

ISSA Proceedings 2006 - The Role Of Argument In Political Advocacy And The Power Of The Enthymeme: A Case Study Of The NSA Terrorist Surveillance Program Debate



The literature in the field of communication, in particular mass and political communication, is spotted with studies focused on the increased influence of televised news commentary. Additionally, the field of argumentation always has placed the form and function of public argument at a high level of importance. Recently, the connection between mass media and public argument has been explored (Yioutas & Segvic, 2003; Kim, Wyatt & Katz, 1999). With that said, there is a need to examine the growing power and influence of news commentary shows on public argument.

The American political and media landscape is filled with news commentary shows (for example, “The O’Reilly Factor,” “Hannity and Colmes”, and “Hardball”) that while being “news” orientated they focus more on the “commentary” side of the equation. The news of the day is presented to the audience, in many cases, in the form of a discussion between competing ideological representatives. One would hope that with the ability to spend time on the issues because of the length of these shows there would be a development of ideas and information. Upon further review, however, this is not the case. Instead of presenting new evidence for consideration and to support a position, the elected officials or ideologically-bent commentators tend to have remarkably similar arguments. Moreover, the statements tend not to be complete evidence-based arguments instead they resemble enthymemes and develop into “talking points.” When advocates use enthymematic argument is the advocates of a political position are not appealing to the broad audience, instead they use the enthymemes and “talking points” to persuade/re-enforce the beliefs and positions

of their ideological base.

In this essay, I explore the influence and power of enthymematic argument and its use on news commentary shows. I contend that reliance on enthymeme in public and political argument is leading to what David Zarefsky (1992) argued is the truncation of argument in the public space. A clear example of the truncation of argument can be found in the arguments surrounding the revelation of the National Security Agency (NSA) terrorist surveillance program. I argue that almost immediately the political advocates employed the use of enthymemes and “talking points” to re-enforce their positions and do not address larger facts and issues surrounding the debate. The danger of the over-reliance on enthymematic-argument is an erosion of understanding and the acceptance of arguments that are not entirely true.

In order to establish the conclusion, I will begin the essay with a brief description of enthymeme focusing on the relevant literature surrounding its use in media and political discussions. I will then shift to a description of the situation surrounding the NSA terrorist surveillance program and the initial debate revolving around the program. The focus of my essay will be on analyzing the arguments presented in support of the NSA program. Utilizing numerous transcripts from news commentary shows, I will demonstrate that several enthymemes/“talking points” develop with little elaboration or evidence to support the claims.

1. The Enthymeme, the Audience, and Modern Argument

The influence and importance of the enthymeme in argument and persuasion is readily noted by numerous scholars. Aristotle described the enthymeme as “the very body and substance of persuasion” (trans. 1960, p. 1) and more recently Roger Aden (1994) argued abbreviated arguments, like enthymemes, are the argument structure of choice in a postmodern age. A reason for the continued power and importance of the enthymeme is in its structure and how it is received by the audience. In the remainder of the section, I will explore the nature of the enthymeme including its structure and its connection to audience beliefs and predispositions. Additionally, I will how the enthymeme is used in the modern media.

To begin, there would be a significant omission in an examination of the enthymeme without some discussion of Aristotle’s view of the concept. Aristotle described enthymeme as a rhetorical syllogism, a truncated or elided syllogism,

and a deductive type of reasoning. (Aristotle, trans. 1960). Moreover, Aristotle argued the goal of an enthymeme is not to reach what is necessarily true. Instead, the goal is to discover only what is “generally true” (Aristotle, trans. 1960, p. 13) for a given case. The enthymeme is founded on assumptions that are based on probabilities and signs. Probabilities correspond to propositions that are generally true, while signs are propositions that are or seem to be certain. In each form, the enthymeme is dependent upon audience acceptance of the speaker’s assumptions and beliefs to complete the elided syllogism.

