CICERO'S RHETORICAL THEORY APPLIED TO A
MODERN CASE OF SPEAKING IN DEFENSE

BY

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ABSTRACT

The past seven years have witnessed a renewed interest in apologia, or speaking in self-defense. During this time four major articles have appeared in communication journals which have attempted to categorize or characterize apologia as a genre, separate and distinct from all other forms of public address. However, as of yet, searches of the literature have not revealed studies of classical rhetorical theory being applied to the contemporary practice of speaking in defense.

Marcus Tulius Cicero (106-43 B.C.) was considered the greatest orator of his time, and was considered to be the most eminent pleader at the Roman bar. Cicero is not remembered solely for his ability as an orator, however, but also for the development of a comprehensive written digest of rhetorical theory. In his work De Oratore, Cicero sets forth guidelines for speaking in defense. These recommendations can be grouped under three headings: the
proof of the speaker's allegations, the winning of the hearer's favor and the arousing of feelings or emotions.

The purpose of this study is to restate Cicero's rhetorical theory of speaking in defense and to use these guidelines in analyzing Senator Edward Kennedy's address to the people of Massachusetts, July 25, 1969. This analysis will then be compared to and contrasted with other studies of the speech, as an example of modern apologia, in order to determine the extent of the application of this classical theory to contemporary speeches of self-defense.
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CHAPTER I

INTRODUCTION

Speaking in defense of one's self (apologia), has been recognized as a major form of public address since the earliest days of rhetoric. It was in the Platonic dialog the Apology that Socrates attempted to justify his actions to the Athenians, and in doing so, to clear his name and protect his honor, even though he saw himself as a target of a public vendetta. Socrates knew he would be found guilty, not because he had committed any crime, but because public sentiment had been swayed against him. The Apology was not so much an attempt to prove his innocence of any single action as it was an attempt to make clear his loyalty to the people of Athens and his high regard for their well-being.

Two thousand years have passed since Socrates spoke to the Athenians trying to protect his honor. Since that time, in American history we have had such famous people as John Brown, Susan B. Anthony and Eugene V. Debs, all
prominent figures of political controversies who were innocent of criminal intent, and guilty only of trying to help their fellow citizen. But, like Socrates, they found themselves accused of crimes, and tried, not only by a court of law, but also in the minds and hearts of their countrymen. And, like Socrates, they addressed themselves directly to the people and spoke in their own defense.

In more recent years, another prominent American political figure had accusations leveled against him. Senator Edward Kennedy was involved in a struggle to maintain his position. His future had been endangered by an action which turned public sentiment against him--leaving the scene of a fatal accident. He found himself being "tried" for what he felt to be grossly exaggerated charges involving the circumstances of the incident before a jury, not of a few select peers, but of a whole population.

Over two thousand years after Socrates pleaded his historical defense, Kennedy chose much the same method in attempting to clear his name. He took his case directly to the people, without any lawyers accompanying him, and spoke in his own defense.

Apologia, although certainly not new, seems to be experiencing a rebirth as a recognized form of public
address. It is the purpose of this study to examine a modern example of apologia in terms of the criteria set forth by an early master of rhetoric, and to establish which, if any, of the criteria have carried into the contemporary American scene.

This study will begin with an examination of four recent attempts to describe and evaluate the apologetic genre as a phenomenon. It will restate some classical criteria, drawn from the early development of rhetorical theory, that may be used to study speeches of defense, and in the final sections use these criteria in analyzing Kennedy's address to the people of Massachusetts, July 25, 1969, and compare this analysis with previous analyses of the same speech. After comparing and contrasting the findings of this study with previous conclusions, an attempt will be made to determine the usefulness of the application of this classical theory to contemporary speeches of defense.
Recent Studies On Apologia

Over the past seven years there appears to have been a renewed awareness of apologia. During this time, four articles have been written which attempt to analyze speaking in self-defense as it applies to contemporary American public address. The first article was written by Lawrence W. Rosenfield in 1968.

Rosenfield examined two speeches of self-defense: Richard Nixon's "Checkers" speech, following the accusation that he had accepted illegal campaign contributions while running for vice-president, and Harry Truman's speech regarding one of his subordinates, Harry Dexter White, who was accused of Communist conspiracies while in office. From these two speeches, Rosenfield endeavors to draw out some common characteristics which might serve as a basis for evaluating other speeches of self-defense. He refers to these two speeches as cases of "mass media apologia."\(^1\)

The main thrust of the Rosenfield article is an attempt to identify the characteristics of what appears to
him to be a newly emerging genre.

The identification of similar qualities in the two messages suggests to the critic certain constants operating in an otherwise undefined form--use of instantaneous electronic media to answer accusations....Where we discover similarities in the messages, we have grounds for attributing those qualities to the situation or the genre rather than to the individual speaker. 2

Rosenfield identifies four similarities between the two speeches that "represent constants in the apologetic equation". 3

The first, is that both speeches, as well as the conflicts they represented "were part of a short, intensive, decisive clash of views". 4 Both Nixon and Truman took their cases straight to the public, via television. Both conflicts centered around the accusations with which these men were confronted; and in both cases the controversies brought about by these accusations were terminated by the speeches. Little or nothing was said about either incident after Nixon and Truman brought their cases to the people.

The second similarity between the speeches of Nixon and Truman is that both used the same overall forensic
strategy. Both accused their accusers or attacked them while defending themselves. From this observation Rosenfield predicts that the speaker who finds himself building his own defense "is unlikely to limit himself to defensive remarks. In all probability he will take the opportunity to engage in some form of invective."5

The third common element Rosenfield finds in the speeches is that they are divided into three sections and that the majority of the facts in each case are found in the middle section of the speech.

Finally, Rosenfield finds that both speakers re-assembled arguments that they had used in previous statements to the public or to the press. They gathered these, added some further evidence or documentation, and presented them to the public in the form of a televised address.

The four elements Rosenfield found that he felt could be considered "constants" in speeches of self-defense were the brevity of the controversy, the accusing of their accusers, the placement of the documentation in the middle section of the speech and the tendency to repeat previous arguments rather than to initiate new ones.

The second article examining contemporary American
apologia was written by David A. Ling and appeared in the summer of 1970. Ling took an approach different from that taken by Rosenfield. First, Ling focused his examination solely on Senator Edward Kennedy's address of July 25, 1969, the speech which followed Kennedy's involvement in the incident on Chappaquiddick Island resulting in the death of Mary Jo Kopechne. Secondly, whereas Rosenfield examined Nixon and Truman's speeches in terms of the factors generated by the speeches themselves, Ling used a predetermined form of rhetorical criticism. As he states, "The principle tool used for this investigation will be the 'Dramatic Pentad' found in the writings of Kenneth Burke." Ling explains this form of Burkian analysis in the following passage.

Burke argues that whenever a man describes a situation he provides answers 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)." Act, scene, agent, agency and purpose are the five terms that constitute the "Dramatic Pentad." As man describes the situation around him, he orders these five elements to reflect his view of the situation.

Ling examines Kennedy's speech in light of these five factors, and, although he does not draw any conclusions
about apologia as a whole, he does draw some conclusions about this particular case of speaking in defense which might give some insight into apologia as a genre.

Ling finds, first, that Kennedy portrays himself as a victim of circumstances, and in both sections of the speech--his description of the facts and in his putting his fate into the people's hands--it is the scene which dominates.

The second conclusion which Ling draws is that "the Pentad, in suggesting that only five elements exist in the description of a situation, indicated what alternative descriptions were available." In other words, by accepting the analysis that only these five elements exist in a given situation, one can examine the defense of a certain action on the basis of what element dominated the situation and what lines of defense were available to the speaker.

If one were to examine a large sampling of speeches of defense, it is possible that some strategies might emerge as being particularly successful under certain circumstances. However, no study to date has been taken far enough to set the background for this type of judgement.
So, although this pentadic analysis may eventually have some usefulness in critiquing and evaluating apologia, as of this point it has been used only in this one isolated instance, from which only tentative conclusions can be drawn.

The third article examining contemporary apologia was written by Sherry Devereaux Butler in the Spring of 1972. She explains the purpose of her article in her opening passage:

This article addresses itself to the following three questions: What are the distinguishing features of apologiae, past and present, created for the mass media? What variables explain Edward Kennedy's recent failures to succeed with this genre? What implications does the Senator's failure have for future rhetorical discourses of this nature?

The article begins with a review of the four similarities found in the Rosenfield article, previously examined. She then analyzes Kennedy's 1969 address in light of these criteria. She concludes that, while two of the similarities, or "constants," were evident in the speech, the other two were not.

The first constant, mass media apologia being part
of a "short, intensive, decisive clash of views," was not true in the case of Kennedy's speech. As Butler states, after the televised speech, "The public continued to accuse Kennedy; the press accosted Kennedy more viciously than ever following his television speech; certain attorneys pressed for an autopsy." She also mentions that the inquest was not held until the following January, when the whole case came before the public again. And, as shown through recent developments, the Senator has not yet heard the last of the incident.

The second constant proposed by Rosenfield was that the speaker would not limit himself to defensive remarks, but would include in his speech some counter accusations. Butler concluded that this was not true of the Kennedy speech. She says that Kennedy had no clear opposition and could only address himself to "rumors," not to his accusers, as he had no way of knowing who they were. Therefore, no counter charges, according to the author, were possible.

Rosenfield's third characteristic of apologia was that speakers tended to reassemble previously used arguments, rather than construct new ones. Butler said that this characteristic held true in Kennedy's case. Although
the Senator made only one public statement previous to his televised address, Butler feels that this address was only an elaboration of the information provided by his first statement, and that no new facts were introduced.

The final constant identified by Rosenfield was placing the majority of the facts in the middle section of the speech. At this point Butler states that Kennedy adhered closely to the explanation he had given earlier, altering it only by adding more detail. The first section of the speech was basically an ethical appeal, while the last portion was essentially an emotional appeal, leaving the majority of the factual presentation of data to the middle third of the speech.

Butler concludes that Rosenfield's "constants" were not all found in Kennedy's speech. While the reassembling of arguments and the positioning of the facts were both comparable to Nixon and Truman's speeches, in Kennedy's case the conflict was not brief, and he did not accuse his accusers. It is on this basis that Butler projects that "Future apologiae, nationally broadcast will not be decisive features in any major controversy," and that "future apologists will hesitate to rely on strictly defensive
appeals. She concludes, although one "constant" may be lost forever, the other may very well reappear.

The last article analyzing contemporary apologia appeared in October, 1973, and was coauthored by B. L. Ware and Wil A. Linkugel. They view apologia as a legitimate rhetorical genre, and they "attempt to discover those factors which characterize the apologetic form." They also look for subgenres by seeking patterns of combinations of factors used in speeches of self-defense.

Ware and Linkugel identify four characteristics of verbal self-defense. The first factor is denial. Denial can be used only to the extent that it does not seriously contradict known facts. One might, however, deny the intent where it is not possible to deny the action itself.

