
<td>got</td>
<td>Discursive 1</td>
<td>0.05</td>
</tr>
<tr>
<td>18</td>
<td>honor</td>
<td>year</td>
<td>great</td>
<td>serv</td>
<td>first</td>
<td>Collegiality 2</td>
<td>0.04</td>
</tr>
<tr>
<td>19</td>
<td>transport</td>
<td>build</td>
<td>new</td>
<td>system</td>
<td>air</td>
<td>Transportation</td>
<td>0.02</td>
</tr>
<tr>
<td>20</td>
<td>financi</td>
<td>credit</td>
<td>loan</td>
<td>bank</td>
<td>street</td>
<td>Financial</td>
<td>0.02</td>
</tr>
<tr>
<td>21</td>
<td>will</td>
<td>side</td>
<td>pass</td>
<td>floor</td>
<td>debat</td>
<td>Procedural</td>
<td>0.05</td>
</tr>
<tr>
<td>22</td>
<td>water</td>
<td>land</td>
<td>area</td>
<td>communiti</td>
<td>nation</td>
<td>Land</td>
<td>0.03</td>
</tr>
<tr>
<td>23</td>
<td>law</td>
<td>immigr</td>
<td>enforc</td>
<td>victim</td>
<td>crime</td>
<td>Immigration</td>
<td>0.02</td>
</tr>
<tr>
<td>24</td>
<td>say</td>
<td>think</td>
<td>know</td>
<td>want</td>
<td>one</td>
<td>Discursive 2</td>
<td>0.08</td>
</tr>
<tr>
<td>25</td>
<td>fund</td>
<td>program</td>
<td>million</td>
<td>provid</td>
<td>billion</td>
<td>Welfare 1</td>
<td>0.04</td>
</tr>
<tr>
<td>26</td>
<td>tax</td>
<td>govern</td>
<td>pay</td>
<td>feder</td>
<td>american</td>
<td>Tax</td>
<td>0.03</td>
</tr>
<tr>
<td>27</td>
<td>administr</td>
<td>quot</td>
<td>report</td>
<td>obama</td>
<td>public</td>
<td>Administration</td>
<td>0.03</td>
</tr>
<tr>
<td>28</td>
<td>act</td>
<td>requir</td>
<td>author</td>
<td>law</td>
<td>provis</td>
<td>Law 2</td>
<td>0.05</td>
</tr>
<tr>
<td>29</td>
<td>famili</td>
<td>food</td>
<td>benefit</td>
<td>million</td>
<td>cut</td>
<td>Welfare 2</td>
<td>0.02</td>
</tr>
<tr>
<td>30</td>
<td>servic</td>
<td>veteran</td>
<td>nation</td>
<td>serv</td>
<td>support</td>
<td>Veterans</td>
<td>0.03</td>
</tr>
</tbody>
</table>

*Note: Top 5 words and labels from the (*) STM are included. The labels are not returned by the software. They were added after reviewing the top 5 words and other related output.*
columns are the top 5 words that appear within the topic and should give the reader a general sense of what the topic is capturing.

To determine the topics that generate the most views on C-SPAN’s website, we estimated 30 individual negative binomial regressions in which the dependent variable is the number of views a MC received in a given year and the independent variable is the proportion of their speeches dedicated to a given topic in that same year. A speech was considered dedicated to a given topic if that topic was one of the top five topics discussed in the speech, according to the proportions returned by our model (see far-right column in Table 8.2). Again, since we do not have views by speech we must rely on such levels of aggregation, so our results should be interpreted as suggestive rather than definitive. Figure 8.3 plots predicted values from these regressions where the number of speeches on a given topic is set to the mean. We then sorted the results such that the topic with the most views appears on the left end of the x-axis.

The topic that generated the most C-SPAN views was Party which includes words like “Republican” and “Democrat.” When this topic is set to its mean, the predicted number of C-SPAN views is currently (as of this writing) 62,309, which is 4.10% higher than the topic that generated the least amount of views. This topic is labeled Land and includes words like “water” and “land.” When this topic is set to its mean, the current predicted number of views is 59,855, which suggests that there are somewhat noticeable differences between some of the topics.

![Figure 8.3: What topics are predicted to receive the most C-SPAN views?](image-url)
in terms of C-SPAN online viewership but that these differences should not be overstated. With that said, we are sure most MCs would prefer to have a larger audience than a smaller one, so—although somewhat slight—the differences we uncovered could be substantively important, depending on the circumstances.

For us, the more interesting question is whether topics typically advanced by female MCs generally garner fewer views. Although in the literature there is considerable debate over what constitutes women’s issues (Volden et al., 2018), most would agree that health care, education, and issues related to the family are typically associated with female MCs. When one looks at the ranking found in Figure 8.3, it is readily apparent that for the most part, these issues seem to receive less attention on C-SPAN’s website. The one noticeable exception is the topic we labeled Health Care, which includes words like “health” and “insurance.” This is the 6th most viewed topic, whereas the topics Children and Education appear in the bottom half. The topic Children includes words like “children” and “family” and also is the only topic to include “women” in its top five words. Children is the 16th most viewed topic, while the topic Education, which includes words like “school” and “college,” is the 21st most viewed.

Of the 30 negative binomial regressions we estimated, we found the proportion of speeches dedicated to a given topic was a statistically significant predictor (p < 0.05) of the number of online C-SPAN views in 20 models. In the 10 models where no such relationship was found, the topics were Party, Energy, Health Care, Middle East 2, Jobs, Financial, Discursive 2, Taxes, Administration, and Welfare 2. While the top words associated with these topics can be found in Table 8.1, we would like to note that all of these topics are in the top 10 in terms of predicted online C-SPAN viewership. This suggests that these topics may—on their face—generate more views than others, but it may be difficult to distinguish one speech from another, at least in terms of online C-SPAN viewership.

Finally, we wanted to know how gender influenced the viewership of certain topics, especially those typically associated with women. Given previous work emphasizing the importance of women talking about women (Gerrity, et al., 2007; Osborn & Mendez, 2010), one would expect that female MCs would receive more views when they talk about women, as compared to other issues. We test this hypothesis using the topic Children from the topic model outlined in Table 8.2. Recall that this is the only topic containing a direct reference to women, so we think it is the most useful for answering this particular question.

Table 8.3 reports the results from a negative binomial regression in which the dependent variable is the total number of views and the independent variable is
TABLE 8.3  Do Female MCs Receive More C-SPAN Views?

