(De)legitimation Strategies and Presidential Legitimacy in Trial Memoranda – Comparative Case Study of the 2020 Impeachment Trial of President Donald Trump

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Presidential power and legitimacy provide an interesting topic of research in the tumultuous socio-political climate of the United States as the role of presidents have increased in recent years. One of the recent upheavals was the first impeachment trial of President Donald Trump in 2020. This thesis contributes to the discussion of presidential power and its state in the United States by analyzing the trial memoranda of the prosecution and the defense of the 2020 impeachment trial of President Trump.

In the qualitative analysis of the thesis, a three-dimensional framework by Norman Fairclough is utilized. On the textual level of analysis, a theory of (de)legitimation strategies by Theo Van Leeuwen is applied. The theoretical backgrounds of presidential powers and impeachments, and the theoretical concept of legitimacy enable a comprehensive approach to analyze and discuss the impeachment trial of President Trump and how presidential power and legitimacy are created.

The findings of the (de)legitimation strategies on the first level of analysis reveal that the House of Representatives uses strategies to legitimize their own actions and the impeachment trial, while they delegitimize the actions of the president. Respectively, the Office of White House Counsel legitimizes the actions of the president whilst they delegitimize the actions of the House and the entirety of the impeachment inquiry. The two other levels of analysis display how meanings are constructed through interpretations of presidential power, the Constitution, and legitimacy. Furthermore, the analysis demonstrates a polarization of the political field in the United States.

Key words: critical discourse analysis, presidential power, legitimacy, presidential impeachment, the Constitution, United States

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List of Abbreviations

AB	Abstraction
AN	Analogy
AT	Authority of Tradition
CDA	Critical Discourse Analysis
CL	Concordance Line
E	Evaluation
EA	Expert Authority
HR	House of Representatives
IA	Impersonal Authority
IR	Instrumental Rationality
ME	Moral Evaluation
MY	Mythopoesis
PA	Personal Authority
R	Rationalization
RM	Role Model Authority
TR	Theoretical Rationality
US	United States
WHC	Office of White House Counsel

1 Introduction

The United States experienced many changes during the Trump administration, for instance, the elimination of multiple environmental regulations, extensive corporate tax cuts, and a reshape of the United States' federal judiciary (Pew Research Center 2021). One of the upheavals in the US politics during the year 2020 was the impeachment trial of President Donald Trump. The investigation concerned an alleged abuse of presidential power and an obstruction of Congress. The investigation resulted in the impeachment trial of the president in January 2020 and ended with his acquittal in February 2020. The focus of the present thesis is on the (de)legitimation strategies and, more extensively, on the discursive practices used to regard presidential power and legitimacy in the impeachment trial of President Donald Trump.

In addition to the fact that the politics and actions of the United States (US) are critically influential on a global scale (i.e. global trade and security issues), another significant factor is the consideration of the authority of the president regarding their position and the reach of their influence. It is an important discussion as the president constitutes one of the three branches of the government, *the executive branch* – the other two branches being *legislative* and *judicial* (Duncan and Goddard 2005, 75). As the executive branch, the president acts as both the head of state and Commander-in-Chief of the military, and can, for instance, make treaties (Duncan and Goddard 2005, 243). Additionally, the powers of the president comprise of capabilities of signing legislation into law (White House 2020). Due to these reasons, it is important to research the topic of presidential power and ponder both the scale of presidential power and the legitimacy of the position. In addition to president's responsibilities, the president of the US also has many other possibilities to exercise power and, therefore, the state of presidency should be discussed and put under scrutiny. The power and influence of the president is far-reaching in its capacity; hence, any misuse of presidential power could have disastrous consequences, both on national and global scale.

The material of the thesis consists of the trial memoranda presented by both impeachment trial participants, the defense, and the prosecution. *Trial memorandum* is a document explaining a particular case, often presented during a trial by the prosecution and the defense. To put if differently, the memorandum includes the believed facts and

arguments, as well as the preferred outcome and possible conclusions to the processed case. As the other dataset is the defense's (*the Office of White House Counsel*), and the other is the prosecution's (*the House of Representatives*), the contrast of viewpoints provides a beneficial setting for comparing the possible differences in the discursive strategies used in the trial to (de)legitimize the actions of the president as well as illustrate the broader picture on how political legitimacy manifests in the trial.

The concept of *legitimation*, or *legitimization*, constitutes of linguistic methods through which social behavior is seen and established as correct or justified (Reyes 2011, 782). The techniques are exercised by argumentation that constructs, for instance, ideologies and thoughts, and how something is justified by the arguments and utilized as a linguistic method (ibid.). According to Reyes, the purpose of legitimation is to seek approval in situations where acceptance is wanted, or in situations in which maintaining or obtaining power is the goal (2011, 782).

I implement Norman Fairclough's three-dimensional framework to the thesis material to give depth to the analysis and research. As the framework created by Fairclough allows the consideration of the analysis of written language texts, analysis of discursive practice as well as the analysis of discursive events as instances of socio-cultural practice, the framework allows a deeper consideration of the context of the impeachment trial and its place in society (Fairclough ([1989] 1996, 24-25). Therefore, Fairclough's framework provides discussion points regarding the memoranda, and through it, it is possible to consider the socio-political context of the trial and the deeper aspects alongside the concepts of presidential power and legitimacy.

Along with Fairclough's three-dimensional framework, Theo Van Leeuwen's strategies of (de)legitimation theory is utilized (2007, 2008) for the text analysis section of the three-dimensional framework. Van Leeuwen defines four types of discursive constructions of (de)legitimation: *authorization*, *moral evaluation*, *rationalization*, and *mythopoesis*. Accordingly, the social practices realized by the four major categories can be used to both legitimize as well as delegitimize social actions (2008, 106). Thus, this division is utilized in the present study. In this case, the social actions consist of the discourse about the alleged actions of President Trump, how the actions are demonstrated in the trial memoranda, and which constructions of (de)legitimation can be found.

I aim to answer the following research questions:

1. *How is legitimacy created and what type of (de)legitimation strategies are adopted to establish legitimacy in the trial memoranda? Do the strategies and aims differ between the prosecution and the defense?*
2. *What type of discourses are created in the trial memoranda, and how do the findings demonstrate the concepts of presidential power and legitimacy?*
3. *What do the discourses demonstrate when correlated to the larger socio-political environment in the United States?*

The topic is, most of all, motivated by the fact that in today's globalized political and economic environment, the United States is still considered a hegemonic state, and, therefore, it is important to recognize the national and supranational powers of the US. Although there are studies conducted regarding presidential power and Donald Trump's presidency particularly (i.e., Lynch 2017, Broughton 2017), no research was to be found covering the impeachment trial and the (de)legitimation strategies. Moreover, any larger scale issues and changes in the US politics, such as the impeachment of the president, could potentially influence the international relations of the county and the global relations and economics. The second motivation for the research is the aspect of presidential power and how it is perceived in the United States. The aim is to put presidential power under scrutiny and examine how presidential power is (de)legitimized.

My hypothesis is that different discursive methods can be found to both legitimize and delegitimize the actions of the president in both trial memoranda. As expected, the prosecution and the defense need to communicate and argue for why they see that the actions of the president are either legitimate or delegitimate. To convey this, both participants would need to (de)legitimize the actions and allegations, and some differences and similarities of strategies in argumentation are to be expected. Furthermore, I hypothesize that the language used in the trial memorandum of the House of Representatives (the prosecution) delegitimizes the actions of the president as opposed to the Office of White House Counsel (the defense) that is expected to use more discursive strategies to legitimize the actions of the president in their aim for acquittal.

In the following section, I define the necessary background information concerning American presidency and presidential power, impeachment, and the order of procedures with a short introduction to the history of presidential impeachments in the United States. Afterwards, the impeachment trial of President Donald Trump is discussed and, more specifically, the alleged abuse of power and obstruction of Congress as well as the distinctive details notable to the impeachment trial. In Chapter 3, I outline the theoretical frameworks as well as the concepts of legitimacy and Critical Discourse Analysis (CDA). The frameworks are presented as follows: first, the three-dimensional framework by Norman Fairclough, and in 3.2.2, the (de)legitimation strategies by Theo Van Leeuwen. In Chapter 4, the material and methods of the thesis are presented. This section also includes the descriptions on how the data was gathered and prepared, and the application of the frameworks. This is followed by the analysis of the findings in three separate sections of which each section illustrates one of the levels of the three-dimensional framework. In 5.1, I cover the level of textual analysis and results of the (de)legitimation strategies theorized by Van Leeuwen. The sections of 5.2 and 5.3, include the findings and analysis of the two other levels of analysis. The results are then discussed in the light of the theoretical background of the socio-political discourses. Lastly, I conclude the thesis and the findings with reflections to the topics of presidential power and legitimacy in the United States.

2 Background

The following section includes three topics of discussion of which American presidency and presidential power are discussed first. This is followed by the concept of impeachment from two different aspects: I begin by outlining the essential background regarding the historical origin of impeachment process and the structure of presidential impeachment. This consists of both the facts regarding the status of the Senate and the House of Representatives, and their influence on the process of impeachment. In 2.3, the impeachment trial of President Trump is discussed and the timeline including the distinctive features regarding the trial that took place in January 2020.

2.1 American Presidency and Presidential Power

The relationship between society and discourse is often discussed and organized through the concept of power (Van Dijk 1997, 16). The settings in which power is exercised varies, extending from governments and parliaments to other political institutions. The users of power in a political setting range from politicians to dictators (Van Dijk 1997, 17). Michel Foucault explains power to contain more than state action or class dominance; power relations can be found in all levels of society and social action. Additionally, power is not exclusively restricted to one's level of position but rather a portrayal of distributed influence held by a person. (Keller 2018, 75.) Duncan Watts argues that a US president performs as a symbol of the whole country adopting a celebrity type of status within the nation. As a superstar of the nation, a president is required to be a powerful and driven leader without raising suspicion with the power they wield – a paradox that oftentimes translates to either too strong or too weak of a president. (Watts 2009, 2.) Thus, presidency is oftentimes viewed through the concept of presidential power and how exercising power translates to action and how those actions are perceived by the nation.

The strength of presidency has been much debated. Richard Neustadt relies on the concept of persuasion in *Presidential Power* (1960), highlighting that the weaknesses and strengths of a president depend solely upon their ability to persuade. In other words, a president is driven to convince the surrounding people that their interests are aligned with their own appointees, their party as well as the public. (Watts 2009, 7.) This view has been both agreed upon and challenged, and oftentimes it changes depending on which US president is under examination. (Watts 2009, 6.) To further explain Neustadt's approach: the emphasis of political and presidential power is on *self-help* that he views is an

operational problem for a president (Edwards 2000, 9). The complication rises from the conflict between the pluralistic environment in which the president operates and aims to fulfill the differing views and perspectives, navigating in that environment while also having their own wishes fulfilled by others (ibid.). Hence, the president balances between the different actors and goals as they balance while exercising power as well.

Neustadt considers that presidential power is not derived from the position of presidency and its authority, but rather from personal politics practiced by the president (Edwards 2000, 10). This approach is similar how Foucault explained wielding of power in the first paragraph of 3.1, and how power is not related to the position itself but on the actions of the person. The president's influence is exercised both inside government and outside, including governmental actors and institutions, the public, the press, and the interest groups (Edwards 2000, 10). Reflecting Neustadt's approach in which personal politics practiced by the president matter more when the concept of presidential power is considered, it supports Watts' view presented earlier that the president holds a celebrity status, and therefore, it is understandable that the personality of a president is central for the power to be retained or applied.

An opposing approach is William Howell's conceptualization in *Power without Persuasion* (2003), where he concludes that presidency does not actualize through persuasion and that a president exercises power even without having it (Watts 2009, 7). Howell bases his arguments on how, for example, President Bush worked without congressional legislation after 9/11. The example, in a sense is unique as the circumstances for presidency during that time is like no other, and it is debated by the fact that the public was more likely to accept a stronger leader during the time as the overall climate was vulnerable. (Watts 2009, 7.) In addition to Neustadt and Howell, there are multiple other approaches and theories regarding presidency and power. For instance, Arthur Schlesinger's analysis about *imperial presidency* focuses on the US presidents (Watts 2009, 6.). The term was coined to refer to the modern presidents who wield power outside of the Constitution, and therefore the theory takes on a contrasting approach as it characterizes presidency with reference to the Constitution and its principles instead of personalization of presidency (Rudalevige 2006, 57).

The concept of presidency and presidential power can be regarded through the American political system (Edwards 2000, 12). This method ensues that the goals and means are added into the analysis of power. Some researchers consider that emphasizing the power relations disregards the influence of ideology and other forces affecting the president's behavior. (ibid.) When considering and defining presidential power, the description of the position of being a president should be examined. As was earlier mentioned, the president is also the commander-in-chief of the military and the law enforcement officer in chief of the federal government. These tasks that are part of presidency are itself to prove the capacity and the realm in which presidents operate in, and why it is important to examine the power the presidents have. The differing views effectively illustrate how presidential power, its definition, and the approaches in field of study may vary considerably.

To define presidency and presidential power based on the Constitution, we examine how it was drafted by the Framers. In the constitutional law, the Vesting Clause of Article II states that "the executive Power shall be vested in a President of the United States of America". (Calabresi and Yoo 2008, 3.) The differences of interpretation begun already at the drafting of the US Constitution in the Philadelphia Convention when disagreement emerged over whether a unitary executive should be given to only one person (ibid.). It became a matter of public debate after the Decision of 1789, when the removal of power was debated in the first Congress (ibid.). Those who favored giving the powers to one leader, argued that transparency would prevail in case of a maladministration. Furthermore, it was claimed that a unitary executive would eliminate animosity and, instead, create cohesiveness when all parties were to perform under a unitary executive, the president. (Calabresi and Yoo 2008, 3.)