The second factor is bolstering. "The bolstering factor is best thought of as being the obverse of denial. Bolstering refers to any rhetorical strategy which reinforces the existence of a fact, sentiment, object or relationship." The authors draw both the difference as well as the similarity between denial and bolstering.

Denial is an instrument of negation; bolstering is a source of identification. Finally, strategies of bolstering
and denial are reformative in the sense that they do not alter the audience's meaning of the cognitive element involved.

The authors then proceed to the other two elements, differentiation and transcendence. Differentiation is the separation for the audience of facts, sentiments, objects or relationships from "some larger context" of which they seem part. The speaker tries to draw the charge as being something particular and distinct from any larger scene. Transcendence, on the other hand, is the connecting of the charge with a broader spectrum. The speaker, in this case, attempts to show the audience that his actions are part of a larger context, drawing a relationship which the audience has not previously seen. Ware and Linkugel also see these two factors as having an obverse relationship. Where differentiation splits actions apart, transcendence draws them together. These factors are transformative in nature because they alter the audience's perception of the situation.

After discussing these four factors, Ware and Linkugel conclude:

The student must necessarily determine whether the rhetor is denying, bolstering, differentiating, or transcending
through the strategic use of language, for these are the only rhetorical choices available to him in the apologetic situation.\textsuperscript{19}

In the second section of the article, the authors discuss what they call "posture of verbal self-defense." These are again four in number: absolution, vindication, explanation, and justification. These postures result from combining the original four factors into pairs. For example, absolution would result from the use of differentiation and denial. The speaker would separate his actions from any broader context and then deny the action. In this way, he would be seeking absolution for his actions from the audience.

Ware and Linkugel sum up their contributions to the study of apologia:

This conceptualization of the apologetic genre into subgenres should assist the critic in comparing the rhetorical use of language occurring across somewhat different apologetic situations. The act is not, in and of itself, criticism, just as the categorizing of strategies into factors does not complete the critical act. Such classification taken alone lacks an evaluative criteria.\textsuperscript{20}
The four recent studies on apologia take two forms. In one form they extract factors characteristic of the genre by comparing two or three speeches of self-defense, and draw out the similarities which appear to be constants. In the other form they borrow some criteria for examining patterns of speech from a type of public address other than apologia and apply them to speaking in defense. These are the only articles that could be found that treat apologia as a separate genre. As of yet, searches of the literature have not revealed studies of classical rhetorical theory being applied to the contemporary practice of speaking in self-defense.

Rhetorical theory which lends itself to the study of contemporary American apologia, may be found in classical rhetoric, by examining criteria set down by one of the masters of defensive speaking. For the purpose of this study the theory of defensive speaking developed and practiced by Marcus Tulius Cicero has been chosen. The next chapter will be devoted to a restatement of some guidelines drawn from Ciceronian rhetorical doctrine that may be used to study speaking in defense.
CICERONIAN RHETORICAL THEORY

Cicero was, himself, a great orator. "Marcus Tulius Cicero, the greatest of Roman orators and the chief master of the Latin prose style, was born as Arpinium, January 3, 106 B. C."¹ He started his upward climb at a fairly early age. "He began his career as an advocate at the age of twenty-five, and almost immediately came to be recognized not only as a man of brilliant talents but also a courageous upholder of justice in the face of political danger."² Within the first ten years of his career, Cicero was acknowledged as the best qualified forensic speaker in the Roman courts. "At the age of thirty-six (Cicero) was recognized as the most eminent pleader at the Roman bar."³

Cicero was accepted by many as the greatest speaker of his era.

To his contemporaries Cicero was primarily the great forensic and political orator of his time, and the fifty-eight speeches which have come down to

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us bear testimony to the skill, wit, eloquence and passion which gave him his preeminence. 4

In his introduction to *De Oratore*, the translator, H. Rackman, recounts one of the more famous instances giving witness to Cicero's standing as an orator.

In 63 B.C. the oligarchical party had been glad to make use of his legal and oratorical talents in the suppression of the conspiracy of Catiline; but they were not willing to make any sacrifices in order to repay him for his services, and in 58 B.C. they allowed Clodius to procure his banishment in punishment for the alleged illegality of his procedure in the Catilinian affair. A year later Pompeius, finding Clodius more dangerous, again required Cicero's assistance, and procured his recall from exile. 5

Cicero was acknowledged as the most able orator of his time, by his contemporaries and by his opponents in the arena of the Roman courts, and also by the leading political figures of the time.

Cicero is not remembered solely for his ability as an orator, however. He also developed a comprehensive digest of rhetorical theory as it applied to the art of speaking in defense. "Of all Roman orators none devoted so much thought and study to oratory as Cicero. He had a long
period of education, was familiar with the literature of rhetoric and himself contributed to the theory of the subject." Baldwin places Cicero in perspective as being at least as eminent a rhetorician as he was an orator. "Cicero remains after two thousand years the typical orator writing on oratory." Baldwin further points out, "The most eminent orator of Roman civilization, he wrote more than any other orator has ever written on rhetoric; and historically he has been more than any other an ideal and model." Baldwin feels that what Cicero did was to clarify, to elaborate on and to apply the theories which had been developed by his predecessors, and, in doing this, he left behind him a system of rhetoric applicable to human affairs.

But (Cicero) is not creative. He clarifies the thoughts of others and brings them to bear....What he says of rhetoric, for instance, others have said before him; he says it better, more clearly, more vividly. It witnesses not only his extraordinary command of diction, but also his constant awareness of human implications.

Since Cicero, more than most orators or rhetoricians provides a practical, working system of rhetoric he becomes one of the best sources for rhetorical theory. Because of
his involvement in, and concern for, defensive speaking, a large portion of his writing has been devoted to apologia. The next section of this study will be an examination of his writings on speaking in defense.
Ciceronian Guidelines For Speaking In Defense

It is in De Oratore, primarily in the latter half of Book II, that Cicero focuses on the art of speaking in defense. He outlines his own procedure for setting up what he considers the best possible approach.

But to return at length to my own plan. As soon then as I have received my instructions and classed the case and taken the matter in hand, the very first thing I determine is that point to which I must devote all such part of my speech as belong peculiarly to the issue and the verdict. Next I contemplate with the utmost care those other two essentials, the one involving the recommendation of myself or my clients, the other designed to sway the feelings of the tribunal in the desired direction. Thus for purposes of persuasion the art of speaking relies wholly upon three things: the proof of our allegations, the winning or our hearers' favour, and the rousing of their feelings to whatever impulse our case may require.

Cicero's recommendations for speaking in defense will be examined under the three headings listed above in the order in which Cicero develops them within De Oratore: proof of our allegations, the rousing of feelings, and the winning
of the hearers' favour.

The first heading to be considered is the proof of allegations. This is best done within the framework of arrangement outlined by Cicero for the presentation and substantiation of arguments in support of the speaker's proposition.

For to make some prefatory remarks, then to set out our case, afterwards to prove it by establishing our own points with arguments in their favour and refuting our adversary's points, then to wind up our case and so to come to our conclusion—this is the procedure enjoined by the very nature of oratory;...11

Cicero also advises that the speaker must include a narration of the circumstances surrounding the occasion for the speech. He outlines the arrangement to prove allegations, and gives a detailed account of what should be included in each section, and how to use every part of the speech to best advantage.

He advises that the introduction or prefatory remarks should be unhurried.12 This part of the oration should have a subtle character about it. "The opening passage of a speech ought not as a rule be of a forcible, fighting character;..."13 Instead, it ought to be somewhat
subdued, "For the opening passage contains the first im-
pression....and this ought to charm and attract the hearer
straight away."\textsuperscript{14}

Cicero also suggests certain guidelines as to what
should be included in the introduction. First, "The open-
ing passage in a speech must not draw from some outside
source but from the very heart of the case."\textsuperscript{15} Secondly,
the opening section should either introduce the listener to
the subject matter of the case, or set the tone for the pre-
sentation.

Every introduction will have to contain
either a statement of the whole of the
matter that is to be put forward, or an
approach to the case and a preparation
of the ground, or else to possess some
element of ornament and dignity;....\textsuperscript{16}

Once the speaker has made his opening statement, the
facts of the case must be narrated to the audience for the
sake of clarity and to lay the groundwork for the statement
of the case or the presentation of arguments which are to
follow, for as Cicero states, "the narrative is the fountain
head from which the whole remainder of the speech flows."\textsuperscript{17}
This narration is sometimes considered part of the intro-
duction, and other times considered a separate division
between the prefatory remarks and the statement of the case.

An extensive narration of the background of the case may or may not be necessary, depending on how much the audience already knows about the situation, and what statements have been made by the opposing party.

But when to use and when not to use narrative is a matter for consideration: narrative should not be employed if the facts are known and there is no doubt what occurred, nor yet if they have been narrated by our opponent, unless we are going to refute his account of them;....

There are two occasions, therefore, in which one should employ narration. The first is to provide unknown information. The second is to introduce the account of the facts given by the opponent in order to refute it.

Cicero further advises that if one employs narration it must be clear and precise. The purpose of narration is to clarify and explain issues, not to obscure them. Clarity can be achieved if the narration "employs ordinary language, and if it keeps to the chronological order of events and it is not broken by digression."
Once the circumstances surrounding the speech have been established in the minds of the listeners, the case must be stated. This is the third division of the address under the proof of allegations. Cicero advises that one should first set forth the proposition to be proven.

Next comes the statement of the case, a section in which the precise point at issue must be envisaged; and then the case must be supported by proofs, which is effected by conjointly demolishing your opponent's arguments and establishing your own.

At this point the speaker must decide whether to emphasize the construction of his own arguments or the refutation of those of his opponent to provide the best support for the speaker's allegations.

The chief thing in a case of this kind is, if my speech can be stronger in refuting our opponent than in proving our own points, for me to concentrate all my shafts on him, but if on the contrary our points can be more easily proven than his can be refuted, to aim at drawing off their attention from our opponent's defense and directing it to our own.

Cicero further adds 'When I encounter a troublesome or difficult argument or topic, occasionally I make no reply
In the statement of the case Cicero also suggests that one always put the strongest point first.

In arrangement of the speech the strongest point should come first, while collecting into a general medley in the middle any points of moderate importance—bad points must not be given a place anywhere.

In setting forth the statement of the case, Cicero also recommends some guidelines for style. "As a rule you should conceal the intervals between successive proofs, to prevent them from being counted, so that, though separate in fact, they seem blended in statement."

The conclusion of the speech, like the opening passage, should be unhurried. "The opening of a speech is unhurried, and none the less its closing should also be lingering and long drawn out."