Understanding the enthymeme and the importance of audience became a focus for argumentation scholars in the 20th century. In his essay exploring the enthymeme, James McBurney (1936) stated “the enthymeme usually lacks one or more of the proposition of a complete syllogism” (p. 67) leading to the inclusion of the audience in the completion of the enthymeme. In particular, McBurney argued that in some propositions “the premises which compose an enthymeme are usually nothing more than the beliefs of the audience which are used as causes and signs to secure the acceptance” (1936, p. 63). In other words, an advocate uses the audience’s predispositions and beliefs as support for their claims.

Lloyd Bitzer (1959) expanded on the importance of the audience in the construction and completion of an enthymeme. Because an enthymeme is “a syllogism having one or more suppressed premises” (1959, p. 407), Bitzer contended that the premises for the enthymeme are supplied by the audience. Furthermore, he argued that an enthymeme “occurs only when speaker and audience jointly produce them” (p.408).

In his essay, Jesse Delia (1970) recast the enthymeme as a psychological process. He stated that reasoned discourse develops from a listener’s field of predisposition (Delia, 1970). Delia argued, “By building arguments within the listener’s system of predispositions, the persuader turns the natural rational process of consistency maintenance to his advantage” (p. 145). He concluded enthymemes operate within the context of the beliefs, values, and expectations of the audience. Hence, the enthymeme “derives its power from the tendency of rational men to accept the conclusions of their own premises” (Delia, 1970, p. 147).

More recent explorations of the enthymeme have argued not only argue that the enthymeme is a truncated or elided syllogism and for the importance of audience, but also that social interaction and mass media has led to enthymemes becoming

argument fragments and chains. J. Scenters-Zapico (1996) argued that enthymemes are essentially social constructions of an intertextual experience. The idea is that the elided assumptions of an enthymeme are supplied by an intertextual network of shared experiences and assumptions. As a result, enthymemes are common in argument because of the interactive quality. In many ways, an enthymeme can function like a password that is known to those who hold the same social and belief perspective (Scenters-Zapico, 1996). The idea is further supported by the claim that “the enthymeme’s argumentative movement or force depends not only on a chain of reasoning, then, but also on adherence with a larger stance” (Scott, 2002, p. 57).

In his work, Roger Aden (1994) drew a convergence between how information is presented on television and enthymeme. He argued in public arguments presented on television “the content of the arguments presented to the public consist of ‘already said’ fragments, from which individuals construct their own interpretations” (Aden, 1994). Furthermore, Aden (1994) stated “Both content and form suggest that arguments in postmodern cultures function deductively, relying upon audience agreement of what’s already ‘known’ to create further argument.” The contention leads immediately to a consideration of enthymeme. As Aden stated, “as most public arguments in a postmodern age must be condensed to be carried by mediated channels, it stands to reason that public figures rely on audience members ‘filling in the blanks’ of these abbreviated arguments.” The foundation of Aden’s analysis is based on Nancy Harper’s (1973) complete enthymeme structure which includes an observation, a generalization, and an inference with, in most enthymemes, the generalization omitted as a commonly accepted fact.

From the various definitions and approaches to the enthymeme discussed, in particular Aden’s (1994) application to mass media, the idea is clear that the enthymeme is heavily relied on form of public argument. As stated earlier, there is a high frequency of enthymemes on news commentary shows. The arguments generally are developed by the advocate off assumptions and beliefs already shared by the audience, thus the claim is sufficient for the audience.

2. NSA surveillance program and its unveiling

In response to the terrorist attacks of September 11, 2001 in the United States, the focus of the Bush administration and Congress became the issue of homeland security and the new war on terror. Within weeks of the attacks, Congress passed