The Founding Fathers considered that a strong leader was crucial for presidency, but they were also wary of the possibility of misuse of a presidential status and power. The fear is realized through the American value of freedom and how a mislead president is seen as a threat to freedom. (Watts 2009, 2.) The American system of *separation of powers* into three branches of government also validates the argument of fear as the Founding Fathers aimed to create a system that is always restrained by the other branches. To this day, the scope of presidency remains debated with differing views on whether a president should stay only as a symbolic leader or should, as a matter of fact, take part in the daily politics and topics handled in Congress (Watts 2009, 2). A gradual shift can be perceived as the

presidents post-1945 era have been more active as heads of state than their predecessors (Watts 2009, 3). Thus, the restrictive effects of the legislative and judiciary branches on the executive branch exist but the limits fluctuate.

Calabresi and Yoo challenge the argument for a unitary executive by asserting that multiple presidents have, for instance, contested against Congress over the removal of power or even tried to hide behind independent agencies and entities of the government when faced with problems (2008, 4-6). Hence, the accountability regarding decision-making is not as clear as hoped for in the drafting of the Constitution. Furthermore, Calabresi and Yoo claim that with presidential powers, such as removals and nullifications in the government, presidents through the US history have continued to preserve and defend the powers of the president to some extend (2008, 16). This defending is discernible in both weak and strong presidents (ibid.). In other words, the presidents of the US have exploited the power in the executive branch and safeguarded the powers vested in a president even when debated or brough under examination (Calibresi and Yoo 2008, 16).

The effects of presidential power and its depth have led to Congress having a wider variety of methods to regulate, for instance, investigations and hearings (Calabresi and Yoo 2008, 17). Moreover, Calabresi and Yoo raise the issue of the current political climate and its state of polarization and its influence on the political field in the United States (2008, 312). Thus, the polarization of the political field and the fluctuating interpretation of American presidency and presidential power demonstrate the issues and debates concerning the presidents of the United States.

2.2   History of Impeachment and the Impeachment Proceedings

The system of impeachment originated from England, and it was later adopted by the Framers in drafting of the US Constitution. The procedure of impeachment was considered as an essential part of *separation of powers* or the so-called *checks and balances* which is the core concept of the constitutional system of the government. The system constitutes of a government whose power is divided into three branches but are also overseen simultaneously by the other two (United States Senate 2020). To be specific, as was mentioned in the Introduction, the three government branches in the US are the executive, legislative, and judicial. The system of checks and balances allow the

branches to, for instance, retain veto acts in case one of the branches is considered to wield power excessively. (ibid.) It is, therefore, understandable how the process of impeachment ties in which the *checks and balances* as they monitor each other and review the actions of others. The Congress is the legislative branch of the federal government, consisting of the Senate (the upper house) and the House of Representatives (the lower house). The judicial is the Supreme Court and, as explained, the executive is the president. In the next section, I cover the procedure on how the House of Representatives and the Senate can set in motion and administer the process for impeachment.

The president and the vice president as well as all civil officers are government workers subject to impeachment proceedings. In accordance, the Constitution states that the power to impeach is bestowed upon the House of Representatives with a majority vote. (United States Senate 2020.) The president can be charged for "Treason, Bribery, or other high Crimes and Misdemeanors" (ibid.). The reasons for a charge, however, have a long history of being debated as the articles for impeachment have not been explicitly detailed since the drafting of the Constitution (ibid.). In other words, the definition of "high crimes and misdemeanors" leave room for debate and speculation and, therefore, can be seen as an ambiguous definition for what constitutes as a misdemeanor or a "high crime" subject to impeachment proceedings.

The impeachment proceedings can be separated into two steps that take place. First is the charging of the federal government official in a majority vote by the House of Representatives (United States Senate 2020). In other words, the House of Representatives agree on the articles of impeachment. After the agreement, the case is investigated in the Senate by *managers* (a committee of representatives) that serve as the trial's prosecutors (ibid.). In the trial, as the High Court of Impeachment, the impeachment managers consider both the evidence and hear witnesses, but also vote whether they acquit or convict the official that is facing the impeachment trial (ibid.). Two-thirds of the Senate votes, or impeachment managers, are required to convict which then would lead to a removal from office. In addition to the removal from office, the Senate can also deny any future public offices from the convicted official (United States Senate 2020). Notable fact regarding the impeachment of federal officials is that the trial is political in nature, not criminal (ibid.). This feature of the trial is also something to

consider when analyzing the material; the trial itself differs from a criminal trial, and regardless of the process and result, it has different ramifications than a criminal trial.

The issue whether the Senate can act as the High Court of Impeachment has been discussed throughout the history of implementing the procedure. From the Founding Fathers, James Madison, considered that having the Senate act as the court would make the president dependent on the legislative branch of the government (United States Senate 2020). This notion, however, did not affect the drafting of the Constitution. Not only has the aspect of having the Senate as the High Court of impeachment been the topic of debate, but also other disputes have emerged regarding the definition of impeachable crimes by legal scholars, defense attorneys, and members of Congress. Interestingly, with a majority vote, the House of Representatives has the power to determine how an impeachable crime is defined in each case (ibid.). Due to this, it can be argued that the current structure of impeachment in the United States is, to a certain extent, an unsuccessfully created concept which leaves many questions and procedures to be decided and managed by the House of Representatives. To conclude, the impeachment proceedings and their vagueness are something to consider further in the research. These features and the ambiguous definition of "high crimes and misdemeanors" are also discussed later in the thesis.

To further clarify the intricate system of impeachment and its complexity, Bowman III explains that the required two-third majority in the Senate creates a constant issue which the senators and the president are faced with (2019, 311). Consequently, due to the majority vote, it can either work for, or against, the president regardless of whether the process is a justified case or not (ibid.). In other words, the party alignment of the Senate plays a major role in the impeachment process, depending on how the seats are divided between Republicans and Democrats. The senators, however, take an oath to be impartial and work in relation to the justice and law (Katyal and Koppelman 2019, 108). The president's lawyers take the case against the impeachment. Additionally, the chief justice who is in charge in validating evidence can be overruled by majority of senators (ibid.). As a bipartisan consensus is needed for an impeachment, the president's actions should be considered abhorrent enough that the party alignments do not matter (Tribe and Matz 2018, 198). Tribe and Matz describe this as an unlikely scenario due to the polarization of politics and, for example, how partisanship and personal loyalty seem unlikely to be

disregarded when making the decision of vote (2018, 199). Nevertheless, it is assumed that the popular opinion should be strong enough to disregard these facts to protect the government from misdemeanors and crimes (2018, 199).

One of the early drafts regarding the definition of what defined an impeachable offence was that it was "malpractice or neglect of duty" (Katyal and Koppelman 2019, 23). This definition, however, raised the concern that the definition was too ambiguous for the Congress to make decisions on. Afterwards, it was defined that a president could be impeached if they committed treason or bribery. Later, *maladministration* was added to the draft, but later omitted again, as it was considered as overcorrection. (Katyal and Koppelman 2019, 24.) The term *maladministration* was replaced to "high crimes and misdemeanors against the United States". The final version was revised by a Committee on Style, and they reduced the last four words, resulting that impeachable offences are "Treason, Bribery, or other high Crimes and Misdemeanors". (Katyal and Koppelman 2019, 25.) The final version drafted in the Constitution has been confounding lawyers, politicians, and citizens through generations, and its definition is still highly debated (ibid.).

The interpretation of "high crimes and misdemeanors" embodies two types of issues, that are important to understand. According to Katyal and Koppelman, the term "high crimes and misdemeanors" creates misunderstanding to the public on two accounts (2019, 25). The misinterpretations are that a president could be impeached *only* or for *all* the crimes that are outlined in the federal criminal code (2019, 25-26). However, the Constitution does not define that the president can be *only* impeached for these types of crimes, nor does it outline that the Congress can impeach a president for *all* of the crimes (Katyal and Koppelman 2019, 26-27). There is also a clear understanding for the reasons why some of the actions of the president should not be considered as crimes even though they could be argued based on the Constitution. These actions include keeping certain things from the American people (for security's sake), but also for the fact that democracy is considered fragile enough that its state would descend into chaos if the president could be impeached for *all*. (ibid.)

Another interesting fact of the definition of "high crimes" comes from the misinterpretation that *high* means how severe the crime is but it actually refers to offences

committed against the people as was detailed in the impeachment draft's omitted part "against the United States" (Katyal and Koppelman 2019, 28). The features describe the ambiguousness of the definition of the impeachment and how it was drafted into the Constitution. These dubious details and vague descriptions show the flaws in the system and bring forth questions regarding the legitimacy of impeachment trials as well as how the actions of a president can be observed from multiple angles, depending on the authority interpreting the law in relation to the actions, and these observations can either lead to an impeachment or not.

A feature that can be seen as a contributing factor to the vague definition and interpretation of the impeachment and the constitution is described by Bowman III (2019). He examines and compares the US and British systems to highlight the problems of the constitutional law in the US. The comparison holds value since not only was the drafting of the impeachment law based partly on the British impeachment law, but the whole of the Constitution was implemented from Great Britain similar to the concept of democracy. He describes that the constitutional law in the British system can be changed in Parliament, and, furthermore, the Parliament can overrule any judicial interpretation and pass new legislature. Additionally, as opposed to the US system, there is no law of any type in the Great Britain that is above the Act of Parliament; if the British Parliament aims to have the last word, it can have it without having to measure its actions by the Constitution. (Bowman III 2019, 9.) The United States lacks this type of principle of parliamentary supremacy. Accordingly, these differences created a hierarchy in which the US constitution is defined as a fundamental law leading to judicial supremacy. (Bowman III 2019, 10.) What should be noted, however, is that there is a variety of reasons given to the issues in the constitution, its drafting, and its interpretation.

Overall, the features regarding the role of the senators and the Senate as a whole, party alignment and its effect on the vote as well as the nature of the impeachment process itself, characterize the unique aspects concerning the impeachment process in the United States, and how thoroughly the process for impeachment is political in nature instead of criminal. The features underline and emphasize the significance to question whether impeachment truly serves justice and law if, for instance, politicians can overrule the chief justice. Hence, the impeachment process and the possible conviction should be regarded as political, recognizing the party alignments and personal judgement that likely affect

the senator's verdict. Or, in other words, impeachment process is always biased in its nature and should be regarded as such when discussed and researched.

According to the United States Senate, approximately half of the Senate impeachment trials have resulted in a conviction and removal from office, and four of them have been presidential impeachments (2020). In addition to President Trump being impeached twice (in 2020 and 2021) and acquitted both times, the other presidential impeachments include President Andrew Johnson in 1868 and President William Jefferson Clinton in 1998. Johnson was impeached on eleven articles of impeachment, and eight of them were regarding to an allegation that he had violated the Tenure of Office Act (United States Senate 2022). The impeachment trial ended in Johnson's acquittal, and he served the rest of his presidential term (ibid.). In President Clinton's impeachment, the House adopted two articles of impeachment: obstructing justice and perjury in his grand jury testimony (Riley 2022). Clinton was acquitted on both counts in 1999, and he continued to serve the last two years of his term as the president (ibid.). In other words, none of the presidential impeachments have led into a removal from office. In the next section, the impeachment trial of President Trump is described more in detail as well as the specific features involved in the case.

2.3   Impeachment Trial of President Donald Trump

In this section, I outline how the impeachment of President Donald Trump progressed. Additionally, the outline of events illustrates in context the process for impeachment that was described in the previous section. The impeachment of President Trump began in August 2019 when a whistleblower made a complaint and allegations against the president which, from October to December 2019, was investigated by the House of Representatives. Based on the report that was written on account of the investigation, the House voted to impeach the president in December 2019. President Trump faced two articles, or charges, of impeachment: *abuse of power* and *obstruction of Congress*. The case of impeachment passed to the Senate where the trial took place in January 2020[1].

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[1] The allegations and the case for impeachment in this thesis are not in direct relation to the 2016 investigation of Russian interference with the US presidential election, nor is the case related to the second impeachment trial of President Trump that took place afterwards, in 2021.

The two articles of impeachment, *the abuse of power* and *the obstruction of Congress*, are discussed next. The first article concerning the allegation of *abuse of power*, was regarding the Trump-Ukraine political scandal that took place in July 2019. The allegation was based on the House Intelligence Committee Democrats' report and their investigation of President Trump. The impeachment inquiry revealed that the president had pressured Ukraine to help him get re-elected for the 2020 presidential election by bargaining with military aid of millions of dollars that the president had held back. (Wolf and O'Key 2019.) The report stated that President Trump had "demanded that the newly-elected Ukrainian president, Volodymyr Zelensky, publicly announce investigations into a political rival that he apparently feared the most, former Vice President Joe Biden" (Wolf and O'Key 2019). President Trump had suggested that Ukraine ought to propagate a discredited theory that it was Ukraine that interfered in the US elections in 2016, not Russia.