<table>
<thead>
<tr>
<th>Dependent variable:</th>
<th>Total number of speeches</th>
</tr>
</thead>
<tbody>
<tr>
<td>Constant</td>
<td>10.154***</td>
</tr>
<tr>
<td></td>
<td>(0.205)</td>
</tr>
<tr>
<td>“Children” speeches</td>
<td>0.018</td>
</tr>
<tr>
<td></td>
<td>(0.203)</td>
</tr>
<tr>
<td>Female</td>
<td>0.494***</td>
</tr>
<tr>
<td></td>
<td>(0.092)</td>
</tr>
<tr>
<td>Party leader</td>
<td>0.879***</td>
</tr>
<tr>
<td></td>
<td>(0.254)</td>
</tr>
<tr>
<td>Seniority</td>
<td>0.008***</td>
</tr>
<tr>
<td></td>
<td>(0.003)</td>
</tr>
<tr>
<td>Committee chair</td>
<td>-0.047</td>
</tr>
<tr>
<td></td>
<td>(0.094)</td>
</tr>
<tr>
<td></td>
<td>DW-Nominate</td>
</tr>
<tr>
<td></td>
<td>(0.114)</td>
</tr>
<tr>
<td>White</td>
<td>-0.045</td>
</tr>
<tr>
<td></td>
<td>(0.086)</td>
</tr>
<tr>
<td>Majority party</td>
<td>-0.181***</td>
</tr>
<tr>
<td></td>
<td>(0.052)</td>
</tr>
<tr>
<td>“Children” speeches × Female</td>
<td>-0.751**</td>
</tr>
<tr>
<td></td>
<td>(0.374)</td>
</tr>
<tr>
<td>State fixed effects</td>
<td>✓</td>
</tr>
<tr>
<td>Year fixed effects</td>
<td>✓</td>
</tr>
<tr>
<td>N</td>
<td>2,212</td>
</tr>
<tr>
<td>Log likelihood</td>
<td>-25,700.780</td>
</tr>
<tr>
<td>θ</td>
<td>0.930</td>
</tr>
<tr>
<td>AIC</td>
<td>512,529.560</td>
</tr>
</tbody>
</table>

Note: *p < 0.1; **p < 0.05; ***p < 0.01.

the interaction between a dummy variable that indicates whether the MC was female and the proportion of their speeches dedicated to the topic Children in a given year. Again, a dedicated speech is one in which the topic Children was in the top 5 according to our model. The significant negative interaction suggests that as women talk more about women they are viewed less on C-SPAN’s website.
At first this may seem counterintuitive, but we think this is potential evidence of tokenism, which has been discussed at length in previous literature (e.g., Kanthak & Krause, 2010; Kathlene, 1994). To make this point, Figure 8.4 shows the predicted values from this model, holding all other variables as their mean and mode. On the x-axis we allow the proportion of total speeches dedicated to the topic Children topic to vary from the first quartile (0.000) to third quartile (0.148). The y-axis is not the raw predicted values but instead is standardized to a percentage increase or decrease over the predicted value when the x-axis is set to zero. This was done because female MCs are predicted to receive considerably more views than their male counterparts.

More specifically, when the proportion of total speeches dedicated to the topic Children is set to zero and all other variables are held constant at their mean and mode, female MCs are currently predicted to receive 140,416 views on C-SPAN’s website. Conversely, when the same prediction is made for male MCs, they are only predicted to receive 85,637 views. Undoubtedly, a MC cannot receive C-SPAN views when they do not give a speech on C-SPAN, but these predicted values are consistent with what we found in Table 8.1. Simply
put, female MCs are more likely to receive views on C-SPAN’s website as compared to male MCs.

Figure 8.4 shows that this viewership begins to wane as female MCs increasingly talk about women. This suggests that women are more likely to be viewed on C-SPAN’s website, but they lose this advantage when they choose to talk about women. Such a pattern is consistent with tokenism since it suggests that female MCs are good enough to be viewed on C-SPAN’s website, but this does not necessarily translate to more viewers hearing about issues that are important to women as a group.

**DISCUSSION AND CONCLUSION**

Our results suggest that both the characteristics of MCs and the topics they discuss influence the chance that they are viewed on C-SPAN. This is consistent with previous literature on congressional news coverage, which suggests that C-SPAN viewership may be driven by a similar incentive structure as local and national news organizations, but more work needs to be done in order to better understand this relationship. However, this study is an important first step since it is the first to empirically assess C-SPAN Video Library viewership patterns.

We also think a potentially compelling story could be told about the number of times female MCs are viewed on C-SPAN’s website. Unlike previous literature, which has suggested that female MCs are covered less than male MCs on local and national news broadcasts, we find that they are actually viewed more often on the C-SPAN Video Library. However, this viewership advantage wanes as they increasingly talk about women.

Although it is difficult to state definitively why this relationship exists, we think it is telling that male MCs are essentially always viewed—all else being equal—when they speak, regardless of topic. The fact that female MCs may be forced to pick and choose what topics they discuss in order to be viewed on C-SPAN perhaps underlines the difficult barriers female MCs still face. We hope this chapter will encourage scholars to expand upon these results with both experimental and observational designs that will hopefully shed light on this important question.

Ultimately, we see this chapter as making two important contributions. First, we are the first researchers to directly measure what is viewed the most on the C-SPAN Video Library. Although our measure does not encompass all of
C-SPAN’s viewership, it is still an important step, especially to scholars of legislative speech who consistently suggest that C-SPAN is the main way floor speeches reach colleagues and constituents. Second, we conducted a “story-level” measure, which is distinctly different from counting the number of times a MC appeared in a newspaper article or television broadcast. The latter would be equivalent to counting the number of times a MC appeared on C-SPAN, but we are actually able to get some sense of the extent to which those appearances are being viewed. We think this opens up potentially new research opportunities, especially for those who are interested in congressional news coverage.

REFERENCES


Gershon, S. A. (2012). Press secretaries, journalists, and editors: Shaping local con-


INTRODUCTION

To be politically successful, representatives must communicate effectively with their constituency. Home styles, theorized by Richard Fenno (1978), describe the strategies that representatives employ when communicating with their constituents; three major components are allocation of resources, presentation of self, and explanation of Washington activity. Of the three prominent areas of home styles, explanations of Washington activity have received less scholarly attention (Grose et al., 2015). Washington explanations, though, are an important area of constituent communication, particularly involving communicating policies. Furthermore, contested, or polarized, policies are relatively undertheorized (Bechtel et al., 2015), especially involving strategies used to communicate and debate them. One such strategy includes utilizing media. Media, such as images and videos, are incredibly persuasive tools, yet their presence on social media is relatively understudied (Kharroub & Bas, 2016). Scholarship on multimodal argumentation (Dove, 2012; Kjeldsen, 2015; Kress, 2010; O’Keefe, 1977; Tseronis, 2018) suggests a productive relationship for understanding how media can influence ways of understanding and communicating contested policies. Multimodal argumentation is a relatively underutilized perspective within constituent communication of policy; it suggests that the visual and verbal dimensions of an argument function together. This perspective is particularly productive when examining types of media apart from images, such as videos.
This study conducts a rhetorical framing analysis of videos posted to Twitter about the For the People Act of 2019 (H.R.1) to investigate how media are utilized in representatives’ communication to constituents about contested polices. Framing analyses can take many forms across different paradigms (D’Angelo, 2002; D’Angelo & Kuypers, 2010; Entman, 1993; Goffman, 1974). A framing analysis from a rhetorical perspective is among the best-suited methods for exploring how media can influence audiences’ interpretations of a representative’s communication strategies involving contested policies. A rhetorical perspective in a framing analysis is typically concerned with making interpretive and evaluative observations using qualitative and rhetorical methods as opposed to predominantly empirical observations (Kuypers, 2005, 2010). This framing analysis reviews 89 videos circulated by current members of Congress through Twitter between January 3 and July 3, 2019.

