The Rhetorical Significance of Questions in Congressional Hearings

March 10, 2019

By Richard Cherwitz

As a communication scholar I watched closely Wednesday’s congressional hearing and Michael Cohen’s testimony. From a nonpartisan perspective I was impressed by Representative Alexandria Ocasio-Cortez’s performance; she did a masterful job interrogating Cohen—and in so doing underscored an inherent rhetorical problem with how members of Congress interview witnesses.

For over forty years I have taught a course in argumentation at the University of Texas. One of the major distinctions discussed in this class is the difference between argument as “advocacy” and argument as “inquiry”—the former focusing primarily on explicit appeals to persuade and the latter emphasizing discovery.

This distinction is especially useful when evaluating congressional hearings. For example, I have observed that more often than not members of Congress do not know how to—or won’t—ask genuine and useful questions. Their penchant is to practice argument as advocacy. Rather than engaging in inquiry, members spend their questioning time making speeches and asking rhetorical questions designed to lead to a predetermined political claim. They posture and dramatically draw attention to themselves—which, of course, is why the media is titillated and hence
spends an inordinate amount of time including their questioning in a seemingly endless news loop.

On Wednesday, Alexandria Ocasio-Cortez (and perhaps a few others) were the exception to the rule. She practiced argument as inquiry. Her questions were probative and focused on discovery, setting up future lines of inquiry, obtaining new information and discerning additional witnesses who might testify; unlike others, hers was not an exercise in self-promotion.

For example, Ocasio-Cortez asked Cohen several specific questions about how Trump handled insurance claims and whether he provided accurate information to various companies. “To your knowledge,” she inquired, “did Donald Trump ever provide inflated assets to an insurance company?” He had. She also asked whether Trump attempted to reduce his local taxes by undervaluing his assets. Cohen confirmed that the president had also done that.

Most importantly, she asked, “Do you think we need to review financial statements and tax returns in order to compare them?” She pressed Cohen for the names of others who would be able to corroborate the testimony or provide documents to support the charges—to which he listed the executives Allen Weisselberg, Ron Lieberman and Matthew Calamari, individuals who eventually may be called to testify.

It was refreshing, therefore, to see that the rhetorical uniqueness of Ocasio-Cortez’s questioning was noted by the media and political pundits.

The larger point to be made, extending well beyond Wednesday’s Cohen hearing, is that too often members of Congress—Republicans and Democrats—don’t know how to or won’t informatively interview expert witnesses and persons with relevant personal experience. Whether the subject is environmental, social welfare or other important issues, senators and representatives engage in argument as advocacy; they handpick witnesses who reflect members’ partisan conclusions, cherry-pick answers, and generally substitute posturing, self-promotion and speechmaking for questioning.

What a waste of time and ignorance of the fact-finding purpose of questioning.

This might explain why many of our public policies are not grounded in sufficient knowledge of the problems being addressed. Just imagine what these hearings would look like if their primary objective was inquiry rather than advocacy—if witnesses were allowed to testify and interact for the purpose of discovery. As my
students learn this more informative rhetorical format for questioning leads to genuine persuasion and compromise; and that is the ultimate objective of argument and the basis for informed and reasoned decision making.

Cherwitz is the Ernest S. Sharpe Centennial Professor in the Moody College of Communication and Founder of the Intellectual Entrepreneurship Consortium (IE), University of Texas at Austin.