The second article of impeachment, *the obstruction of Congress*, was tied to impeachment hearings held at the end of 2019 when the inquiry by the House of Representatives took place. It was alleged that since the White House did not allow staff members to testify in the hearings, President Trump had obstructed Congress (Wolf and O'Key 2019). To clarify the notion: the Congress executes the legislation of the federal government in the US, and it consists of the two chambers mentioned earlier which are the House of Representatives and the Senate. In other words, President Trump was alleged to have obstructed the part of the government that was, in fact, investigating him on his actions.

During the second half of President Trump's term, the Senate consisted of 47 Democrats and 53 Republicans[2]. A guilty conviction in the trial would have needed not only every Democrats guilty votes, but also twenty guilty votes from Republicans. (Bowman III 2019, 312.) In that sense, the division between the House and the Senate, their different roles in an impeachment trial, and the bipartisan system in the US politics, show the perspective through which the impeachment process can be viewed as dysfunctional. During President Trump's term, the House, that decides on the impeachment, was controlled by the Democrats, and the Senate, which decides on the conviction, was controlled by the Republicans. This division is further discussed in reflection of the results and reflected through the issues regarding the impeachment process described earlier.

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[2] The Senate consists of two senators from each US state, altogether constituting of 100 senators.

In February 2020, President Trump was acquitted. The acquittal of President Trump was based on the Senate votes that were controlled by the Republicans; two-thirds majority was not fulfilled with 52-48 votes regarding the article of abuse of power. (Morgan, Cornwell, Cowan, Zengerle 2020.) All Democrats voted to convict, and the Republican Senator Mitt Romney joined the Democrats in his vote. Concerning the obstruction of Congress, the second article of impeachment, the vote was 53-47 to acquit. (ibid.) This goes to show how unlikely it is that the vote would be arranged outside of the party lines, or at least the chances are minimal.

3 Theoretical Frameworks

The theoretical framework of the thesis considers two different concepts of which the latter one is separated into two sections. First, I cover *legitimacy* and how it is defined in the field of research. This is followed by *Critical Discourse Analysis (CDA)* and the two frameworks that are applied to the material of the thesis: the three-dimensional framework by Norman Fairclough ([1989] 1996) and the (de)legitimation strategies by Theo Van Leeuwen (2007). The two frameworks are utilized in the thesis' analysis and discussion sections with reflections to legitimacy and the theorizing of presidential power and impeachments which were introduced in Chapter 2.

3.1 Legitimacy

In the introduction, *legitimation* was defined as social behavior, either speaking, writing, or doing, that is considered acceptable or lawful (Reyes 2011, 782). According to Reyes, explaining one's thought processes, social actions and arguments for the ideas and actions accomplishes legitimation (ibid.). It is clear, that legitimation is an important part of politics as the decisions and actions of the government and its officials are expected to conform to mutually agreed upon rules and laws. For the purpose of the thesis, I cover both the definition and the implications that the concept of legitimation has as it is later referenced to politics and American presidency. The concept of legitimation is utilized further in 5.2 and 5.3 and reflected to the discursive and social practices of the impeachment trial.

As was mentioned, legitimation is interpreted as actions that are seen justified. Therefore, the action of legitimation includes nuances of power and different methods, such as argumentation, for attaining it. According to Reyes, the purpose of legitimation is to seek approval in situations where acceptance is wanted, or in maintaining or obtaining power (2011, 782). The setting for the discourse ranges from different type of formal settings; political discourse being one (ibid.). Originally, the term legitimation came from the Latin word 'legitimus', meaning *legal* or *lawful*. Since then, the use of the term and its semantics have slightly shifted to account types of discourses other than exclusively legal jargon (ibid.).

Some of the main features acknowledged to be part of the process of legitimation include descriptions of personal experiences to achieve legitimation or justification in the eyes of

the recipient. This type of argumentation emphasizes the social and cultural background of the actor and their ideological position, and oftentimes they are regarded to maintain stereotypes of other cultures and societies. (Reyes 2011, 782.) These types of strategies rely on personal experiences to achieve legitimation. In other words, they can lead to discrimination or racism if the personal experiences of an actor are allowed and accepted, hence, the process justifies discrimination. (Reyes 2011, 783.)

Reyes describes that political actors aim to deliver their political agendas publicly by a variety of techniques, either overtly or subtly (2011, 783). Political discourse that is legitimized, is also construed by features that reflect the setting or institution: "[t]he contextual elements of that specific setting invest the political actor with authority and the power rested upon his figure by different institutions." (Reyes 2011, 784.) This type of *institutional authority* validates the political discourse and gives it a quality of truth regardless of the message (ibid.).

According to Chilton and Schäffner, legitimation answers to the questions of why certain behavior and speech that is seen as legitimate and appropriate, and the reasons why, for instance, a president is being obeyed. Consequently, the reasons are conveyed through discourse. (Chilton and Schäffner 1997, 213.) As legitimation answers to the questions why speech and actions are seen as appropriate, it befits to the current research and its aim to analyze the societal and discursive practices in the impeachment trial. The linguistic strategies used to be seen as legitimate by the eyes of the voter include argumentative methods of ideological principles, positive self-presentation, positive projections of leadership and performance (Chilton and Schäffner 1997, 213). Contrary to legitimation, the methods of delegitimation comprise of negative presentation of the others by, for instance, descriptions of 'enemies within', 'foreigners', or other characterizations of opposition. The main goal is to present the 'other' as negative, and can additionally consist of techniques of blaming, accusing, insulting as well as presenting previously assumed differences between opposing matters. (Chilton and Schäffner 1997, 213.)

3.2   Discourse and Critical Discourse Analysis

The relationship between discourse and politics is one that has been examined throughout the history and with a variety of reactions. For instance, the Greek and Roman writers'

focus was on rhetoric and persuasion. These studies were considered, to a degree, as "political science". (Chilton and Schäffner 1997, 206.) Since the late twentieth century, the need for analyzing the increasing amount of print and electronic media accumulated to the fact that human behavior as well as political discourse (also considered as a form of human behavior) was seen as a central part of discourse. (Chilton and Schäffner 1997, 206-207). Overall, it has been widely accepted that political discourse can be persuasive and manipulative (ibid.). Discourse and politics are closely tied and, according to Chilton and Schäffner, political discourse ought to be studied and put under a microscope due to ethical concerns that political discourse is embedded with (1997, 206). The reason why political speech is seen as an applicable theorization for this thesis is that, as was earlier mentioned, impeachment trials are political in their nature, hence, the language used in the trial can be considered as part of political discourse.

The study of discourse can be divided into three sections that emerged from different times and with different definitions and main usages for discourse (Penhallurick 2010, 173). First, discourse was used to refer to discourse as language that is used between people (Penhallurick 2010, 174). Thereafter, discourse was considered to refer to a setting in which the language is used in sentences and analyzed in texts. According to Penhallurick, during this formation of the concept of discourse emerged, for example, *discourse analysis* as part of text analysis during the 1960s. (Penhallurick 2010, 174.) During the period of discourse analysis gaining awareness, the concept of speech-act theory gained momentum. It was a theory created by J. L. Austin, who deduced that the main part in discourse is "what words do in discourse". (ibid.) This theory addressed that discourse has, in fact, other underlying purposes reflecting social action (ibid.).

The third, and final main view regarding discourse was the idea that discourse consists of other discourses (Penhallurick 2010, 178). This view is heavily influenced by Michel Foucault and his idea of that discourse, or *Foucauldian discourse*, features not only what is said, but also the ideologies, ideas, and attitudes of the speaker. In contrast, it can also disregard said attitudes and ideologies, depending on the speaker's life and experiences. (ibid.) The emergence of critical discourse analysis (CDA) in the 1980s draws from the Foucauldian discourse and linguistics. Penhallurick introduces Norman Fairclough as one of the prominent practitioners of CDA, and whose work is influenced by the speech-act

theory as well as, for instance, systemic linguistics[3]. (Penhallurick 2010, 180.) Fairclough's work includes a variety of settings, but oftentimes examines language in different societal settings such as in politics or in situations where it is influenced by power (ibid.). Another acclaimed practitioner of CDA is Teun A. van Dijk, whose views of discourse are discussed next.

The study of discourse can show the underlying social, political, and cultural acts, or phenomena, including its aims (Van Dijk 1997, 1-2). Van Dijk recognizes that, in addition to viewing discourse through abstract structural approaches (for instance, syntax, rhetoric, and argumentation), discourse can also be viewed as an *action*. For example, a US Representative addressing the House is carrying out *social acts* through speaking and, therefore, they use discourse and its practices to accomplish their goal in the House hearing. (Van Dijk 1997, 2-3.) In addition to discourse carrying out social acts, a vital part of the social acts and their construction are the *users* of the language themself as well as the *context* in which the discourse exists. Accordingly, a speaker does not only represent their belonging to a certain culture, society, group, organization, or community, but they also speak in the specific context that is also embedded with social and cultural contexts (Van Dijk 1997, 2-3).

The concept of *social practice* alludes to discourse that has a far-reaching social dimension (Van Dijk 1997, 5). These social dimensions are present in all type of social acts, whether in a courtroom session or between teacher and student. For instance, social practice in a courtroom session has intricate institutional dialogue constituting of complex discourse and social practices of legislation and executions of justice. (Van Dijk 1997, 5.) Van Dijk argues that as the social practices are embedded in discourse, the study of discourse can also include the wider perspective regarding, for instance, institutions, society, and culture, in addition to their social, political, and cultural *functions* (1997, 5). In other words, the study of discourse does not, and should not, only regard the features of text and speech but also the social practices and functions (ibid.).

In addition to *social practices*, Van Dijk emphasizes that the aims, actions and contexts, and power are vital parts of discourse, and their influence should not be disregarded

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[3] M. A. K. Halliday's work on *systemic linguistics* divided language use into textual, ideational, and interpersonal functions (Penhallurick 2010, 180).

(1997, 6-34). Van Dijk describes that, for instance, texts and speech are influenced by the surrounding context and vice versa. Additionally, he considers that *power* is enacted and reproduced by discourse, and therefore, one should research how power is expressed in discourse to fully analyze discourse. (Van Dijk 1997, 35.) This notion is further explored when reflecting the findings of the thesis to the concepts of presidency, presidential power, and legitimacy.

Another aspect regarding discourse is its variety of approaches and fields of study. Due to the scope and aim of the thesis, I focus on discussing social discourse with features of critical discourse analysis (CDA). CDA is distinctive in its approach as it considers the relationship between the analysis and the practices analyzed as well as the relationship between language and society (Fairclough and Wodak 1997, 258). In this sense, Van Dijk's theorizing of social practices is akin to the analysis conducted in CDA as discourse is also viewed as *social practice*.

Throughout the years, critical discourse analysis has faced its share of criticism. Shortcomings of CDA include the definition of the methodology as well as the vagueness of the methods. One of the concerns regard the variety of manners in which *discourse* and *critical* can be defined. Furthermore, the definition of *critical* has also been debated: the self-reflexiveness of the method does, according to some critics, create a juxtaposition as one needs to be critical of their own analysis, but also of the material analyzed. (Catalano and Waugh 2020, 223.) In addition to the critical aspect, the methods themselves are viewed to be vague in nature, which has led some to argue that CDA allows interpretations of discourse that are essentially biased. (Catalano and Waugh 2020, 224.)

3.2.1   Three-Dimensional Framework by Norman Fairclough

The critical discourse analysis utilized in this research is the three-dimensional framework by Norman Fairclough (see e.g., Fairclough [1989] 1996, and 2015). Fairclough considers in his concept that language should be viewed as *social practice*, and that social practices constitute *discourse*. Social practice is viewed, in part, through the notion that language and society are interwoven, and that language is naturally an internal part of society – the other cannot be discussed without regarding the other ([1989] 1996, 22). This approach differs from a more general notion existing in the field of discourse, that language and society have an external relationship (ibid.).

Fairclough theorizes that in critical discourse analysis, three levels of social organization should be considered to fully analyze the text and the discursive and social practices ([1989] 1996, 25), see Figure 1.
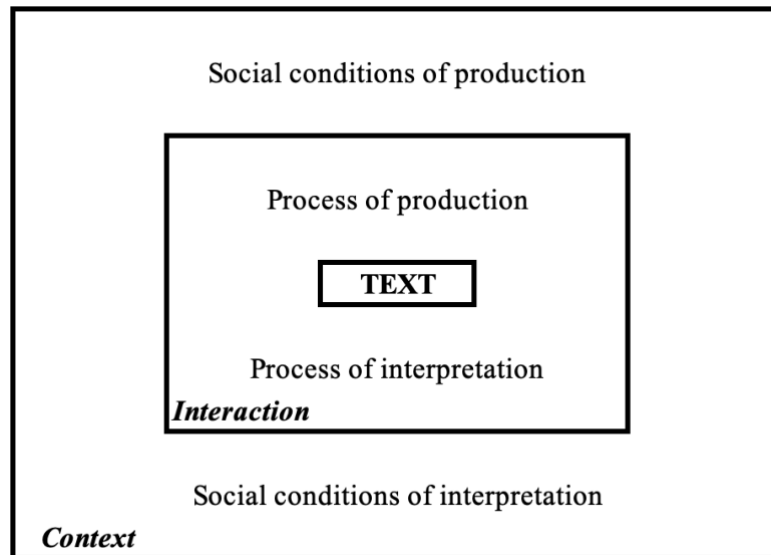

Figure 1.: Fairclough's concept of social organization (Fairclough [1989] 1996, 25).

