

**A Battle between Good and Evil:
An Analysis of the Selling of the USA PATRIOT Act**

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Abstract
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On October 26, 2001 President George W. Bush signed into the law the USA PATRIOT Act, comprehensive anti-terrorism legislation which he hailed as an essential effort "to identify, to dismantle, to disrupt, and to punish terrorists before they strike," (Bush, 2001, October, 26, ¶11). The law passed with overwhelming bipartisan support in Congress and was well received by the public. In this study, I looked at how the law was sold by the Bush administration in order to understand the unprecedented, and short lived, reception of the Patriot Act by examining the rhetorical strategies the administration used.

Throughout this process, I discovered the Bush administration used narrative, value, and ideological strategies to create an overly simplistic argument about a battle between good and evil which relied heavily on the post-9-11 scene. In this scenario, the Patriot Act was presented as just one tool in an arsenal for the War on Terror.

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Chapter One: Critical problem and Review of the Literature

On September 20, 2001, President George W. Bush addressed a joint session of Congress and the American people. The occasion was a solemn one. Nine days prior, a large-scale terrorist attack killed almost 3,000 people, mostly American citizens. The attack shattered an illusion of security and invulnerability. It was a fiction that had defined America since the fall of the Iron Curtain (Nelson, 1996). The President consoled a devastated populous, condemned the “evildoers” who had attacked our country and promised significant government action to ensure such an event would never happen again. The pledged actions included the establishment of a Cabinet-level position, the Office of Homeland Security, and the development of legislation which would “give law enforcement the additional tools it needs to track down terror here at home” (Bush, 2001, September 20, ¶47). The pledged legislation was enacted a month later. On October 26, 2001, the President signed the USA PATRIOT Act and presented it to the American people proclaiming it as essential legislation that would help “to identify, to dismantle, to disrupt, and to punish terrorists before they strike,” (Bush, 2001, October, 26, ¶11).

Written in less than 5 weeks, the USA PATRIOT Act, known simply as the Patriot Act, passed Congress with overwhelming bipartisan support. There was only one dissenting vote in the Senate, and several members who were unable to be on the floor for the vote stated their affirmative support (Pierre, 2001). The vote was not as skewed in the House, though it too passed with an unprecedented majority of 357 to

66 (Pierre, 2001). Interestingly, there is evidence to suggest that at the time the bill was passed few members of Congress had actually read the document.

Though there was widespread public support, the Patriot Act was not universally accepted. The dissenting members of the House cited concerns over last minute substitutions to the unanimously approved original draft from the House Committee on the Judiciary (*Washington Post*, 2001, October 16). This concern was sufficient to require a sunset provision to be added to the most controversial aspects of the bill before final passage (Toner & Lewis, 2001). Russ Feingold, the sole dissenting Senator said, “there was no way in good conscience to support the anti-terrorism bill... [and he was] listening to his constituents, who understand that government should not be given too much power” (Pierre, 2001). The ACLU also expressed concern and tried to raise public awareness before the final draft of the bill was ever signed (Center for Democracy and Technology (CDT), 2005). Additionally, a campaign critiquing the Patriot Act as “unpatriotic” quickly developed after the Bill had passed. The campaign culminated with Hollywood actor Alec Baldwin, who had been very vocal about his opposition, using an acceptance speech for a media achievement award from the Muslim Public Affairs Council to voice criticisms (Twair and Twair, 2004). While these are just a few of the many examples of opposition that arose after the Patriot Act was enacted, in general the Patriot Act received considerable public support.

Critical Problem

The ongoing public debate on the Patriot Act raises interesting questions for the rhetorical critic. First, how did the traumatic nature of the scene influence or facilitate the easy sale of the Act? Second, why did so many people support a bill that few understood and was contrary to the desires of many people?

It is not the purpose of this project to laud or condemn the Patriot Act as an appropriate legislative response to the threat of terrorism. Instead, it is my intent to understand and identify specific themes and methods that were used to sell the Patriot Act to the American people. While there has been a great deal of debate concerning the law, the focus of this study will be to examine the rhetoric of President Bush and his Administration regarding the Patriot Act and to identify his rhetorical strategy and trends in his strategy that changed as the rhetorical situation in America changed. Numerous scholars (e.g. Norris, 2004, Anker, 2005) have argued that the tragedy of September 11, 2001 altered both American identity and the American political scene. With this in mind, I provide an in-depth analysis in order to argue that Bush's rhetorical strategies were dependent upon the unique scene created by the events of September 11, 2001, a scene dominated by a sense of fear and vulnerability. I also analyze the role of narrative in the construction of this new scene and the rhetorical trajectory that developed over time for the selling of the Patriot Act.

Justification

When President Bush signed the Patriot Act into law in October of 2001, just seven weeks after the worst terrorist attack on American soil, the country was following a well-set precedent of enacting emergency legislation during times of national crisis (Mitrano, 2002). Examples include Lincoln's suspension of habeas corpus during the Civil War, Wilson's limiting of freedom of speech during World War I, and the internment of the Japanese during World War II under President Roosevelt (Mitrano, 2003). While there are significant contextual differences among these examples there are some similarities worth noting. For example, similar to the Patriot Act, all of these previous laws were met with some level of resistance from those who were opposed to sacrificing liberty in the name of security. It is important to note that despite these criticisms such laws are generally well received, a fact that is often attributed to the "rally around the flag" phenomenon that follows times of national crisis (Mueller, 1973). The "rally around the flag" effect refers to increasing displays of patriotism and commitment to the country and the president that has often been observed in times of great national crisis (Mueller, 1973). The history of such legislation reveals a precedent for both the Patriot Act as a response to a threatening situation and the reception it received. However, precedent alone does not adequately explain the conflicting public opinion data observed about the issue; nor does it provide a satisfactory explanation for how the President sold the Patriot Act to the American people.

Since it passed in 2001, the Patriot Act has been the object of almost constant discussion within the public sphere. Civil rights groups argued against its lack of oversight (HJU 21-913, 2005) while librarians and other scholars debated the possible repercussions of sharing, or failing to share, records (Mitrano, 2002). Additionally, a basic Lexis-Nexis database search reveals thousands of articles and letters to the editor discussing the legislation. Despite this, the Patriot Act and its surrounding rhetoric have been all but ignored by rhetorical scholars. It is my aim to remedy that oversight through this study.

The official name of the Patriot Act is the USA PATRIOT Act, an acronym for Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (H.R. 3162, 2001). The title alone suggests a carefully constructed and consciously framed piece of legislation and may have been meant to influence audiences to associate the new law with other positive attributes connected to patriotism (Nunberg, 2005). Legislatively, the Patriot Act changes, expands or adds to many existing laws. Most significantly, it expanded the power of the presidency, changed the regulations required for gaining permission to use surveillance, altered the regulations required for gaining a warrant, and made it significantly easier for law enforcement agencies to subpoena personal records from a variety of sources (H.R. 3162, 2001)

As mentioned above, the Patriot Act falls into a category of legislation known as "emergency legislation." (Mitrano, 2002 and 2003). Mitrano (2003) describes "emergency legislation" as "actions taken on the part of the federal government to

address what are perceived as extraordinary circumstances that threaten national security"(¶1). While this may seem insignificant, it is possible that there is a relationship between the speed and urgency with which "emergency legislation" is passed and its efficiency and appropriateness. The exigency of the situation may also help explain why the Patriot Act was approved without significant debate, with many making (probably very accurate) claims that those who voted to approve the Act had not actually read any form of it (Lithwick & Turner, 2003). The fact that the majority of members of Congress had not read the bill highlights the significance of how the law was sold, as it suggests the success of the Patriot Act was primarily a factor of how it was presented and not the content of the legislation.

Literature Review

In an effort to understand the Patriot Act and how it was sold to the American people there are several areas of literature to consider. The first body of literature regarding the Patriot Act I examine comes from the popular press and examines public opinion and media understanding of the law. Next, I look at the academic investigations of the Patriot Act, drawing largely from legal and political science journals that have studied the law and its significance. Finally, I review the literature analyzing Bush's rhetoric since 9-11.

The Patriot Act in the popular press

While there is a significant lack of scholarly analysis of Bush's rhetoric surrounding the Patriot Act, there are a plethora of articles and editorials in the popular press about the law. It is important briefly to examine these articles for several reasons. First, given the apparent disconnect between public support for the Patriot Act and opposition of many sacrificing rights limited by the law, it is important to understand what the press said. Second, the popular press often provides useful and insightful analysis of political rhetoric. Finally, such mainstream press articles provide a useful background and foundation for further analysis later in this study.

Many popular press articles provide description of the Patriot Act and contain arguments for or against the law. Others cite particular developments in the political process, consider objections to the law, or advocate for or against it. While these essays include useful background information and occasional comments about rhetoric, they do not significantly analyze the selling of this law. A few examples that illustrate this point are outlined in the following section.

In the weeks and months that followed the September 11 attacks, the *New York Times* included a regular feature, "A Nation Challenged," dedicated to discussing issues resulting from the attacks and subsequent actions taken by the government. While the main purpose of this feature was to explore issues of policy and politics, discussion of the Patriot Act and the President's speeches about the act were also often included. For example, Matthew Purdy in his article "Bush's new

rules to fight terrorism transform the legal landscape,” explores the effect of the new laws, including the Patriot Act, on the legal landscape. In the article, Purdy examines how the rhetoric of Bush, and the administration as a whole, seemed to reflect concern that America’s laws had been inadequate to identify and stop foreign criminals living within the U.S. borders from committing terrorism. Purdy also explores the Patriot Act more directly, examining the far-reaching ramifications of the law and suggesting there may be cause for concern due to the vague definitions used to describe terms such as “terrorist activity” and reasonable ground. Of particular note was the description of the President’s rhetoric as ambiguous; such a lack of clarity might have been a contributing factor to the reported confusion people expressed about the Patriot Act. While Purdy’s comments provide useful context for understanding both the Patriot Act and the President’s rhetorical patterns, they do not speak directly to the issue of the selling of the Patriot Act, the chief concern of this study.

Dana Milbank, in the article “In war, its power to the president,” in *The Washington Post*, explores the increased powers of the President in the aftermath of the attack. Milbank notes the seeming carte blanche enjoyed by the President, suggesting that with Bush receiving a 90% approval rating “the public-and Congress-seem[ed] content for Bush to assume as much power as he desire[d],” (2001, November 20, p. A1). Milbank, while critical, also cites precedent for the power shift, quoting several “scholars who follow Washington [saying] history offers ample precedent for wartime expansion of presidential powers,” and quoting Charles Jones

stating that "Crises seeks leadership," (2001, November 20,p. A1). Milbank provides useful context for a better understanding of the "rally around the president" phenomenon previously cited. Despite a lack of detailed analysis of the Patriot Act, both Purdy's and Milbank's observation are useful in understanding the scene in which the President initially sold the legislation.

The USA PATRIOT Act in law and public policy journals:

The second major set of relevant essays is found in law and policy journals. The focus of this literature is on the Patriot Act as public policy. Many of these articles are concerned with the possible ramifications of the Patriot Act in specific venues such as banks or private business. A group of essays looks specifically at the legal ramifications of the Patriot Act, both alone and in the larger context of America's legal system. Another group of essays explores the policy implications of the Patriot Act in the context of government and public policy. This literature is useful in providing background and perspective but only tangentially explores the connection between rhetoric and public opinion, a point that I discuss in detail later in this study. In this section, I present several examples from each of these areas of literature.