the USA Patriot Act which expanded the powers of the FBI and other law enforcement to conduct searches and investigations (Purdy, 2001). One law that was not amended was the Foreign Intelligence Surveillance Act (FISA). FISA was passed by Congress in 1978 to restrict the ability of intelligence agencies to conduct surveillance within the U.S. (Thomas & Klaidman, 2006). The NSA and other agencies can still obtain warrants to monitor communications within the U.S. from a secret panel of judges (Lacayo, 2006). To deal with urgent situations, the NSA can eavesdrop on telephone calls for 72 hours without a warrant, as long as it goes to the secret court by the end of that period for retroactive permission (Baker & Babington, 2005). While many administration officials argued FISA was slow and overly restrictive, the court has rejected just five of 18,748 requests for wiretaps and search warrants since the law was passed in 1978 (Baker & Babington, 2005). Even before the passage of the USA Patriot Act, Congress adopted a joint resolution on September 14, 2001 authorizing the president to use "all necessary and appropriate force" to battle al Qaeda (Sipress & Mufson, 2001). The resolution was designed to provide the president wide latitude to conduct the war on terror without having an actual declaration of war or invoke the War Powers Act.

FISA and the joint resolution along with the Commander-in-Chief power derived from the Constitution returned to prominence in December 2005. In that month, the pre-release of the book "State of War" (Risen, 2006) and the subsequent New York Times article (Risen & Lichtblau, 2005) revealed that President Bush secretly authorized the NSA to eavesdrop on Americans and others inside the United States for evidence of terrorist activity without the court-approved warrants required for such domestic spying. The aim of the 2002 presidential order was to rapidly monitor phone calls and other communications of people in the United States believed to have contact with suspected associates of al Qaeda and other terrorist groups (Eggen, 2005). The NSA program was known only to top member of the administration and a small number of Congressional members (Baker & Babington, 2005; Thomas & Klaidman, 2006).

3. News Commentary, Media Arguments, and Enthymemes

The revelation of the NSA wiretapping program caused an immediate uproar on both sides of the issue. On one hand, some members of Congress, particularly Democrats, and opponents of the Bush administration argued that the program was a clear violation of the Constitution and civil liberties. On the other side, the administration and its supporters argued that the program was vital in the war on

terror and the president had the inherent authority as Commander-in-Chief. The debate on the legality and legitimacy of the program quickly moved from the halls of Congress into a more public discussion. It is from the public debate, in particular its occurrence in the mass media, that I will analyze the development of the arguments and the near immediate reliance on enthymemes to build positions. Since it is the administration's program that is under fire, I will focus my analysis on the arguments presented by the administration and its supporters on various news commentary shows. Again, when examining the arguments as enthymemes I am using the structure which includes an observation, a generalization, and an inference with the generalization omitted as a commonly accepted fact.

A primary argument made by the administration and its advocates that quickly transformed into an enthymeme was the fact that the president had the authority to conduct warrant-less wiretaps. The advocates contend that the authority derived from two locations. First, the president has the authority from his Commander-in-Chief and war-time powers granted by the Constitution. An early occurrence of this argument is made by Secretary of State Condoleezza Rice on an appearance on "Meet the Press" ("Condoleezza Rice discusses domestic spying", 2005). In response to a question about whether the president has the legal authority, Rice quickly presented the observation "The president is acting under his constitutional authority, under statutory authority" (2005, 8). The observation was followed by statements concerning the president's responsibility to protect Americans, but no evidence to support it. When asked where the authorities are drawn from, Rice simply said "I'm not a lawyer, but the president has constitutional authority and he has statutory authorities" (2005, 14). Rice continued the repetition of the observation in other television appearances including on CNN's "The Situation Room" ("Seaplane crashes off coast of Miami Beach", 2005) with an additional reference to the article of the Constitution. Rice argued the president approved the program "on the basis of the his (sic) constitutional authority under Article II, and other statutory authorities" (2005, 131).