The three levels, or dimensions, in Fairclough's concept of discourse are implications of social practice and are the social conditions through which social organization occurs (Fairclough ([1989] 1996, 24-25). The social process includes, respectively, 1. text, both spoken or written, 2. production and distribution of text, and 3. social conditions, i.e., the analysis of sociocultural events (Fairclough ([1989] 1996, 24-25).

Fairclough's third implication regarding language as social practice, is regarding the concept that other non-linguistic parts of the society affect the social practice, such as the person's mind from which the person can both interpret and produce text. All of this is constructed and influenced by the social origin of the person (Fairclough [1989] 1996, 24). In other words, the experiences, social background, social relations, and struggles define how the person interprets and produces text, and based on the member's resources, the process of production and interpretation is different from other people. (ibid.) To conclude, Fairclough views discourses as a concept that regards social practices, discursive practices, and texts. It is also important to remember that the member's resources influence on the person interpreting the discourse, which means that the possibility of bias in interpreting the results cannot be fully ruled out.

As for the three dimensions of discourse, Fairclough argues that they can be analyzed by three stages of critical discourse analysis ([1989] 1996, 26). He further describes that for a comprehensive analysis the social practices and discourses in a language, and their relationships need to be analyzed on all levels (Fairclough [1989] 1996, 26). The levels consist of the aforementioned text, processes, and their social conditions as well as the analysis between these levels, not forgetting the process of production and interpretation. The social conditions include both immediate conditions of the context as well as the institutional and social structures that can be considered more as remote conditions.

Fairclough divides in his own research the analysis of the levels into the following: first is the *description* of discourse, in which the formal properties of the text are observed and analyzed. Second stage is the dimension of *interpretation* of discourse, meaning that the relationship between text and interaction should be analyzed. Following these two, comes the last dimension of *explanation*, that regards social context and its relationship to interaction. In other words, explanation views the social effects of the second stage, interpretation (Fairclough [1989] 1996, 26).

In addition to the concepts of language and discourse, Fairclough also considers discourse and orders of discourse. The order of discourse refers to the organization of discourse and how the underlying discourse conventions alter the order of discourse. (Fairclough [1989] 1996, 28.) Fairclough considers that discourse includes the social order, or the space in which we operate in a particular situation, and each setting includes its own types of practices and types of discourses ([1989] 1996, 29). An example of this would be how orders of discourse vary depending on the discourse types and their structure; *conversation* includes multiple orders of discourse and can be in multiple different institutions ([1989] 1996, 30).

The orders of discourse and their structure can change, affected by relationships of power, that Fairclough defines to be one having the most abilities to change orders of discourse based on how power is ideologically formed ([1989] 1996, 30). The aspect of power is thoroughly present in the three-dimensional concept; hence, it suits the present study and its aims. Fairclough states that "[t]he way in which orders of discourse are structured, and the ideologies which they embody, are determined by relationships of power in particular

social institutions, and in the society as a whole." (Fairclough ([1989] 1996, 30). Ideologies and their effect of exuding power highlight the importance of being sensitive to the societal and institutional properties. As an example of this, Fairclough describes the British society, and how characteristics of discourse in Britain are presented (economic production and social classes), and how this interpretation also reflects Fairclough's own political commitments and values that have been shaped by his experiences. (Fairclough [1989] 1996, 32.)

Fairclough considers that institutional practices exude people's assumptions unintentionally ([1989] 1996, 33). Furthermore, these practices legitimize the existing power relations either directly or indirectly. The surfacing power relations that are based on ideologies persuade people to act in a certain way and coerce into agreement. (ibid.) Fairclough claims, additionally, that discourse includes, for example, social subjects that work as a social agent taking in a *subject position*. These are the social roles that a person takes in a certain setting: teacher, pupil, or prefect. The subject position determines the type of discourse the person will exude while fulfilling the position of, for instance, a teacher. (Fairclough [1989] 1996, 38.) Another type of viewing social structure, and an example of discourse analysis, are *hidden agendas* that are reflected in the relationship between class relations and discourse. According to Fairclough, these are more evasive and difficult to decipher. They do, however exists in discourse and can (de)legitimize power relations unconsciously. They are present in education and reflected through people's education and its influence and, therefore, discourse and actions of a person. (Fairclough [1989] 1996, 40-41.)

3.2.2   (De)legitimation Strategies by Theo Van Leeuwen

Theo Van Leeuwen's (de)legitimation framework (2007, 2008) that is a part of his theorization about recontextualization through social practice, is applied to this research. The definition of *legitimation* includes the resources used by either an individual or a group to gain consent to use of power in the specific place and time (Van Leeuwen 2018, 218). According to Van Leeuwen, "recontextualization involves not just the transformation of social practices into discourses about social practices, but also the addition of contextually specific legitimations of these social practices" (2008, 105). Furthermore, he argues that every social practice that includes, for instance, actions and their roles, need legitimation (2018, 219). Van Leeuwen's (de)legitimation strategies are

criticized by the connectiveness of (de)legitimation to the context, meaning that a decontextualized study of (de)legitimation is not achievable (2007, 92). For this reason, the findings cannot be taken out of context when analyzing the (de)legitimation strategies in the trial memoranda.

Van Leeuwen divides the strategies of (de)legitimation into the following four categories: *authorization*, *moral evaluation*, *rationalization*, and *mythopoesis*, each of them having their own subcategories (2018, 219). Based on Van Leeuwen's framework, an additional noteworthy remark is that all the forms of (de)legitimation can occur separately, or in different types of combinations. Additionally, they can be used to both legitimize as well as delegitimize actions and social practices simultaneously. (Van Leeuwen 2007, 92.) The examples for these strategies are from the present thesis' impeachment trial results, and the ones not specified as a concordance line (*CL*) are from the work of Van Leeuwen (2007). This creates a diverse view of the (de)legitimation strategies and a broadened look of the concordance lines in the trial memoranda. In his work, Van Leeuwen also discusses about multimodal legitimation, but it is not a (de)legitimation category as such (2007, 107). Multimodal legitimation is realized either visually or musically, and as this is not relevant to this thesis', multimodal legitimation will not be further defined (ibid.).

3.2.2.1   Authorization

Van Leeuwen describes that *authorization* answers the question of why something is done in a certain manner, and the answer to the 'why' includes the aspect of to whom the authority is vested (2007, 94). The three subcategories of authorization, *custom*, *authority*, and *commendation*, are differentiated from each other with their own segments (ibid.). Authority includes *personal* and *impersonal*, commendation consists of *expert* and *role model*, and the last subdivision of authority, custom, includes *conformity* and *tradition* (ibid.).

First, I cover the two authorities of legitimation, personal and impersonal, with their own examples demonstrated by Van Leeuwen (2007). In *personal authority* (*PA*), the role of the individual in a particular institution, for instance, a teacher's role in school, describes personal authority and how it is vested in a person (Van Leeuwen 2007, 94). Oftentimes, there is a *verbal process* that has an obligation modality in it, and through this, the personal authority is realized, as is shown in example (1):

(1)   Magnus sat down. Because **the teacher** said they **had to**.

Impersonal authority (*IA*), in turn, is vested in regulations, rules, and laws (Van Leeuwen 2007, 96). An instance of an impersonal authority would be stating that "The law says…", hence, the power is that of authority and comes in the form of what has been written in law (ibid.). Similar to personal authority, verbal process clauses can also be subjected in impersonal authority, when that is present, it is expressed through nouns such as 'compulsory' and 'mandatory' instead of, for instance, 'law' or 'policy', see example (2):

(2)   […] every prior presidential impeachment in our history has been based on alleged violations of **existing law** – indeed, **criminal law**. (CL 13, WHC)

Van Leeuwen divides commendation into *expert authority* (*EA*) and *role model* (*RM*) (2007, 97), of which the legitimacy of expert authority is vested in expertise of a person. Often, expert legitimation is stated explicitly (mentioning credentials, or the name of a well-known person), or through verbal process clauses (akin to personal and impersonal authorities), but also through *mental process clauses* (Van Leeuwen 2007, 95). An interesting fact regarding expert authority is that the question of 'why' something must be done is not necessary, seeing as the expert's professional attributes or credentials are enough of an assurance (ibid.). Examples (3) and (4) are from the results and showcase expert authorities as their legitimation strategies:

(3)   A House impeachment inquiry cannot be compared to a criminal trial because **the Senate**, not the House, possesses the "sole Power to try Impeachments." (CL 92, HR)
(4)   As **Professor Turley** has explained, "Basing impeachment on this obstruction theory would itself be an abuse of power… by Congress." (CL 293, WHC)

Role model authority (*RM*), however, refers to opinion leaders as well as role models and their authority to legitimize the actions of their followers (Van Leeuwen 2007, 95). Role model authority is essential in advertising and lifestyle media and, for instance, through media, celebrities can convey legitimacy by being a recognizable person. This is because for the people who recognize the person, the person automatically becomes a role model authority. The role of *endorsement* is another feature regarding role model authority; on many occasions, the people are urged to follow the role models that are 'wise' or 'smart'. The following example (6) was acquired from Van Leeuwen's research (2007, 95):

(5)   **The wise teacher** finds out the correct way to pronounce the child's name.

The last two subcategories of authority are part of custom: *conformity* and *tradition*. The latter, according to Van Leeuwen is no longer as common as it used to be, but it is still a central part of legitimation of authority (2007, 96). Words, such as *tradition*, *habit*, and *custom*, characterize the authority of tradition (ibid.). In other words, the weight of the words that imply something has always been done in a certain way, convey legitimation, and is by itself enough of a conviction. The examples (6) and (7) are from the thesis' results and convey legitimation through the authority of tradition (*AT*):

> (6)   The process that brought the articles here violated every precedent and every principle of fairness followed in impeachment inquiries for more than **150 years**. (CL 4, WHC)
> (7)   Any claim that President Trump was entitled to due process rights modeled on a criminal trial during the entirety of the House impeachment inquiry ignores both **law and history**. (CL 91, HR)

As opposed to tradition, in which the sentence includes the implication that something is done because that is what has always happened, in the authority of conformity, the implication and authority lies in the assumption that we do a certain thing because it is what other people do (Van Leeuwen 2007, 96–97). An explicit comparison is sometimes found in the authority of conformity (8), or through high frequency modality, as in the example (9):

> (8)   Then she let go of Mummy's hand and **skipped along towards the open gate of the playground**, just as **Uncle Jack and Uncle Ned, Auntie Mary and Mummy had done**, when they were children.
> (9)   **The majority of teachers** keep records of their progress.

3.2.2.2   *Moral Evaluation*

Just as the name suggests, *moral evaluation* (*ME*) is vested in moral values, and Van Leeuwen differentiates three types of moral legitimation: *evaluation*, *abstraction*, and *analogy* (2007, 97). On occasion, the moral evaluation legitimation is vested only in words such as 'good' and 'bad', of which Van Leeuwen provides an example when President Bush described his enemies as an 'axis of evil', also showcasing an instance in which moral evaluation and authority legitimation are combined (ibid.).

In moral evaluation, the discourse is less visible, or hinted with adjectives, and as Van Leeuwen states, they are aimed to trigger the moral concept from which the words should derive (2007, 97). In the first subsection, *evaluation* (*E*), the moral evaluation (de)legitimation is achieved by using adjectives in a manner defined below:

These adjectives then modify either a nominal group which has a nominalized reference to a practice (or one or more of its constituent actions or reactions) as its head (as in 'a natural and healthy response'), or an attribute in a relational clause which has the practice (or a constituent action of reaction) as its subject (as in 'being upset is natural'). (Van Leeuwen 2007, 98.)

The following example (10), acquired form Van Leeuwen's study, illustrate the use of adjective as evaluation that legitimizes moral evaluation, similar is the example (11) from the results that accordingly showcases the use of an adjective, also highlighting the need to understand the actions of previous presidents to comprehend why the actions of President Trump is seen as an aberration among other presidents.

(10)   It is perfectly **normal** to be anxious about starting school.
(11)   President Trump is an **aberration** among Presidents in refusing any and all cooperation in a House impeachment investigation. (CL 64, HR)

Some forms of legitimation take the form of *naturalization*, meaning that instead of some, for instance, action being legitimate, it is viewed as 'normal' or 'healthy' (Van Leeuwen 2007, 98). In other words, the naturalization disregards the legitimation aspect, and the action is seen as natural and not morally intertwined (Van Leeuwen 2007, 99). In 'naturalization' legitimation, the action becomes, in a sense, 'natural order', and the determining factor is whether human intervention can influence or change the action (ibid.).

The second form of legitimation which is part of moral evaluation is *abstraction* (*AB*). In this case, the legitimation occurs through, for instance, 'the child takes up independence' when referring to a child that has started school (Van Leeuwen 2007, 99). In that respect, 'taking up independence' assimilates with the concept of school, and attending one legitimizes the practice of going to school (ibid.). In addition to evaluation and abstraction, the third and final form of moral evaluation is *analogy* (*AN*). Van Leeuwen comments that analogies usually involve a comparison between functions that legitimize or delegitimize, and these are best realized through examples from Van Leeuwen's work (2007, 99-100):

(12)   **Like** an adult starting in a new job … the child will be worried.
(13)   It will become **as automatic as** cleaning your teeth.

The last example below describes analogy as it delegitimizes schooling through the discursive method (Van Leeuwen 2007, 100):

(14)   Children are protected by neither the First nor the Fifth Amendment when they stand before that secular priest, the teacher. The child must confront a man who wears an invisible triple crown, like a papal tiara. The symbol of triple authority combines in one person for the child, the teacher pontificates as pastor, prophet and priest – he is at once guide, teacher and administrator of a sacred ritual.