While not extensively studied by most academic disciplines, the Patriot Act has been at the forefront of concern in numerous trade and public policy publications. In an article in *Cornell Hotel & Restaurant Administration Quarterly*, Clare Sproule (2002) outlines the significant possibility that the Patriot Act could cause a loss of workplace privacy and discusses the importance of workplace

administrators keeping good records and informing their employees of potential monitoring by the government. Sproule's article is largely informative in that it outlines changes which might effect the average business owner. In another example, Derek Davis (2002) in an article for *the Journal of Church and State* argues that the Patriot Act represented a significant threat to religious freedom in America. Additionally, the American Library Association has been actively involved in campaigns seeking reforms to the Act (Gorman, 2006). While articles pertaining to the Patriot Act have been a regular staple in publications such as *Library Journal*, these articles are not directly relevant to this study as they deal primarily with explaining and contesting specific provisions of the law that pertain to library services.

The second significant area of literature in this category is the examination of the Patriot Act by legal scholars. As with the library sciences, the Patriot Act has also been a frequently featured topic in many law journals with regular editorial pieces as well as serious research essays. For example, in a brief article in the *New Jersey Law*, Leibman argues that the Patriot Act appears to be a public relations failure, citing the wide spread misconceptions and concern about the law (Leibman, 2004). In spite of these misconceptions, Leibman makes a case for the value of the Act but offers that this is difficult given "growing public unease" and acknowledges that "the Bush administration must in the end accept the blame for the acts bad notice" (2004, n.p.). The crux of Leibman's argument is that while the Patriot Act is a good law, the way in which the law was presented to the American people was

misleading and tarnished the usefulness of the law. While Leibman emphasizes the importance of the selling of the Patriot Act, he does not provide an in-depth level of analysis this study seeks.

Also noteworthy among publications within law journals is Philip Heymann's 2002 *Harvard Law Journal* article exploring the balance of civil liberties, human rights, and limits on those liberties in times of crisis. Heymann's principle conclusion of relevance is that:

No one can decide persuasively how much fear and how much anger is sensible and decent for a proud people to feel in the aftermath of September 11...No one can speak for all Americans in deciding the trade-offs between equal protection of the laws, privacy, and fearless exercise of democratic freedoms...the gravest danger to civil liberties...is that leaders will think [the American people] are without courage...unable or unwilling to see that there will and must be tradeoffs even among our own freedoms and to share in considering them carefully. (2002, p. 455-456)

Heymann's observations prove useful in explaining how the Patriot Act was sold as "preserving civil liberties," while in fact the law limits those rights. However, Heymann does not specifically address this connection, nor is he concerned with the selling of the Patriot Act as his focus is on the policy implications of the actual legislation.

The final area of literature that examines the Patriot Act from a policy perspective is found in political and public policy journals. These essays see the Act as the legislative highlight of the larger “war on terror.” Of interest here are two major articles published in *Presidential Studies Quarterly*. First, in Nancy Kassop’s 2003 article, she examines the limits of presidential war powers and explores passage of the Patriot Act as a “prime example for examining many of the criticisms that have been leveled against the Bush administration’s approach to the war against terrorism: that it rushed its proposals through Congress and bypassed routine legislative procedures” (p. 514-515). The key claim Kassop makes in relation to the current study is:

That the Bush White House chose to rhetorically characterize its campaign as a “war” is indicative of its desire to frame issues as one in which it will control all the decision making. Thus the “who” question in so many these crucial matters, domestic or foreign, either by congressional delegation or administrative design, redounds back to the White House and to top executive branch officials. (2003, p. 526)

This claim helps to contextualize the policy issues surrounding the “war on terror” but does not significantly advance the understanding of the selling of the Patriot Act.

The second essay of note from this publication is Louis Fisher’s 2005 piece “Judicial Review of the War Power.” Fisher explores how the Patriot Act, along with other legislative and policy changes made after September 11, “brought to the

fore again the question of what role federal courts should play in policing the war power” (2005 p. 466). Fisher examines the history of the debate between the three branches of government in regards to which branch has the authority to order acts of war, declare war, or enact policy in times of war. Fisher claims that September 11 put significant strain on the already precarious relationship between the branches of government and suggests, among other concerns that “the protection of individual rights depends...on a vigorous system of checks and balances” (2005, p. 494). While Fisher does not directly address the issue of the President’s selling of the Patriot Act, he does highlight some of the policy issues that have set the scene for the rhetorical situation under investigation in this study.

Both of these studies explore the larger issue of war powers and grapple with the question of presidential authority. These are important policy concerns that help to explain many of the rhetorical choices made by the President. However, neither Kassop nor Fisher delves into the influence these issues may have had on selling the Patriot Act to America. All of the essays explored in this section offer useful policy analysis, but only tangentially examine the connection between rhetoric and public opinion.

9/11 Rhetoric and Bush

While there is no literature directly analyzing Bush’s rhetoric on the Patriot Act, several authors examine the rhetoric of George W. Bush following the September 11 attacks. It is useful to look at this literature as it helps to identify general trends in Bush’s rhetorical style as well as trends that developed due to the

extraordinary scene created by the terrorist attacks. This literature falls into three categories: literature that contains direct analysis of Bush's rhetoric after September 11, essays that focus on American identity, and studies examining the changes in American rhetoric after September 11. Rather than examining the connection to American identity, this final set of literature looks at the political and rhetorical strategies used by the Bush White House from a scholarly perspective. This section will examine a selection of essays from each of these categories.

An example of a study directly focused on Bush's post-September 11 rhetoric is Denise Bostdorff's essay, "George W. Bush's post-September 11 rhetoric of covenant renewal: Upholding the faith of the greatest generation." In her analysis, Bostdorff (2003) observes what she called a rhetoric of covenant renewal, which she describes as a form of epideictic rhetoric that is the dialectical opposite of the Puritan jeremiad. In jeremiadic rhetoric, rhetors explain ills experienced by a community as punishment for a violation of a holy covenant. In contrast, the rhetoric of covenant renewal concentrates on blaming ills on external enemies who are jealous of the community and its virtues. Bostdorff uses the example of New England Puritan ministers blaming the colonies' woes on jealous witches bent on destroying God's plan to illustrate the point. Under the rhetoric of covenant renewal, audiences are encouraged to renew their devotion to the covenant and its values and virtues. Bostdorff furthers her description of a rhetoric of covenant renewal by asserting that such rhetoric requires the establishment of a new national mission due to the external threat.

Bostdorff observes several trends in Bush's rhetoric. The first is the tendency of Bush to describe the American people as a special people, often specifically asserting a direct and favored relationship with God (2003). The second trend Bostdorff details is Bush's choice of strong devil terms when describing the terrorists; Bush chose highly charged terms such as "Nazi" and "enemies of human freedom" (2003, p. 304). A third issue of note is Bush's tendency toward commissioning the American people to be renewed in their commitment to freedom (2003). For example, Bush's rhetoric is riddled with references of American's mission to rid the world of terrorists (evil) and defending freedom across the globe. A final reflection made by Bostdorff is that Bush described the September 11 attack as a test of American's true character that had presented an opportunity for change in order to make America even better. Bostdorff's observation is especially relevant to this study as it helps to explain how laws such as the Patriot Act, aimed at correcting deficiencies that left America vulnerable to attack, can be presented to fit into the larger picture of covenant renewal. While Bostdorff's analysis of rhetorical trends is useful, she does not focus on the Patriot Act specifically, therefore providing useful background information but not the depth of focus sought by this study.

Another study that looks directly at Bush's post- September 11 rhetoric is George Edwards' examination of the changes in Bush's political strategy after September 11 as compared to Bush's political strategy before the attack. Edwards (2003) observes that before the September 11 attack Bush tended to engage in massive public relation campaigns to present his policies and projects. He further

notes that neither Bush nor the presidency appeared to change significantly as a result of the September 11 attacks, at least in function and action. However, public impression of Bush and the presidency did change appreciably after September 11. Edwards asserts the oft reported “rally around the president” (see also Bostdorff, 2003; Mueller, 1973) phenomenon helped to support the legitimacy of Bush’s leadership. Edwards’ study helps to explain several aspects of the trajectory of Bush’s rhetoric, but it fails to address the Patriot Act or provide a clear explanation of Bush’s rhetorical choices in selling legislation to the public.

Also dominant in the literature were examinations of changes in American identity, for example Anker’s 2005 essay “Villains, victims, and heroes: Melodrama, media, and September 11.” Anker (2005) argues that in the news coverage that immediately followed the events of that morning, the media constructed a melodramatic narrative that significantly influenced America’s identity. Like Bostdorff, Anker sees America constructed as a victimized hero who had been struck by an external force in an unprovoked attack. Melodramas contain three primary characters: “a ruthless villain, a suffering victim and a heroic savior who can redeem the victim’s virtue” (Anker, 2005, p .21). Anker claims that America adopted a dual melodramatic identity, in that we see ourselves as a victim (a new identity) but also retain our identity as hero, thus saving ourselves from the external villain.

The reinterpretation of America as a potential victim is important in understanding the scene in which the Patriot Act was presented. America had never before been attacked in the way it was on September 11, 2001. The nearest

examples are Pearl Harbor, an act of war, and the Oklahoma City bombing, in which a single building was attacked by an American dissident. Since America has rarely been in the position of victim, the situation created by the attacks may help explain why rhetorical critics have repeatedly argued that America assumed a heroic role, contrasted by a strong sense of victimization, in rhetoric after September 11 (see, Anker, 2005, Bostdorff, 2003, Norris, 2004, and Wattenberg, 2003). Anker's study provides significant background that illustrates the scene surrounding the selling of the Patriot Act, but she does not directly address the legislation.

Another representative study of the change in identity after September 11 is Norris's essay "'Us' and 'them:.' The politics of American self-assertion after 9/11." Norris (2004) takes the argument about self and other to task by exploring why Americans generally refused to ask questions about why someone would attack the nation in the manner that occurred on 9/11. He is especially concerned with the way in which terrorists are defined as "non-state actors," a definition which tautologically absolves America of any terrorist action, as it is a *state*. A key element of Norris' observations is the notion that, from another country's perspective, Americans are potentially (or are already) terrorists or at least guilty of similar crimes. Norris uses a powerful example by comparing an abortion clinic bomber to a member of Al Qaeda and suggests that the government must promote a view of terrorists as foreign to prevent fighting a war on terror with its own citizens. Instead, the government appears to be using "9/11 to forge a new identity, as if the only alternative to civil war were submersion in a common identity" (Norris, 2004, p. 255). Norris's essay is

useful in understanding the post-September 11 scene, yet falls short of examining the specifics involved in selling the Patriot Act.

The final set of literature in this section includes those studies that explore the larger strategic trends in political rhetoric. The title essay from Geoffrey Nunberg's 2004 book *Going Nuclear: Language, Politics, and Culture in Controversial Times* is a strong example of this literature. In this essay, Nunberg makes several interesting observations that are helpful in understanding Bush's post 9/11 rhetoric and the Patriot Act. Nunberg notes that the Patriot Act is only one in a long line of strategically named laws with "convenient" acronym names. Additionally, he observes Bush's tendency to use suggestive labels for pet projects in an effort to attach them to values such as freedom. Nunberg also devotes several chapters to exploring the strategic galvanizing of patriotism by the President after the 9/11 attack. Nunberg's book helps to highlight the style and trends of Bush's rhetoric, but it does not provide a clear description of Bush's rhetorical strategies selling of the Patriot Act.