The enthymeme of constitutional authority is continued by other administration supporters. Senator John Cornyn (R-TX) argued on FOX News that the president's actions "appear to be grounded in his authority as commander-in-chief and really his responsibility as commander-in-chief" ("Interview with Senators John Cornyn, Ken Salazar", 2005, 29). Later in the interview when answering a follow-up question, Cornyn took a very similar tacit as Rice. He stated the power derived from "His authority as commander in chief under Article 2 of the Constitution as

well as his exclusive authority under the Constitution to conduct international affairs and relationships with other countries" (2005, 31). A further reference to possible authority was made by Jim Angel on FOX News when he argued "there is a lot of case law that says the president does have certain powers, even to do warrantless searches" ("All-star panel discusses NSA wiretap debate", 2005, 21). Much as Rice and Cornyn before him, Angel never points to any specifics leaving it to the audience to support or reject the observation. The argument continued for weeks with little difference. This can be seen in the observation of Attorney General Alberto Gonzales on "Hannity & Colmes" ("Interview with Alberto Gonzales", 2006). Gonzales stated that the president is "exercising his authority as commander-in-chief, inherent authority under the Constitution" (2006, 18). Former Speaker of the House Newt Gingrich voiced a similar sentiment on "The O'Reilly Factor" ("Personal story: Interview with Newt Gingrich", 2006).

The second justification for the president's authority developed out of the September 14 joint resolution authorizing the use of force on al Qaeda and the broader war on terror. The congressional authorization argument is a simple, straightforward observation that the use "all necessary and appropriate force" provision allowed the president to conduct warrantless wiretaps (Sipress & Mufson, 2001). Gonzales presented this clearly on "Hannity & Colmes" stating "we believe that the Congress ratified this program in connection with the authorization to use force" ("Interview with Alberto Gonzales", 2006, 18). In this case, there was no follow-up question or explanation of why. The observation is allowed to serve as its own support. The argument, with little elaboration, is stated later on "Meet the Press" by Representative Peter Hoekstra (R-MI) ("Senator Tom Daschle, Senator Pat Roberts, Congressman Peter Hoekstra and Congresswoman Jane Harman discuss the controversy over domestic wiretapping", 2006). On the program, Hoekstra observed "We gave the president to conduct - we gave the president the necessary authority to use the tools to effectively fight and eliminate al-Qaeda" ("Senator Tom Daschle", 2006, 34).

Over time, the repetition of the observation further allows for the claim to become its own support eliminating the need to draw the connections between the generalization and the inference. In both of the presidential authority observations, there is little to evidence to support the claims of the advocates. Instead, the advocates are relying on the existing beliefs and assumptions of the audience while any evidence or references to supporting material rely on information previously mentioned in the discussion or presented in the broader

media. For this reason, in many cases, the arguments would be successful for those that generally support the president and specifically the war on terror.

Another example of enthymematic argument in the NSA surveillance debate was centered on the use of warrantless searches by previous presidents as a justification for the legitimacy of the program. The interesting aspect of this observation is that, despite being challenged on the facts, the advocates continue to the same claim. An early appearance of the “other presidents have claimed the authority” argument was made by Cornyn. On two separate appearances on December 20, 2005, Cornyn attempted to link Bush’s claim of authority to that of previous presidents, especially Clinton (“Hardball for December 20, 2005”, 2005, “Interview with Senators John Cornyn, Ken Salazar”, 2005). Cornyn argued on “The Big Story with John Gibson” that the authority is “a power that has been claimed and recognized on behalf of previous presidents from President Clinton to President Reagan to President Carter and who knows how far back” (“Interview with Senators John Cornyn, Ken Salazar”, 2005, 29). He furthered the observation later in the interview in response to a question about possible impeachment. Cornyn said,

Well, it’s a ridiculous idea that this president would be impeached for executing his responsibility to protect America from terrorist attacks.

But I suppose if you’re going to call into question his authority of his conduct, then you would have to also ask President Clinton, President Carter about why they had his (sic) this very same authority and exercised it (“Interview with Senators John Cornyn, Ken Salazar”, 2005, 37-38).

Later on “Hardball,” Cornyn restated the observation that “The Foreign Intelligence Surveillance Act review court has assumed that he had this authority. And my research has revealed that every president, at least back to Jimmy Carter, has argued that they have the same authority” (“Hardball for December 20, 2005”, 2005, 68).**[i]** The difficulty with the observation is that the statutes and executive orders referenced permitted warrantless spying only on foreigners who are not protected by the Constitution, unlike Bush’s program that permitted eavesdropping on U.S. citizens as well (Gellman, 2005). While Cornyn attempted to draw parallels to other administrations, he does not provide a single example to support his observation again relying on previously mentioned materials.