3.2.2.3   *Rationalization*

Van Leeuwen differentiates two main types of rationality: *instrumental rationality* (*IR*) that by referring to goals and effects legitimizes the practice, and *theoretical rationality* (**TR**) that refers to a natural order of things and legitimizes practices in terms of how things are (2007, 101). The state of truth, principles of right and wrong, and morally justified actions are included in instrumental rationality.

(15)   **Refusing to comply** with a Congressional impeachment investigation **is not a constitutionally valid decision for a President to make**. (CL 74, HR)

According to Van Leeuwen, instrumental rationality comprises of three elements that are also visible in the example (15): an activity ('refusing to comply'), a purpose link (the preposition 'to'), and the purpose itself ('valid decision') (2007, 101). Here, the purpose is *generalized action* in which the actions are represented as generalized representations of actions, and they work inside the clause of purpose (ibid.). In addition to generalized actions, also *moralized actions* are important. In them, the action itself is moralized. An example of this kind of moralized action is the description of an action that is 'smooth'. (Van Leeuwen 2007, 102.) Van Leeuwen concludes this to be a discourse of efficiency, and for the action to be legitimate, it goes 'smoothly' – without any hindrance (ibid.). Van Leeuwen suggests that this type of moralized action is visible in the idea of purpose itself, as he describes that the foundations of ethical behavior are vested in philosophical traditions through the arguments of effectiveness and purposefulness (2007, 102). Van Leeuwen considers there to be three types of instrumentality: *goal-orientation* (16), *means-orientation* (17), *effect orientation* (18) (2007, 102-103).

(16)   **Jane's teacher** used eye contact and facial expression **to establish** positive bonds with her.
(17)   Children cope with these difficulties **by keeping** the two worlds apart and never talking about home at school or mentioning school at home.
(18)   Your child has to learn to control aggressiveness, **so others accept him**.

Goal-orientation refers to instrumentality that both conscious and unconscious goals and intentions are in within the person (Van Leeuwen 2007, 102). In other words, the person does something to gain or have something that affects them, as in the example (16). In

means orientation, however, the purpose is in the action and not on the person, as in the example (17) when described that the children do something **by keeping** school and home apart (ibid.). The third, effect orientation is defined by Van Leeuwen as having the focus on the outcome (2007, 103). In effect orientation, instrumentality shows through predicting the outcome or how planning of certain actions can lead to specific outcomes (Van Leeuwen 2007, 103). This can be seen in the example (18) above.

The other category of rationalization in addition to IR, is the theoretical rationalization (*TR*). In theoretical rationalization the action of legitimation is based on truth, and can be divided into *definition* (19), *explanation*, and *predictions* (20) (Van Leeuwen 2007, 104).

(19)   **School signals** that her children **are growing up**.
(20)   Don't worry if you or your child cries. **It won't last long**.

Theoretical rationalization signals more strongly on the cause and effect being based on truth: in the example (19), the activity 'growing up' is defined by another activity 'School signals', and in this case, it is a definition generalizing the activity (Van Leeuwen 2007, 104). To explain further, the actors in question are expressed through attributes and answers to the questions of 'why something is being done?' (ibid.). Prediction is the third and final from of theoretical rationalization and in it, the truth of the activity is based on expertise and could be disregarder in case of an opposing experience, as in the example (20) (Van Leeuwen 2007, 104).

3.2.2.4 *Mythopoesis*

Storytelling, *mythopoesis* (*MY*), is the last category of the framework on how to (de)legitimate actions (Van Leeuwen 2007, 105). In mythopoesis, (de)legitimation is achieved through, for example, *cautionary tales* that describe what will happen when something is done, and, when something is not done through the telling in stories. This could be described by an unhappy ending to the protagonist in case of acting in line with socially acceptable norms (Van Leeuwen 2007, 106). In moral tales, however, the legitimation of actions comes from the protagonist doing what is socially legitimate (Van Leeuwen 2007, 105).

4 Material and Methods

4.1 Research material

The data of the research consists of the two trial memoranda that were presented at the impeachment trial of President Trump in January 2020. The trial memorandum of the prosecution, the House of Representatives (*HR*), is altogether a 111-page long written memorandum. Due to the scope of the thesis and the contents of the trial memorandum, the data was narrowed down, with an exclusion of the appendices and the sections not clearly discussing of the case. Thus, the material consists of 46 pages and involves the subsections discussing the following topics: "The Senate Should Convict President Trump of Abuse of Power", "The Senate Should Convict President Trump of Obstruction of Congress", and, thirdly, "The Senate Should Immediately Remove President Trump from Office to Prevent Further Abuses" (United States House of Representatives 2020). Thereafter, the data was transferred to Word in preparation for it to be uploaded to *Sketch Engine*.

The trial memorandum of the Office of White House Counsel (*White House Counsel; WHC*) is 171 pages, but due to the scope of the thesis and the contents, the data was also narrowed down. The trial memorandum of the prosecution is 115 pages long without the appendices which were excluded. Thus, the research material of the defense is 76 pages, and was also transferred to Word in preparation for it to be uploaded to *Sketch Engine*. Similar to the prosecution's memo, the Office of White House Counsel begins by framing the case, reflecting the history of impeachment and its proceedings. The set of material to be analyzed consists of the section titled "The Articles Should Be Rejected and the President Should Immediately Be Acquitted" (Office of White House Counsel 2020). The section is divided into four subsections (I-IV).

Once the material was uploaded to *Sketch Engine* (a corpus and text analysis software), the trial memorandum of the House of Representatives was 11,134 words, and the trial memorandum of the White House Counsel was 40,171 words. As the thesis is qualitative in its approach, the discrepancy between the trial memoranda does not affect the findings or the analysis of data.

4.2   Gathering of the Datasets

A corpus tool, *Sketch Engine*, is utilized in the study and the advantages were twofold: not only was the corpus incorporated to discover and process the (de)legitimation strategies used in the trial memoranda by using the concordance lines feature, but also to view the data for a close reading with respect to the three-dimensional framework's analysis of interpretation and explanation. To process the data properly and reliably it was vital to narrow down and prepare the data for analysis. For this reason, the word *impeach** was selected as the search word that would showcase all the occurrences from the datasets when the words *impeach*, *impeachment*, *impeaching*, or *impeachable* were present (see Appendix A). The method chosen also reduces the chances of bias, as the narrowing down was conducted by the corpus.

A corpus presents the results either in frequencies or as a concordance (Lindquist and Levin 2018, 5). The latter is a list that presents studied word in its context, usually in keyword-in-context (KWIC) concordances that show one line in which the word is in its context (ibid.). From the concordance lines, it is efficient to analyze how the word is used in the context, and the semantic or grammatical information embedded in the text can be deciphered without difficulty (Lindquist and Levin 2018, 7).

Corpora and its techniques have numerous advantages, but it has been critiqued. The most recent debate appears to surround the opposing approaches: *corpus-driven* and *corpus-based*, and *supervised* and *unsupervised*. (Kutter 2018, 169.) The difference between corpus-driven and corpus-based is that the former aims to detect language patterns in reference to social meaning, as opposed to the latter, which assumes that the use of corpus should be based on theory first. The opposition of supervised and unsupervised is projected around the idea whether a human is needed to interpret the meaning. Supervised approaches view that the interpretive approach provided by a human is needed as opposed to unsupervised that considers that artificial intelligence is enough for comprehension of text. (ibid.)

Kutter characterizes one of the advantages of using a corpus its allowance to simultaneously present text in a "multi-layered interpretation of language and meaning" (2018, 170). Additionally, corpus allows for a detailed discourse analysis, linking the themes from a variety of theories of linguistics (ibdi.). Due to the ability to systemically

focus on a selection of individual parts of text in corpus studies, the method provides a suitable approach to narrow down and focus on a specific aspect of the trial memoranda. Furthermore, the corpus was not itself used to categorize the data as the concordance lines feature was essentially for preparing the data for analysis that was conducted without the aid of *Sketch Engine*.

The trial memoranda were retrieved from the White House Counsel's, www.whitehouse.gov, website and the House of Representatives' from intelligence.house.gov. The House of Representatives' trial memorandum is not accessible anymore nor was not found online. There were two manners in which the datasets were prepared for analysis. First step was a close reading of the trial memoranda; deleting unnecessary sections such as the table of contents, lists, and sections of text that are not part of the description and argumentation about the cases i.e., headings and other parts of the text that were not explicitly part of the running discourse. Secondly, the *Sketch Engine* corpus was utilized in processing the text itself as it provides an effective method to organize and prepare the data. A corpus can process a plethora of data in a matter of seconds (Lindquist and Levin 2018, 5). The concordance lines feature in *Sketch Engine* was used to process the datasets as well as to bring forth the usages surrounding the word *impeach* and its forms. This method gave 109 concordance lines for the House of Representatives' trial memorandum and 573 concordance lines for the White House Counsel's trial memorandum.

4.3   Application of the Frameworks

Critical discourse analysis (CDA) is used to analyze the data of the thesis. The three-dimensional framework by Norman Fairclough is the main concept utilized to reveal and recognize the discourses and how they are constructed by the House of Representatives and the Office of White House Counsel in the trial memoranda. Additionally, I aim to answer to the question of what is (de)legitimized in the trial memoranda and by which strategies, closely following the (de)legitimation strategies defined by Van Leeuwen. The theoretical framework of this study provides much of the structure for the analysis as the analysis aims to also discover and examine how presidential power is constructed and how the actions of the president are (de)legitimized. The other central concepts utilized to further discuss the discourse practices and social practices is legitimacy, presidential power, and the influence of the US Constitution.

The analysis itself is executed in three sections, as is the three dimensions of discourse analysis which was introduced earlier: 1) text analysis or *description*, 2) discursive practices or *interpretation*, and 3) social practices or *explanation* (Fairclough [1989] 1996, 26). The discourse of *description* and its analysis is conducted using Theo Van Leeuwen's (de)legitimation strategies. This part of the analysis illustrates the production of the text and how it is constructed to create meaning. The second and third dimensions of analyses regard the discursive practices and the social practices as Norman Fairclough frames them. These two dimensions overlap since interpretation and its processes are also forms of social practice and its reflections of the socio-political environment on the analysis level of explanation. The analysis on these levels counts on the sections of theoretical background in which the US Constitution and the concepts of American presidency and presidential power, and legitimacy were examined.

Power is reflected in discourse by the wielders of power against the subjects, and three types of constraints can be characterized: constraints on contents and what is being said or done. Secondly, constraints on relations which consider the social relations of the participants, and third, constraints on subjects that refers to the subject position that a person occupies during discourse. (Fairclough [1989] 1996, 46.) All three can co-occur and overlap, and can be found in all types of discourse, thus, it was important to define the influence of constraints of power as a significant section of the thesis is focusing on observing power and how it appears in the trial memoranda.

The dimension of interpretation follows closely the major domains specified by Fairclough. The two main domains regarding the interpreting of context are *situational context* and *intertextual context*. The domains regarding text interpretation are called *meaning of utterance*, *local coherence*, and *text structure* (Fairclough [1989] 1996, 142.) Meaning of utterance consists of how meanings are construed in the text (Fairclough [1989] 1996, 143.) Fairclough argues that the domains of interpretation derive interpretations from the other domains rather than creating interpretation only individually. For instance, the interdependence of two domains operates to both directions. Fairclough calls this interdependence as "'top down' (higher-level interpretations shape lower-level)" in addition to 'bottom-up' in which lower-level interpretations shape higher-level. (Fairclough [1989] 1996, 145.) In conclusion, the

occurred interaction can derive interpretation from multiple domains, hence, it is possible to have multiple discourse types occurring simultaneously.

Local coherence is another level of interpretation, and its focus is on how connections or cohesion are produced in the text. According to Fairclough, oftentimes they can be viewed as being part of pragmatics (Fairclough [1989] 1996, 143-144). Text structure, on the other hand, refers to the estimation of the text as a whole and how it is maintained. For example, in a phone conversation, a person can assume that certain utterances are to happen in an order that can be predicted. Text structure includes the analysis of schemata, or how the topic of the text comes across. (Fairclough [1989] 1996, 144.)

The two domains regarding interpretation of context consists of both interpretation of *text* and *context*. According to Fairclough, situational context is discerned by cues that surround the discourse, such as features of the participants, what has been said, and the physical situation. The one discerning the situational context affects the analysis through their personal experiences, and the interpretation may change due to this factor. (Fairclough [1989] 1996, 144.) In addition to situational context, intertextual context also has an impact. Intertextuality indicates that a discourse is formed around the notion that a participant's previous discourses influence on the discourse output, what is said or written, and how, for example, a conversation is experienced. (Fairclough [1989] 1996, 145.) It is to be noted that the interpretation of the text and context can change depending on the interpreter's decision on what they consider the context to be (ibid.).

5 Results and Analysis

The findings of the research indicate to certain similarities but also to clear differences between the trial memoranda of the defense and the prosecution. In 5.1, I cover the legitimation strategies in accordance with Theo Van Leeuwen's (de)legitimation strategies and the linguistic features found in the trial memorandum of the prosecution and the defense. The focus is, therefore, on the (de)legitimation strategies and the type of linguistic methods that are used to construct legitimacy in the trial memoranda. This stage of results and analysis accommodates the first dimensions of Norman Fairclough's three-dimensional framework, the text analysis or *description*.