A review of the representative literature surrounding the issue of the selling of the Patriot Act reveals the existence of a great deal of information but little direct analysis of the rhetoric of the selling of the Patriot Act. While there has been significant research on both President Bush's rhetorical strategies and on the Patriot Act, no one has yet looked at how President Bush sold the Patriot Act. This study aims to provide a complete and coherent understanding of the rhetoric of the

President regarding the Patriot Act in order to afford an understanding for how the law was sold, thus remedying the gap in the existing literature.

Methodology

In carrying out this study of President Bush's rhetoric on the Patriot Act, I conduct a broad inductive analysis using the following steps. First, I do a thorough reading of all of the President's addresses regarding the Patriot Act and supporting rhetoric from key presidential advisors and spokes people. I chose to look at all of the President's rhetoric in an effort to provide the most complete trajectory of the President's rhetoric.

The President's addresses on the Patriot Act fall into three general categories that are useful in understanding the way in which the legislation was sold to the American people. The first category contains those speeches and public statements directly regarding the Patriot Act. Speeches in this category include addresses such as the President's comment upon signing the act. The second category of rhetoric includes those speeches and public statements directly addressing the larger issue of homeland security in which the Patriot Act was presented as an example or as a secondary topic. The majority of the President's statements on the Patriot Act fall into this category and examples include speeches to the military and the FBI as well many of the President's radio addresses. The third and final category includes those

speeches and public statements detailing the successes of the Bush Administration in which the Patriot Act was presented as an example.

In investigating these speeches, I found several instances in which the President deferred the explanation of the details of the Patriot Act to a member of his staff, most often Attorney General John Ashcroft. I argue that these remarks reflect the larger argument of the President and his Administration. Therefore, in these situations I also examine the speeches of these staff members. If the full text of the remarks was not available with the Presidents address, I retrieved the remarks from the appropriate government sponsored archive.

After conducting a careful reading of all speeches, I will perform a broad inductive analysis of the strategies used by the President. I will focus my first level of analysis on three primary strategies: ideological arguments, value claims, and uses of narrative. Ideological arguments are those claims asserting a specific argumentative worldview (McGee, 1980; Rowland & Frank, 2003). Such claims are generally connected to larger belief systems. In the case of the selling the Patriot Act, ideological claims connect the Patriot Act to the core beliefs and national identity of the United States, asserting an American worldview. Value based strategies depend on references to the cultural systems that define the beliefs about the ideals for how a society should be and how a society should not be (Hauser & Cushman, 1973). Thus, in the case of the selling of the Patriot Act, the rhetoric establishes a clear delineation between “good” and “bad.” As mentioned in the review of literature, several studies observed the use of value based claims in the larger lexicon of post-

September 11 rhetoric (Norris, 2004; Anker, 2005). Finally, narrative, or the use of “story telling” is an important strategy. Narrative is especially useful in creating identity with an audience. Lewis (1987), in his analysis of Ronald Reagan’s narrative style, noted how Reagan was able to use the narrative form to frame America as a bright and hopeful place and how the people adopted the identity proposed by that narrative. I will not limit my examination to these three strategic tools. Rather, I will use these strategies as a way of identifying the underlying patterns of rhetoric selling the Patriot Act.

After identifying the rhetorical patterns, I will conduct contextual research on the rhetorical situation that Bush faced immediately after September 11 and the evolution of that situation over time. The contextual step includes a detailed examination of public opinion about the events of September 11. I will detail how the context facilitated or constrained Bush’s strategic choices. As a final step, I will combine the inductive description with contextual analysis to show the relationship between Bush’s rhetoric and the evolution of the scene. Using the broad inductive analysis described above I will provide a clear description of how President Bush sold the Patriot Act, using the strategies of narrative, value claims, and ideological arguments.

Outline of Project

In chapter 2, I provide a comprehensive analysis of the scene created by the September 11 tragedy as it relates to the rhetoric of the Patriot Act. I then provide detailed background on the Patriot Act. In Chapter 3, I analyze Bush's rhetoric regarding the selling of the Patriot Act. I carefully analyze the rhetoric in which the Patriot Act was introduced and promoted to the American people by President Bush. Specifically I look at how the President and his administration made use of narrative, value claims, and ideological arguments to make their case. In chapter 4, I explore implications from this study. I describe and explain overall trends identified of Bush's rhetoric for selling the Patriot Act in attempt to define the phenomenon of the selling of the Patriot Act. I then present a final conclusion about what this study has revealed about how the President and his administration sold the Patriot Act.

Conclusion

The rhetorical situation caused by the September 11, 2001 terrorist attacks presented many rhetorical advantages and barriers to Bush for selling the Patriot Act. While the literature reveals detailed information about both the rhetorical significance of the Patriot Act and the changes to the rhetorical scene caused by the September 11 attack, no researcher has yet examined the selling of the Patriot Act to the American people. In this study, I examine the rhetorical strategies used by Bush

to sell the Patriot Act both initially and at the time of the Act's reauthorization. Further, I explore the trends that developed over time in order to understand how Bush's strategies changed to adapt to the evolving scene.

Chapter 2: Historical and Contextual Background

In this chapter, I explore historical and contextual elements in relation to the USA Patriot Act in order to place the selling of the legislation into an appropriate background for the analysis in chapters three and four. The scene behind the Patriot Act and September 11, 2001 influenced how the legislation was sold. In order to fully develop this scene, I first provide a description of America's experience with terrorism prior to the events of September 11, 2001, including substantial public opinion data outlining America's views on terrorism prior to the 9/11 attack. I then supply an examination of actual events of September 11 including a representative sample of public response from news reports, as well as polls taken in the days and weeks that followed. Included in these first two sections is a detailed examination of public impression of President Bush. Finally, I give a brief description of the rhetorical situation around the Patriot Act outlining the rhetorical advantages and barriers it afforded the President.

America Prior to September 11, 2001

It is useful to describe the scene in America prior to the attack of September 11, 2001 in order to help illustrate how this event altered America. At the conclusion of the Cold War America existed in a culture of confidence, which can be described as a situation in which the country's belief in its own abilities and superiority became

a matter on national identity (Nelson, 1996). The culture of confidence dominated the foreign policy of the nineties and resulted in a perception of invulnerability and security throughout the decade (Norris, 2004). When terrorists attacked America on September 11, 2001, this perception was shattered and forced Americans to see themselves and the Nation from a new position (see Anker, 2004; Norris, 2005).

While the culture of confidence was an important attribute of American national identity prior to September 11, 2001, terrorism was already an issue. In order to elucidate the question of terrorism in America prior to the September 11 attacks, I briefly outline America's experience and opinions regarding terrorism in the years prior to the September 11, 2001 attacks. While there was a history of terrorist attacks on American soil, previous events had been small, relatively isolated incidences. Some of the of the most notable examples included a car bomb at the World Trade Center in 1993, which killed 6 people, the Okalahoma City bombing in 1995, which killed 168 people, and an explosion at the 1996 Olympics in Atlanta, Georgia, which killed 2 people (Timeline , n.d.). While there had been other attacks directed at America, these occurred on foreign soil, such as the US Embassy attacks in Kenya in 1998 (Timeline, n.d.), and were therefore physically far from American experience. Additionally, there was a history of terrorists blowing up airplanes, Pan Am flight 103, which was blown up 1988, being a notable example (Kahn, 2001). In comparison to the attack of September 11, these attacks were limited in scope and in most cases geographically removed from most Americans, thus limiting their effect on the psyche of the average American.

Poll data describing Americans' attitudes about terrorism prior to September 11, 2001 suggest two important trends. First, Americans were aware of the general threat of terrorism and felt it was an important issue that would remain a concern in the future. An October 2000 Gallup poll revealed that when asked directly about terrorism 72% of Americans cited terrorism and violence in the Middle East as an issue that would influence their vote (Gallup, 2000). Additionally, a poll conducted by the Roper Center for Public Opinion Research taken in May 2001 indicated that nearly 90% of Americans felt the threat of terrorist attack by foreigners was greater than it was 10 years previously. The results of the Roper Center poll are in keeping with previous studies as well. An October 1999 research poll by the Pew Research Center for the People and the Press (Pew) indicated that 94% of those surveyed felt international terrorism was a threat with 64% indicating it was a "major threat" (Pew, 1999).

The second trend observed from poll data taken before the September 11 attack is that Americans did not see terrorism as a problem that would cause them to make changes in their lives. Though 85% of Americans reported being at least "a little concerned" (n.p) that national monuments could be targeted by terrorists, nearly half of those polled believed the \$80 million requested by the Parks Service to protect national monuments was too much (Portrait of America, 2000). When asked if they believed "that terrorists will attack one or more of our national monuments in the future?" (Portrait of America, 2000, n.p.) only 24% of respondents said yes. Additionally, 59% of respondents to a May 2001 Fox News poll responded "no"

when asked, “in the next five years, do you think you will actually have to make any changes in your day-to-day lifestyle in response to terrorist activity in the US?”

(n.p.).

The two trends observed in public opinion data suggest that, while there was awareness that terrorism was becoming a danger, there remained a sense among Americans that the country was not significantly at risk.

George W. Bush Prior to September 11

Public opinion of a rhetor is often a decisive factor in the success or failure of an individual’s rhetoric. Therefore, it is informative to look at public opinion data regarding Americans’ impressions of President Bush prior to the events of September 11, 2001. When Bush took office in January of 2001, there were still many in America who felt resentful toward his election (2000: Bush vs. Gore, 2005). The 2000 election was very close and by the end of election day Florida, which had sufficient Electoral College votes to decide the victor, had yet to declare a state winner (2000: Bush vs. Gore, 2005). While Bush appeared to have won Florida, his opponent, Al Gore, challenged the vote, beginning a long and onerous process of evaluating the accuracy of the voting system (2000: Bush vs. Gore, 2005). The 2000 Presidential election drew out into December with disputes over miscounted votes in Florida and heated debates over various ballot formats (2000: Bush vs. Gore, 2005). The election was finally decided by the Supreme Court,

which ordered a stop to all the recounts, awarding the disputed state of Florida to Bush and securing him enough Electoral College votes for a victory (2000: Bush vs. Gore, 2005). However, the contested election remained an issue and as a result Bush began his Presidency in a less than desirable fashion. A *Washington Post* poll in February of 2001 revealed Bush had an approval ranking of 55%, hardly desirable numbers for a newly elected president (*Washington Post*, 2004). Additionally, a Pew poll taken prior to the election indicated that many Americans questioned Bush's ability to "use good judgment in a crisis," (Pew, 2000a, n.p.). By July of 2001, Bush's approval rating had risen only about 5 points (*Washington Post*, 2004). Additionally, Jeffrey Jones of the Gallup News Service reported that support for the President was highly partisan: 87% of Republicans approved of the president, 56% of independents, but only 32% of Democrats (Jones, 2001). Moreover, a poll taken just days before the attack, on September 9, 2001, reported Bush's approval rating remained at about 55% (*Washington Post*, 2004). The poll data suggest that America saw Bush as a mediocre leader, a belief that is further supported by George C. Edwards' 2003 study exploring changes in the presidency post-September 11, 2001. Edwards (2003) revealed that in his first 60 days in office Bush received significantly less press time than his predecessor did. Additionally, only modest audiences viewed what press time he did receive. Combined, these data indicate that the American public did not see President Bush as strong, popular president prior to the September 11, 2001 attack.