Days later on “Hardball,” Governor Bill Owens (R-CO) claimed “that there have been a consistent series of court decisions, a consistent series of executive orders by Presidents Clinton and Carter” (“Hardball for December 22, 2005”, 2005) that

allow the president the authority to conduct surveillance. Despite being challenged by Andrea Mitchell on these facts, Owen's attempted to take the claim a step further by contending that Clinton used the authority in the Aldrich Ames spy case providing precedent for Bush. The difference between the program authorized by Bush and the Ames case under Clinton was that the warrantless physical search was conducted by the FBI, not the NSA, ("Hardball for December 22, 2005", 2005) and the loophole that allowed the search was amended placing it into under the FISA framework (Lane, 2005).

Despite the factual problems with the observation, the administration and its supports continued to reference the Ames case and Clinton's use of the authority. Gonzales repeated the claim on Cornyn and Owens early in January 2006. On "Larry King Live," he said that the President Clinton used the same authority to conduct physical searches without warrants and cited the Ames case as an example ("Interview with Alberto Gonzales; interview with James Risen", 2006). Later, Gonzales with help from host Sean Hannity argued that Clinton used the same authority. Hannity further attempted to draw a parallel arguing "we know for a fact" that Clinton had "a super-secret program, code name Echelon" ("Interview with Alberto Gonzales", 2006, 34). Even in the attempt to draw the similarities between the programs, Hannity stated a factual difference. The alleged Clinton program as stated by Hannity "monitored millions of private phone calls placed by U.S. citizens and citizens in other countries" ("Interview with Alberto Gonzales", 2006, 34). The key distinction was that the citizens, both U.S. and foreign, were in other countries not in the United States.

Another attempt to complete the "Clinton did it" observation was made by FOX News host Chris Wallace in an interview with Senator Dick Durbin (IL-D) ("Interview with Senator McCain; interview with Senator Durbin", 2006). Wallace tried to draw a stronger connection between the observation and inference arguing,

The Clinton administration authorized the search of Aldrich Ames, the Soviet spy's home and office back in the 1990's, they said the president has the inherent constitutional authority to do so. No Democratic leader that we could find squawked at that point about what President Clinton was doing ("Interview with Senator McCain; interview with Senator Durbin", 2006, 103).

Durbin was quick to point out that at the time "the FISA law did not cover physical search" and Clinton requested Congress amend the act to cover such searches ("Interview with Senator McCain; interview with Senator Durbin", 2006,

106). The difficulty in completing the enthymeme to a broad audience was that the evidence was being used in a very selective manner to support the claim.

While the observation has significant factual errors, the administration and its advocates continued to argue that other presidents, in particular Clinton, used the same authority and had their own programs. In this case, the reason for the enthymeme is not necessarily to persuade the audience that warrant-less wiretapping is a broad presidential power. Instead, the advocates attempted to play the criticism of the program as simple partisan politics. The unspoken aspect of the observation is "Where were the Democrats when Clinton and Carter did this?" Nowhere is this aspect of the observation clearer than in the statement of Chris Wallace during his interview with Sen. Durbin. Again, the intent is to play on the existing beliefs and assumptions of the audience. In this case, the traditional Republican base is the audience.

A third enthymeme employed by the administration and its advocates is that the president was protecting Americans. This observation brings in the broad war on terror debate along with the emotional appeals tied to September 11. Early in the defense of the program, Rice argued in an interview with Wolf Blitzer,

(The president) did it to protect the country because these days, after September 11th, we recognized and he recognized as the one with the real responsibility for protecting the country, that if you let people commit the crime, then thousands of people die. So you have to detect it before it happens ("Seaplane crashes off coast of Miami Beach", 2005, 131).