H.R.1 serves as a productive contemporary example of a contested policy (Bechtel et al., 2015). H.R.1 is a bill currently going through the congressional procedure to become law. It was introduced in the House of Representatives on January 3, 2019, where it later passed in March 2019 along party lines. Currently, it is on the Senate’s legislative calendar (see For the People Act of 2019, 2019, for official updates). H.R.1 is significantly polarized; Democratic members of Congress praise its potential and progressivism, while Republican members condemn H.R.1 as a violation of the Constitution. This study analyzes frames produced along partisan lines and sources for the videos used to promote or refute H.R.1. The sources include clips from news media and C-SPAN, as well as videos produced or edited by a representative’s office. Frames observed along partisan lines are best equipped to contribute to the scholarship of constituent framing strategies because of current academic and social attention toward polarization. Meanwhile, frames observed between sources make meaningful contributions to research integrating multimodal argumentation into constituent communication of policy as such analysis is concerned with the media source and uses.

Constituent communication of policy

Constituent communication refers to the strategies that elected representatives use to communicate with their potential voter base, their constituents, and the public (Evans & Hayden, 2018; Fenno, 1978; Grimmer, 2013). Constituent communication is a major area of political communication and political processes in the United States. Richard Fenno’s (1978) home styles are an early and
foundational contribution to constituent communication scholarship. Home styles are various strategies that elected representatives use when communicating with their constituency. The three major areas are the allocation of resources, presentation of self, and explanation of Washington activity (Fenno, 1978, p. 33). A representative's allocation of resources includes not just justifying government spending but also their office's resources, such as the staff's time and efforts (Adler et al., 1998; Fenno, 1978). A representative's presentation of self refers to the ways they conduct themselves in a public setting. There is a surge in scholarship of representatives' self-presentation strategies, particularly in mediated contexts (e.g., Enli & Rosenberg, 2018; Evans et al., 2014; McGregor et al., 2017) and concerning (performed) authenticity (Neblo et al., 2018). Lastly, a representative's explanation of Washington activity often includes issues such as policy positions and ways of benefiting their district (Fenno, 1978; Parker & Goodman, 2009). Explanations of Washington activity, however, have received less scholarly attention than the other two major components of home styles, according to Grose et al. (2015). Importantly, these components are not mutually exclusive; for example, a representative's policy position (explanation of Washington activity) can include questions of political spending (allocation of resources). Though policy communication expands beyond constituent communication, policy communication is also firmly within constituent communication and, especially, a representative's explanation of Washington activity (Fenno, 1978; Grimmer, 2013; Parker & Goodman, 2009). According to Grimmer (2013), a representative's presentation style directly influences their constituents' knowledge and perception of the representative's actions in Congress.

Political polarization is a prominent issue in both constituent and policy communication (Bechtel et al., 2015; Butler & Dynes, 2016; Evans & Hayden, 2018; Mendez & Grose, 2018; San Miguel, 2004). Contested policies, specifically, are policies that are highly politically polarized (Bechtel et al., 2015; San Miguel, 2004). In other words, contested policies have minimal, if any, bi- or multi-partisan agreement for the policy. Policies characterized as contentious often “raise significant questions about national identity, federalism, power, ethnicity, . . . and relations between federal, state, and local governments (San Miguel, 2004, p. 1). Though the United States continues to receive significant scholarly attention involving polarization and contested policies (e.g., Barberá et al., 2015; Hong & Kim, 2016), contested policies are also studied in international contexts (e.g., Bechtel et al., 2015).

Following social media's explosion in popularity, political communication research on how the public and representatives use social media for political
purposes grew exponentially (Boulianne, 2018; Jungherr, 2016; Kümpel et al., 2015). Currently, Twitter is the most ubiquitous social media platform used by members of Congress (Golbeck et al., 2010; King, 2018). Golbeck et al. (2010) found that members of Congress use Twitter, among other platforms, to share official information such as news articles and press releases and to announce upcoming events and activities that involve the representative. Since Golbeck et al.’s (2010) study was conducted, members of Congress face a growing expectation to maintain Twitter use, with all members having at least one Twitter account (King, 2018), though some have multiple accounts to designate campaign use (as implicitly recommended by the House Ethics Manual [House of Representatives, Committee on Standards of Official Conduct, 2008], Chapter 4) and staff-authored messaging. Further, Twitter has become a new form of official statement by representatives, including the presidency, as argued by the Department of Justice in James Madison Project v. Department of Justice (2018).

Political candidates also frequently rely on Twitter for campaign messaging, which is a prominent area of research (e.g., Bossetta, 2018; Evans et al., 2014; Jungherr, 2016; King, 2018). Additionally, representatives often use social media platforms to personalize themselves using various strategies (Evans et al., 2014; Fenno, 1978; Golbeck et al., 2010; McGregor et al., 2017).

Twitter is one of the most frequently studied platforms in political communication, though not uncritically (e.g., Bossetta, 2018). Twitter is a predominately politically oriented social media platform because of its infrastructure and common usage by prominent political figures for political engagement (Bode & Dalrymple, 2016; Bossetta, 2018; Golbeck, Grimes, & King, 2018; Lassen & Brown, 2011; Rogers, 2010; Shearer & Grieco, 2019). Further, studying Twitter can often be a pragmatic choice. Twitter’s data are more easily accessible to scholars and industry professionals when compared to other platforms such as Facebook, which is more protective of proprietary software and data (Murthy & Bowman, 2014), and recent scandals like the Cambridge Analytica controversy have made Facebook a less utilized platform (see Silverman, 2019, for a summary).

**MULTIMODAL ARGUMENTATION ON SOCIAL MEDIA PLATFORMS**

Policy communication is related to theories and strategies of argumentation. For representatives to gain policy support from their constituency or fellow representatives, representatives ought to illustrate (argue) why their position is the preferable option (Fenno, 1978). As social media platforms become a major
source of official communication by representatives, representatives’ messages must structurally conform to platform specifications such as character counts and media file size limits while advancing their policy positions (Bossetta, 2018). These platform characteristics have fostered a move toward more social media usage and have created a productive extension of multimodal argumentation.

Multimodal argumentation includes and moves beyond the “visual turn” in argumentation. Multimodal argumentation posits that argumentation can take place within various modes, or mediums, such as imagery, videos, space and place, time, and the body separately and simultaneously (Kjeldsen, 2015; Kress, 2010; O’Keefe, 1977; Tsononis, 2018). Multimodal argumentation complicates the assumption that argumentation is an inherently and exclusively verbal phenomenon. Modes of argumentation often behave and are structured in different ways. Multimodal arguments consider the roles of both argument and evidence (Blair, 2012; Dove, 2012; Roque, 2012). Further, images lack a cohesive linear structure (Fleming, 1996). Videos do have such a linear structure—a video progresses from the beginning to the end.

Though much of the current multimodal argumentation research privileges the visual dimensions of argumentation, it does not inherently require scholars to eschew the verbal dimension of argumentation. Instead, multimodal argumentation allows for the two dimensions—visual and verbal—to reach a productive intersection of joint arguments (Roque, 2012; Tsononis, 2018). A joint argument occurs when “the visual and the verbal combine in order to construct the argument” (Tsononis, 2018, p. 47). Political communication research commonly includes videos, particularly within political advertising (Kjeldsen, 2015). Political advertising scholars such as Gronbeck (1993), Collins and Schmid (1999), and Geer (2006) have been most concerned with the nuances of campaign advertising. Political videos on social media, though, have been left relatively underaddressed (Kharroub & Bas, 2016).