The Events of September 11, 2001

While Americans may not have been concerned about domestic terrorism, all that changed on the morning of September 11, 2001. That morning, at 8:45 AM, a hijacked jetliner flew into the north tower of the World Trade Center, followed 20 minutes later by a second plane that hit the south tower (Kean & Hamilton, (2004). At about 9:45 a third plane flew into the south side of the Pentagon (Kean & Hamilton, 2004.). A fourth plane crashed in Pennsylvania. It was brought down by passengers attacking the hijackers, and, according to many reports, was presumably headed for the Capitol (Kean & Hamilton, 2004.). By the time the smoke cleared almost 3,000 people were dead and thousands more injured (Kean & Hamilton, 2004). At the time of the attacks the death toll was believed to be much higher, with predictions as high as 10,000 or more (Barrett, 2001). The images of the collapsing World Trade Center towers and the smoldering Pentagon were burned into the mind and memory of America. Not since the attack on Pearl Harbor, almost 60 years prior, had America been so devastatingly attacked by an outside force (Shales, 2001). Television networks offered continuous coverage of the event, replaying the dramatic footage, and suspending commercials and regular programming in order to offer constant updates (Shales, 2001). Among the more observable reactions, the FAA grounded all flight operation in US airports, the first time that had occurred in US history (Kean & Hamilton, 2004.).

In the days that followed, America struggled to understand what had happened, overwhelmed by the enormity of the event. Responses ranged from shock and numbness to extreme anger. Liz Trotta's September 12 *Washington Times* article, "It was like the end of the world," included many responses from New Yorkers that illustrate the angry response: "It's a sad day to be an American, said one driver from his car stopped at a traffic light. Shaking his head in disbelief, he added, Both towers are gone. Kill. Kill them all. The Iranians, the terrorists, all of them. Let's go to war" (2001, September 12, n.p.). The anger felt by citizens is further demonstrated by an NBC News poll from September 12, 2001, which revealed that 94% of respondents favored the response "work with our allies to combat, and over time, *eliminate* the terrorists responsible" compared with only 75% who favored the response "build a case against the people who are specifically responsible and seek justice in the world court," (2001, n.p. emphasis mine) suggesting a desire for revenge over traditional justice. Other reporters concentrated on the disquieting uncertainty in the immediate hours and days following the attack. In a *Washington Post* article, Tom Shales (2001, September 12) discussed the conflicting reports and overwhelming images of the television broadcasts and observed that even the most seasoned news anchors were overwhelmed by what had happened.

While the American media struggled to put what had happened into words for the press, public opinion groups were quick to gather data on the response to the attacks. A NORC survey on physical and emotional responses revealed that over 50% of respondents had trouble sleeping, and more than that reported crying upon

hearing the news (in Wattenberg, 2003). When asked during the same poll about their feelings when they first heard the news, 65% reported anger as their initial response, compared with 27% who reported wondering whether “anyone could really be safe in this country these days” (in Wattenberg, 2003, p.80). Despite the anger and desperation, feelings of national pride and faith in humanity actually increased in the aftermath of the attack (Smith, Rasinski, &Toce, 2001). The preliminary findings of the NORC “National Tragedy Study” (NTS) revealed that 97% of Americans would rather be a citizen of America than any other country. Additionally 80% of those surveyed said they were “very proud” of the armed forces, up 32 points from a previous study on national pride (Smith, Rasinski, &Toce, 2001). Thus, while Americans were clearly terrified and upset, they remained confident and committed to America.

The swell of American pride also may have had an influence in the dramatic increase in Bush’s approval rating after the attack. President Bush’s approval rating jumped an unprecedented 35 points after the attack to 86%, one of the highest presidential approval ratings in American history (Moore, 2001). While the “rally-around-the-flag” phenomenon is well documented (see Mueller, 1973; Bostdorf, 2003; Moore, 2001), no previous President had ever had so substantial a jump in public support following a major national event, the average being about 10 points (Moore, 2001). In the weeks that followed the attacks, Bush’s approval ratings reached a record-breaking high of 92% (*Washington Post*, 2004). The poll data suggest that while Bush was poorly received in the early months of his presidency,

after September 11, 2001 the American people saw him as a strong and capable leader. While the “rally around the flag” phenomenon may be insufficient to explain fully the level of support Bush enjoyed after September 11, it remains an important element of his success.

The events of September 11, 2001 created a rhetorical situation unique in modern American history. If a "culture of confidence" could describe the post-Cold War era, it would be fair to suggest a "culture of fear" could describe post-September 11 America. However, despite the pervasiveness of fear, Americans remained proud of their national identity and their country (Smith, Rasinski, & Toce, 2001). Thus, the rhetorical situation Bush faced was a scene in which the people were feeling afraid and vulnerable but still held on to their identity as proud Americans. Chapter three will examine how Bush addressed this situation in selling the Patriot Act.

The USA PATRIOT Act

In this section, I outline the specific rhetorical situation that surrounded the presentation and authorization of the Patriot Act. First, I give a brief description of how the passage of the law appeared in the public sphere. Then I outline the rhetorical barriers and advantages this scene presented Bush. I do not give significant detail about the impact of the law because the focus of the study is on how the law was sold rhetorically.

On September 20, 2001, Bush demonstrated his ability as a strong leader when he addressed a joint session of Congress and the American people. In his address, the President declared a “war on terror” (Bush, 2001, September 20), and laid the groundwork for significant changes aimed at helping America to better fight and prevent future acts of terrorism. Among the promises made by the President were the establishment of the office of Homeland Security, a new Cabinet-level position, and the creation of legislation that would help to fight terrorists and prevent terrorist acts. The commitment to expanding the Nation’s legal resources was further expanded in a speech to the FBI promising tools to help increase the Bureau’s ability to track suspects and stop terrorism (Bush, 2001, September 25b). The USA PATRIOT act was one of the results of these promises.

Congress wrote and prepared the Patriot Act in about five weeks, limiting the time the President had to sell the law. Though produced quickly, the creation of the Patriot Act did not escape public scrutiny and was closely followed by the press. On October 2, 2001, a full three weeks before the President signed the Patriot Act into law, the *New York Times* carried an article detailing a compromise anti-terrorism law coming out of the House Judiciary Committee. The law was described as an unprecedented act of bipartisan compromise, especially coming out of the normally sharply divided House Committee (Lewis & Pear, 2001a). The article’s authors, Neil Lewis and Robert Pear, described the White House response to the compromise law as “encouraging because it demonstrated bipartisan support for so much of the White House’s wish list,” referring to the inclusion of features in the law desired by

the Administration. However, this positive response was limited, as the authors also cited that, according to an anonymous White House source, “some of the elements were troubling, especially a ‘sunset’ feature that would have the expanded wiretap powers expire in two years unless explicitly renewed by Congress” (Lewis & Pear, 2001). The Administration also had other issues with the restrictive language of the legislation and the requirement of a search warrant to record actual phone conversations (Lewis & Pear, 2001).

The displeasure of the White House over certain elements of the compromise law was resolved by the Administration by quietly pushing for the substitution of their own version of the bill (*Washington Post*, 2001, October 16). The result was Congress voting on a law they were not familiar with and public concern about the level of power the Executive branch was exercising. Two weeks after the original bill had been approved in the House, the *Washington Post* reported the House had voted to approve a substitute bill provided by the administration (2001, October 16) noting:

Members of both parties complained they had no idea what they were voting on, were fearful that aspects of the substitute bill went too far – yet voted for it anyway, lest there be a further terrorist attack and they be accused of not having provided the government sufficient means to defend against it. (2001, October 16, p.A22)

The situation in Congress helps to highlight the scene of fear and uncertainty felt throughout the country. In addition, a Pew survey from September 17, 2001

revealed that Americans were more concerned that Congress would “fail to enact strong laws” than they were concerned Congress would “pass laws that restrict civil liberties” (2001d, n.p.) suggesting that Americans wanted protection above other issues.

In addition to the press, several other groups weighed in before the law was enacted, adding complications to the scene. On October 23, 2001, the ACLU issued a statement about the forthcoming antiterrorism law suggesting “this legislation goes beyond its stated goal of combating international terrorism and instead reaches into innocent customers' personal financial transactions” (n.p.). Additionally, the ALA issued a public letter to Congress urging:

Our Nation's leaders to move cautiously in proposing new laws and regulations aimed at terrorism. We are concerned that some of the legislation proposed thus far threatens the rights of the public and undermines the confidentiality that is crucial for the flow of information needed for the provision of library services and importantly, the vitality of our democracy. (2001, October 2, n.p.)

The widespread campaign of the liberal left to highlight civil rights concerns draws attention to the central conflict of the selling of the Patriot Act, the balance between liberty and safety. The balance between civil rights and protection from terrorism is evident in terms of the rhetorical barriers Bush faced in selling the Patriot Act. In presenting the Patriot Act, Bush faced the negative attitudes of the liberal left and unease about the effect of antiterrorism laws on average American lives. While a

November 2001 National Public Radio (NPR) poll revealed the majority of Americans were supportive of giving the government increased jurisdiction, including the authority to examine some personal records, there were limits to this support. The NPR poll presented respondents with specific examples of the expanded authority granted by the new anti-terrorism legislation (the Patriot Act) gauging levels of approval and concern on the expanded powers granted by the legislation. The majority of respondents opposed portions of the law such as the “sneak and peak” provision and wiretapping and cited concern that law enforcement might use their new jurisdiction outside the scope of fighting terrorism (Henry J. Kaiser Foundation, 2001, November). At the same time, 65% of respondents felt the legislation was not a threat to their “personal rights and freedoms,” and 66% of respondents felt the new legislation “increased their security against terrorists” (Henry J. Kaiser Foundation, 2001, November, n.p.). The poll data expose the key rhetorical barrier faced by Bush, namely that some Americans were concerned about the sacrifices of their civil rights in the name of safety, although this was a worry only to a small minority

While Bush did face some obstacles in convincing the American people that the Patriot Act was the right way to fight terrorism, he had substantial advantages that facilitated his initial support of the legislation. At the time the Patriot Act was authorized, Bush’s approval rating was in the high eightieth percentile (*Washington Post Poll*, 2001), affirming a high level of perceived credibility. In addition to the positive view of his character, Bush also had strong public support for working to

provide law enforcement with the tools the needed. Additionally, as cited above, while there was some concern about how the government would use such tools, the majority of Americans did not see the legislation as threatening. Eighty-three percent of respondents had confidence in “the US government to fairly administer the new anti-terrorism legislation” (Henry J. Kaiser Foundation, 2001, November n.p.). The NPR poll results were a turn around from poll data taken previous to the attack in which the majority of Americans opposed “giving up some of their personal freedoms in order to reduce the threat of terrorism” (*Fox News*, 2001, n.p.). Data from the responses to the terrorist attacks also suggest that Bush had the advantage that the public was still anxious about the events of September 11. This apprehension may have made audiences more apt to accept any solution that promised to keep them safe. The cumulative data suggest significant rhetorical advantages for Bush presenting a law that would provide Americans with their desired safety and protection (see Bush, 2001, October 12; 2001, October 26).