As in the introduction, one ought also to strive for subtlety in the conclusion. The speaker should lead the listener to the desired conclusion, without actually stating it for him. "Often it is better not to formulate expressly, but to make it plain, by affirming the underlying principle,
what the formulation would have been;..."26

The second heading under defensive speaking Cicero outlines is the arousing of feelings or emotion. He discloses the means whereby a speaker might further strengthen his position. Cicero suggests that this may well be the most successful weapon the orator can use to win his case.

Now nothing in oratory...is more important than to win for the orator the favour of his hearer, and to have the latter so affected as to be swayed by something resembling a mental impulse or emotion, rather than by judgement or deliberation. For men decide far more problems by hate, or love, or lust, or rage, or sorrow, or joy, or hope, or fear, or some other inward emotion, than by reality, or authority, or any legal standard, or judicial precedent or statute.27

To arouse emotions or feelings in the listeners, Cicero advises that the speaker must first determine the attitudes and predispositions of the audience. He must then decide in what direction he wants the audience to be swayed. Finally, he must reflect the emotion himself if he is to convey it to the audience adequately.

Moreover it is impossible for the listener to feel indignation, hatred or
ill-will, to be terrified of any-thing, or reduced to tears of compassion, unless all those emotions, which the advocate would inspire in the arbitrator, are visibly stamped or rather branded on the advocate himself. [28]

Since the arousing of emotions can be such a potent factor in influencing listeners, Cicero advises that it should never be done unwisely. It should be reserved for those occasions which truly merit such an approach. In the following passage, Cicero explains how he approached the decision of whether to use this appeal in his orations.

My own practice is to begin by reflecting whether the case calls for such treatment; for these rhetorical fireworks should not be used in petty matters, or with men of such temper that our eloquence can achieve nothing in the way of influencing their minds,....[29]

As to including emotional appeal in the presentation, Cicero suggests that the most appropriate place for these portions of the speech "that in spite of proving no point by means of argument, nevertheless have a very great effect in persuading and arousing emotion," is either in the prefatory remarks or in the conclusion. However, he also advises that "it is often useful to digress from the subject
one has put forward...for the purpose of arousing emo-
tion." So, although the arousal of emotions seem more
appropriate in the introduction or conclusion, it can also
be used effectively when interspersed with arguments sup-
porting the speaker's proposition.

The third heading in defensive speaking is the
winning of the hearer's favor by establishing the credibil-
ity and good character of the speaker. This, again, Cicero
advises, is an extremely important factor in persuading the
audience.

A potent factor in success, then, is for
the characters, principles, conduct and
course of life, both of those who are to
plead the cases and of their clients to
be approved, and conversely those of
their opponents condemned;....

Cicero explains the attributes that help establish
credibility and good character and thereby win men's favor.
"Now feelings are won over by a man's merit, achievements
or reputable life,..." However, there are also certain
characteristics that should be evident in the actual delivery
of the oration. These include: "a mild tone,...modesty,
gentle language, and the faculty of seeming to be dealing
reluctantly with something you are really anxious to prove."
In addition to these traits he says that it is also helpful to display "the tokens of good-nature, kindness, calmness and loyalty." The opposite of all these characteristics should, whenever possible, be ascribed to one's opponent.

Cicero's recommendations for speaking in defense fall under three headings: proof of allegations, arousal of emotions and the winning of men's favor. To prove his allegations, the speaker must provide the audience with a proposition and enough proofs to support this proposition, through the use of unknown facts as well as the refutation of his adversary's points. To do this, the speaker should begin with some prefatory remarks, then narrate the circumstances surrounding the situation, advance his case by establishing arguments in his favor and refuting those of his opponent, and finally lead the audience to the desired conclusion.

The arousing of emotions and the winning of men's favor are two potent weapons a speaker has at his disposal and they should be used with care and discretion. These three divisions will form the basis for the study of Kennedy's address.
CHAPTER III

THE CHAPPAQUIDICK INCIDENT

In the previous chapter Cicero's guidelines governing speaking in defense were divided into three areas: proof of allegations, the rousing of feelings and the winning of favor. In the two divisions under narration, it can be seen that both are based on the knowledge the audience has regarding the facts of the case. First, relevant facts which are not yet known to the audience should be included, and secondly, those "facts" which are known to the audience but are to be refuted by the speaker should be included.

The degree to which these criteria are reflected in Edward Kennedy's speech of July 25, 1969, necessitates a look at the account of the accident as the audience had heard it up to the time of the speech. Therefore, this section will be a review of the facts, allegations and speculations about the accident of July 18, 1969 involving Edward Kennedy and resulting in the death of Mary Jo Kopechne.1

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The first reports of the accident from all sources were vague and sketchy. The general reaction, at the time of these first reports, seems to have been one of grief coupled with a sense of relief that the Senator himself had not been seriously injured. The headline of the *New York Times*, on July 20, 1969 read: "Woman Passenger Killed, Kennedy Escapes Crash."² (See Appendix I for diagram of the scene of the accident).

Phillip M. Kadis, of the *Boston Globe* reported the reaction of many congressmen to the accident.³ "Washington--Initial reaction is one of shock and sympathy to news of Senator Edward M. Kennedy's auto accident and the accompanying death of Mary Jo Kopechne." He quotes several senators including Minority Leader Everett Dirksen and Jacob Javits, as well as Representative Mike Mansfield as expressing their condolences for Miss Kopechne and their relief that the Senator was not seriously injured. Although there was a general feeling of sympathy, he concludes that, "Most of Washington officialdom, however, appeared to withhold judgment on how the accident might affect Kennedy's future."

Although most people appeared to be shocked and
relieved, there seemed to be an air of secret speculation (hinted at by Kadis) as to what impact the accident would have on Kennedy's political career.

The Senator was not physically injured in the accident. But his political career may have been gravely damaged. Nearly nine hours went by before Kennedy--"exhausted and in a state of shock," according to his statement--walked into police headquarters at Edgartown on Martha's Vineyard to report what had happened.4

Newspaper accounts as they emerged on July 20th, were that Kennedy, following a sailing regatta, held a barbeque party for some of the late Robert Kennedy's campaign workers on Chappaquidick Island, near Martha's Vineyard. Estimates of the number of people present ranged from ten to twenty. The wives of Senator Kennedy or of the other men present were not included. According to Kennedy, he was taking Miss Kopechne to the ferry when he made a wrong turn and the car went off a narrow unlit bridge and landed upsidedown in the water. He said that he did not remember how he was able to free himself, but he did remember making repeated efforts to free the girl, after which he lay on the beach "exhausted and in a state of shock" for
an undetermined length of time, according to his police report. The report of the accident, however, was not made until the following morning, some nine hours after the accident was estimated to have occurred. It was reported by someone on the island who had noticed the car in the water, before the accident was reported by Kennedy himself.

The facts surrounding the accident were vague and puzzling. There were several inconsistencies or omissions in the story as Kennedy had told it to the Edgartown police. "Several aspects of the case remained unexplained last night. There is no explanation, for example, of the nine hour lapse between the time the accident occurred and Kennedy's first contact with police."5

That Kennedy was seen at his motel following the accident added another piece to the developing puzzle. According to Kennedy, the accident happened shortly after 11:15 p.m. After the accident he had returned to the house where the party was being held, and had gone back to the scene of the accident with two friends who had made several attempts to locate the girl. All of these actions could not have taken place in less than an hour, however:

The Senator's statement did not relate
how or precisely when he returned to Edgartown, where he was staying at the Shiretown Inn. There are no ferries from Chappaquidick Island to Martha's Vineyard, a few hundred yards across a channel, from midnight to 7:30 a.m.\(^6\)

According to Kennedy's own story, he could not possibly have made that last ferry, yet he was later seen at the Shiretown Inn.

As the week dragged on, more questions and inconsistencies arose. Several reports of unusual behavior on Kennedy's part emerged. That Kennedy was not on the last ferry was confirmed by Jerry Grant, who owns and was operating the ferry Friday night. No account was given by Kennedy as to how he returned to Edgartown. His only comment on the case was that it was not yet time for him to make a statement.

A report of a mysterious appearance at the Chappaquidick ferry landing Saturday morning also became known.

Senator Kennedy, accompanied by his cousin Joseph F. Gargan, and Paul Markham, a former United States Attorney for New England, crossed over on the ferry to Chappaquidick Island from Edgartown. The three men waited at the landing for about twenty minutes.\(^7\)
According to the ferry crew, the Senator actually made two appearances on the island Saturday morning—wearing different shirts—before he went to the police station to report the accident.

Dick Hewitt, operator of the Chappaquidick ferry, reported that he brought Kennedy and two other men from Edgartown to Chappaquidick Island shortly before 9 a.m. on Saturday prior to Kennedy's appearance at the Edgartown police station. Hewitt said that as the three men stood on the island a friend of Hewitt's who had come from the medical examiner's office approached him and told him that a car registered to Kennedy had been involved in an accident. He told his friend 'That's the Senator over there,' Hewitt said, and then went up to Kennedy and his two companions and asked if they knew about the accident. He said one of the men said, "Oh yeah, we just heard about it." 8

Although this apparently accounts for part of Kennedy's action during the nine hour delay, it raises some additional questions. What was Kennedy doing at the ferry landing? And more importantly, why did the men reply that they had just heard of the accident?

A further question evolved as to how Kennedy had come to be on the bridge in the first place. The bridge is on Dike Road, a narrow dirt side-road that leads only to a
small beach. In order to reach the bridge, Kennedy had to
turn off Main Street, a wide, well-marked, paved road leading
to the ferry landing. Kennedy had stated that he simply made
a wrong turn, however:

The geographical facts stand out
sharply to an observer who retraces
the route that Kennedy took on the
night of the tragedy. And they con-
found investigators who are trying
to piece together the circumstances
of the accident that Kennedy says
he barely remembers.\(^9\)

Further inconsistencies arose between Kennedy's
account and the reports from other sources. According
to Kennedy's statement he and Mary Jo left at 11:15 to
catch the last ferry off the island, and the accident hap-
pened shortly after that time. Other sources disagree.

It was learned today, however, that
the police here have a statement
from a witness who says that he saw
a black Oldsmobile he now believes
to have been the Senator's car more
than an hour later, about 12:40 a.m.
Reliable sources identified the wit-
ness as Charles Look, Jr., a Duke's
County deputy sheriff.\(^10\)

Another complicating factor was added by the discovery that,
"The witness (Look), was quoted by friends as saying that the car was occupied by one man and two women."\textsuperscript{11}

As the days passed, more and more questions about the accident were raised, while Kennedy maintained his silence. Why did Kennedy go back to the party instead of seeking help for Mary Jo? "To return...to the cottage where his friends were, he had to pass at least five houses with telephones. Two of these, both well lit, were about fifty yards from the bridge."\textsuperscript{12}

Had Kennedy been drinking, and if so, how much had he had to drink? Intoxication might account for irrational behavior on that night. By the time Kennedy reported the accident, there would no longer have been any way of detecting the presence of alcohol in the blood, because too much time had elapsed.\textsuperscript{13} This problem was compounded by the behavior of the chief of police who admitted that this possibility had not been and would not be explored.