After the results of the (de)legitimation strategies have been covered, in 5.2 and 5.3 the findings of the other two dimensions are presented in which the discursive practices, *interpretation*, and social practices, *explanation*, are analyzed. The two dimensions consider the discursive practices and the social contexts of the data. Furthermore, concepts of American presidency, presidential power, the US Constitution, and legitimacy are reflected to assess the implications of the trial in a larger socio-political environment. Accordingly, the levels of interpretation and explanation overlap, and therefore, the results of discursive practices and social practices may be reflected similarly.

5.1 Textual Analysis

In this section, I present the overview of the results from both datasets, the House of Representatives, and the White House Counsel. This is then followed by a closer examination in 5.1.2 and 5.1.3 of each trial memorandum. The trial memorandum of the House of Representatives consists of 109 concordance lines (*CL*) including the simple search form *impeach** and all its other forms: *impeachment*, *impeachable*, *impeach*, and *impeaching*. 40 concordance lines did now have a specific strategy of (de)legitimation and were only descriptive to the case. Additionally, 17 instances of *impeach** were considered as a one with their surrounding occurrences of *impeach** as they were in the same concordance line. The defense's memo included 573 concordance lines (CL) with the same method of preparing and searching the concordance lines, and from those 286 had no strategy and functioned to describe the case and proceedings. 87 concordance lines had more than one instance of *impeach** and were, therefore, considered as one as with the House of Representatives' concordance lines. Thus, the number of full concordance

lines to be analyzed constitutes **52 cases for the House of Representatives** and **200 cases for the White House Counsel**.

5.1.1 Result Overview of Both Datasets

In the trial memorandum of the House of Representatives, the (de)legitimation strategy of *authorization* was in all except in one concordance line. The found strategies of authorization were personal authority (*PA*), expert authority (*EA*), impersonal authority (*IA*), and authority of tradition (*AT*), and they showcased both individually and in combinations. The other strategies that were present in the data were evaluation (*E*) from the category of moral evaluation and instrumental rationality (*IR*) from rationalization, see Table 1. The division of the strategies are in the chart below, and it includes all instances of the strategies, altogether 84 strategies of (de)legitimation, whether individual or as a part of a combination. Furthermore, the combinations showcase the variety in which these strategies are found, reflecting the intricacy of the sentences as well as how thinly veiled and layered some of the strategies are. An expanded Table is showcased in Appendix B that illustrates the comprehensive division of the strategies to the ones occurring individually as well as the different combinations.
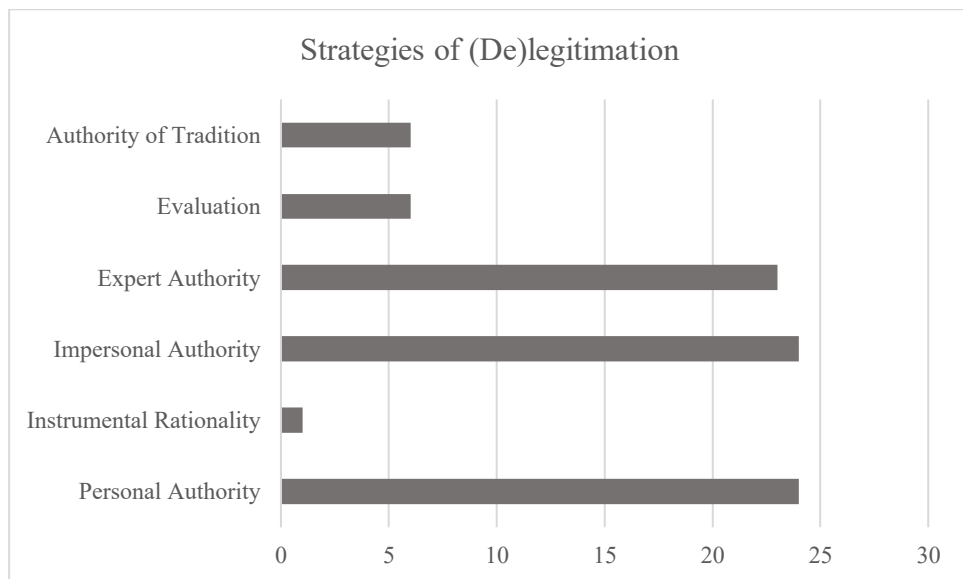

Table 1.: Strategies of (De)legitimation in the trial memorandum of the House of Representatives.

The most often occurred instances of (de)legitimation strategies were EA with 23 occurrences, and IA and PA with 24 occurrences both. The least frequent, and less significant occurrence was IR, appearing only once in the data.

In the White House Counsel's data of 200 cases, *authorization* was in 174 cases as a (de)legitimation strategy, either by itself, or with a combination with other strategies. Occurrence of moral *evaluation* is 31, and for *rationalization* the number of cases is 5. The Table 2 below shows the strategies found in the data, both individually and in combinations:
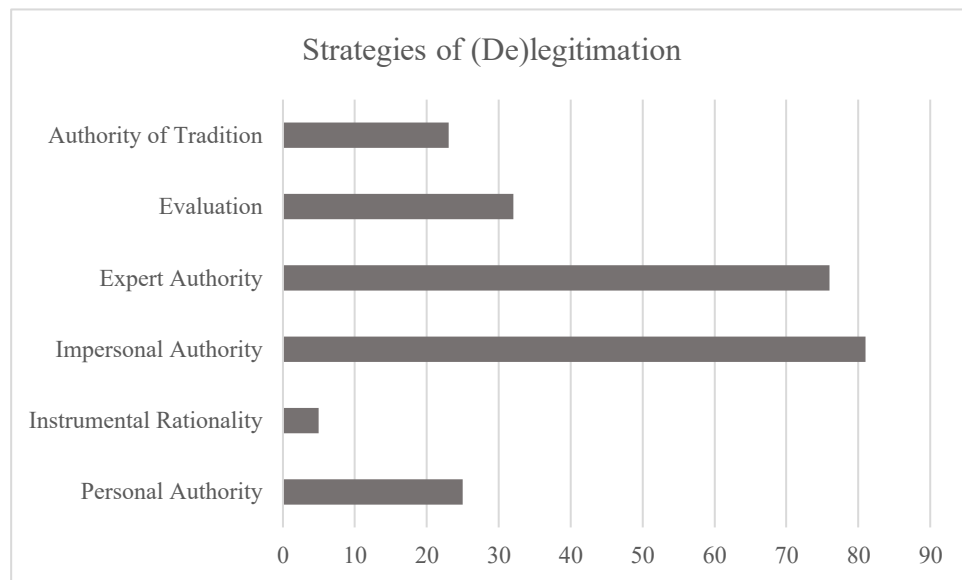

Table 2.: Strategies of (De)legitimation in the trial memorandum of the Office of White House Counsel.

Similar to the House of Representatives' memorandum, in the trial memorandum of the White House Counsel, the different strategies consisted of strategies of authorization: authority of tradition (*AT*), expert authority (*EA*), impersonal authority (*IA*), personal authority (*PA*). Additionally, instrumental rationality (*IR*) a subcategory of rationalization and evaluation (*E*) a subcategory of moral evaluation occurred in data. Two of the most frequent instances were EA with 76 and IA with 81 instances. The least frequent was IR with only five instances in the data. An expanded table is also showcased in Appendix B to showcase the comprehensive division of the occurring strategies of (de)legitimation and their combinations. It should be noted that although both trial memoranda are presented through the distribution in numbers, the thesis is qualitative and not quantitative, and therefore, a deeper analysis of the distributions is not conducted.

5.1.2 Concordance Lines of the House of Representatives

In this section, the findings of the research are presented with examples to demonstrate the textual use of (de)legitimation strategies in the trial memorandum of the House of Representatives. As was mentioned, the number of concordance lines altogether is 52,

and the occurrence of either individual or combination, is 85 (see Appendix B). The closer division of the results consists of the concordance lines that had only one strategy present: PA, EA, IA, AT, and E. The combinations have 10 different combinations: EA+AT, EA+IA, IA+AT, PA+AT+IR, PA+E, PA+EA, PA+EA+IA, PA+IA, PA+IA+AT, and PA+IA+E. The most significant instance is the strategy of expert authority with 14 occurrences individually.

Personal authority (*PA*) showed in three concordance lines by itself and as a part of a combination in 21 cases. In all the cases, the similarity is that the PA (de)legitimizes the president in one way or another. I concluded that the actions of the president, and the critique presented in the trial memorandum regarding his actions as well as the possible (de)legitimation are identified as personal authority instead expert authority. Van Leeuwen states that personal authority attributes to one person, as opposed to expert authority, which relies on the expertise of a person (2007, 94, 97). Thus, a president exercises their power in the office they are in, but it does not, however, depend on an expertise they might have regarding their position as it is not similar as, for example, expertise gained through education when a lawyer accumulates their expertise.

(1) President Trump's unprecedented "**complete defiance** of an impeachment inquiry… served to cover up the **President's own repeated misconduct and to seize and control the power of impeachment**." [CL 75, HR]

The personal authority in (1) is vested in the president, and the strategy is delegitimizing both the President and his actions as he failed to respond to the impeachment inquiry. This failure is seen as the factor contributing to why the president aimed to hide the misconduct as well as control how the impeachment proceeds. In other words, the president was viewed to be misusing the authority he has in the office.

The arguments based on laws, regulations, and rules refer to *impersonal authority* (*IA*), and it was found in 24 cases and from those, seven times by itself. The different references in which impersonal authority was vested in were, for example, **law**, **the Constitution**, **Article I**, **and Second Article** [of Impeachment], and some cases in which law was referenced through institutions; **the Congress** and **the House**. The discourse by prosecution relies on law and can be seen to legitimize the impeachment and the actions of the House. Noteworthy strategy is also the reference to **the Framers** and how they drafted the Impeachment Clause.

(2) **Article I vests** the House with the "sole Power of Impeachment," and the Senate with the "sole Power to try all Impeachments" and to "convict[]" upon a vote of two thirds of its Members [CL 21, HR]

(3) **The Constitution specifies** that the President "shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors." [CL 23, HR]

In example (2), the IA is vested in the law, specifically in Article I, and that works as the legitimating textual feature in the sentence, further legitimizing the actions of the House and the Senate. In the following example (3), however, the legitimization strategy relies on the Constitution and the cases in which the president can be impeached. Both examples show how the descriptions and deciphering of the Constitutions and the Article I are used to legitimize the actions of the prosecution and how the argumentation is based on impersonal authority.

The (de)legitimation strategy of *expert authority* (*EA*) was found in 23 concordance lines and from those, by itself in 14 cases. In these cases, the expertise was vested in the profession of the person such as **Supreme Court Justice Joseph Story** or the **HJC Chairman**. The other type of expertise that was identified were a type of institutions in which people work in, such as **the House**, **the courts**, **the Senate**, and **the Congress**. In these cases, the expertise is vested in the institution and their effect of governance and power. The last type to which authority was vested in, and present in the trial memorandum of the House of Representatives, was **the Framers**. The Framers and their drafting of the Constitution alone might correlate to an expertise, however, the textual manner they are referred to, as well as the weight that they have had to the practices and procedures of the United States throughout history, they are considered as having expert authority in the analysis.

(4) In exercising its responsibility to investigate and consider the impeachment of a President of the United States, **the House is constitutionally entitled** to the relevant information from the 181 Executive Branch concerning the President's misconduct." [CL 47, HR]

In example (4), the use of EA is displayed through the justification of the House, legitimizing the actions of the House of Representatives to obtain the needed information regarding a possible misconduct. This is further showcased by justifying by what is said in the Constitution, and that to conduct the process legally, the House is authorized to obtain the information.

The last type of authorization found in the trial memorandum is *authority of tradition* (*AT*); by itself once and as a combination in five concordance lines. The AT was vested, for instance, in **the Congress**. In this type of (de)legitimation strategy, the reference to the Congress was reflecting how the institution have worked throughout the history, their importance, hence the Congress maintains the perceived authority of tradition. The other examples in which AT was present were **the country/Republic**, **the Impeachment Clause** and its traditional use in previous impeachment inquiries and cases as well as the reference and emphasis of **history**.

> (5) **Without that authority, the Impeachment Clause** would fail as an effective safeguard against tyranny. [CL 99, HR]

In example (5), the implication that an Impeachment Clause was ineffective, the authority vested in the clause would be futile in the case. In the previous concordance line in the data [CL 98, HR], it is described how the Framers entrusted the power to impeach to the hands of the House, and that this power contains the needed methods for the impeachment and how to use them. In other words, the House of Representatives views that if the Impeachment Clause were not to be exercised, the tradition to have one would be redundant.

The (de)legitimation strategy of moral evaluation was found individually once and five times as a combination. In all cases, the type of moral evaluation was deduced as *evaluation*. Van Leeuwen defines that values that are based on morals is linguistically the main element in the (de)legitimation strategy of moral evaluation. The subcategory of evaluation (*E*) is oftentimes depicted through adjectives. The example below, showcases *evaluation* (*E*):

> (6) An impeachment inquiry cannot root out **bad actors** if those same **bad actors control the scope and nature of the inquiry**. [CL 63, HR]

In (6), the prosecution describes that generally the presidents of the United States have understood their role in correspondence with an impeachment investigation, and that the powers of the president do not reach above the Executive Department. They argue, furthermore, that a **bad actor** [President Trump], cannot be responsible of overseeing the impeachment proceedings or the inquiry in which he is the person under investigation. The adjective 'bad' is used to delegitimize the actions of the president, emphasized through the strategy of evaluation that the president is not fit for the role as opposed to the House as the president is considered as a bad actor.