Conclusion

The Patriot Act emerged in a unique situation, unlike any previously experienced in America. The scene presented Bush with distinct opportunities and barriers that influenced the effectiveness of his efforts to sell the Patriot Act. It is important to have an extensive understanding of these events and the public’s response in order to evaluate President Bush’s response to this scene when selling

the Patriot act. In this chapter, I have explored America's previous experience with terrorism, the events of September 11, 2001, the contextual backdrop behind the Patriot Act, and the rhetorical barriers and advantages Bush faced in order to provide a strong background for the more extensive analysis in Chapters Three.

Chapter Three: Analysis of the Primary Rhetorical Strategies

In this chapter, I explore how President Bush sold the Patriot Act through an in-depth analysis of the rhetoric from the September 11, 2001 terrorist attack to the time the Act was signed into law on October 26, 2001. I also look briefly at the rhetoric immediately following the passage of the law as much of that rhetoric served to solidify opinions about the law and to quell any doubts about the appropriateness of the Patriot Act as a response to the threat of additional attacks.

I argue that President Bush presented the Patriot Act as part of a larger campaign, that of the War on Terror, using a simple rhetorical pattern that relied on distilling the situation down to an essential battle of good versus evil. Bush also used supporting arguments from members of his administration, such as Attorney General Ashcroft and Secretary of State Powell, to back up his position. Often these individuals provided their expert credentials in offering detailed arguments that corroborated the President's essential claims.

Bush and his administration employed three general strategies. The first of these strategies depended on a narrative argument that September 11 had changed America and the World. The second strategy was the use of fervent value and symbol appeals that linked the Patriot Act to basic ideals such as the American dream. Finally, the third strategy was the employment of ideological argument which divided the world in to a simplistic dialectic of good versus evil.

In order to provide a detailed analysis of the selling of the Patriot Act, I first provide a brief description of some of the general characteristics of President Bush's rhetoric following the 9-11 attack. I then analyze each strategy used by the President and members of his administration in detail. Finally, I explore how these strategies worked together to create and maintain the campaign that led to the passage of the Patriot Act.

Bush's rhetoric after September 11

In Chapter One, I explored some of the more notable studies that examined the trends and strategies that have marked President Bush's rhetoric since the terrorist attack. The authors of these studies observed behaviors that inform this project such as Bostdorff's (2003) explanation of the President's use of a covenant of renewal to laud America and Edwards' (2003) observation that Bush's rhetorical strategy had remained consistent throughout the first year of his presidency. The rhetorical pattern employed in the selling of the Patriot Act was no exception.

As described in the previous chapter, the events of 9-11 created an extraordinary exigence that required an immediate response by the President. Bush responded and addressed the nation within an hour of the attack, at 9:30 am, while still at Emma Booker Elementary school (Bush, 2001, September 11a). The President briefly addressed the press before leaving on Air Force One declaring it "a difficult moment for America," and promising to "conduct a full-scale investigation

and to hunt down and to find those folks who committed this act” (Bush, 2001, September 11a). As the events continued to unfold and information became available, there were many additional opportunities that Bush took to address the Nation. These included formal addresses to comment on the nation’s response to the crisis, such as the President’s address to a joint session of Congress on September 20, 2001. There were also many informal occasions where the President was asked to make remarks at an important event or location, such as, his comments while touring the damaged Pentagon shortly after the attacks or at a ceremony to reopen Ronald Reagan Airport nearly a month after the attack. The President met with the press regularly, often allowing questions to discuss the situation. Additionally, many joint press conferences were held as the heads of state of America’s allies came forward to show solidarity with the United States during its time of crisis. During the weeks that followed the attack, the President met with King Abdullah of Jordan, Chancellor Schroeder of Germany, Prime Minister Berlusconi of Italy, President Jiang Zemin of China, Prime Minister Koizumi of Japan, and President Putin of Russia.

While the President made, according to whitehouse.gov archives, over seventy statements to the American public between September 11 and October 26, the President rarely discussed the pending legislation in detail. In fact, the President only made direct mention of an anti-terrorism bill in about fifteen of those statements prior to the signing of the Patriot Act. However, a review of those statements indicates that the President and his administration successfully tied the Patriot Act to

the larger War on Terror. Thus, arguments in support of the War on Terror tacitly provided evidence in support of the Patriot Act.

Bush's Use of Narrative

The primary strategy employed by Bush was that of narrative. Bush used narrative in several ways, the most significant of which was the establishment of a new scene in which anything meant to keep America safe was both necessary and incontestable. This concentration on the scene was accompanied by an equal focus on agent, specifically the nature of the enemy. The President also used narrative in the form of examples describing how the Patriot Act would change the existing story of how America fights terrorism. Finally, narrative was used to establish the War on Terror and all its components (including the Patriot Act) as fitting into the larger American Story and, therefore, consistent with America's self-image.

In this section, I examine the various ways the President used narrative to sell the Patriot Act. In order to make this argument, I first provide a working definition of narrative and briefly explore how narrative functions as a viable rhetorical strategy. Next, I detail the dramatisic ratios of Kenneth Burke, specifically the scene-act ratio and the agent-agency ratio, in order to better articulate how Bush connected the new scene and the extreme nature of the enemy agent to the Patriot Act. I then show how the President utilized these two ratios through an in-depth

look at his rhetoric. Finally, I briefly examine how the President tied the War on Terror and, more specifically the Patriot Act, to the larger American story.

In order to understand how narrative functions as a rhetorical strategy, it is important to first have a working definition of what is narrative and how it functions. Ricoeur (1981) begins by defining narrative as:

A story [which] describes a sequence of actions and experiences of a certain number of characters, whether real or imaginary. These characters are represented in situations which change or to the changes of which they react. These changes, in turn, reveal hidden aspects of the situation and the characters, giving rise to a new predicament which calls for thought or action or both. The response to this predicament brings the story to its conclusion. (p.277)

Ricoeur's definition suggests a cohesive story in which characters act within a scene in relation to situational events. Under this definition, a narrative has a clear beginning, middle, and end. However, often the President's use of narrative relied on the fact the story he was telling was not yet finished. For example, on numerous occasions the President asserted the "need [for] patience and determination in order to succeed" (2001, September 27, ¶14), referring to the idea that the War on Terror was a new kind of war which does not have clear battle lines (see for example, Bush 2001, September 12, 15, 23). Fisher (1984) provides a much broader definition of narrative referring to "a theory of symbolic actions - words and/or deeds- that have perspective, therefore, has relevance to real as well as fictive worlds" (p. 291).

According to Fisher's definition, a narrative might be almost any symbolic act and all such acts are important. While some argue that Fisher's definition is overly broad (Rowland, 1989), he makes the point that much rhetoric participates in larger, pre-existing narrative.

An important means of understanding narrative and its structure is through the dramatic ratios of Kenneth Burke's pentad. Burke's pentad provides a means for evaluating the relationship between different components of a narrative. The pentad, according to Burke, involves:

Some word that names the *act* (names what took place, in thought or deed), and another that names the *scene* (the background of the act, the situation in which it occurred); also, you must indicate what person or kind of person (*agent*) performed the act, what kind of means or instruments he used (*agency*), and the purpose. (1962, p.xvii emphasis in original).

Burke further distills these components to five questions "what was done (act), when or where it was done (scene), who did it (agent), how he did it (agency), and why (purpose)" (1962, p. xvii). The dramatic ratios refer to the relationship between these elements. For example, of special interest to this study is the relationship between the scene (America after the September 11, 2001 terrorist attack) and the act (actions needed to confront the terrorists, including the Patriot Act). The relationship between these two factors relies on "a principle that the nature of acts and agents should be consistent with the scene" (Burke, 1962, p. 3). In other words, what was

done should fit the situation in which it was done. The other ratio of concern to this investigation is that of the agent-agency ratio. This ratio is addressed from two different angles. The first looks at the relationship of the enemy as so completely evil that they demand a strong and decisive response. The arguments used to support this position tend to be more focused on the War on Terror in general but the President also employed this relationship to stress the importance of the Patriot Act alone. The second perspective of the agent-agency relationship of significance is a comparison of the nature of America and the tools America can and will use to remain consistent with that character.

On the morning of September 12, 2001 the President began to emphasize how much the scene in America had changed, asserting the “government and all our agencies are conducting business. But it is not business as usual” (¶5). In the same statement, the President established a frame for understanding the situation, stating that America had become engage in “a monumental struggle of good versus evil” (¶7). By framing the scene in this way the President called for acts appropriate to this “monumental struggle” (Bush, 2001, September 12a, ¶7). A key feature of this argument was the concept that America was involved “a different kind of battle against a different kind of enemy” (Bush, 2001, September 15, ¶1) and that “the American people must understand that this war on terrorism will be fought on a variety of fronts, in a variety of ways. The front lines will look different from wars of the past” (Bush, September 23, ¶2). By establishing the scene as “new” and “different” the President, and his administration, were able to legitimize actions that

previously would not have been acceptable. The President established a need to “direct every resource at our command- every means of diplomacy, every tool of intelligence, every instrument of law enforcement, every financial influence, and every necessary weapon of war- to disrupt and to defeat the global network of terror” (Bush, 2001, September 20, ¶ 28).

The connection between the new scene and the need for action was further developed in October when the President asserted that “we’ve entered a new era... Americans must know that their government is doing everything we can to track down every rumor, every hint, every possible evildoer” (Bush, 2001, October 3, ¶26). Thus, Bush established a precedent to do whatever was necessary to keep America safe. It was into this scene that the President introduced the Patriot Act. The President first planted the seed for a comprehensive anti-terrorism law during his September 20 address to Congress and the Nation declaring that “we will come together to give law enforcement the additional tools it needs to track down terror here at home. We will come together to strengthen our intelligence capabilities to know the plans of terrorists before they act, and find them before they strike” (Bush, 2001, September 20, ¶48). In asserting that this was “a different type of war” the President also laid the groundwork for the need for secrecy in the ways in which the government responded. For example, he argued that in these “extraordinary times ... it was important to send a clear signal... that classified information must be held dear” (Bush, 2001, October 9, ¶15). Bush continued this contention of the need for secrecy by asserting “[m]uch of the efforts that we talked about in the Oval Office

will be efforts that you will never see until people are brought to justice” (Bush, 2001, October 9, ¶31). Based on Bush’s arguments, Americans were to accept that they would remain in the dark about much of the government’s anti-terrorism operations.

The theme that the new scene demanded strong action was evident in his radio address on September 14. During that address, Bush stated, “this will be a different kind of conflict against a different kind of enemy,” (¶1). In setting the scene as a new type of conflict, Bush prepared the country for a shift in our perceptions of the enemy and of ourselves. In essence, Bush was establishing a new worldview which justified strong actions. On September 23, 2001, Bush announced that, “a major thrust of our war on terrorism began with the stroke of a pen. Today, we have launched a strike on the financial foundation of the global terror networks” (¶ 1). Less than a week later, Bush reiterated this argument when speaking at a ceremony marking the reopening of O’Hare airport, stating, “We’re also a nation that is adjusting to a new type of war. This isn’t a conventional war that we’re waging. Ours is a campaign that will have to reflect a new enemy,” (2001, September 27, ¶13). Bush’s narrative frame prepared the American people to accept and expect actions such as the Patriot Act.