Arena was asked if he had investigated the possibility that the accident was related to drinking at the party and replied: "I did not ask that question of the Senator. There was no other physical evidence at the scene that there might have been drinking involved. I'm not pursuing that line at all..."
I'm still standing on the fact that there was no negligence involved.\textsuperscript{14}

Exactly what charges were being brought against the Senator? Arena maintained that Kennedy would be charged only with leaving the scene of an accident. There were several possibilities, however.

The gist of his (Edgartown prosecutor, Walter Steele's) remarks, however, was that authorities were considering the possibility of three violations in the aftermath of the accident. One is leaving the scene of an accident, the misdemeanor with which Kennedy has been charged by Arena. A second possible violation might be driving under the influence of alcohol--a claim that Arena says he has no evidence to support. A third charge might be "wanton and reckless" negligence--an accusation that Steele said has been ruled out "for all practical purposes on the basis of existing evidence."\textsuperscript{15}

Steven Kurkjian of the \textit{Boston Globe} added two more items to the now mounting list of unanswered questions regarding the accident.\textsuperscript{16} First, he asked, "Why were the number plates removed from Senator Kennedy's car after it was removed from the pond?"--something which he had not found to be routine practice--while officials were claiming that no attempt was being made to protect the Senator or to
treat him differently than any other offender. Second, he asked, "Why wasn't an autopsy performed on Miss Kopechne's body?" There were no answers to these questions by either Kennedy or the local police.

An article in *Time* magazine summed up the major questions about the accident.

According to Teddy's statement, he left the Dike Bridge in shock and on foot, wet and minus one passenger. Why Teddy told no one about the accident and did not seek help for the girl, why no one called for a doctor or even asked Kennedy what happened—and indeed how he got back to his hotel—are questions that must now puzzle not only the police, but also Ted Kennedy and his nationwide constituency.17

During the week of July 20th, the questions, puzzles, ambiguities and speculations mounted, as Edward Kennedy continued to refuse to make any public statement; staying secluded in his home with only his family and a few close advisers.

On the morning of July 25th, a hearing was held on the charge against Kennedy for leaving the scene of an accident. Kennedy pleaded guilty to the charge; and it was on that same evening that he made his televised statement about the accident. (See Appendix II)
In this speech Kennedy answered some of the charges made against him during the previous week. He attempted to explain his involvement in and his innocence regarding the accident. He admitted his guilt to the charge of leaving the scene of the accident, but, attempted to put his actions in a context which would make it seem probable that anyone in his position, under the same circumstances, would have acted in a similar manner. He begged the forgiveness of his constituency, and placed his political future in the hands of the people of Massachusetts who had elected him.
CHAPTER IV

ANALYSIS OF KENNEDY'S ADDRESS

At the time that Edward Kennedy made his televised address, the majority of the facts about the accident remained unclear. The air was filled with speculation about the details of the accident, and about the effect that the whole incident would have on the Senator's career.

As previously stated, the address was an attempt to explain both his involvement in the accident and to safeguard his political future. Whether or not his attempts were successful does not fall within the scope of this study. What is significant for this study is the manner in which Kennedy went about these attempts. Therefore, this section will be an analysis of Kennedy's address under the headings recommended by Cicero in speaking in defense: proof of allegations, the rousing of feelings, and the winning of the hearer's favor.
Proof Of Allegations

In analyzing Kennedy's speech along the guidelines found in Cicero's De Oratore, the first step is to look at the speech in terms of how he attempts to prove his allegations, or his case. This will be done within the framework outlined by Cicero for speaking in defense: the opening passage, the narration of the facts, the statement of the case, and the conclusion.

The opening passage, Cicero advises, should be unhurried and of a somewhat subtle or subdued nature. The introduction is meant to charm and attract the hearer. Considering the tragedy preceding Kennedy's speech, it would seem appropriate that a speech dealing with this matter be unhurried and subdued; however, it would not seem as appropriate that Kennedy should try to "charm" listeners.

Kennedy makes reference to the recent tragedy in his opening statement. He is direct and concise. He states that before his appearance in court it would have been "improper" for him to "comment on these matters."
His language and style in the opening passage add, as Cicero advised, an element of dignity to the speech. The introduction is not ornate. Kennedy states simply that, "tonight I am free to tell you what happened and say what it means to me."

The opening passage reflects several of the guidelines set forth by Cicero. Although it may not "charm and attract the hearer," it does serve to set forth the purpose of the speech, and to introduce the listener to the subject. It also sets the tone and adds an element of dignity to it.

The second division of the speech is the narration of the facts which are unknown or which will be refuted. Under facts not yet known to the audience, it appears that seven questions, or areas of ambiguity had emerged at the time of the speech:

1) Why would Kennedy not make a statement?  
2) How did he make the wrong turn?  
3) Had he been drinking?  
4) Why did he not seek help for the girl?  
5) How did he get back to his motel?  
6) Why were the plates removed from his car?  
7) Why was there no autopsy?

The first question is answered by Kennedy in a direct, straightforward manner: "Prior to my appearance
in court it would have been improper for me to comment on these matters." The validity or plausability of this statement is reinforced by the fact that Kennedy did make a public statement at the first opportunity following his court appearance, that same evening.

The second question is unanswered. In fact, no reference is made to it in the speech. Kennedy states: "Little over one mile away, the car I was driving...went off a...bridge." From the context of the speech one would assume that Kennedy was indeed on the road to the ferry, which was, according to his testimony, his intended destination. However, going back to the newspaper accounts of the accident, it was known that he had made the turn onto Dike Road, and that Dike Road led not to the ferry, but only to a small beach. Furthermore, it was also known that investigators were puzzled as to how such a wrong turn could have been made in light of the physical geography of the intersection. That Kennedy did not provide the additional information to clarify the circumstances of his error, and to further support his case, is one variance from the guidelines Cicero had set up for a good defense.

The third question is answered directly. Kennedy
states, "Nor was I driving under the influence of liquor."

He does what Cicero suggests--provides a piece of previously unknown information which strengthens his position.

The next question--why he did not seek help for the girl?--is answered in two ways. First, it is answered in a fairly direct manner through a narration of the circumstances immediately surrounding the accident. "My conduct...during the next several hours...make no sense at all....Doctors informed me that I suffered a cerebral concussion as well as shock." He had sustained injuries which he infers affected his behavior. Further he adds that he lay "exhausted in the grass for an undetermined time." Again, by implication it was his physical condition which prevented him from seeking aid immediately after the accident occurred.

However, he answers this question in another way, that he did, in fact, make several attempts to save the girl and that he did eventually seek other help for her.

I walked back to the cottage...and requested the help of two friends...and directed them to return immediately to the scene with me...to dive down and locate Miss Kopechne.
He, therefore, answers the question in two ways, that he made an immediate attempt to save her and later returned with more help, and that it was his physical condition which detained him in seeking this additional aid.

The fifth question--how did he get back to his motel?--is answered directly, although not with an answer people were likely to have anticipated. "The ferry having shut down for the night I suddenly jumped into the water and impulsively swam across, nearly drowning once in the effort,..." This answer could easily be seen as consistent with known facts. The channel was known to be a few hundred yards wide, a distance which would be possible to swim. Some time had elapsed since the accident, possibly reducing the Senator's degree of exhaustion, although he does say that he nearly drowned once. Finally, he had already established that due to the concussion and state of shock his actions during the night were irrational. It seems possible then, that Kennedy returned to his hotel, as he stated, by swimming the channel.

The last two questions are never answered in any way. This would seem acceptable, however, as they refer to action or inaction on the part of the police, and not any
action taken by Kennedy himself. Kennedy would, therefore, not have had any control over or responsibility for the removal of the plates or the lack of an autopsy.

Looking back over the questions or facts unknown to the audience, the majority of the questions were answered satisfactorily by Kennedy in the speech. The last two dealt with actions beyond his control. Only the question of how Kennedy made the wrong turn onto Dike Road in the first place remains unanswered.

The second area of narration to be examined is that of known facts to be refuted. At the time of the speech, four "facts" about the case which could have had some serious repercussions for the Senator had emerged:

1) No wives were present at the party, although most of the men—including Kennedy—were married. All the girls were relatively young and single.
2) Deputy Sheriff Look claimed to have spotted the car at 12:40 a.m.—over an hour after Kennedy claimed the accident occurred.
3) There was at least a nine hour delay in Kennedy's reporting of the accident.
4) Kennedy appears on the island twice Saturday morning before reporting the accident to the police.

According to Cicero's guidelines, facts should be
introduced into a speech only if they are not yet known, or if the speaker is going to refute them, and in doing so, strengthen his case. On this basis Kennedy should have mentioned these four items only if he was also going to refute them.

Kennedy reacts to the first item in the speech. He does not deny the absence of his wife. He does, however, explain the reason for her absence and flatly denies the insinuations and speculations which had accompanied her absence. He states first, "Only reasons of health prevented my wife from accompanying me." He then establishes the character of Miss Kopechne and her relationship to the family. She was "such a gentle, kind and idealistic person" who, according to the Senator, "had a home with the Kennedy family." The implication of his statement is that Mary Jo was not simply a campaign worker, but a friend of the family, as close to Mrs. Kennedy as she was to the Senator. There is also a subtle suggestion that, had Mrs. Kennedy's health been better, the three might have attended the party together.

Finally, Kennedy squelches the insinuations of immoral conduct with a direct, unequivocal denial:
There is no truth, no truth whatever, to the widely circulated suspicions of immoral conduct that have been leveled at my behavior and hers regarding that evening. There has never been a private relationship between us of any kind.

I know of nothing in Mary Jo's conduct on that or any other occasion—the same is true of the other girls at that party—that would lend any substance to such ugly speculation about their character.

Kennedy circumvents the second "fact," however. He neither denies it, nor takes cognizance of it in his speech. He returns to the statement he had made in the beginning of the week, before Look's observation was discovered, and maintains that he and Mary Jo had left the party at 11:15 p.m. to catch the midnight ferry. If Look's statement were true, they could not have been heading to catch the last ferry. Kennedy does not turn the time of the accident into an issue, however. He states that they left at 11:15, and then quickly moves to another issue, not allowing the audience any time to ponder the discrepancies between the two statements.

Although Cicero states that facts should not be introduced, especially if they go against your case, unless
you are prepared to refute them, in Kennedy's case it could not have been avoided. In order to substantiate his case, he had to explain why the two of them were in the car together. To explain this, he had to indicate that they were trying to catch the ferry, and he was therefore, forced to establish the time. He does not, however, refer to Look's statement, and so, only incidentally raises the issue.