The distinction between videos on television, such as news broadcasts, and videos on social media platforms are important for scholars to explore further. Social media platforms are increasingly becoming either a source or mediator for news and political information (Geiger, 2019; Shearer & Grieco, 2019). Additionally, representatives are commonly on social media platforms, especially at the federal level (King, 2018). Remediated videos on social media platforms function and present differently than videos “native” to social media. A major difference is the fragmentation of the audience. While specialized television networks contribute to television’s audience fragmentation (Webster, 2005), social media audiences are uniquely fragmented though overlapped with television
audiences (Fletcher & Nielsen, 2017; Webster & Ksiazek, 2012). Whereas television networks can expect a relatively stable audience accessing the station for similar purposes, social media platforms are not guaranteed that same audience stability nor cohesion. This difference is significant because it requires content creators to employ different creative strategies to maintain audience attention (Fletcher & Nielson, 2017; Webster, 2005, 2014; Webster & Ksiazek, 2012).

**METHOD**

This study employs a framing analysis (D’Angelo & Kuypers, 2010; Entman, 1993; Goffman, 1974) to explore the different frames politicians construct utilizing video clips on Twitter in articulating their support or opposition of H.R.1, the For the People Act of 2019. For representatives to successfully communicate complex, contested policies like H.R.1 through social media platforms, they inherently must rely on framing strategies. Frames are “principles of organization which govern events . . . and our subjective involvement in them” (Goffman, 1974, p. 10) and can be identified “by the presence or absence of certain keywords, stock phrases, stereotyped images, sources of information, and sentences that provide thematically reinforcing clusters of facts or judgements” (Entman, 1993, p. 52). As one of the most studied media effects, there is a vast body of research concluding that frames and their manipulations are persuasive with audiences (D’Angelo & Kuypers, 2010; Entman, 1993). Furthermore, framing analyses have been conducted for similar research in political communication, such studies focused on mainstream news (Papacharissi & de Fatima Oliveira, 2008), public opinion (Lecheler & de Vreese, 2012), and social media (Qin, 2015).

This framing analysis uses a rhetorical perspective (Kuypers, 2005, 2010). A framing analysis with a rhetorical perspective is a qualitative endeavor rather than a quantitative one. Thus, rhetorical framing analyses are often conducted inductively from a text (Kuypers, 2010). A common distinction between rhetorical framing analysis and other qualitative framing analyses is an emphasis on interpretation rather than empirical description. Similar to other rhetorical criticism, a critic conducting a rhetorical framing analysis “will not present [their] claims as being the truth about reality, but rather as one way of describing the data” (Kuypers, 2010, p. 294; emphasis added). Additionally, rhetorical framing analyses fall within a critical paradigm in part because they interrogate structures of power and language (D’Angelo, 2002; Entman, 2007; Kuypers, 2010). A
rhetorical approach to framing analysis recognizes that frames and their analysis are important areas of rhetoric, analogous to Kenneth Burke’s terministic screens (Ott & Aoki, 2002). In this respect, such an analysis acknowledges that frames act rhetorically “to define problems, diagnose causes, make moral judgments, and suggest remedies” (Kuypers, 2010, p. 301).

Videos that are posted (remediated or otherwise) to social media platforms include framing strategies (Tseronis, 2018, p. 44). Videos must conform to platform standards (Bossetta, 2018; Bucher & Helmond, 2018), which require that file sizes be within a specific size. When remediating videos from television, such as news or C-SPAN telecasts, representatives (or rather representatives’ communication staff) must trim videos to meet the appropriate file size. This trimming, or framing, can influence audiences’ interpretation of the recorded argumentative situation (Grabe & Bucy, 2009). Additionally, representatives must select the source of the video clip. As identified by Entman (1993), sources of information often produce identifiable frames. Sources-as-frames can be studied further through remediated videos on Twitter. Using remediated video clips from partisan news sources can imply a partisan frame, whereas using remediated video clips from C-SPAN can imply a more objective frame. Frames, though, are often political and strategic (D’Angelo & Kuypers, 2010; Entman, 1993; Gamson, 1989; Goffman, 1974; Kuypers, 2005). By focusing on videos shared by members of Congress through Twitter, this study makes valuable theoretical and methodological contributions. Studies involving political communication on Twitter consistently privilege Twitter’s textual messages (Kharroub & Bas, 2016), missing the rich argumentative abilities of additional media such as videos within tweets (e.g., Davis, 2012; Tseronis, 2018). This oversight is not unexpected, though, as paralleled by Grabe and Bucy’s (2009) critique of earlier scholars prioritizing candidates’ visual and verbal appearance despite television news’s move toward image bites.

The For the People Act of 2019 (H.R.1) is a productive context to explore framing and multimodal argumentation strategies surrounding contested policies. H.R.1 is highly contested and polarized in Congress, passing in the House of Representatives along stark partisan lines (For the People Act of 2019, 2019). Prominent representatives also voiced their support and opposition, such as Senate majority leader Mitch McConnell (2019) referring to the bill as a “power grab” and the “Democrat Politician Protection Act” in a Washington Post opinion piece. Additionally, H.R.1 addresses a broad range of issues, including voting accessibility, election integrity and security, political spending, and ethics.
standards for all branches of the federal government. Some of the high-profile and contentious components of H.R.1 include lowering the voting age to 16,1 enfranchising formerly incarcerated citizens, making Election Day a federal holiday, instituting a federal matching program for small-dollar donations for qualified candidates, and codifying that presidential and vice presidential candidates must release 10 years of tax documents.

**RESEARCH QUESTIONS**

How members of Congress communicate federal policies to constituents is an important area of research across multiple disciplines (Brick et al., 2018; Druckman, 2015; Dunn, 2015). Communication of policy involving election processes, including voting access, is particularly crucial to investigate as elections are a necessary component to a democratic governing system. However, ways of communicating policies are shifting (Nulty et al., 2016). Previously, the most effective ways for members of Congress to communicate policies to their constituents and the public writ large were through personal appearances, such as town halls or traditional news media. More recently they have added social media platforms to their arsenal of communication tools.

While none of these sources are mutually exclusive, social media platforms have facilitated multimodal sharing of the same content to broader audiences. For example, a member of Congress’s newspaper interview can be linked on Facebook, or C-SPAN footage can be edited for length through the C-SPAN Video Library and shared to Twitter. The change of medium and platform potentially impacts the meaning of messages that are circulated by officeholders (Berger & Iyengar, 2013; McLuhan, 1964). Moreover, perceptions of the content’s source complicate this shift in the platform in ways that implicate credibility and authority, as well as potentially reveal insights about differences in strategies along party lines. To begin to consider these consequences for how social media continues to transform the business of policymaking, I consider the following research questions:

**RQ1:** What frames did members of Congress employ about H.R.1, the For the People Act of 2019, through video footage on Twitter?  
**RQ2:** How do these frames differ by the political party or content source?
Additionally, because H.R.1 addresses a wide range of issues in American politics, from campaign finance to government ethics, employing a framing analysis is a productive way of investigating what parts are most contested and prioritized. Members of Congress emphasize the parts of H.R.1 by selecting certain aspects of the bill to support or oppose. Identifying what components members of Congress emphasize could facilitate future research investigating the effects of these varying emphases.