The combinations of (de)legitimation strategies of authorization included altogether 26 concordance lines, in combinations of EA+AT, EA+IA, IA+AT, PA+AT+IR, PA+E, PA+EA, PA+EA+IA, PA+IA, PA+IA+AT, PA+IA+E. Next, I present four concordance lines in examples (7), (8), and (9) to illustrate how the combinations of strategies of authorization were present in the data. Additionally, the examples demonstrate the manner in which different strategies occur simultaneously and how effortlessly a strategy appears amongst other (de)legitimation strategies. A combination of impersonal authority and authority of tradition is below:

> (7) President Trump's directive **rejects one of the key features distinguishing our Republic from a monarchy**: that "[t]he President of the United States [is] liable to be impeached, tried, and upon conviction… removed." [CL 77, HR]

In (7), the differences between a republic and a monarchy are used to legitimize the trial, using the differences to pursue the authority of tradition and impersonal authority. It implies that a Republic works in a certain way, shaped by the tradition (*AT*) of how it has always worked. At the same time, it is referred on how IA is vested in **the Republic**, and in it, there are certain rules and regulations how a Republic state performs.

The next example illustrates the combination of expert authority and impersonal authority:

> (8) To understand why President Trump must be removed from office now, **it is necessary to understand why the Framers of our Constitution included the impeachment power** as an **essential part of the republic** they created. [CL 19, HR]

In the example above, the strategy of EA is realized by referencing **the Framers** by using them as the legitimate actor in the setting of impeachment. The Framers contained the power to impeach when drafting **the Constitution**, and its involvement is seen as an imperative part of the state when the Framers are seen as the ruling authority when it comes to the proceedings of the impeachment.

The combination of authorization and moral evaluation was found in five cases, twice as a combination of personal authority, and evaluation, see example (9), and trice in personal authority, impersonal authority, and evaluation.

> (9) President Trump is **an aberration among Presidents** in **refusing any and all cooperation** in a House impeachment investigation. [CL 64, HR]

In (9), as with other examples, personal authority references to a legitimation strategy reflecting the actions of President Trump. In this case, his actions are delegitimized in

addition to the strategy of evaluation, as he us delegitimized further by describing him as an "aberration among Presidents".

The final case of a (de)legitimation strategy found in the trial memorandum of the House of Representatives, was the combination of PA, AT, and IR. The occurrence of IR, a subcategory to rationalization, was an only occurrence in the trial memorandum of the House of Representatives.

> (10)   **Refusing to comply** with a Congressional impeachment investigation **is not a constitutionally valid decision for a President to make**. [CL 74, HR]

In (10), the actions of the president are delegitimized, and the Congressional impeachment investigation is legitimized. The strategy of instrumental rationality is visible through the three elements that Van Leeuwen defined: an activity, a purpose link, and the purpose itself (2007, 101). In (10), the activity is **refusing to comply**, a purpose link is the preposition **to**, and the purpose itself is **valid decision**. The strategy of IR can be either a generalized action or a moralized action (Van Leeuwen 2007, 101-102). In example (10), it is moralized action since the action itself, refusal to comply, is moralized. This notion is based on the view, that a president is not able to make such a decision as it would oppose the articles in the Constitution.

5.1.3   Concordance Lines of the Office of White House Counsel

Next, the results of the concordance lines of the White House Counsel are presented with examples to demonstrate the textual use of (de)legitimation strategies. As was mentioned, the number of concordance lines to be analyzed is 200, and the occurrence of number of strategies, either individual or combination, is 242 (see Appendix B). I begin by showcasing the concordance lines that had a strategy of authorization. The (de)legitimation strategies that were part of *authorization*, were personal authority (*PA*), expert authority (*EA*), impersonal authority (*IA*) as well as authority of tradition (*AT*).

Personal authority accosted 12 singular cases and 13 cases of combinations with other strategies. All the cases legitimize the actions of the president from different viewpoints and present the president's authority to exercise presidential power as legitimate. First, is an example of PA:

> (11)   Under this view, impeachment can turn entirely on "whether the **President's real reasons**, the ones actually in his mind at the time, **were legitimate**." [CL 218, WHC]

In (11), the White House Counsel argues that the President Trump defines the legitimacy of his own actions. It is implied that a president is a legitimate party in the process to do this decision, and that the view a president has, influences on the assumed legitimacy. This is reflected on the president's own views at the time and how he regards his own actions. In other words, through the legitimation strategy of PA, the White House Counsel legitimizes the actions of the president as legitimate due to the president's impression of his actions.

Impersonal authority (*IA*) was in 81 cases, that of which 57 as the only strategy and in 24 as a combination with other strategies of authorization. IA manifested as a strategy when referenced to, for instance, **law**, **criminal law**, **constitutional pounds**, **legislative jurisdiction**, and **the Madisonian principle**. An example in which impersonal authority is reflected through **the Constitution** and **law** is below:

> (12)   Each of the seven other references in **the Constitution** to impeachment also supports the conclusion that impeachments must be evaluated **in terms of offenses against settled law**: **The Constitution** refers to "Conviction" for impeachable offenses twice and "Judgement in Cases of Impeachment". [CL 225, WHC]

In (12), White House Counsel argues that the case for an impeachment must be based on the law that is defined in the Constitution regarding impeachable offences. In the previous sentence [CL 224], they describe that the current trial is not based on the offenses defined under existing law, and that the current offences that the president is tried for, do not fulfill the aims. By using the strategy of impersonal authority through the description of law and reference to the Constitution, the White House Counsel legitimizes the actions of the president and delegitimizes the actions of the House of Representatives' allegations of President Trump misusing the impeachment power as a president.

Expert authority (*EA*) was found in 76 cases, that of which in 63 it was the only strategy present, and in 13 as a combination with other strategies of authorization. In this strategy, the reference to expertise was most often tied to the profession of the person. Examples of this are: **Chairman Nadler**, **Senator Leahy**, **Professor Turley**, and **Chairman Schiff**. As with the trial memorandum of the prosecution, in the White House Counsel's memorandum, the institutions were also referenced as having expertise, such as **the Committee**, **House Democrats**, and **the Senate**. The issue of defining the authority of **the Framers** was already discussed and, in this section, they are also considered to have

expertise through the power they wielded when drafting the Constitution as well as the overall impact and influence they still possess.

> (13) **As Professor Turley has explained**, "Basing impeachment on this obstruction theory would itself be an abuse of power… by Congress." [CL 293, WHC]

In (13), *expert authority* is utilized by a reference to Jonathan Turley as **Professor Turley**, and his expertise he has gained as a legal scholar and as a professor at the George Washington University Law School (GW Law 2023). Through this strategy, the allegation of obstruction of Congress is delegitimized, and would, instead mean that Congress would be the actor that was abusing their power if continuing with the process of impeachment. This is argued with a direct quotation from Jonathan Turley, and his take on the obstruction theory and its implications. He states that the prosecution's construction of the impeachment as a theory of obstruction, is in his professional opinion, an abuse of power by the Congress, not the president.

The last type of authorization found in the data was the authority of tradition (*AT*) in 8 cases by itself, and in 15 cases as a combination with other strategies of authorization. It was used to (de)legitimize with, for instance, **150 years** and **historical practice**.

> (14) The process that brought the articles here violated every precedent and every principle of fairness followed in impeachment inquiries **for more than 150 years**. [CL 4, WHC]

The phrase '**for more than 150 years**' in example (14) is used to legitimize the actions of the president, in that the articles presented are not in accordance with a fair impeachment. It is stated that all the other impeachment inquiries that have taken place in history, have had a certain level of fairness and therefore, this impeachment is not seen as legitimate and is delegitimized through authority of tradition.

In the data, there were 31 instances of *moral evaluation* as a (de)legitimation strategy. All the occurrences were categorized as *evaluation* (*E*). The adjectives used to (de)legitimize were, for example, '**novel** conception', '**fuzzy** claims', '**badly** misplaced', and '**fair** way'.

> (15) In their rush to impeach the President before Christmas, Democrats allowed **speed** and **political expediency** to conquer **fairness** and **truth**. [CL 557, WHC]

In (15), the adjectives that are in the focus are **fairness** and **truth**. The adjectives illustrate how the actions of the Democrats are viewed as unfair and untruthful, emphasized through the strategy of evaluation and, thus, the actions of the Democrats are considered as delegitimate.

Under the strategy of rationalization, there were five cases of *instrumental rationality*, trice by itself and twice in combinations, one seen in example below:

> (16)   **Such a standard** would be so vague and malleable that **entirely permissible actions** could **lead to impeachment** of a President **(and potentially removal from office)** […] [CL 235, WHC]

According to Van Leeuwen, instrumental rationality refers to a strategy that is based on the goals or effects that legitimize the practice and is usually constructed through three elements: an activity, a purpose link, and the purpose itself (2007,101). In (16), the activity is the assessment of the President's subjective motives, the purpose link is the preposition **to**, and the purpose itself is **impeachment** and the activity is **removal from office**.

The type of (de)legitimation strategies came in the combinations of AT+E, E+IR, EA+AT, EA+IA, EA+IA+AT, EA+IA+AT+E, EA+IA+E+IR, EA+IA+PA, IA+AT, IA+E, IA+EA, IA+PA, PA+AT, PA+E, PA+EA+E, PA+IA. The next example is a combination of IA and AT:

> (17)   **Historical practice** provides a gloss on the requirements of **the Constitution** and strongly confirms that **House impeachment investigations** must adhere to basic forms of due process. [CL 461, WHC]

The strategies of authority of tradition and impersonal authority are embedded in example (17). The phrase **historical practice** is used as a base for arguing the manner in which an impeachment investigation should be processed, and is, therefore a strategy for delegitimization as the defense considers that the House is not adhering to the **basic forms of due process**. The strategy of impersonal authority legitimizes **the Constitution** and the practices defined regarding an impeachment trial. It could be also argued that **the House** and its powers are delegitimized by using the strategy of impersonal authority, as the defense portrays that the House is not working in accordance with what is expected from them. The House can be considered as an institution that withholds an authority through their power and abilities to take action against a president.

5.2   Analysis of Discursive Practice

The analysis of discursive practices is conducted by utilizing the second dimension of Fairclough's three-dimensional framework; *interpretation*. The second level considers the text, its context as well as intertextuality. As mentioned earlier, all the levels of

analysis implicate social practices through which social organization occurs (Fairclough [1989] 1996, 24-25). Due to the interconnectedness of the levels, the discursive practices analyzed in this section, are also reflected in 5.3 when analyzing the social practices. The analysis follows closely the formal features of text that Fairclough outlines: situational and intertextual contexts including the concepts regarding *meaning of utterance*, *local coherence*, and *intertextuality*. The analysis level of discursive practice aims to recognize the manners of discourse and how they create meaning by uncovering the underlying features through intertextuality and coherence.

5.2.1 House of Representatives

The coherence of the trial memorandum of the House of Representatives is cohesive, and the text is clearly structured, to the point, and typical legal jargon. The coherence does, however, create meaning through the descriptive manner the case is introduced and explained. The interpretation of the text manifests the goals and aims of the trial memorandum, persuading the jury to agree with the prosecution's view of the case. These views allude that President Trump has overexercised his presidential power and exceeded the fundamental principles defined in the Constitution. Furthermore, the arguments appear connected with each other as presidential power and the allegations of misconduct are closely related to each other, but also to the concepts of presidency, the US Constitution, legitimacy, and their implications to the impeachment trial.

The force and meaning of utterance in the House of Representatives' trial memorandum predominantly exudes what is expected from a trial memorandum; it consists of statements, descriptions and assertions that are linguistically neutral in the sense that the discourse is not heavily accentuated by methods of conviction that, for instance, aim to draw attention by being emotive. Instead, the convincing is pursued by arguments based on the Constitution, law and occurred misconduct. These arguments are given on behalf of impeaching President Trump and removing him from the office. The prevailing meaning behind the utterances were, furthermore, related to the powers of the president and the Impeachment Clause. The legitimate actions of the House are emphasized whereas the actions of the president are seen as delegitimate.

The contents, or discursive practices, mainly describe the case from different perspectives: the procedural history of the case and the statement of the facts as is

conventional for a trial memorandum. The main incentive for the discursive practice is to be persuasive by relying on the arguments that have been put forward in the memorandum. Additionally, legal citations were used as is usually the case in a trial memorandum. The citations were oftentimes in reference to the Constitution of the US or arguing how and why President Trump should be convicted: "**The Constitution** specifies that the President "shall be removed from the Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors", [CL 23, HR]. The other topics prevalent in the citations were in relation to the Articles of Impeachment, and how, for instance, presidential power is constructed in the assertions and used to created meaning: "**The Second Article for obstruction of Congress** states that President Trump "abused the powers of the Presidency in a manner offensive to, and subversive or, the Constitution" […]" [CL 41, HR].

The trial memorandum asserts the concept of power and its relation to the Congress and the president: "By categorically obstructing the House's impeachment inquiry, President Trump claimed the House's sole **impeachment power** for himself and sought to shield his misconduct from Congress and **the American people**" [CL 12, HR]. It is argued that the power to impeach is the House's responsibility, and President Trump claimed the power and tried to cover the alleged actions by conscious effort. The indication to **American people** can be seen as a discursive practice to persuade the jurors. The concept of presidential power and the manner how exercising power is linked to the nation and how the nation perceives the application of power (Watts 2009, 2). In other words, by referencing to American people, the House of Representatives aim to create meaning in which the actions of the president are opposing the common good for the Americans.