The narrative Bush created was an America under attack by “evildoers.” The attack was unprecedented and unprovoked; it changed how America should understand itself and its place in the world. Such heinous acts demanded an appropriate response. The story remained unfinished because as Bush pointed out

early on “the conflict will not be short [and Americans] will be asked for resolve... because the course to victory may be long” (Bush, 2001, September 15, ¶7).

The narrative was developed further in the discussion of the enemy. Bush had framed the terrorists as evildoers whose acts were so horrible they demanded a response unlike any seen before in America. The argument that America must adapt because of the nature of the enemy highlights the second dramatic ratio of concern to this study, that of agent- agency, where the agent is the terrorist “evildoer.” Bush makes this connection in his broad discussion of the war on terror asserting:

This is a different type of enemy than we’re used to. It’s an enemy that likes to hide and burrow in, and their network is extensive. There are no rules. It’s barbaric behavior. They slit throats of women on airplanes in order to achieve an objective that is beyond comprehension. And they like to hit, and they like to hide out. But we’re going to smoke them out. And we’re adjusting our thinking to the new type of enemy. (2001, September 17, ¶ 21)

While Bush was more general in his claims, Attorney General Ashcroft directly connected the evil nature of the enemy with the need for strong anti-terrorism legislation. In a news briefing in October, the Attorney General stated:

I also encourage the Congress to pass quickly the anti-terrorism legislation proposed by the administration so that law enforcement may have at its immediate disposal tools to fight this war. Osama bin Laden broadcast a message yesterday celebrating the attacks on

September 11. He glorifies the terrorists who kill thousands of innocent men, women and children with no warning and no mercy. He distorts religion to promote death and to destroy life. He seeks fear, chaos and terror for the American people, and he swears to steal our sense of security in America. This is the face of evil. After hearing these chilling words, there can be no doubt that America's action of self-defense are justified. (Ashcroft, 2001, October 8, ¶12-14)

Here Ashcroft does two things of significance. First, he connects the need for the anti-terrorism legislation to the extraordinary nature of the enemy. Second, he uses the extreme evil nature of Osama bin Laden to sanction any action taken by the Government as "self-defense." While neither the President nor the Attorney General directly mentions the need to sacrifice certain liberties, they imply that any sacrifice and any action is justified because the enemy is evil.

The Administration's rhetoric also implies a second agent- agency ratio. The second ratio relates to the heroic American agent who the Bush Administration ties to the appropriate agency of the Patriot Act. Bush was very careful to establish that the Patriot Act "upholds and respects the civil liberties guaranteed by our Constitution" (2001, October 26, ¶18). The Constitutionality of the Patriot Act was established early, in a September 25 address to the FBI about the legislation he had requested from Congress. Here, Bush professed that "these are measured requests, they are responsible requests, they are constitutional requests" (¶16). At many

occasions before he signed the Patriot Act into law, Bush framed America's response to the situation as consistent with America's character because "ours is a nation that does not seek revenge, but we do seek justice" (Bush, 2001, September 25, ¶6). The theme of justice is carried through the rhetoric on the War on Terror. In his September 20 address to nation Bush promised "whether we bring our enemies to justice, or bring justice to our enemies, justice will be done" (¶6). Here, Bush argues America's heroic identity was consistent with strong action. Such actions were justified against an enemy that "hides in the shadows, and has no respect for human life" (Bush, 2001, September 12a) because America is "freedom's home and defender" (Bush, 2001, September 14a, ¶17).

Finally, Bush connects the narrative he had established about the place of the War on Terror and, consequently, the place of the Patriot Act in the larger American story. While the terrorist attack of September 11 was an event unlike any ever seen, it did not alter America's character. Bush asserted that "a terrorist attack designed to tear us apart has instead bound us together as a nation" (2001, September 15, ¶5). Bush's arguments about the nature of the anti- terrorism legislation also situate it and other elements of the War on Terror within a consistent understanding of what America is and what America stands for.

In this section, I have explored how narrative functioned as a strategy for Bush in the selling of the Patriot Act by looking at how the relationships between the dramatic ratios of scene- act and agent- agency functioned to create a cohesive narrative in which the Patriot Act was a consistent and justified component. In the

next section, I analyze the way in which Bush strategically used the values and symbols that define and describe America to support his claim that the Patriot Act fits consistently within this narrative.

Bush's Use of Values and Symbols

Appeals to collective values and beliefs are a well-established rhetorical strategy. Throughout the rhetorical tradition, the importance of this strategy has been stressed, especially as a way of gaining identification with an audience. Values, the basic definitions of right and wrong within a society (Rowland, 2002), are also important in establishing a national identity. Weaver (1948) asserts that “every man participating in a culture has three levels of conscious reflection: his specific ideas about things, his beliefs or convictions, and his metaphysical dreams of the world,” (p.18). Here beliefs or convictions can be understood to imply values. Weaver’s definition suggests that our values shape our worldview on a primary level. For example, Nelson’s (1996) argument that America’s identity is a culture of confidence is tied to America’s values. Because values serve such an important role within a society, it is easy to understand why such arguments were such a valuable strategy for Bush’s narrative about the War on Terror was a battle between good and evil.

The idea of war as a battle between good and evil is not a new concept. For example, Robert Ivie (1982) showed how the portrayal of Great Britain as a “beast of

prey” led to strong national approval for the War of 1812. Additionally, Hermann Stelzner (1966) explored how Roosevelt’s choice of terms like “unprovoked and dastardly attack” established the relationship between the United States and Japan after the attack on Pearl Harbor. Such descriptions are useful in creating a clear dialectic of “us” and “them”, where “we” are in the right and represent the “good” and “they,” the other, is the perpetrator of a great wrong and represents “evil”. This dialectic creates a juxtaposition between “god terms” (Weaver, 1985, p. 212) and their opposite, the “devil term” (Weaver, 1985).

Bush primarily used value-laden argument to link the actions of America in the War on Terror to the principle values of America, thus sanctioning actions such as the Patriot Act. For example, in a September 23 press conference with Japanese Prime Minister Koizumi, Bush declared that “no threat will prevent freedom-loving people from defending freedom. And make no mistake about it: This is good versus evil. These are evildoers” (2001, ¶18). Here Bush is employing an obvious juxtaposition of the god term “freedom-loving” with devil term “evildoer” to highlight the goodness of America.

The above example illustrates how Bush took two differing perspectives in his use of value appeals, first the lack of values of the enemy and second, the exceptional values of America and the heroes of 9-11 and the War on Terror. Another example occurred on the evening of the attacks when Bush established the vile nature of the attacks on America by asserting that “our way of life, our very freedom came under attack [and, consequently] thousands of lives were suddenly

ended by evil, despicable acts of terror” (2001, September 11b, ¶1). The Attorney General also reiterated this understanding of the terrorists describing them as “those who committed this *heinous* act against America and free people everywhere” (Ashcroft, 2001, September 15, ¶1, emphasis mine). The contrast to America was emphasized the next day when the President declared that America was “a nation that can’t be cowed by evil doers” (2001, September 16, ¶2). The use of strong vocabulary, adjectives such as “heinous” and “despicable,” and referring to the enemy as “evil doers” furthered the administrations effort to depict the enemy as devoid of value. Another example of word choice occurred when Bush responded to a question about whether or not America’s law enforcement reactions to the terrorist attack might restrict the rights of citizens by saying the enemy was “so barbaric that they would fly airplanes into buildings full of innocent people-and show no remorse” (Bush, 2001, September 16, ¶15). Clearly, the use of “barbaric” was a strategic choice meant to create an image of a people without values. In his announcement of an executive order to freeze the terrorists’ assets, the President justified the order which “prohibits United States transactions with 27 different entities [including] several nonprofit organizations” (2001, September 23, ¶4). The action was justified because terrorists were so “*insidious* [that] they oftentimes used nice-sounding non-government organizations as fronts for their activities” (¶5, emphasis mine). The terrorists were always described as “evil people who hate freedom and legitimate governments” (Bush, 2001, September 23, ¶17). By clearly establishing the evil character of the enemy Bush sets the stage for a strong response.

While the President depicted the terrorists as evil, America was portrayed as a shining example of virtue. America's key virtue is that "ours is a nation that does not seek revenge, but we do seek justice" (Bush, September 25, ¶6-7). The President continued this theme in remarks to FEMA employees on October 1, when he concluded an argument on "the collaborative efforts of law enforcement" (¶17) and the policy that "this mighty nation won't rest until we protect ourselves" (¶ 21) with the value laden assertion that the terrorists had:

aroused a mighty land, a land of compassionate people, a land who wants to help a neighbor in need, but a land who stands solidly on principles-the principles of freedom- freedom to worship, freedom to govern, freedom to speak, freedom to assemble. (¶ 22)

A similar claim was made the following day with the reopening of Ronald Reagan airport, when Bush described the resilient American spirit claiming "it's strong, it's vibrant, it's united" (2001, October 2, ¶ 13). Such appeals to the value of unity would become one of the principle strategies used by the Bush administration.

Bush's use of values connected America's response to the terrorist attack of September 11 to America's identity. Bush made this connection especially clear when he explained the failure of the terrorists. He claimed "a terrorist attack meant to tear us apart has instead bound us together as a nation" (2001, September 15a, ¶5). The connection was made again on September 23, when Bush said:

They thought somehow they could effect the psyche of our country.
They were wrong. And not only that, we'll prove them wrong.

They've roused the ire of a great nation. And we're going to smoke them out of their caves and get them running And we're going to use every means at our disposal to do so. (2001, September 23, ¶58)

The connection to America's response was furthered with the claim that "no threat will prevent freedom-loving people from defending freedom" (Bush, 2001, September 25a, ¶ 18). These allusions to America as "a great nation" and "freedom-loving people" helped to justify the Patriot Act as an appropriate response to the terrorism threat.

Bush stressed the concept of unity as defining feature Americans in the face of adversity, a theme that dominated much of his 9-11 and Patriot Act rhetoric. For example, he often noted that "a terrorist attack designed to tear us apart has instead bound us together as a nation" (2001, September 15a, ¶5). Unity was also used to introduce the idea of the anti-terrorism law when the President said in his September 20 address that as a Nation "we [would] come together to give law enforcement the tools it needs to track down terror" (Bush, 2001, September 20, ¶48". However, this value took on particular significance in the selling of the Patriot Act because it was connected to the idea of bipartisanship and unity in Washington.

Bush used light humor when remarking on the bipartisan trend when he observed, "there's a spirit of cooperation in Washington that is very positive. We've got Republicans and Democrats talking to each other. That's good," (2001, October 24, ¶26). Through this light joke, Bush suggests that the needs of the situation have allowed the government to transcend partisanship in order to embrace the American

goals and values which are shared by all. According to Bush, the Patriot Act is an example of a truly American law. It is not a Republican law or a Democrat law but a law “crafted with skill and care, determination and a spirit of bipartisanship for which the entire nation is grateful” (2001, October 26, ¶19). The Patriot Act passed by an unprecedented margin, a fact the President made very clear. Considering the level of partisanship in America, such bipartisan support was used to suggest that if the parties could agree on the Patriot Act then it must be a good law, and therefore ordinary citizens should be proud of the law and support it as well.