**RQ3:** What components of H.R.1, the For the People Act of 2019, are emphasized by members of Congress?

To address these questions, the analysis section will be organized by first examining frames consistent across political parties and sources. Then, frames will be contrasted along partisan lines to create more nuanced observations involving polarization. Within this section, I will also address what specific components of H.R.1 are emphasized by members of Congress. Lastly, I will compare the presence of various frames found in the different content sources: news media clips, C-SPAN clips, and office-produced videos. Rather than identifying frames exclusively within individual videos shared through Twitter, this analysis will identify frames that span multiple videos and categorizations of partisan affiliation and the original sources of the videos’ content. However, individual videos will be referenced in order to illustrate various articulations of a frame. Analyzing frames at these broader levels allows for more generalizable observations.

**DATA COLLECTION**

A broad goal of this study is to understand how members of Congress communicate contested policy within a networked platform’s infrastructural constraints. A framing analysis will be conducted using a sample of available tweets published by members of Congress that (a) contain a video and (b) are related to H.R.1, the For the People Act of 2019. Tweets were collected through Twitter’s search function using various search parameters associated with the legislation to ensure that the tweets and videos were related to the For the People Act of 2019. These search parameters included hashtags and key terms, such as #HR1, #ForThePeople, #DemocratProtectionAct, H.R.1. Only tweets circulated
by current members of Congress were included; simple retweets were excluded. Because H.R.1 is still progressing through Congress, tweets were collected within a 6-month timeframe of January 3, 2019, when the bill was introduced in the House of Representatives, to July 3, 2019. Eighty-nine videos were collected, most (63) of which were from Democratic members of Congress. This imbalance is to be expected, though, since Democratic representatives are typically more active on social media platforms than Republican representatives according to a yearlong study from Quora (King, 2018).

**ANALYSIS**

There were multiple unique frames presented in the sample of videos tweeted by members of Congress. The frames are organized by consistent presence regardless of partisanship or video source, partisan sources, and original video source. Within these areas, I address the frames that were present within those categories to answer RQ1 (frames by members of Congress, partisan and overall) and RQ2 (frames by video source). Because RQ3 is only concerned with how members of Congress emphasized elements of H.R.1, it is addressed in the sections that concern members of Congress: consistently present frames and partisan frames. This analysis cannot address every single frame presented within the videos, nor does it attempt to. Instead, the frames and elements discussed in this analysis were those that were prominently manifested, even if articulated slightly differently. Thus, these frames, across their various unique articulations, appeared in at least half of the videos of a given area for comparison. In line with a rhetorical perspective, the analysis focuses heavily on potential interpretations (Kuypers, 2005, 2010). Despite the careful attention devoted to identifying frames, there could be other interpretations not identified or discussed in this analysis that future research with different methodological approaches could better address.

**CONSISTENTLY PRESENT FRAMES**

When examining the videos shared by members of Congress about H.R.1, the For the People Act of 2019, there were a few frames that were consistent across the two major parties and different content sources. In framing discussion of H.R.1, representatives often used an individual-centric approach to highlight
their individual position or specific contributions to support or oppose the policy. Additionally, representatives often framed H.R.1 and constituent bodies as a state-level phenomenon as opposed to a national level. Lastly, the most consistently referenced part of H.R.1’s potential impact by both parties’ members involved money in politics. Both groups referenced a specific provision of H.R.1, the proposed federal matching system for campaign finance, though Republican members emphasized it more heavily than their Democratic colleagues.

A consistent frame within the videos was the articulation of policy position at both the individual and party levels. An individual-level policy position is when the member of Congress prioritizes their position concerning the policy, regardless of being aligned or contrary to their respective party’s position. However, all individual-level positions were unsurprisingly within the overarching party’s position regarding H.R.1. Meanwhile, members of Congress also explicitly aligned themselves with their party’s position through strategies such as using “we” statements to reference the party. Members of Congress also expressed concern for government and political processes across party lines despite divergences in specific articulations. One common articulation of both parties, though, was accusing and criticizing the other party of refusing to engage in bipartisan discussions for policymaking. Republican members of Congress accused their Democratic colleagues of not engaging in bipartisanship when creating H.R.1, while Democratic members of Congress referenced past transgressions of forgoing bipartisanship, notably for the change in taxation during the previous 115th Congress.

A second consistent and meaningful frame used by members of Congress on both sides of the aisle and across all types of video sources was local issues. Members of Congress highlighted different aspects of H.R.1 and illustrated ways that H.R.1 would affect their community. Republican members of Congress most commonly emphasized the changes H.R.1 would make to state-level voting processes, such as felon enfranchisement and voter identification laws. Democratic members of Congress were less cohesive in what effects H.R.1 would have for their respective district, though, opting for local-specific effects, such as Delegate Eleanor Holmes Norton arguing that H.R.1 is an avenue for Washington, D.C., to achieve statehood. Both parties’ representatives, though, emphasized that “the people” were rooted in local and state communities rather than at the broader federal or national levels.

The most-referenced component of H.R.1 across both parties and three source-types was the bill’s proposed methods of addressing money in politics.
H.R.1 would create a federal matching system for small-dollar donations to eligible candidates. Democratic members of Congress claimed that the matching program would make representatives more accessible to their constituents by relying less on donations from special interest groups and political action committees (PACs) and would make it easier for citizens to enter politics as candidates. Republican members, though, argued that the matching program would both increase money in politics and inhibit citizens’ First Amendment rights.

PARTISAN FRAMES

Unsurprisingly, there were multiple frames prioritized by a single party rather than both. This section primarily addresses what framing differences exist across party lines, beginning with the Democratic members of Congress, followed by the Republican members. Rather than belaboring every existing frame and its various articulations, this analysis strives to identify the common features of party frames, independent of the videos’ sources. Democratic members’ most common frames included a government for the people, popular support, and historical progressivism. Republican members, meanwhile, most emphasized the federal government’s overreach into states’ authority and acting as truth-tellers of H.R.1.

Democratic Frames

The first frame from Democratic members of Congress is the government for the people. This frame was, predictably, consistent across party members. Some members highlighted concerns regarding government ethics, particularly highlighting the Trump Administration’s “at best, very awkward relationship with ethics,” according to Representative Harley Rouda (D-CA). Thus, the implication is that the government has fallen from its ideal of being a government “of, for, and by the people” (emphasis added), a phrase quoted by several representatives. Related, representatives also critiqued the presence of money in politics as inhibiting their ideal democratic government for the people. Multiple politicians accused “dark money” and special interest groups’ lobbying efforts as the cause of a current governmental reality that, in their estimation, is not for the people. When using this articulation of government for the people, members of Congress also praised the proposed federal funding matches as incentivizing
their (implicitly Republican) colleagues to prioritize meeting with and listening to constituents rather than lobbyists. Lastly, multiple Democratic members of Congress attempted to reclaim and rearticulate a common attack by their Republican colleagues of H.R.1 being a “power grab” for the Democrats. For example, Representative Ayanna Pressley (D-MA) said in a statement on the House floor that Republicans “got [Democrats] again” and that she and her fellow Democratic representatives were “guilty” of orchestrating a power grab. According to Rep. Pressley, though, Democrats “wouldn’t have to grab back the grab for the people if through policy [Republican members] weren’t complicit in or perpetuating the disenfranchisement and marginalization of the people.” Across its various articulations, a call for the restoration of government and democracy predicated the government for the people frame.

