Let me put my cards on the table: I do not support President Donald Trump and believe he should be impeached and removed from office.

Nevertheless, as a communication scholar who for almost five decades studied political speeches, I take seriously the academic necessity of bracketing one’s partisan views when undertaking rhetorical analysis. To wit. I was surprised that on Saturday the President’s attorneys—contrary to predictions—launched their case in the Senate trial by arguing that Trump did “absolutely nothing wrong,” rather than leading with the kind of trenchant and combative attacks against Democrats earlier employed by Republican members of the House Intelligence and Judiciary Committees. Why the President’s attorneys did so and whether it will work remains to be seen.

In addition, while I vehemently take issue and disagree with the truthfulness of what has been asserted thus far by the President’s attorneys (there could, after all, be strong rebuttals if the Senate rules
allowed), as legal advocates they did a solid job of drawing on what Aristotle in his treatise “Rhetoric” called the “available means of persuasion.”

For example, they: referenced portions of the transcript (which really isn’t a transcript) not mentioned by the House managers, repeatedly used witness testimonies already presented, and discussed evidence part of the House records that was not presented. These tactics enabled the President’s attorneys to demonstrate for already locked in Republican senators that there is reasonable doubt, and hence that the burden of proof has not been met.

The President’s attorneys also made a calculated and potentially effective decision, contrasting the nearly 24 hours taken by the House managers to present their case with what they plan to do—a strategy often used by defense lawyers in courts of law confident they are winning. And, of course, it was rhetorically wise for the President’s attorneys to start with a video clip of Adam Schiff’s parody of the President’s July 25 telephone call—an ironic imitation offered by Schiff that has been used to minimize his credibility.

Moreover, from the purview of communication, it is noteworthy that the temperament of the defense’s opening presentations was calm, low key and dispassionate—something that should play well with Republican senators upset with the demeanor of presentations delivered by House managers. As rhetorical analysts note, tone and form frequently are as important as the substance of discourse; how one says something matters as much as what is said.
To be clear: I am not agreeing with the content of the presentations delivered by the President’s attorneys; nor do I believe it is beyond obvious refutation. But, from a communication perspective, these reactions are offered by someone who for 41 years taught a class in argumentation, a course comprised of many students aspiring to a legal career.

As I often reminded these would be lawyers, attorneys need not like or even agree with their client; nor do they need to know whether their client is innocent. In our legal system, the job of a defense lawyer is to be an advocate, allowing judges and juries to make a decision and assuming the best possible outcome will be reached if both sides are given an equal opportunity to present their case. Similarly, though we may not like the outcome, it is inherent in the human condition that these decisions can and often are inconsistent with the truth.

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