The next "fact" known to the public was that there occurred a nine hour delay between the time of the accident and the reporting of it. This is something which had been firmly established in the minds of the audience, and something which Kennedy could not deny as fact. Kennedy admits his guilt in this regard. In the opening of his speech, he states that he pleaded guilty in court to the charge of leaving the scene of an accident. Later in the speech, however, he complicates the "black and white" appearance of his guilty plea. He makes reference to the fact that he suffered from a concussion and shock and may therefore have been acting irrationally, but quickly adds, "I do not seek to escape responsibility for my actions by placing the blame either in the physical, emotional trauma brought on
by the accident or on any one else." To that statement he adds, "I regard as indefensible the fact that I did not report the accident to the police immediately." However, if one is to believe his reasons for not seeking help for the girl immediately, it would seem to follow that this same physical condition which prevented him from seeking aid should also have prevented him from reporting the accident, at least initially.

What Kennedy does is two-fold. On the one hand, he implies a physical and temporary mental condition which precluded his taking proper action, and, on the other hand, makes an immediate denial that he tries to make any such implication. This produces an interesting effect. Kennedy brought up the charge against himself, and admitted to it, while at the same time, implying that he could not, nor could anyone else in his situation, have acted any differently. This makes him appear an innocent victim of circumstance, noble enough to accept responsibility for actions over which he had no control. In this way, he makes it difficult for the audience to blame him for not having reported the accident. In effect, although he does not refute the truth of the charge against him, he does deny the implication of
wrong-doing that had been connected with it.

The last fact facing Kennedy was his two mysterious appearances at the ferry landing on the island, before reporting the accident to the police. Kennedy, at one point in the speech, admits that he was on the island at least once that morning, although in doing so, he seems to imply that his reason for being there was to use a public phone.

In the morning, with my mind somewhat more lucid, I made an effort to call a family legal adviser... from a public telephone from the Chappaquidick side of the ferry and belatedly reported the accident to the Martha's Vineyard police.

Kennedy reflects what Cicero described as his own practice when confronted with an argument which he could not refute; he made no reply. Kennedy raises the issue of his presence on the island, thus reminding the audience of his unusual behavior, but offers no explanation for his actions. The way in which Kennedy introduces the incident allows for favorable speculation, that he was just calling his lawyer. It is possible that Kennedy's case might have been stronger if he had not raised the issue, rather than raising it and leaving it hanging.
Regarding the narration of the facts known to the audience, Kennedy follows Cicero's advice in a strict sense in only the first case. In the others—the time factor and his presence on the island—he raises the issues and leaves them hanging. Although Cicero admits that on occasion he left arguments unanswered, he does not recommend that a speaker follow his example. In the remaining instance, the delay in reporting the accident, he admits to the action in fact, but subly refutes the association of wrong-doing with which it had been attached.

The narration also reflects Cicero's other recommendations for this section of the speech. Kennedy uses ordinary language as Cicero suggested. The narration flows easily and naturally, having a conversational tone to it. Furthermore, the narration follows the chronological order of events, although it is also broken at several points by digressions, contrary to Cicero's advice.

The next division of the speech is the statement of the case. In this section the speaker must formulate the proposition and provide supporting proofs. In Kennedy's speech the main proposition is that he was totally innocent regarding the accident itself, and should be allowed to
remain in office. This is a two-pronged proposition that is reflected in the construction of the speech. The proposition is never stated explicitly but is rather implicit, and it serves as the conclusion to which Kennedy leads the audience. The proposition per se is never found in the speech.

The next area of the statement of the case is the support of the proposition, made up of arguments in one's favor and the refutation of the arguments of the opposition. The arguments or facts which were unfavorable to Kennedy's case have already been examined in the second section of the narration. Kennedy does, however, build a rather intricate case to support his proposition.

The proposition can be viewed as being similar to an "if...then" hypothesis. Kennedy's right to remain in office hinges on his innocence. His lack of any wrong doing, other than not reporting the accident immediately after it occurred needs to be established before he can justify his plea to retain his office.

Kennedy's support of his innocence can be broken into four major lines of defense: lack of motive, lack of negligence, his attempts to rescue Mary Jo and his inability
to do any more than he did to save her.

Kennedy implies first that there was no motive to do harm to Miss Kopechne. As has already been shown, he considered her a "gentle, kind and idealistic person," not the type of person anyone would want to hurt. Secondly, he points out that the Kennedys considered her part of their family. Finally, he states, "the grief we feel over the loss of a wonderful friend will remain with us the rest of our lives." From these statements, it would be logical to conclude that Kennedy would not intentionally have done anything to hurt the girl, thus, there was no motive for any wrong doing.

This raises the question of how responsible Kennedy was for the accident. Was he in fact guilty of negligence. Kennedy implies that he was not. First, he denies driving under the influence of alcohol. He also reduces his responsibility for driving the car off the bridge by describing the hazardous conditions of the bridge. Kennedy explains that the bridge was on "an unlit road," "narrow," lacking of guardrails and "built on a left angle to the road." It can be assumed that under these conditions the accident could very well have occurred.
without any contributory negligence on Kennedy's part.

The third line of defense that Kennedy develops is that he did, in fact, attempt to rescue the girl. "I made immediate and repeated efforts to save Mary Jo." To this he adds that he brought Gargan and Markham back to the scene with him, to make another effort, "undertaken at some risk to their own lives," to save her. He establishes that two separate efforts were made to rescue Miss Kopechne.

In the last argument, Kennedy shows that he is innocent of any wrong doing regarding the accident; he did everything within his physical power, but because of the conditions surrounding and resulting from the accident, he was powerless to do any more. He points out, first, the "strong and murky current" he was faced with in his efforts to dive back down and save Mary Jo, which resulted "only in increasing my utter state of exhaustion," and then how his exhaustion was so great that he was compelled to lie down for some undetermined length of time before he was able to make any further efforts to seek aid. His efforts were made more difficult by his concussion and state of shock that prevented rational action. Finally, he adds, an element of uncontrollable fate, by asking "whether some awful curse
really did hang over all the Kennedys," suggesting that this may have been a matter over which he could not have exercised any element of control. In this way, Kennedy constructed four lines of defense for his innocence regarding the accident.

The second part of his proposition is that he should be allowed to remain in office. Again, he constructs several lines of defense. The first is contained in the proposition that he was innocent of any wrong-doing regarding the accident itself. He was guilty of leaving the scene of the accident. This action occurred after the accident and presumably had no effect on its outcome.

Second, leaving the scene of an accident is a misdemeanor, more in the nature of a motor vehicle violation than a "criminal" action. It is a charge that should have no bearing on his continuing to function effectively in office. However, Kennedy goes one step further. He states, "Today...I felt morally obligated to plead guilty." He is implying that he did so because he is a man of high moral conviction and honesty, precisely the type of man one would like to have in public office.

Kennedy uses several additional lines of support.
He refers to his background, being a Kennedy. He mentions both his late brother Robert and his late brother John, both remembered as men of great integrity.

Kennedy also refers to the trials and tribulations of his past. "You and I share many memories--some of them have been glorious, some of them have been very sad." He seems to be referring to the assassinations of his brothers. He comments, "The stories of past courage cannot supply courage itself." Presumably the reference is to his own courage. He gives the image that he and the voters have struggled through hardships together before, and that this incident is just one more storm they will weather together.

Finally, he points out what he stands to lose if he does not retain his office: "the loss of friends, his fortune, his contentment, even the esteem of his fellow men." In light of his innocence regarding the accident itself, and the fact that his only wrong-doing was not reporting the accident immediately, such punishment would appear to be excessive.

Although the proposition is implicit rather than explicit as Cicero suggested, Kennedy’s support of the proposition is extensive, both in proving his innocence and in
making an appeal to retain his office.

Cicero further states that the adversary's points should be refuted. In his defense, Kennedy refuted some points such as the suspicion that he had been drinking. In Kennedy's case there is no clear cut opponent, however, and so there is no clear "case" against him. He therefore opts for Cicero's strategy of focusing on his own arguments in an attempt to draw attention away from the issues raised by what might be considered the opposition.

In organizing the statement of the case, Cicero advises that the strongest point should be put first. In Kennedy's case, his strongest argument appears to have been that he did all he could to save Mary Jo. This point does not come first, however. The first point Kennedy makes is, instead, his innocence of any immoral conduct.

Looking closely at the speech organization, it can be seen that the body of the speech is broken into two parts. First, Kennedy relates the facts surrounding the incident. In the second section Kennedy sets out his position as an elected official and discusses the effect this incident could have on his position. Because he is attempting to explain his involvement in the accident, he
must explain the events as they occurred. The purpose of the speech requires organizing the first part into a time sequence so that the audience may understand the events as they occurred. Thus, in this case, Cicero's strategy of putting the strongest point first is set aside, and his recommendation of using a chronological order, in reference to the narration, is used instead.

With regard to the statement of the case, Cicero advises that one should conceal the intervals between successive proofs. Kennedy does this masterfully. He smoothly disguises the interval between proofs by using a pattern of associating ideas to move from one area to the next. As has been shown in the discussion of the proof of allegations, Kennedy uses a fairly large quantity of supporting data, and he does so without overwhelming the audience or overstating his case. The entire speech has an air of subtlety about it which is aided by smooth transitions and the intertwining and overlapping of ideas.

The following passage is a good example of how Kennedy moves from one idea to another. "I know of nothing in Mary Jo's conduct...that would lend any substance to ugly speculations about (her) character. Nor was I driving
under the influence of liquor." One might easily add the phrase "speaking of ugly speculations," between the two sentences. The two statements are not united in subject matter, however, they appear to have a common element, they are both inferred to be ugly speculations.

It is this association of both subjects with the idea of ugly speculation which joins them and provides continuity in the transition from one idea to the other. Now that Kennedy has returned to driving, by the reference to not driving while intoxicated, he continues his description of the events by explaining how the car he was driving went off the bridge, and in this way each successive proof flows easily from the preceding one.

In the conclusion Cicero maintains that, like the introduction, it should be unhurried, drawn out, lingering. This is true of Kennedy's speech. The conclusion is nearly three times the length of the introduction. He asks for the support of the people of Massachusetts. In five separate references Kennedy speaks of the difficulty of the decision facing him. He gives the audience time to digest what he has said. He also maintains the air of solemnity
that has been carried throughout the speech, ending as he began, with references to the tragic death of Mary Jo Kopechne.