The Attorney General also stressed the value of bipartisanship in a press conference on October 18, 2001 where Ashcroft outlined several steps the administration had taken in the War on Terror. Among several issues on the topic, Ashcroft highlighted an anti-terrorism law, the then yet to be named Patriot Act, that was currently working its way through Congress. However, Ashcroft took the concept of unity a step further than Bush, stressing that “the administration and Congress have worked together to update and strengthen our laws to combat terrorism” (2001, October 18, ¶11). This allowed Ashcroft to suggest that the “spirit of cooperation” was not just between parties but between the branches of government as well.

Bush linked the exemplary nature of America and American cooperation when he stated “ours is a land that values the constitutional rights of every citizen. And we will honor those rights of course. But we are at war, a war we are going to win” (2001, September 25b, ¶16-17). Not only does this statement connect the

Patriot Act to America's commitment to winning the War on Terror, while remaining true to our values, it more specifically connects the Patriot Act to a key symbol of America, the Constitution. When Bush commended the Senate for "acting quickly and in a bipartisan way to give law enforcement these essential, additional tools to combat terrorism," (referring to anti-terrorism legislation) (2001, October 12, ¶1) he included in his description that "this important legislation respects our Constitution while allowing us to treat terrorists crimes the same as serious drug crimes" (2001, October 12, ¶1). The respect for the Constitution was also noted when Bush signed the Patriot Act into law, saying "[t]oday, we take an essential step in defeating terrorism while protecting the constitutional rights of all Americans" (2001, October 26, ¶1). By bringing attention to the constitutionality of the Patriot Act the President was able to connect it to all of the values and ideals which the Constitution represents.

Bush's appeals to the Constitution were especially useful because, as Burke points out, the Constitution is "an 'idealistic anecdote' in that its structure is an enactment of human wills" (1962, p.323). In other words, the Constitution is an archetypal artifact that represents American ideology and therefore by appealing to the Constitution Bush appealed to America's commitment to its defining, and founding, ideology. This was especially effective in references to the tools that would help law-enforcement to fight terrorists because it linked the Patriot Act to principle values of America.

The strong association of the Patriot Act with core American values and symbols, especially the Constitution and the idea of unity, acted as constraint on opponents of the legislation. It is difficult to be openly against something that represents so many good things especially when the President suggests that America is acting on behalf of “all freedom-loving people” and the Secretary of State suggests that “all civilized nations in the world understand that the civilized world has to go after terrorism” (Powell, in Bush, 2001, September 23, ¶ 3). By further presenting his arguments as a dialectic of good versus evil, Bush left little room for debate. As no reasonable person would want to be on the side of “evil” this strategy allowed the President to eliminate any possibility for a middle ground. Bush’s position was furthered by his remark “either you are with us, or you are with the terrorists.” (2001, September 20, ¶31) leaving as the only alternative to side with “freedom-loving” people and their policies. Therefore, if you believe in the values which the President connects to the Patriot Act, such as freedom, the Constitution, and American unity, presumably you must support the law.

In this section, I have explored how the President, and his administration, linked the Patriot act to core American values. Through this strategy Bush directly attached the Patriot Act, which contained objectionable elements, to values and symbols which no American could openly reject, thus making it difficult to question the law. In the next section, I examine the strong ideological claims made by the President in creating a logical argument in support of the law.

Bush's use of ideological arguments:

In order to develop his principle claim that America was involved in a dialectical conflict of good versus evil, Bush relied heavily on strong ideological claims. Ideology is closely related to values and is best understood as being tied to a specific worldview (Crowley, 1992). Ideologies are rational arguments which are guided by the set of beliefs that direct and define a society and, tacitly, control societal behaviors (McGee, 1980). Rowland and Frank (2003) further describe ideology as a “descriptive and prescriptive device for understanding and improving society,” (p.23). Put simply, an ideology includes the core arguments at the heart of a coherent worldview in a given society. In this case, Bush built an ideological argument consistent with the narrative and value appeals already developed in this study.

As with his value arguments, Bush relied heavily on the comparison between the U.S. and the terrorists in his use of ideological strategies. Bush constructed an argument throughout his rhetoric in which he established the United States as an ideologically superior nation that was attacked “because we are freedom’s home and defender” (Bush, 2001, September 14a, ¶18). In contrast, the terrorists are devoid of all values and therefore do not have a logical basis to explain their actions. In a speech to the FBI on September 25, 2001, Bush declared that the terrorists “don’t represent an ideology, they don’t represent a legitimate political group of people,” (¶6) suggesting that the terrorist existed without any guiding principles. This concept

was also established a few days prior, during a joint press conference with Japanese Prime Minister Koizumi, when Bush defined the terrorists as “evildoers” and further added that “they have no justification for their actions. There’s no religious justification, there’s no political justification,” (2001, September 23a, ¶ 18). Bush used these claim to de-legitimize any argument that the terrorists had been justified or provoked in any way because “the only motivation [was] evil” (Bush 2001, September 23b ¶18). By rejecting the validity of the terrorist ideology, the President eliminated any need to refute any of their arguments.

While Bush debunked any possibility of a logical explanation for the terrorist actions he was still required to defend the fittingness of the American response. In building a case for the Patriot Act as part of the appropriate course of action, the President relied heavily on three arguments. The first was the need to show the terrorists that they could not scare America and they could not win. The second argument was the suggestion that it was a global struggle, that freedom itself was under attack. The third argument employed by the President was to assert that the Patriot Act was only an extension and correction of laws already in use in America. These arguments served to support the claim that America was engaged in a battle between good and evil and the Patriot Act was a legitimate and necessary tool in this war.

The first argument employed by Bush and his administration was to suggest that “the terrorists... want[ed] to intimidate America. The terrorists, by conducting

their evil deeds, wanted our nation to stop. But they underestimated our spirit”

(Bush, October 2a, ¶11). Further, he argued that:

The evildoers miscalculated when they struck America. They thought we would shy away....They must have felt they could diminish our soul. But quite the opposite has taken place...They have awoken a mighty nation that understands that freedom is under assault, a mighty nation that will not rest until those who think they can take freedom away from any citizen are brought to justice. (Bush, 2001, September 25 ¶18)

The argument was expanded to suggest that America must send the signal to the terrorists that they could not win. Americans could send this signal in a number of ways such as “go[ing] about their lives in a normal way” (Bush, 2001, October 2b, ¶18). The government also sent the signal by such actions as passing a bill which “provides the authority to block the funds of terrorists and anyone associated with terrorists” (O’Neil, in Bush, 2001, September 23a, ¶1). The impetus behind such action was to “make it clear to the world ... that this great country will not let evil stand” (Bush, 2001, October 4, ¶5).

The second argument used to justify the Patriot Act was that freedom itself was under attack. By constructing an argument in which not only did “America receive a grievous blow, but the whole world did” (Powell, in Bush 2001, September 23a, ¶3), the Bush administration was able to suggest that the whole freedom-loving world was behind the United States. Thus, when Bush presented a law which

extended America's jurisdiction to combat terrorism both domestically *and abroad*, it was legitimate because "all civilized nations of the world understand the civilized world has to go after terrorism" (Powell, in Bush 2001, September 23a, ¶3). Bush also made appeals for "all freedom-loving people to come together to fight terrorism" (2001, September 23b, ¶17) which both served to lay the groundwork for a multinational coalition to engage in military action in the War on Terror but also to strengthen the support of the international community for all of America's actions. By suggesting the world was behind America, Bush tacitly argued that actions such as the Patriot Act were internationally sanctioned and worthy of support in Congress.

The third and strongest argument made by the Bush administration was that the Patriot Act was really just an oversight action that served as an extension and correction of existing laws. Bush first introduced this concept when explaining the legislation to the FBI in September by arguing that the proposed legislation would allow the government to do:

What we do for drug dealers and organized crime, and it seems like it makes sense to me, if it's good enough for the FBI to use these techniques for facing down those to America, that now that we are at war, we ought to give the FBI the tools necessary to track down terrorists. (Bush, 2001, September 25, ¶13)

Attorney General Ashcroft also suggested that the Patriot Act extended existing laws on FISA (Foreign Intelligence Surveillance Act) wiretaps to "when the gathering of foreign intelligence is *a significant purpose* of the investigation rather than

permitting them *only* when gathering intelligence is the *primary purpose*” (Ashcroft, 2001, October 18 ¶ 14, emphasis added). By connecting the legislation to existing laws the Administration was able to make it appear more reasonable. It makes sense that laws which “deal more severely with drug-traffickers than terrorists” (Bush, 2001, October 26, ¶17) should be extended to include terrorists and their supporters.

Bush pushed Congress to extend the breadth of many existing laws to apply to the War on Terror. He said that he “urges Congress as they looked for ways to deal with this tragedy to look at the government programs which already exist. We don’t have time to try to invent new programs” (2001, October 4, ¶26). Thus, not only did the administration connect the Patriot Act to existing laws, but also to the urgent nature of the situation. This strategy allowed the administration to present the Patriot Act as consistent in the larger scheme of a cohesive response to the terrorist threat. Thus, the Patriot Act became part of a larger plan that would keep America safe.

In addition to suggesting that the Patriot Act was really an extension of existing laws, the administration also argued that the Patriot Act “acted to update our antiquated statutes to take into account the new technologies that terrorists today employ” (Ashcroft, 2001, October 18, ¶ 11). Bush suggested that previously existing law was inadequate because it “was written in the era of rotary telephones [but] [t]his new law...will allow surveillance of all communications used by terrorists, including e-mails, the Internet, and cell phones” (2001, October 26, ¶ 14).

The final way in which the Patriot Act was shown to improve existing laws was the assertion that it “[tore] down the wall between intelligence and criminal information” (Ashcroft, 2001, October 18 ¶17). In late September Bush asked for “the authority to share information between intelligence operations and law enforcement” (2001, September 25, ¶16). Bush stressed the importance of this information sharing, saying that the bill allowed “intelligence operations and criminal operations a chance to...share vital information so necessary to disrupt a terrorist attack before it occurs” (Bush, 2001, October 26, 12). By suggesting that the Patriot Act corrected errors in existing legislation the Administration was able to build a case in which the Patriot Act seemed especially reasonable. It was presented as a carefully considered overhaul of the faulty system which may have prevented America from acting sooner to prevent terrorists from acting on our soil. Giving the impression that these faults were being corrected added legitimacy to the Patriot Act.

In this section, I have explored several of the ideological arguments the Bush administration made in selling the Patriot Act. The President stressed the legitimate nature of the US’s claim and refuted any possible justification for the terrorists by describing them as devoid of any motivation, save pure evil. Doing this allowed the President to concentrate on an argument which asserted that Patriot Act was good, necessary, and justified especially in light of the new scene which had been created in America.

Conclusion

In this chapter, I have explored Bush's rhetoric after September 11, 2001 and how he successfully used the strategies of narrative, value, and ideological argument to sell the Patriot Act. These strategies overlap significantly, highlighting Bush's larger overall theme of presenting the terrorist attack and the subsequent war on terror as part of dialectical conflict of "good" versus "evil." Based on public opinion data explored in chapter two, this overly simple argument may have been effective for the initial selling of the Patriot Act because the situational elements of fear and uncertainty allowed for uncomplicated explanations. However, each of these strategies also worked independently to create a complete, if simplistic, case for the Patriot Act. The argument the Bush Administration presented allowed for limited, if any, opportunities to question the legitimacy of the Patriot Act because it was presented as necessary given the situation, as strongly connected to key American values and symbols such as the Constitution, and reasonable in its correction and extension of existing laws.