Unique to Democratic members of Congress was an explicit endorsement of a nonpolitician and references to public opinion, characterizing the frame of popular support. In an official press conference broadcast through C-SPAN and shared by Representative John Sarbanes (D-MD), Chris Shelton, the president of Communications Workers of America, expressed his and his union’s strong support of H.R.1. Additionally, freshmen Democratic members of Congress, or those elected in the 2018 election, featured a unique articulation of popular support for H.R.1 by referencing their electoral success, particularly when from flipped districts. Their central claim was that because these freshmen members not only flipped their districts but also the House of Representatives from a Republican majority to the current Democratic majority, people across the country support them as representatives and, by implication, the policies they create.

Lastly, Democratic members of Congress emphasized a historically progressive frame when communicating through videos on Twitter. Several Democratic members of Congress claimed that H.R.1 is the largest policy reform in recent history. Some of the progressive components of H.R.1 framed as historically progressive included voting access, election and campaign policies—especially campaign finance policies—and ethics in government. Interestingly, Democratic members of Congress also connected H.R.1 to historical progressive movements and values. For example, Representative Barbara Lee (D-CA) addressed H.R.1 with other progressive policies, both contemporary and historical, in the Democratic Weekly Address video series, which was shared by both Rep. Lee and Speaker Nancy Pelosi (D-CA). Rep. Lee related H.R.1 and other policies proposed by the current Congress with Black History Month. Additionally, Rep. Katie Hill (D-CA) aligned H.R.1 with Women’s History Month by previewing
her intention of “highlighting the voices of [her] fellow women freshmen members” and reiterating that her class “is a truly historic class on so many levels” after explaining H.R.1’s anticipated trajectory. Though neither representative claims that H.R.1 is explicitly and necessarily a part of these months dedicated to highlighting histories of traditionally marginalized groups, including references to these months and H.R.1 implies that H.R.1 is at least congruent with the goals of these typically progressive ideals to recognize and promote traditionally marginalized voices.

Republican Frames

While Democratic members of Congress most consistently emphasized a government for the people frame, Republican members most consistently emphasized a frame of federal overreach. This frame often returned to the implicit dichotomy of states’ rights versus federal authority, noticeably when referencing authority over electoral processes. H.R.1 was often described as an encroachment by the federal government into state authority. The primary issue used to advance the federal overreach frame was electoral processes. Many Republican representatives expressed outrage that the federal government would intervene in the electoral processes that the Constitution designates as under states’ authority. For example, Representative Mark Green (R-TN) exclaimed multiple times, “How dare you [the federal government] tell Tennessee” how to conduct various parts of their elections. Rep. Green’s comments are more impactful because they were prolferated through video footage rather than through exclusively a textual tweet. The video footage allows audiences to infer passionate outrage through his facial expressions and intonation. However, knowledge of the Republican Party’s conservative ideology could easily anticipate the federal overreach frame given that the frame favors a smaller federal government (Grossmann & Hopkins, 2015).

Another interesting frame commonly shared by Republican members of Congress was their perceived role of truth-tellers. For example, in a video shared multiple times by Republican members of Congress, particularly Senate majority leader Mitch McConnell (R-KY), the video aimed to correct the “myth” that H.R.1 is an election and campaign finance reform bill. Further, Representative Mark Walker (R-NC) shared a sort of mock-campaign advertisement to expose that “you,” the taxpayer, paid for the advertisement regardless of your level of support for him. This frame is particularly interesting when placed in the larger
context of polarization and accusations of “fake news.” Partisan Republicans are not only more likely to encounter or share false or misleading information (Marwick, 2018) but also show stronger hostility toward fact-checkers (Shin & Thorson, 2017). Future research of misleading, partisan information ought to more thoroughly investigate the contradictions of sharing demonstrably false information while promoting an image of truth-tellers (e.g., Marwick, 2018).

SOURCE FRAMES

This section of analysis addresses frames common within specific sources of videos. The sources of videos are broken into three types: news media clips, C-SPAN clips, and office-produced videos. Both news media clips and C-SPAN clips required an official logo to be within the video’s frame. News media and C-SPAN were designated as different types because they are fundamentally different styles of reporting about congressional activity. News media clips incorporate a wider variety of reporting styles such as interviews and chamber footage. Meanwhile, C-SPAN is not concerned with providing commentary; instead, C-SPAN serves to provide public access to public policy discussions from public officials and other policy influencers. Lastly, office-produced videos are those produced or edited by the representative themselves or their office. Examples of office-produced and edited videos include videos that were filmed in areas such as airports or offices, videos that were noticeably edited beyond adjusting for length, and videos that either did not feature an official news network or C-SPAN logo or did feature the representative’s office or campaign logo. The frames that were tied to the video’s source are predominately presentational frames. C-SPAN videos, for example, were more official and policy-oriented, while videos produced by a member of Congress’s office better conveyed the representative’s authenticity.

There are two similar yet distinct frames within official C-SPAN footage: 

congressional function versus congressional procedure. Democratic members of Congress highlighted congressional function more often than the congressional procedure. As a frame, congressional function refers to the ways that Congress either is or ought to function. Democratic members of Congress used H.R.1 to illustrate congressional dysfunction. A prominent critique following H.R.1’s passage in the House of Representatives was Senator McConnell’s refusal to allow a Senate vote on the bill. Meanwhile, Republican members of Congress
highlighted congressional procedure or the rules and expectations of policymaking in Congress. For example, Representative Jim Jordan (R-OH), among other Republican members of Congress, shared multiple videos criticizing Democratic members violating the expected congressional procedure of committee markup meetings. It is important to note, though, that neither party monopolized these frames through C-SPAN footage. For example, Representative Ted Lieu (D-CA) shared a clip of congressional procedure involving floor commentary on H.R.1 in which he and Rep. Jordan gave speeches both in favor of and in opposition to sections of H.R.1. Representative Jared Huffman (D-CA) also explained the congressional procedure for introducing and adopting his proposed amendment to H.R.1 within the bill text.

When sharing C-SPAN footage to explain policies and policy positions, the footage functions as both argument and evidence (Blair, 2012; Dove, 2012; Roque, 2012). Like with other videos, using C-SPAN footage allows members of Congress to take advantage of Twitter’s infrastructural capabilities to condense more of an argument’s information, 280 characters plus a video, into a tweet. C-SPAN footage specifically, though, lends an aura of credibility not afforded by other video sources. A foundational purpose of C-SPAN is to provide public access to congressional proceedings and other forums involved with public policy “all without editing, commentary or analysis and with a balanced presentation of points of view” (C-SPAN, n.d.). C-SPAN’s reputation is intimately connected to its commitment to balanced and objective programming (C-SPAN, 2013, 2017). It is important to reiterate: this framing analysis is not concerned with the representative’s intent for using C-SPAN footage, but rather potential interpretations of frames within representatives’ tweeted videos. Therefore, it is unknowable whether representatives utilize C-SPAN footage to intentionally align themselves and their policy positions with C-SPAN’s reputation or because of its accessibility. Nevertheless, C-SPAN, as a source of information and shared by elected representatives, is an important influence on how the footage could be interpreted by audiences.