Cicero also states that the speaker should lead the listener to the desired conclusion, but that he should let the listener draw it for himself, rather than have the speaker draw it for him. Kennedy does this very well. His proposition was that he did nothing wrong and should retain his office. In the speech he has placed the decision in the people's hands, saying that it is necessary that the people be represented by a man in whom they can put their trust and confidence. Kennedy implies that he is such a man. "It has been written that a man does what he must in spite of personal consequences, in spite of obstacles and dangers and pressures, and that is the basis of all human morality." Kennedy is implying that he is ready to face the "obstacles," "dangers," and "pressures" of remaining office, thus making him a man of high moral character, the type of person who is needed to fill his office. In addition he states, "I hope that I shall have (sic), be able to put this most recent tragedy behind me and make some further contribution to our state." He has led the audience to the conclusion
he desires, and is now giving them the opportunity to arrive at it themselves. He established his innocence, put his fate in the people's hands, implied that he was willing to accept any and all consequences of remaining in office and now asks for that opportunity. He has done precisely what Cicero suggested in the strategy of allowing the audience to make the final decision and come to the conclusion on their own without having it drawn for them.
Arousal Of Feelings

The third area of defensive speaking outlined by Cicero was the arousal of feelings, or emotional appeal. As Cicero pointed out, this is a powerful weapon, as more men are swayed by their emotions than are swayed by logic and argument. Cicero also advises that emotional appeal must be used cautiously and tactfully. Kennedy makes use of this persuasive tool.

The occasion of the speech, to begin with, is a highly emotional one. At the time of the address, less than a week had elapsed since the tragic death of Mary Jo Kopechne. Kennedy reminds the audience of this in his first statement, thus setting a solemn tone for the occasion. References to Mary Jo's death, and the tragic loss felt by Kennedy, are found throughout the speech. This feeling of personal loss is further reinforced by a reference to the death of his brother Robert early in the speech, and later in the speech to the death of his brother John.
Kennedy also draws on other emotions throughout the speech. While relating the events immediately surrounding the accident, he recreates for the audience, the feelings of shock and panic which he had experienced. "The water entered my lungs and I actually felt the sensation of drowning. But somehow I struggled to the surface alive." He follows this by instilling in the audience the same feelings of extreme exhaustion which he felt after his attempts to rescue Mary Jo.

Throughout the middle section of the speech, Kennedy paints a picture of confusion and bewilderment brought on by the accident. "My conduct and conversation during the next several hours...make no sense at all." This he seems to attribute to shock and the suffering of a concussion. He draws the image very vividly. "All kinds of scrambled thoughts--all of them confused, some of them irrational...went through my mind during that period." He follows up on this statement with the fact that the confusion was "reflected in the various inexplicable, inconsistent and inconclusive things I said and did." In his confusion he thought that perhaps Mary Jo also escaped from the car. He concludes the narrative of the scene of
the accident by stating, "I was overcome, I'm frank to say, by a jumble of emotions, grief, fear, doubt, exhaustion, confusion, panic and shock." The scene, as Kennedy describes it, was such an intensely emotional situation for him, having lost a close friend, and having nearly lost his own life as well, that he was governed by his emotions rather than his intellect. This feeling is reflected in his narration.

In the second segment of the speech, the emotional climate changes dramatically. He is now in full possession of his mental faculties and is appealing to the audience on an ethical and moral level. A different set of emotions come into play. He appeals to the loyalty and responsibility of his listeners. He engages their aid in making the difficult decision facing him. In essence, he is saying that he has always done everything in his power to benefit the people and now he challenges them to make a fair and honest decision as to whether he should remain in office.

Kennedy also makes an appeal to the pride and patriotism of the listeners. He lists the noble people who have represented Massachusetts in the past: John Quincy Adams,
Daniel Webster, Charles Sumner, Henry Cabot Lodge, and John Kennedy. At this point, Kennedy's action strongly reflects the advice given by Cicero to "digress from the subject one has put forward...for the sake of arousing emotion." That Massachusetts has been represented by these great men has no bearing on Kennedy's case, but mentioning their names arouses a feeling of pride in the fine men who came from that state.

Kennedy uses emotional appeal in several ways, first, to set the atmosphere for his speech, second, to invoke the empathy and forgiveness of the audience. He suffered a serious emotional trauma, and as a result of this and the suffering of physical injuries, he was rendered temporarily incapable of making rational judgements, and he appeals to the audience not to hold him responsible for his actions during this time. Finally, he appeals to the listeners' loyalty and pride, as well as their gratitude to him for what he has done for them during his period in office. Through these appeals Kennedy attempts to sway his audience to forgive this one small transgression of his. He plays down the point that he has broken the law, and, through the arousal of emotions he permits the sympathy
of the listeners to overshadow his wrong doing.
Winning Men's Favor

The last area of speaking in defense outlined by Cicero is that of ethos, or roughly, the establishing of credibility and good character on the part of the speaker. This, Cicero advises, is an extremely potent factor in winning men's favor.

First, Cicero points out that "feelings are won over by a man's merit, achievement or reputable life." Kennedy makes a few subtle references to his status. The speech itself was made from the home of his father, Joseph P. Kennedy. This, in itself, is a subtle reminder that Edward was only one member of the almost legendary Kennedy family. One is immediately reminded of the greatness of his two brothers, John and Robert, who were heroic political figures to large segments of the population. The reference is one of reputable life and good character by association.

Kennedy makes only a passing reference to his achievements. Although he was one of the more active senators, author of many bills to benefit the aged,
the poor, and others who could not help themselves—a "champion of the common man" in Congress—no mention is made of these accomplishments. The only allusion to his achievements is that he shares with the people many memories—"some of them have been glorious, some have been very sad." No other references are made to what he has done for the people.

As has been stated earlier, Kennedy uses several methods to reveal himself as a man of high moral character. That he felt "morally obligated" to plead guilty in court shows that he is a man of good conscience. That he takes full responsibility for not reporting the accident, under circumstances which seem to have precluded him from doing so, and that he is willing to leave his office if the people feel he can no longer adequately serve them, make him appear to be a noble person, with the best interests of his people at heart. He implies that he is willing to put their welfare above his own needs and desires.

Cicero also advises that the speaker should use a mild tone and gentle language in the delivery of the speech. Kennedy does this throughout most of the speech. There are only a few deviations, such as his expression of indignation
at the ugly speculations about Miss Kopechne's character and the intensely emotional narration of the accident itself. For the most part, however, his language reflects dignity and mildness.

Furthermore, Cicero suggests that the speaker should seem "to be dealing reluctantly with something you are really anxious to prove." This Kennedy appears to have done very well. It is impossible to determine just how anxious Kennedy was to tell his story. It is fairly clear from the reports leading up to the speech that he had a great deal at stake. His political future was severely threatened by the questions and speculations arising from the vague statement he had made earlier in the week to the police. During that week, as has been shown earlier, it became eminently clear that if Kennedy's political future were to be saved, it could only be by means of explaining, in detail, his involvement in the unfortunate incident resulting in the death of Mary Jo Kopechne.

Assuming Kennedy wished to protect his career, he must have been eager to see the matter cleared up. The speech, however, does not reflect this eagerness. Throughout the speech the impression is given that it is difficult
and even painful for Kennedy to recall and relive the tragic events of that night. Although, in light of the political consequences of maintaining his silence, it appears evident that Kennedy must have strongly desired the opportunity to clear himself, his posture in doing so is calm, collected, and with the exception of a few emotional outbursts, solemn and subdued-- scarcely what could be considered eager to talk about so recent a tragedy.

Cicero also says that it is helpful to display "the tokens of good-nature, kindness, calmness and loyalty." It has already been shown that he exhibited calmness. Furthermore, his good-nature and kindness are also reflected in the speech. Kennedy displays these qualities while describing the relationship between his family and Miss Kopechne.

Mary Jo was one of the most devoted members of the staff of Senator Robert Kennedy. She worked for him for four years and was broken up over his death. For this reason...all of us tried to help her feel she still had a home with the Kennedy family.

Through this statement Kennedy gives an impression of his warmth and feeling toward Mary Jo who was suffering a great
Loyalty can be seen in the latter part of the speech, that part dealing with his political future. In this section Kennedy gives the impression of putting the welfare of the citizens before his own. His loyalty to his constituency can be seen in the following passages.

If at any time the citizens of Massachusetts should lack confidence in their Senator's character or his ability...he could not in my opinion adequately perform his duty and should not continue in office. The people of this state...are entitled to representation...by men who insure their utmost confidence. For this reason I would understand full well why some might think it right for me to resign.

The last point Cicero makes is that the opposite of all those characteristics which establish credibility should, whenever possible, be ascribed to one's opponent. In this situation, it can be seen that Kennedy had no clearly defined adversary. The threat to his political career came, not from any one individual or group, but from rumors and innuendos. The newspapers were raising questions and formulating some of the issues, however, and political figures were involved, some of whom were attempting to use this
incident to discredit the Senator. The scope of this involvement cannot be measured, but it can be shown that some politicians, as well as the press, could be considered as opponents.

There are signs that the Nixon Administration in far off Washington has developed considerable interest in the case. White House aide H. R. Haldeman is said to have been calling newspaper-men to urge them not to "down-play" the Kennedy affair. A member of the cabinet --George Romney, Secretary of Housing and Urban Development--told reporters in Chicago today that he was not satisfied with Kennedy's explanation of the accident.2

Due to the absence of a clearly definable adversary, it would be difficult for Kennedy to attribute damaging qualities to his opponent in this case. He could not be positive just who his opponent was. Kennedy does, however, make some attempt to discredit or berate those who were perpetrating the rumors, without any specific references to who they might be. He refers to the question of Miss Kopechne's character as "ugly" speculation. This statement carries with it the implication that not only the speculation, but the speculators as well, were to be considered ugly. Later in the speech, Kennedy makes a
statement about citizens losing confidence in their senator, with or without justification. Here Kennedy draws attention to the point that none of the speculations has been proven, and in fact, many have been disproven or denied, and implies that those who would have him ousted from office would be doing so unjustly. Although Kennedy cannot attack his opponents directly, he implies that those who are speculating about misconduct on his part, are not only unjustified in doing so, but are also showing a lack of character.

As far as it seems possible to do so, Kennedy's speech reflects the guidelines set by Cicero for establishing the good character and credibility of the speaker and for using the ethos of the speaker to win men's favor while speaking in defense.
CHAPTER V

COMPARISONS AND CONCLUSIONS

In the previous chapter, it has been seen that the majority of the elements outlined by Cicero for speaking in defense are found in Kennedy's address. Although the basic arrangement of the statement of the case suggested by Cicero is not followed by Kennedy, many of the other guidelines for arrangement can clearly be seen. Kennedy also uses both emotional and ethical appeals in the manner outlined by Cicero. Whether by accident or design, most of the criteria of classical rhetorical theory set down by Cicero two thousand years ago can be found in this recent case of American apologia.

The last section of this study is a comparison of the findings of this method of examining the speech with the conclusions drawn by those who studied the speech using other methods. Finally an attempt will be made to draw some conclusions about the relative usefulness of this method of analysis compared with those previously used.
Comparison Of Studies

Two of the studies examined in the first chapter took the same form. In this form they attempted to identify factors characteristic of the apologetic genre by comparing two or three speeches of self-defense. The object of the analysis is to use each speech as a tool for examining the other speech or speeches in such a way as to draw out elements common to all the examples of the genre. Rosenfield reasons that there are three advantages to be gained. First, by using the speeches as criteria for evaluating each other, rather than some criteria developed by the critic, the study has a greater element of objectivity. Secondly, this method aids the critic in the identification of common characteristics which Rosenfield concludes can be attributed to the situation or genre. Finally, the critic will be alerted to the distinctive qualities of each of the speeches.