Later in the interview, Rice again returned to the emotional appeal and argument of September 11,

Let's just remember that in 2001, we experienced what it meant to not know what conversations were going on inside the country that were connecting to terrorists plotting outside the country. We learned what that produced, and it produced the kind of devastation that we had on September the 11th ("Seaplane crashes off coast of Miami Beach", 2005, 145).

A clear implication of this last statement is that if the president authorized the program before September 11 maybe the attacks would not have occurred.

Administration officials continued to explicitly invoke September 11 as a defense for the program. In an interview with Larry King, one of the first things Gonzales

did was to use September 11, not only as a defense but also a justification for the program (“Interview with Alberto Gonzales; interview with James Risen”, 2006). Responding to a question from King about whether this type of spying runs against American ideas, Gonzales stated “We have to put this in context. Of course, we’re talking about the most horrific attack on our soil in the history of this country, 3,000 lives lost on September 11th” (“Interview with Alberto Gonzales; interview with James Risen”, 2006, 8).

The continued references to September 11 shift the observations from an evidence-based enthymeme to more of an emotional appeal. There is still a clear argument present in the observation that the program is necessary element in the war on terror. Conservation columnist Charles Krauthammer made the administration’s point on FOX News stating “It’s a war on terror, you want to kill the terrorists, intercept their communications and stop the plots, which is essentially what has happened here” (“All-star panel discusses NSA wiretap debate”, 2005, 8). The difference being the observation does not rely on the memories of September 11 for its completion. The administration argument simply attempts to appeal to the audience beliefs and memories of September 11 to achieve its persuasion.

3. *Conclusions and Implications*

The analysis of the debate surrounding the NSA surveillance program demonstrates that enthymemes are a common, if not a near exclusive, strategy of political advocates on news commentary programs. The fact that enthymemes are commonly employed by political advocates in an effort to appeal to and persuade an audience is not a shocking revelation. In fact, the paper demonstrates the ongoing problem with American political argument and further contraction of political discussions.

The overreliance on enthymemes in political argument is leading to a further polarization of the American electorate. A reason for this can be found in the structure and psychological impact of enthymemes. The nature of enthymeme allows advocates to simply play to their own ideological bases by implicitly appealing to their existing beliefs and assumptions. The implication of this problem were prophetically identified in 1992 by Zarefsky (1992). He concluded that the mass media was leading to a crisis in American political communication.**[ii]** A very pointed problem being,

At the very time that media and communication technology permit *greater* access to politics, we find *declining* rates of political participation, a declining belief in

the efficacy of political action, a declining belief that it makes any difference who is elected, and a vastly diminished belief in the nobility of politics as a profession (Zarefsky, 1992, p. 413).

In the new political culture described by Zarefsky, political advocates need only motivate their core supporters. As a result, the enthymemes employed on news commentary shows do not need to be based in facts or logic. As long as there is a shared belief and assumption in a segment of the audience that connects to the observation, the argument is effective. What this has done is “transformed the active citizen into the political couch potato (without the e), made political discourse into a text which masks issues, and made politics into a game in which survival is an end in itself” (Zarefsky, 1992, p. 413).

The public and political debate on the NSA surveillance program demonstrates the continued crisis in public argument. While I would not go to the level of Aden and argue “the explicit, reasoned decision-making that Goodnight seeks to recover in the public sphere may never have existed” (1994). I do believe, as Zarefsky argued, there is a crisis in the public enactment of political communication and argument. The crisis did not develop overnight, nor will it be solved overnight. What is needed is a continual, concerted effort at identifying the symptoms and causes of the problem along with engaging and informing people and instructing in the basic of argument in order to develop a more informed citizenry.

NOTES

[i] The Foreign Intelligence Surveillance Act was passed in 1978, during the Carter administration (Thomas & Klaidman, 2006)

[ii] In the essay, Zarefsky (1992) identified five characteristics which resemble the cognitive mindset of the mass media that lead to his conclusion: (1) Events are transient and volatile, (2) We avoid complex subjects, (3) We simplify what cannot be avoided, (4) We magnify the trivial, and (5) We have debased political debate.

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