A representative’s presentation of self can influence their explanation of Washington activity. A major intersection of these two components of a representative’s home style is their cultivated authenticity (Evans et al., 2014; Fenno, 1978; Golbeck et al., 2010; McGregor, 2018; McGregor et al., 2017). When fostering an authentic presentation, representatives are also building their constituents’ trust in them. While a representative’s presentation of authenticity spans all three types of content, it is practiced the most through office-produced and edited videos. In office-produced videos, representatives have more control over
the final editing and presentation stages. Thus, a prominent frame used predominately by Democratic members of Congress in office-produced videos is authentic. Several Democratic representatives filmed videos in various locations outside of a news media set and congressional chambers, such as airports, hallways, and offices. Importantly, though, the content of their videos often included accessible explanations of their policy positions. Representative Katie Porter (D-CA), for example, explained different aspects of H.R.1 across multiple videos without using jargon-laden language.

CONCLUSION

Using a framing analysis with a rhetorical perspective (Kuypers, 2005, 2010), this study investigated 89 videos shared by members of Congress through Twitter. There were numerous frames identified across partisan lines and the different types of videos: news media and C-SPAN clips and videos produced by a representative’s office. The frames used by members of Congress that were identified in this study contribute to both constituent communication strategies and framing contested policies.

In terms of constituent communication of policy, this analysis found that representatives use videos to both expand and illustrate policy positions. Representatives such as Katie Porter and Jared Huffman used videos produced by their offices to elaborate on policy positions and explanations. Though videos on Twitter are necessarily brief to conform to the platform’s infrastructure, consistent features of such videos, predominately produced by Democratic offices, were conversational tones and easily understandable explanations. This finding is significant because it suggests an effect from some politicians that makes political processes more accessible to constituents unfamiliar with political processes and jargon, regardless of the constituent’s partisan orientation. This could potentially complicate previously held assumptions, including that politicians prioritize constituents that agree with them (Butler & Dynes, 2016). Additionally, representatives are likely to address federal issues in more local frames. Representatives in this analysis claimed different ways that H.R.1 would affect local and state politics as well as conceptualized constituencies, including and beyond their own constituencies, at the state and local level rather than national. This is a particularly interesting observation given their Twitter presence is on a national stage.
In terms of argumentation utilizing social media, and especially remediation of video, a multimodal argumentation approach helped identify potential functions of native- and multi-platform video footage. This study suggests that videos on social media highlight the larger, more nuanced role of authenticity performances in constituent communication of policy than previously considered. Representatives in this study referenced their policy position record in terms of authenticity, such as Rep. Katie Hill’s claim that the issues addressed by H.R.1 have always been important to her since before her 2018 campaign. Additionally, videos from other sources, news media, and C-SPAN can function as evidence for their authenticity. If a politician campaigns on issues raised by H.R.1, then their public statements to news media and on the floor of Congress ought to be consistent with their previous positions, implying that those positions are an authentic reflection of the politician’s values. Within argumentation, this raises interesting questions about authenticity’s connection to credibility, a prominently studied area of argumentation (Rieke et al., 2013), and how a multimodal and remediated approach complicates it.

In terms of contested policy communication and H.R.1 specifically, my analysis revealed that the main issue within H.R.1 that is consistently addressed by both political parties is the influence of money in politics and campaigns. However, partisan representatives articulate, or frame, their positions in significantly different terms. Whereas Democratic members of Congress claim that H.R.1 would decrease the presence “dark money” and lobbyist influence, Republican members claim that H.R.1 would increase money’s influence in politics instead at the expense of the taxpayer. Beyond money in politics, there was minimal clash in support for and opposition to H.R.1. Republican members of Congress consistently criticized H.R.1 as an overreach of the federal government into states’ affairs regarding electoral processes. Rather than directly responding to Republican claims of federal overreach by H.R.1, Democratic members of Congress emphasized the policy’s measures to make voter registration and elections more accessible. Indirectly, Democratic members challenged Republican frames of federal overreach by claiming that H.R.1 is not a power grab for federal politicians but instead restores political power to the people. These incongruencies between partisan frames of H.R.1 raise interesting questions of how politicians communicate information and positions of contested policies in a hyperpolarized political context.

In attempting to be thorough, this study could inspire a number of future research programs of questions raised by and unaddressed by this analysis. Future
research could strengthen the generalizability of the observations of this study by conducting a similar analysis of a different contested policy, either historical or in the future. Alternatively, a content analysis could be conducted using these videos, also strengthening the present study’s validity. Furthermore, a specific area that would benefit more robust, generative investigations includes authenticity’s role in multimodal argumentation and constituent communication of policy. Authenticity is a growing area of interest in political communication in mediated contexts (Evans et al., 2014; Fenno, 1978; Golbeck et al., 2010; McGregor et al., 2017). However, there has been little theorization of its influence on politicians’ communicative strategies regarding policies (Fenno, 1978; Grose et al., 2015) and how different types of videos enhance or inhibit performances of authenticity.

Constituent communication is a vast and prominent area of political communication. Fenno’s (1978) home styles continue to be a lasting and foundational area within constituent communication scholarship, included in numerous other areas of study such as policy communication. Constituent communication of policy is an important segment of political communication. Representatives are primary sources of political proceedings (Fenno, 1978). As representatives incorporate social media platforms, notably Twitter (King, 2018), into their communication strategies, scholars must revisit and challenge existing assumptions of constituent communication. An assumption to problematize is political communication’s text-centric study of Twitter. Though Twitter does not prioritize images and other types of media on the platform, media are commonly included in tweets (Kharroub & Bas, 2016). Multimodal argumentation provides a productive theoretical base to understand media’s persuasive attributes (Dove, 2012; Kjeldsen, 2015; Kress, 2010; O’Keefe, 1977; Tseronis, 2018). Additionally, multimodal argumentation creates constructive and cohesive extension of visual argumentation to account for situations in which audiences encounter more than one type of media (Kjeldsen, 2015; Tseronis, 2018).

NOTE

1. The amendment to lower the mandatory minimum voting age, introduced by Rep. Ayanna Pressley, was not included in the final version of H.R.1, which was passed by the House of Representatives.
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ABOUT THE CONTRIBUTORS

Matthew L. Bergbower is an associate professor of political science at Indiana State University. He teaches and does research in the area of American politics. His book, *A Profile of the American Electorate*, was published by Routledge in 2018. Some of his other work can be seen in *Social Science Quarterly*, *Journal of Elections, Public Opinion & Parties*, *Democracy and Security*, and the *Journal of Political Science Education*.

Katelyn E. Brooks is a doctoral student at Purdue University in the Lamb School of Communication. Her research interests include congressional communication, voting legislation, and the impact of social media platforms on political engagement.

Nadia E. Brown is a University Scholar and associate professor of political science and African American studies at Purdue University. She specializes in Black women’s politics and holds a graduate certificate in women’s and gender studies. Her research interests lie broadly in identity politics, legislative studies, and Black women’s studies. While trained as a political scientist, her scholarship on intersectionality seeks to push beyond disciplinary constraints to think more holistically about the politics of identity. Brown’s *Sisters in the Statehouse: Black Women and Legislative Decision Making* (Oxford University Press, 2014) has been awarded the National Conference of Black Political Scientists’ 2015 W.E.B. DuBois Distinguished Book Award, 2015 Anna Julia Cooper Award from the Association for the Study of Black Women and Politics, and the 2015 Center for Research on Diversity and Inclusion at Purdue University Faculty Research Award.