The central concern of the Rosenfield study is the characteristics identified as constants. They are four in
number: the speech is part of a brief, intense, controversy, the speaker makes counterattacks on his opponents, the documentation is concentrated in the middle section of the speech, and the speakers reassemble arguments rather than initiate new ones. These four constants were determined on the basis that they are found in both speeches examined by Rosenfield.

The study conducted by Butler uses these constants outlined by Rosenfield to examine Kennedy's address. In doing so, however, she concluded that only the last two of the four constants were found in the speech. If Butler's conclusions are accepted as accurate, her work points to at least one problem with the Rosenfield study. Those characteristics alleged to be constants of apologia, although found in the first two cases, were not necessarily present in other speeches of this genre. When they were compared to one other speech of defense, half of Rosenfields constants were eliminated. Rosenfield recognizes that these constants may have been accidental similarities of the two speakers rather than genuine characteristics of apologia. Butler's study raises some doubts as to whether or not this method of comparing a limited number of speeches
and generalizing about the genre on this basis can be done with an acceptable degree of accuracy.

A close examination of the constants which Rosenfield identified reveals that there may be more than coincidence at the base of these similarities. There appears to be a fairly direct relationship between the elements isolated by Rosenfield and the guidelines developed by Cicero. As Cicero's guidelines were developed through a study of the reasonableness and the anticipated or observed effectiveness of different variables of public speaking, it would seem to be more than by chance or accident that they are reflected in contemporary speeches of self-defense.

The first similarity--the brevity of the controversy--may be the result of several causes. Butler notes that although both the Nixon and Truman controversies were brief and quickly resolved, Kennedy's was not. This may have been a result of the nature of the charges, or the manner in which the controversies were dealt with, or both. The accusations against Nixon and Truman both stemmed from alleged misconduct in office. Nixon was accused of having a secret campaign fund. Truman was accused of promoting Harry Dexter White, an alleged Communist spy, to a sensitive
government position. They were in essence political charges of abuse of office. The charges against Kennedy were of a purely criminal nature that necessitated a police investigation, as well as a hearing and an inquest, which in and of themselves kept the case open for at least six months after the incident actually occurred.

Nixon and Truman both answered directly the charges against them. Nixon in his speech, revealed his personal financial history, a move aimed directly at squelching the allegations of a secret campaign fund. Truman, although no longer in office, replied that he had fired White, an action which he claimed had been taken as soon as unfavorable information about White reached him.

Although Kennedy answered most of the accusations against him, there were two distinct differences in his approach. First, he admitted to having broken the law. Secondly, he left some loose ends hanging after giving his explanation of the incident, such as how he came to be on the road to the bridge in the first place. On the surface, it appears that both Nixon and Truman provided the unknown facts necessary to clear themselves. Kennedy did not. It may be that one of the reasons that the Kennedy controversy
was not brief, as were the other two, is that Kennedy did not include what Cicero advised one to provide for the audience—a statement of the unknown facts which have a direct relevance to the case being supported.

The second constant identified by Rosenfield is the use of accusations or attacks against one's opponent or accuser. This is an element clearly outlined by Cicero as a useful technique in persuading the audience. Cicero explains that one must establish himself as having high credibility and good character, but he also advises that one should ascribe unfavorable characteristics to one's opponent whenever possible. Where Rosenfield identifies only the accusing of one's accusers, Cicero suggests a two-way process of building one's self up while tearing one's opponent down.

The third of Rosenfield's constants is the placing of the documentation in the middle third of the speech. This is precisely what Cicero advises as the best way of arranging an oration by explaining that the opening passage and the conclusion should be reserved for purposes other than presenting evidence in favor of the case. Cicero also sets guidelines for the arrangement of the documentation to be included in the middle section of the speech.
Rosenfield's last constant, the tendency to reassemble previous arguments would also seem to be consistent with Cicero's advice to the orator. That Nixon and Truman, and according to Butler, Kennedy, all reassembled arguments they had used in previous statements seems reasonable if one assumes that all three were being perfectly honest and had told the truth in their previous statements. If this were the case it would follow that they would continue to present these same arguments in their televised statements. Cicero advised that one should provide unknown information which will support the case. Rosenfield said that the speakers added some further substantiation and documentation to support the lines of argument they had already advanced. Although Cicero's guidelines would allow for additional supporting arguments as well as for additional evidence, the characteristics of apologia identified by Rosenfield and Cicero appear to be essentially the same.

The Ciceronian analysis of a speech of defense compared with the studies of apologia conducted by Rosenfield and Butler reveals three observations. First, the characteristics identified by the two authors are compatible with,
if not identical to, the guidelines set by Cicero two thousand years ago. Second, Cicero goes into far greater detail in describing the essential elements of apologia, and therefore, provides a broader base for the comparison or speeches of defense. Third, by using Cicero's guidelines as a basis for comparison, it may be possible to establish differences in the speeches which cause differences in the outcomes of the controversies. Furthermore, the Ciceronian analysis also meets the other two advantages which Rosenfield found to his method of study. By using the guidelines set by Cicero, the critic still has a set of objective criteria to use in the analysis of the speech, thus retaining the objectivity gained by Rosenfield's study. Finally, by using the criteria established by Cicero, and by using these criteria to identify certain elements or aspects of speeches which can be compared and contrasted, the critic is still able to detect the distinctive qualities of speeches of self-defense.

Ling used Kenneth Burke's "Dramatic Pentad" in analyzing Kennedy's address. The findings of his study can be separated into two types, the strategy employed by Kennedy in making the speech, and the possible future
implications of his address.

Ling concludes that Kennedy portrayed himself in the first section of the speech as a victim of the scene or of the circumstances, and in the second section as the potential victim of the decision of his constituency as to whether or not he should retain his position. Both of these characteristics were identified in the analysis of the speech done in this study. These characteristics were examined from two perspectives. First, in examining the section of the speech concerned with proving the case, it was determined that Kennedy's proposition was that he was innocent of any willful wrong-doing and should retain his office. As a means of supporting this proposition it was suggested that Kennedy attempted to prove that it was not negligence on his part, but rather the hazardous conditions of the bridge, which caused the accident. This is consistent with Ling's conclusion. He finds that Kennedy's statement of the hazardous conditions of the bridge "placed Kennedy in a position of an agent caught in a situation not of his own making." In both analyses it is concluded that Kennedy was seeking to deny responsibility for the accident.

The characteristics of Kennedy's speech identified
by Ling were also examined in light of his use of emotional appeal to sway the listeners. Here it was found that Kennedy not only attempted to persuade the audience that he logically could not control the situation, but that he also attempted to reconstruct the intensely emotional climate surrounding the accident and in doing so to create an empathy on the part of the audience which would excuse his actions.

Ling's study has a second aspect to it, however; he uses his method of analysis in an endeavor to examine the possible implications of the defense delivered by Kennedy. Having established Kennedy as a victim of the scene and possibly of his constituency, Ling hypothesizes as to what effects this might have. Ling suggests that Kennedy's speech, although successful in that he retained his office, might have endangered his chances of running for the presidency. Ling suggests three reasons for this. First, by establishing himself as a victim of the scene, he might have been conceding that he would be unable to handle the extraordinary pressures of the presidency. Second, that Robert McNamara and Theodore Sorensen were with Kennedy during his vigil of silence and presumably collaborated with him on the speech, might suggest that Kennedy's
explanation was not entirely his own, and that he might have been hiding something. Finally, that he left questions unanswered might suggest that he was indeed responsible for the situation.

Although Cicero's outline for apologia can be used to examine the strategy employed by Kennedy in the speech, it does not provide a basis for predicting the effects of the speech. One might reason that Cicero outlined his own practices that were successful when he employed them. However, it may not accurately be concluded that if another person's speech follows Cicero's guidelines to the letter it will be successful, or, that if one strays from his framework, the speech will fail. The criteria set down by Cicero provide a basis for inquiry and examination, but not for prediction. Just how solid a base the pentad provides for prediction is questionable, but Ling reasons that it does define the available choices, and once this is done, the critic is better able to speculate as to which choice would be the wisest or most successful in a given situation. In this sense, the pentad, although it perhaps does not provide as broad a base for examination, goes further in providing a base for speculation as to the results.
The last article is written by Linkugel and Ware. The factors they used to study apologia are taken from Robert P. Abelson's "Modes of Resolution of Belief Dilemmas": denial, bolstering, differentiation and transcendence. Rather than focus only on one or two speeches, they survey over twenty examples of apologia, with a detailed examination of Kennedy's address.

Linkugel and Ware conclude that Kennedy used a strategy of bolstering, by which he tried to reinforce relationships and sentiments. The authors outline Kennedy's strategy as an attempt to solidify, in the minds of the audience, the close, personal relationship between Mary Jo Kopechne and the Kennedy family, rather than just between Mary Jo and the Senator. Once Mary Jo was seen as part of the family, Kennedy tried to show that the Kennedy family was inseparably linked to and firmly identified with the State of Massachusetts. In this way he turned the whole incident into a family matter--another tragedy for the Kennedy family.

The authors also see Kennedy as employing a strategy of differentiation. After having told the people that he had pleaded guilty to the charge of leaving the scene of
an accident, he attempted to convince the audience that the Edward Kennedy who failed to report the accident was not the same Edward Kennedy who served the people of Massachusetts day in and day out as their senator. His injuries and his emotional state had transformed him into this other person.

These two strategies combine to form a posture of verbal self-defense the authors termed explanative.

In the explanative address, the speaker assumes that if the audience understands his motives, actions, beliefs, or whatever, they will be unable to condemn him. This seems to have been the hope of Edward Kennedy in his "Chappaquidick Address".

Through the identification of the four basic factors of verbal self-defense and the combining of these factors into postures of verbal self-defense, Linkugel and Ware have been able to outline the defensive strategy used by Kennedy, and have also used these tools to compare Kennedy's strategy with that used in other famous cases of apologia. The authors explain that this is indeed the purpose of their study.

This conceptualization of the apologetic genre into subgenres should assist the critic in comparing the
The authors go on to say, however, that the nature of the posture approach used in their study focuses the attention of the critic on the strategy used by the speaker, and therefore lacks an evaluative dimension. The critic is drawn to the method of defense used by the speaker, as well as the arguments, proofs and reasoning used to support the position which has been taken. The critic is not drawn to the other elements of the oration, except, perhaps, in an indirect manner. The arrangement and the emotional and ethical appeals used by the speaker are examined only as they pertain to the speaker's strategy. They are not examined in their own right, as additional weapons the speaker has at his command.