Chapter 4: Implications and Conclusions

The present study was undertaken in order to better explain and understand how President Bush sold the Patriot Act and to describe the role his rhetoric played in the initial success of the Law. In the previous three chapters, I analyzed rhetoric the Bush Administration used to sell the Patriot Act. In chapter one, I reviewed previous studies of Bush's rhetorical style and past examinations of the Patriot Act. I discovered that while there was significant research on Bush's rhetorical style in general, no one had examined the relationship between Bush and the Patriot Act. In chapter two, I outlined the historical context of the Patriot Act and the War on Terror. The historical examination revealed the uniqueness of the Patriot Act, most notably its rapid development and implementation and the overwhelming support the law received in Congress and among the public. In chapter three, I analyzed the strategies used by Bush when discussing the Patriot Act and the War on Terror. From that analysis, three primary strategies emerged, the use of narrative elements, appeals to values, and ideological arguments. It further revealed that the scene was an important element of Bush's rhetorical success.

In this chapter, I examine the implications of these findings. Specifically, I look at how these three separate strategies worked together to simplify the situation down to a war between good and evil. Further, I explore the future implications of Bush's rhetorical choices. While Bush and his Administration enjoyed overwhelming success with the passage of the Patriot Act, that success was short

lived and Congress came close to failing to renew the Patriot Act in 2005. The reason for Bush's short lived success may be in part due to the strategies of his initial sale. In addition, providing a more in-depth look at the role of the scene in the success of the Patriot Act, I then analyze how the three strategies worked together to construct an image of a war between good and evil. Next, I examine weaknesses in the public sphere that facilitated the sale of the law. Finally, I summarize the findings of this study and draw conclusions.

Implications

Throughout this study I have argued that the initial selling of the Patriot Act was an unprecedented success for the Bush Administration. Written, debated, and signed into law in less than five weeks, the Patriot Act flew through the American legislative process in record time with equally record support. In the previous chapter, I explored the strategies Bush and his administration employed when selling the law. Bush used several strategies, such as narrative and appeals to basic values that have a proven record of success in rhetorical persuasion (see Fisher, 1984; Rowland, 1988; Nelson, 1996). However, there is also evidence that while Bush used many powerful strategies, there were several scenic elements that influenced the success of the Patriot Act. While some of these issues were explored in Chapter Two, I look at them more critically in this section.

The evidence that has been explored in this study suggests several important implications for Bush's rhetoric. First, the scene was an important factor in Bush's success. Second, the three strategies used by the President and his administration worked together to create a single vision of America engaged in an epic battle of good versus evil. It is also likely that the President was not only selling the law to Congress and the public to ensure a successful vote but also working to create a positive public image. The Patriot Act provided a concrete example of what the government was doing to respond to the exigence of the terrorist attack and showed a commitment to do what is necessary to win the War on Terror. Finally, the fact that Bush's rhetoric on the Patriot Act initially was not critically examined to any significant degree suggests a failure of the public sphere to debate the appropriateness of the Patriot Act.

The Reliance on Scene

In Chapter Two, I provided an in-depth look at the public opinion data regarding Americans' beliefs and concerns about terrorism and the appropriate response to such a threat. Analysis of this data suggested that the American audience was in a state of fear and shock following the events of September 11, 2001 and they were very receptive to any steps to prevent future attacks. However, the data also indicated that there was a limit to how much individuals were willing to sacrifice in the name of safety. This was demonstrated by various studies including Smith, Rasinski, and Toce in October 2001 NORC study on American identity after September 11, 2001 (see also Wattenberg, 2003). In Chapter Three, I explored how

President Bush and his administration took advantage of this situation by focusing heavily on the danger posed by the enemy and the importance of strong responses. In addition, the President adapted to the identity of his audience by continually relating all actions taken in response to the terrorist threat, specifically the Patriot Act, back to the defining characteristics of America. From this evidence, it would appear that Bush effectively adapted to the scene and situation. The powerful influence of the immediate scene also helps to explain why Bush's arguments lost resonance as the scene changed over time.

Thus, two conclusions can be drawn from these observations. First, reliance on an exigent situation that created great fear in the audience can be an effective rhetorical strategy. President Bush's rhetoric was in large part successful because he was able to tie the Patriot Act to the fears and concerns of Americans still reeling from the shock of the September 11 terrorist attack. Second, reliance on exigent situations is most effective in the immediate aftermath of the event which created the exigency. Further, it is a potentially dangerous strategy to rely solely on a dramatic scene and effective rhetors should instead connect the scene to rhetorical strategies over which they have more control.

A Battle between Good and Evil

In Chapter Three, I explored three separate strategies used by President Bush and his Administration to sell the Patriot Act. In this section, I argue that taken together these three strategies worked together to create an overly simple explanation of the situation as a battle between good and evil. Further, I contend that one cannot

fully understand the success of the Bush Administration's campaign unless the strategies are viewed as a coherent whole.

The most obvious area in which Bush expressed the idea that America was involved in a fundamental battle between good and evil was in his use of narrative strategies. Bush went so far as directly saying things such as "this will be a monumental struggle of good versus evil" (2001, September 12), repeating variations of the phrase on numerous occasions. Thus, when Bush told the story of a post 9-11 America, he told it in terms of such a war. Using narrative elements, such as casting the terrorists as "evildoers" and Americans as "freedom-loving" people, Bush set the stage for an understanding of the scene as battle between these forces.

When expressing the important values that guided America's action, Bush further reinforced the comparison between the U.S. and the terrorists. For example, Bush's many arguments about the constitutionality of the Patriot Act served to highlight America's values, as I explored in chapter three, but such arguments also served to remind the audience that the enemy did not believe in the value of constitutions and the rule of law. In the same way, arguments about the bipartisan character of the Patriot Act acted as a reminder of the legal process which guides America and is absent from the "evil" enemy. By presenting the law in terms of qualities which are present in America and are absent in the enemy, the President was able to imply that America was involved in a dialectical struggle with an adversary which was our polar opposite.

Bush was also effective in highlighting the difference between America's legal process and that of America's enemy through his use of ideological arguments. In the previous chapter, I described how Bush attached the Patriot Act to existing laws, describing it as an extension and correction of those laws. I argue that when viewed as part of a coherent campaign of a battle between good and evil these arguments functioned much the same way as Bush's value claims. By continually reminding both citizens and Congress of America's legislative process, a process which allows many voices to be heard and laws to be changed as needed, Bush again highlighted the differences between America and its enemy.

Together these three strategies built upon one another to continually reinforce the view that America was involved in a battle of good versus evil in which the Patriot Act was a necessary tool. Bush presented a narrative describing an ultimate war to protect America. Bush's description of American values served to reinforce the image of a "freedom-loving" agent which would do all that was necessary to save the world from "evildoers" who lacked all the values defining America as good. The use of ideological arguments about America's legislative procedures allowed Bush to connect legal action, specifically the Patriot Act, to this fundamental struggle. Together these strategies created a singular metaphor of a war between good and evil. By distilling the situation to such a battle, the President was able to create a campaign which was easy to support and difficult to oppose. However, in order to do this the President was dependent upon the extraordinary nature of the external situation.

Public Relations versus Persuasive Sale

The consequences of the 9-11 terrorist attack put enormous pressure on the President to provide some clear evidence the government was taking proactive steps to ensure the safety and success of America. Additionally, there were significant constraints on the type of action America could openly engage in based on America's professed identity. In the context of this situation, the Patriot Act served as a concrete example of the way in which the President and his administration were taking seriously the circumstances of a post 9-11 America. Thus, while it was to a certain degree necessary for the President to make members of Congress feel confident about their decision to vote for the law, it was equally, if not more, important for him to make the American public feel that the government was responding appropriately.

It is therefore reasonable to suggest that the President's campaign was not aimed at selling the Patriot Act so much as it was aimed at selling an impression of the government as proactive in response to a national tragedy. Such a perspective is supported by an examination of the President's rhetoric. Rather than merely asking the Congress to vote in favor of the laws, he tended to ask that they act very quickly to ensure the tools the law provided could be enacted as quickly as possible (see Bush 2001, September 25; October 2; October 12). Thus, Bush supported the belief that the Law should be passed without undue question or debate. The view that the sale of the Patriot Act was, at least in part, a public relations effort is also supported by the fact that the President relied more heavily on narrative and value appeal than

on the rational arguments one would expect had it been a policy campaign. Such appeals tended to focus more on the battle between good and evil and the overall War on Terror and less on legal claims about the strengths of the Patriot Act legislation. This standpoint suggests that the President was aware of his multiple audiences and the scenic advantage he had and used this advantage to achieve multiple goals.

Weaknesses in the Public Sphere

Previously, I have argued that the success of the Bush Administration's campaign can be attributed to the fact they attached the Patriot act to a dialectical narrative founded on an ideology of "you are either with us, or you are with the terrorists" (Bush, 2001, September 20). Use of this argument made it difficult to critique that Patriot Act. Clearly, the public sphere failed to question the validity of the dialectic itself. There is no denying that those who carried out the terrorist attacks of September 11, 2001 were truly evil people and the attacks themselves were truly heinous crimes. However, even in the face of such malevolence the public sphere should be able to debate the appropriate way to respond. In the case of the Bush Administration's campaign for the War on Terror, various elements in the public sphere simply failed to adequately question the dialectical argument. While this failure of the public sphere facilitated the easy sale of the Patriot Act, it also impeded the debate necessary to produce a policy which could endure after the exigency had passed.

In defense of the public sphere, it is important to note two important factors that emerge from a brief examination of parallel cases in American history. Situations such as the bombing of Pearl Harbor and the regrettable subsequent decision to intern Japanese- Americans, or Lincoln's decision to suspend *habeas corpus* during the most traumatic years of the Civil War run parallel to the situation in America after the September 11 terrorist attack. First, there is considerable precedent from these examples to show how exigent scenes constrain the public sphere. Most examples of emergency legislation involve drastic and immediate action which is not questioned until after the situation has abated. It may be unreasonable to expect the public sphere to take the time to analyze all possible courses of action when in the middle of a crisis. The second factor to consider is the fact that after the initial crisis had abated, there has tended to be considerable debate about the actions taken during the crisis. This trend was especially evident in the extended debate that occurred over the reauthorization of the Patriot Act in 2005. Given such precedents, one conclusion is that the public sphere rarely functions effectively during such times of crisis.

Conclusion:

The current study began as an effort to understand the strategies used by the Bush administration to sell the Patriot Act. In particular, this study sought to comprehend both the overwhelming success enjoyed by the legislation and the public

opinions about the law which did not match the content of the legislation. Three primary strategies were identified as important contributions to the President's overall campaign, narrative, value, and ideology. These three strategies worked together to create a single unifying theme which distilled the situation to a battle between good and evil in which the Patriot Act was a necessary tool to ensure victory. In addition, the exigent nature of the tragic scene created by the September 11 terrorist attack was found to be an important contributing factor in the success of the rhetoric.

It is evident from these findings that the success of the Patriot Act was a combination of a reaction to the scene and the President's successful rhetorical choices, which re-contextualized the scene as a fundamental battle between good and evil. In addition, the tendency of the public to "rally around the president" in times of crisis also increased the President's rhetorical capital making his arguments appear more credible and making the audience more receptive to those arguments.

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