Alexander J. Carver is an independent scholar and the coach of the University of Wisconsin–Madison Speech and Debate team. He has taught at SolBridge International School of Business in Daejeon, South Korea, and Hunan Normal
University in Changsha, China. He has a master’s degree from Université Paris 1 Panthéon-Sorbonne and a BS from the University of Wisconsin–Madison. He was a Leopold Schepp Foundation Scholar, a Budapest Semester in Mathematics student, and a University of Alaska–Anchorage Excellence in Speech and Debate Scholar.

Rosalee A. Clawson is professor of political science at Purdue University. She received her PhD from The Ohio State University in 1996. Her research focuses on public opinion; the mass media; the politics of race, class, and gender in the United States; and the ethical, legal, and social implications of technology. Clawson’s recent journal articles have appeared in *Global Environmental Change, Journal of Women, Politics, & Policy, Political Psychology*, and *Natural Hazards*. She is the author of three books and a founding co-editor of the journal *Politics, Groups, and Identities*. Her research has been funded by the National Science Foundation, the U.S. Department of Agriculture, the Mellon Foundation, and the Spencer Foundation. She is the co-leader of the Indiana chapter of the Scholars Strategy Network and president of Pi Sigma Alpha, the national political science honor society.

Bryce J. Dietrich received his PhD in political science from the University of Illinois. He is currently an assistant professor of social science informatics, holding appointments in the Department of Political Science and the Iowa Informatics Initiative (UI3). This past year he was also a research fellow at Harvard’s Kennedy School and Northeastern University. His research uses novel quantitative, automated, and machine learning methods to analyze nontraditional data sources such as audio (or speech) data and video data. These methods are used to understand elite and mass political behavior, including emotional expression and large complex social interactions like those commonly observed on C-SPAN. Dietrich's work has been published in the *American Political Science Review, Political Analysis, Political Psychology*, and the *Journal of Elections, Public Opinion and Parties*.

Caitlin Fendley is a PhD candidate in the Department of History at Purdue University. In 2015 she graduated with a BA (Honors) in history and psychology at the University of Guelph and in 2018 earned an MA in history at Purdue. For her dissertation, she is researching the historical intersections between population activism, environmentalism, and aerospace as they pertained to fears about
overpopulation and environmental degradation in the United States during the 20th century.

**Sarah Gershon** is an associate professor of political science at Georgia State University. She received her PhD from Arizona State University in 2008. Her research focuses on the incorporation of traditionally underrepresented groups (including women and racial and ethnic minorities) into the American political system and has been published in numerous journals, including *Political Communication, Political Behavior, Political Research Quarterly, Journal of Politics, DuBois Review,* and *Journal of Women, Politics & Policy*. She co-edited (with Nadia Brown) *Distinct Identities: Minority Women in U.S. Politics* (Routledge Press, 2016). Her research has been funded by the National Science Foundation. She is also a co-editor for the journal *Politics, Groups, and Identities*.

**Lauren Hanson-Figueroa** is a PhD student in the Department of Political Science at Georgia State University. She received her bachelor’s degree in political science and women’s studies from Agnes Scott College in 2016. Her most recent project, “Small Hands With Big Consequences: Masculinity and Emasculation as Rhetorical Tools in the 2016 Republican Primary Debates,” was presented at the Southern Political Science Association’s annual meeting in 2020. Hanson-Figueroa’s research interests include gender performance, identity, and campaigns and elections.

**Janel Jett** is a PhD student in the Department of Political Science at Purdue University. Her main research interests are political communication, political psychology, and public opinion. Her research focuses on understanding how media sources (traditional and nontraditional) shape discourse around grand challenges, like climate change, and how this supports or limits policy action. Jett is currently working with a cross-national team examining the impact of progressive versus restorative policy frames on attitudes regarding anthropogenic climate change in the United States and France.

**Stephen M. Llano** holds an MA in rhetoric from Syracuse University and a PhD in communication from the University of Pittsburgh. His research interests are in debate, argumentation, and rhetoric, with an emphasis on the pedagogy of oratory and oral argument. His work has been published in *Argumentation & Advocacy* as well as *Contemporary Argumentation and Debate*. Llano is the co-editor of
the book *Adjudication* (2013) and frequently publishes book chapters on debate education, most recently in *The Palgrave Handbook of Critical Thinking in Higher Education* and *Competition, Community, and Educational Growth: Contemporary Perspectives on Speech and Debate*. He also researches and teaches Buddhism, the theories of Kenneth Burke, and the rhetoric of the Beat Generation. His blog and podcasts are available at his website, sophist.nyc.

**James A. McCann**, PhD University of Colorado Boulder, is a professor of political science at Purdue University. He conducts research and teaches courses on public opinion, elections, party politics, and representation in the United States and abroad. Much of his current work focuses on the political engagement of immigrants in the U.S. He is a principal investigator (with Michael Jones-Correa) of the 2012 and 2016–2017 Latino Immigrant National Election Studies, and he was one of the founding editors of *Politics, Groups, and Identities*, an official journal of the Western Political Science Association. McCann’s research has been supported by the National Science Foundation, the Carnegie Corporation of New York, the Brookings Institution, and the Russell Sage Foundation.

**Newly Paul** is a media and politics researcher and assistant professor of journalism at the University of North Texas in Denton. She has a PhD in media and public affairs from Louisiana State University and a master’s in journalism from University of Southern California. Her research areas include political communication, race and gender in politics, and media coverage of elections. Her research has won grants and awards and has been published in top journals such as *Political Research Quarterly, Journalism & Mass Communication Quarterly, Journal of Computer-Mediated Communication*, and *Atlantic Journal of Communication*. Paul started her career as a professional journalist writing about entertainment, youth, culture, and environmental issues and has worked at various publications in India and Los Angeles.

**Justin Rex** is an assistant professor of political science at Bowling Green State University and a research fellow at the BGSU Center for Regional Development. His teaching and research interests are in the areas of public policy and administration. Specifically, he researches regulatory policy, with a focus on regulatory capture, the bureaucratic politics of financial regulation, and the regulation of white-collar financial crime. Rex has applied research expertise in program evaluation and has written grants and technical reports in a variety of policy
areas, including health, transportation, special education, housing, and economic development.

Joseph Sery is an assistant professor at Christopher Newport University. His primary area of research examines the intersection of rhetoric, political theory, and jurisprudence and how they interact within the public sphere. Other areas of scholarship include the rhetoric of medicine and the relationship between rhetoric and philosophy in the American intellectual tradition. He also serves as the course director for argumentation and teaches in the Honors program. Sery’s scholarship has appeared in *Communication Law Review, Secrecy & Society*, and various edited volumes.

Robert Van Sickel is an associate professor and director of the Legal Studies Program at Indiana State University. His research and teaching interests are focused on law and American society, as well as the mass media and American politics. He is the co-author of *Tabloid Justice: Criminal Justice in an Age of Media Frenzy* (2007) and the author of *The Jurisprudence of Sandra Day O’Connor* (1998). Van Sickel’s work has also appeared in a number of edited volumes and academic journals.

Jielu Yao is a postdoctoral fellow at Wesleyan University. Her research interests center on political methodology and American politics. Particularly, she is interested in applying supervised, unsupervised, and deep learning techniques to nontraditional data such as text, image/video, and audio. She also studies women and politics as well as race, ethnicity, and politics. Yao received her PhD in political science from the University of Iowa in 2020.
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