In comparing the factorial approach used by Linkugel and Ware to the method used in this study, it appears that the factorial approach goes much further in setting up a framework for comparing strategies used in apologia. This approach, however, is one dimensional in that its greatest value lies in using it to compare strategies rather than to examine individual speeches. Furthermore, in focusing
solely on the posture of defense adopted by the speaker, other factors previously mentioned, which contribute to the overall effectiveness of the speech are left virtually untouched by the critic.
Conclusion

At the outset of this study it was stated that through the application of classical rhetorical theory set forth by Cicero to Kennedy's speech in defense of himself, and through the comparison of this analysis to other analyses of apologia, an attempt would be made to determine the relative usefulness of the application of classical theory to contemporary speeches of defense. To do this, the findings of this study must first be briefly reviewed.

In applying Cicero's criteria to Kennedy's address, it was found that in the areas of proof of allegations, arousal of feelings and winning of favor, this speech strongly reflected the guidelines and strategies set forth by Cicero two thousand years ago. Whether by accident or design, those theories on how to formulate the best possible verbal defense can be seen in this recent address. Whether Cicero's guidelines can be traced through other recent apologia cannot be determined by this study, but the possibility that at least some of the elements would be found
does not seem unlikely. This, in itself, indicates that the application of classical theory to contemporary apologia is useful, in that it establishes a means of tracing the classical theories through the development and evolution of apologia. There are other indications of the usefulness of this method, however.

In comparing the method used in this study to the methods previously used, it appears that the application of classical theory provided a broader base for study, and focused on a greater number of aspects of the address than any previous method.

In comparing this study to those conducted by Rosenfield and Butler, it was shown that the similarities or constants identified by the authors have a direct connection to, or a firm base in, Ciceronian theory. While Rosenfield and Butler, in some cases, compared the effects of the speeches, Cicero laid the basis for examining the strategies which may have caused those effects. Furthermore, Cicero's guidelines provide a broader, objective base for the comparison of speeches of defense.

The comparison between this study and the Burkian analysis done by Ling revealed that the same basic conclusion
about the strategy used by Kennedy was reached in each study, although with the classical method it was examined from more than one aspect. It was also found that even though Ling's analysis went further in predicting the effect of the speech, it examined the speech solely from the aspect of strategy.

The study by Linkugel and Ware, compared the strategies used by different speakers in depth, and again focused on only this one area. The authors had no means of comparing other factors such as emotional or ethical appeal, which may have played a more important role in some cases than did the posture of defense in determining the effectiveness of the speech.

Having made these comparisons, it appears that, over all, none of the methods previously used to analyze the characteristics of the apologetic genre, have examined speeches of self-defense from as many different aspects as could be examined through the application of classical theory. This method also supplies the critic with objective criteria by which he can examine and compare apologia. Furthermore, as it has been established that many of the classical rhetorical strategies or devices have survived
and can be recognized in at least the address by Edward Kennedy, it appears that the application of classical theory may be beneficial in examining, characterizing and comparing contemporary speeches of self-defense.
FOOTNOTES

Chapter I

2 Ibid., 435
3 Ibid., 449
4 Ibid., 449
5 Ibid., 449
7 Ibid., 81
8 Ibid., 81
9 Ibid., 86
11 Ibid., 281
12 Ibid., 283

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Chapter II


2 Ibid., 5


4 Shuckburgh, 7.


Ibid., 39.


Ibid., 114 (references are to marginal pages)

Ibid., 307

Ibid., 213

Ibid., 317

Ibid., 315

Ibid., 318

Ibid., 320

Ibid., 330

Ibid., 330

Ibid., 329

Ibid., 331

Ibid., 293

Ibid., 294

Ibid., 314

Ibid., 177

Ibid., 213

Ibid., 177
Chapter III

1 The major sources used for the content of this section will be the New York Times, Washington Post and Boston Globe, as Edward Kennedy was serving as a senator from Massachusetts at the time of the accident.

2 Although the accident occurred late Friday night, July 18, it was not discovered until the following morning and accounts of it did not reach the newspapers until Sunday, July 20.


4 Washington Post, July 20, 1969, A1

5 Ibid., A1


7 Ibid., 28


10 Ibid., A3
Chapter IV

1 All the quotations from Edward Kennedy's speech are taken from the New York Times, July 26, 1969, 10, included in Appendix II. This is the text of the speech used by the authors of the articles on apologia, discussed in Chapter I.


Chapter V

1 Ling, 84

2 Linkugel and Ware, 283

3 Ibid., 283

4 Ibid., 283
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Ling, David A. "A Pentadic Analysis of Senator Edward Kennedy's Address to the People of Massachusetts," Central States Speech Journal XXI (Summer 1970): 81-86


APPENDIX I

Diagram of the Scene of the Accident

Martha's Vineyard

Chappaquidick Island

Edgartown Harbor

Cape Page Bay

Edgartown

ferry

ferry

ferry

Chappaquidick Rd.

Chappaquidick Rd.

Dyke Rd.

Dyke Rd.

Dyke Bridge

Katama Bay

1. Silva House--site of cook-out
2. Lawrence Cottage
3. Fire Station
4. Dyke House
APPENDIX II


"Following is the text of a televised statement last night from the home of Joseph P. Kennedy by Senator Edward Kennedy, as recorded by the New York Times."

My fellow citizens:

I have requested this opportunity to talk to the people of Massachusetts about the tragedy which happened last Friday evening.

This morning I entered a plea of guilty to the charge of leaving the scene of an accident. Prior to my appearance in court it would have been improper for me to comment on these matters.

But tonight I am free to tell you what happened and to say what it means to me.

On the weekend of July 18 I was on Martha's Vineyard Island participating with my nephew, Joe Kennedy--as for 30 years my family has participated--in the annual Edgartown Sailing Regatta.
Only reasons of health prevented my wife from accompanying me.

On Chappaquidick Island, off Martha's Vineyard, I attended on Friday evening, July 16, a cook-out, I had encouraged and helped sponsor for a devoted group of Kennedy campaign secretaries.

When I left the party, around 11:15 p.m., I was accompanied by one of these girls, Miss Mary Jo Kopechne. Mary Jo was one of the most devoted members of the staff of Senator Robert Kennedy. She worked for him for four years and was broken up over his death. For this reason, and because she was such a gentle, kind and idealistic person, all of us tried to help her feel that she still had a home with the Kennedy family.

There is no truth, no truth whatever, to the widely circulated suspicions of immoral conduct that have been leveled at my behavior and hers regarding that evening. There has never been a private relationship between us of any kind.

I know of nothing in Mary Jo's conduct on that or any other occasion--the same is true of the other girls at the party--that would lend any substance to such ugly
speculation about their character.

Nor was I driving under the influence of liquor.

Little over one mile away, the car I was driving on an unlit road went off a narrow bridge which had no guardrails and was built on a left angle to the road.

The car overturned in a deep pond and immediately filled with water. I remember thinking as the cold water rushed in around my head that I was for certain drowning.

The water entered my lungs and I actually felt the sensation of drowning. But somehow I struggled to the surface alive. I made immediate and repeated efforts to save Mary Jo by diving into the strong and murky current, but succeeded only in increasing my state of utter exhaustion and alarm.

My conduct and conversation during the next several hours to the extent that I can remember them make no sense at all.

Although my doctors informed me that I suffered a cerebral concussion as well as shock, I do not seek to escape responsibility for my actions by placing the blame in the physical, emotional trauma brought on by the accident or on anyone else.
I regard as indefensible the fact that I did not report the accident to the police immediately.

Instead of looking directly for a telephone after lying exhausted in the grass for an undetermined time, I walked back to the cottage where the party was being held and requested the help of two friends, my cousin Joseph Gargan, and Phil Markham and directed them to return immediately to the scene with me--this was some time after midnight--in order to undertake a new effort to dive down and locate Miss Kopechne.

Their strenuous efforts, undertaken at some risk to their own lives, also proved futile.

All kinds of scrambled thoughts--all of them confounded, some of them irrational, many of them which I cannot recall and some which I would not seriously entertain under normal circumstances--went through my mind during that period.

They were reflected in the various things I said and did, including such questions as whether the girl might still be alive somewhere out of that immediate area, whether some awful curse really did hang over all the Kennedys, whether there was some justifiable reason for me to doubt what had happened and to delay my report, whether somehow the awful
weight of this incredible incident might in some way pass from my shoulders.

I was overcome, I'm frank to say, by a jumble of emotions, grief, fear, doubt, exhaustion, confusion, panic and shock.

Instructing Gargan and Markham not to alarm Mary Jo's friends that night, I had them take me to the ferry crossing. The ferry having shut down for the night, I suddenly jumped into the water and impulsively swam across, nearly drowning once in the effort, and returned to my hotel about 2 A.M. and collapsed in my room.

I remember going out at one point and saying something to the room clerk.

In the morning, with my mind somewhat more lucid, I made an effort to call a family legal advisor, Burke Marshall, from a public telephone from the Chappaquidick side of the ferry and belatedly reported the accident to the Martha's Vineyard police.

Today, as I mentioned, I felt morally obligated to plead guilty to the charge of leaving the scene of an accident. No words on my part can possibly express the terrible pain and suffering I feel over this tragic incident.
This last week has been an agonizing one for me and the members of my family, and the grief we feel over the loss of a wonderful friend will remain with us the rest of our lives.

These events, the publicity, innuendo and whispers which have surrounded them and my admission of guilt this morning--raises the question in my mind of whether my standing among the people of my state has been so impaired that I should resign my seat in the United States Senate.

If at any time the citizens of Massachusetts should lack confidence in their Senator's character or his ability, with or without justification, he could not in my opinion adequately perform his duty and should not continue in office.

The people of this state, the state which sent John Quincy Adams and Daniel Webster and Charles Sumner and Henry Cabot Lodge and John Kennedy to the United States Senate, are entitled to representation in that body by men who insure their utmost confidence.

For this reason, I would understand full well why some might think it right for me to resign. For me this will be a difficult decision to make.
It has been seven years since my first election to the Senate. You and I share many memories--some of them have been glorious, some have been very sad. The opportunity to work with you and serve Massachusetts has made my life worthwhile.

And so I ask you tonight, people of Massachusetts, to think this through with me. In facing this decision, I seek your advice and opinion. In making it, I seek your prayers. For this is a decision that I will have finally to make on my own.

It has been written that a man does what he must in spite of personal consequences, in spite of obstacles and dangers and pressures, and that is the basis of all human morality.

Whatever may be the sacrifices he faces, if he follows his conscience--the loss of his friends, his fortune, his contentment, even the esteem of his fellow man--each man must decide for himself the course he will follow.

The stories of past courage cannot supply courage itself. For this, each man must look into his own soul.

I pray that I can have the courage to make the right decision. Whatever is decided and whatever the future
holds for me, I hope that I shall have, be able to put this most recent tragedy behind me and make some further contribution to our state and mankind, whether it be in public or private life.

Thank you and good night.