Similar discursive practices to the **American people** in the trial memorandum of the House of Representatives are showcased by the next two examples: "Impeachment imposes a check on a President who violates that oath by using the power of the office to advance **his own interests at the expense of the national interest**" [CL 25, HR], and "President Trump's directive rejects one of the key features distinguishing **our Republic from a monarchy** […]" [CL 77, HR]. In the former, the interests of the president and the interests of the nation are demonstrated in opposition, aiming to create a picture that the interests of the nation are not a priority for President Trump. In the latter, on the contrary, the opposition is created by an opposition between a republic and a monarchy. The

discursive practice does, in fact, create a chasm between the type of actions President Trump conducts, more fit for a monarchy, as opposed to what is implied to be the correct way, suitable for a republic nation.

The final manner how the meaning and force of utterance is embodied is the reflection on history, and to be specific, the different individuals or groups of people in history, the previous presidents of the US, and the Framers as well as the interpretation of law throughout history. It is argued, for instance, that President Trump has experienced either the same or greater protections than Presidents Nixon and Clinton did during their proceedings of impeachment [CL 90, HR]. The discursive practice indicates that President Trump has been treated with a minimum of the same rights as the other presidents that have faced proceedings of impeachment. This strategy demonstrates that President Trump has been treated fairly, and that the proceedings are equivalent to others. Furthermore, through these types of utterances, the trial memorandum aims to convince the fairness of the trial, and that President Trump is no exception of the proceedings of impeachment.

Text and its context, as well as intertextuality are distributed throughout the trial memorandum of the House of Representatives. The aforementioned Framers, previous presidents and the citations to their impeachment inquiries, and, for instance, the references to the Constitution are embodied with intertextuality. The most visible form to observe intertextuality are direct citations that explain the process of President Trump's trial, the US Constitution as well as the previous cases of impeachments. The most consequential quotes come from the Framers: "[b]ut the Framers adopted an impeachment power because, as **Alexander Hamilton observed**, "the powers relating to impeachments" are "an essential check in the hands of [Congress] upon the encroachments of the executive."" [CL 84, HR]. These types of addresses are significant as they allude to the actions taken against President Trump being legitimate in the eyes of law. They also hold more weight as it is said by Alexander Hamilton, one of the Framers drafting the Constitution.

5.2.2 Office of White House Counsel

As was seen in the coherence of the House of Representatives, the coherence is similarly structured in the trial memorandum of the defense, the Office of White House Counsel. Coherence is linguistically characteristic to legal jargon, creating meanings through

argumentations and assertions. The main views exuded by the trial memo included persuasion in favor of President Trump and his actions, the views of the Constitution and presidential power with cohesive flow between the statements, arguments, and regard of law and principles in view of the impeachment trial.

The force and meaning of utterance are constructed through statements, convincing as well as argumentation aimed to discern President Trump's actions favorably and, on the contrary, discredit the actions of the House as delegitimate. The assertions are marginally emotive, by statements describing the impeachment inquiry as **rigged** [CL 38, WHC], describing the House Democrat leaders executing **shameful hypocrisy** in their actions [CL 39, WHC], and "The only threat to the Constitution that House Democrats have brough to light is their own **degradation of the impeachment process** and **trampling of the separation of powers**" [CL 69, WHC]. The White House Counsel creates a meaning which reflects poorly on the House, the process of the impeachment inquiry in addition to delegitimizing the trial proceedings. The assertions of **rigged**, **shameful hypocrisy**, and **degradation of the impeachment process and trampling of the separation of powers** create a disconnected coherent interpretation of the actions of the House, and how the House has interpreted the Constitution and its Impeachment Clause incorrectly.

When viewing the discursive practices in the trial memorandum of the White House Counsel, they explain and portray the case from different perspectives that both describe the statement of facts and the procedural history of the case. The descriptions of the case and the statement of facts are layered with argumentation that intents to convince the jury that the allegations against President Trump are not accurate. "The process that brought the articles here **violated every precedent and every principle of fairness** followed in impeachment inquiries for **more than 150 years**" [CL 4, WHC]. The White House Counsel aims to persuade by arguing in [CL 4, WHC], that the process is different compared to all other impeachment inquiries that have taken place in over 150 years.

The defense's trial memorandum depends, furthermore, on argumentation that is surrounded by concepts relating to presidential and constitutional powers. On one hand, the assertions manifest that the president acted within the scope that is granted for a president. On the other hand, the assertions signify the powers vested in the Constitution, and that the House did not act within the powers that they have been entrusted. "House

Democrats' theory that the President can be impeached and removed from office under a vaguely defined concept of "abuse of power" would **vastly expand the impeachment power beyond the limits set by the Constitution** and should be rejected by the Senate" [CL 179, WHC]. The House holds the power to impeach, and persuading that the House has not, in fact, acted accordingly suggests that the balance of power has been breached.

Persuasion founded on the American people and its reflected connotations were also present in the trial memorandum of the White House Counsel: "[a]nyone having the most **basic respect for the sovereign** will of **the American people** would shudder at the enormity of casting a vote to impeach **a duly elected President**" [CL 3, WHC]. In the CL, the argumentation is surrounded by the concept of **American people** and their ideology of **a sovereign country** in which **a duly elected President** should not be impeached. And if done so, the American people lacks **the most basic respect**. The assertions seen in the trial memorandum, are slightly emotive in the aspects of force of utterance and the meanings that are constructed. Overall, this appears to be a chosen strategy for the White House Counsel as the discursive practice aims to separate the legitimate side of the president and the American people from the other side, which in this case is the House.

Another significant aspect of creation of meaning that is emphasized through the force of utterance are the magnitude of history, the Framers, and the previous impeachment cases of presidents. "**President Clinton** was impeached on charges that included **perjury and obstruction of justice**, both felonies under **federal law**" [CL 127, WHC]. The reflection of history creates a meaning in which the previous presidential impeachments are contradictory to the impeachment trial of President Trump. The discursive practice implies that the trial is not comparable and, therefore, the case of President Trump cannot be examined in contrast to the previous trials, a strategy that the White House Counsel has adopted in their trial memorandum. By highlighting that President Clinton was tried under charges belonging to federal law, the force of utterance constructs a meaning in which the impeaching of President Trump is not as serious, or one that should be a base for an impeachment inquiry.

Intertextuality was distinguishable throughout the trial memorandum of the White House Counsel. It aimed to further convince by reflecting on the history, the Framers, and the Constitution as well as the previous presidents that have faced impeachment trials.

Additionally, the trial memorandum includes many direct citations from professors and specialists, and senators; "[a]s **Professor Turley** summed it up, this impeachment "stand[s] out among modern impeachments as the shortest proceeding, with the thinnest evidentiary record, and the narrowest grounds ever used to impeach a president" [CL 147, WHC]. Furthermore, the references to the Constitution are a significant point of creation of meanings, as the argumentation relies heavily on the laws and principles in it. The previously discussed American people and presidential power are also references to broaden the argumentation presented in the trial memorandum.

5.3   Analysis of Social Practice

The final level of analysis aims to combine the concepts manifesting in the trial memoranda, and to uncover the social practices in the discourse they are surrounded in. It is important to remember that the second level of Fairclough's three-dimensional model is interwoven with the third level. Although the discursive practices and the social practices are interlaced, the third level of social practice does consider the trial memoranda in its entirety, followed by the concepts of presidential power, impeachment, and legitimacy as parts of the discourses. To put it differently, the third level examines the relationship between discourses to the detailed backgrounds and concepts, and the type of larger socio-political themes that emerge through the analysis of the data. In both trial memoranda, the two main discourses concern the issues of power, separation of powers, and the interpretative nature of the Constitution. These are described as *issues*, and how they have been topics of debate throughout the history of United States as discussed in Chapter 2.

5.3.1   House of Representatives

In the trial memorandum of the prosecution, the above-mentioned main discourses are detectable. Both discourses are enclosed around impeaching President Trump. The entire discourse aims to prosecute President Trump, and the connections of discourse to the larger socio-political themes and issues are reflected in the trial memorandum. These include the *separation of powers* and *the Constitution*.

The issue of the separation of powers is merged into the discourse reflecting the aspects of presidential power, the Constitution as well as legitimacy and how they are interpreted in the United States. The consideration of presidential power reflects the views of the

House of Representatives, in the sense that what is considered as a legitimately acting president and what are the limits of power, insinuate of the larger socio-political discussion that is taking place in the US. The aspects of the Constitution are utilized to support the view of the House of Representatives that President Trump has overexercised his presidential powers in the office. Thus, the two articles of impeachment, *the abuse of power* and *the obstruction of Congress*, are at the focal point. The strategy of the prosecution is to apply the beliefs of presidential power and its separation, and to capitalize it in the manner that occurs as negative presentation of President Trump and his occupation in the office.

Furthermore, the issues of separation of powers, or *checks and balances*, can be considered to reflect the political chasm between the branches of government and how they themselves consider the checks and balances to endure. The executive, legislative, and judicial branches oversee the other branches and their activities and can balance the other branch if it is considered to wield power excessively (United States Senate 2020). To deepen the understanding of the fissure and significance between these branches: in simple terms, the president is the executive branch and the Congress (the Senate and the House of Representatives) compose the legislative branch. The challenging liaison based on checks and balances between the executive and legislative branches is one of the broader discourses that is, furthermore, echoed in the trial memorandum. The House is the prosecutor in the case, and the Senate acts as the High Court of Impeachment. On the other side of the case is the executive, the president.

The second socio-political issue that is both reflected throughout the trial memorandum, but also emphasized in favor of the prosecution, is the interpretation of the Constitution, and specifically, what is considered as "Treason, Bribery, or other high Crimes and Misdemeanors" (United States Senate 2020). The House argues based on the powers that they have, that a president can be charged for treason, bribery, high crimes, or misdemeanors. As the definition in the Constitution is vague, it leaves much room for consideration, opposing views, and controversies regarding the powers of the House, but also regarding the powers of the president. For example, the definition of "high crimes" was considered in 2.1, and how there has been much debate on what is *high* enough of a crime to be charged, or the misinterpretation of the sentence itself: whether a president can be charged *only* or for *all* crimes (Katyal and Koppelman 2019, 25-26).

The larger socio-political related discourses in which the matters of power and the Constitution are embedded in, indicate on the assumed legitimacies of and by the House. The discourses the House of Representatives create in the trial memorandum, showcase the state of presidency in the United States. The legislative branch views that the President has acted over the limits and is less transparent in his actions as he is considered to have abused the power and obstructed the Congress. President Trump is described as a leader that has taken clearer attempts to wield power in contrary to the previous presidents. Accordingly, post-1945 era, it has been stated that presidents in the office have garnered more of an active role as the head of state (Watts 2009, 3). The manner in which the House of Representatives' regard presidency, and what is defined as an impeachable offense illustrate the polarized atmosphere in the political field. Hence, it is logical that these divided attitudes can be seen as the impeachment trial is, as highlighted, political in nature.

5.3.2 Office of White House Counsel

In the trial memorandum of the defense, several main discourses are detectable, all of which are enclosed around defending President Trump, while expressing the larger socio-political atmosphere surrounding these issues in the United States. The entire discourse in the trial memorandum aims to defend President Trump from an impeachment by the created meanings and discourses. These discourses also connect to the larger socio-political issues that are reflected and utilized in the trial memorandum. The type of socio-political issues and discourses are the same as in the trial memorandum of the House of Representatives: issues surrounding the separation of powers in addition to the debates of the Constitution including the interpretative nature of the articles.

Separation of powers, or *checks and balances*, and their implications manifest through much of the trial memorandum of the White House Counsel. The topic underlines the discussion of presidential power, the power of the House, and the Constitution as well as the previously observed chasm between the branches of the government, the executive and the legislative, and their state of strained connection. These polarized views of how presidential power is defined, further reflect the state of the current political climate in the United States: the disparity between the Republicans and Democrats has expanded throughout the socio-political field, also displayed in the trial memorandum and the

beliefs presented in it. The White House Counsel regards that President Trump acted within the powers vested in presidents, and that it was the House who, in fact, did not recognize the articles drafted in the Constitution and, therefore, overexercised their powers.

A similar tension can be deciphered in the White House Counsel's trial memorandum regarding the Constitution and the perception of what is "Treason, Bribery, or other high Crimes and Misdemeanors" as a means by which a president can be impeached (United States Senate 2020). The ambiguous nature of the laws drafted in the Constitution highlights much of the larger socio-political discourses of the trial memorandum of the White House Counsel; the defense argues that President Trump did not overexercise the powers as a president, nor did he obstruct the Congress. The White House Counsel interprets the Constitution and its articles in a manner that constructs their goals and purposes favorably.

In the trial memorandum of the defense, the larger socio-political issues are, consequently, alike to the issues reflected in the trial memorandum of the House of Representatives. Both demonstrate the underlying **polarization in the politics in the United States** and the considerable chasm between the Republican and Democratic parties. Additionally, as the polarized views of the actions of President Trump are disputed, the underlying socio-political topics that are reflected in both trial memoranda include differing views on **powers** of the president and the branches of government, the multilayered view of **the Constitution** and how it is deciphered, and **legitimacy** in the field of politics in the United States and its effect on the impeachment trial. These four socio-political topics are considered in the next section.

6 Discussion

The three-dimensional framework by Norman Fairclough was utilized in the analysis of the thesis. The analysis consisted of the levels of textual analysis, and the analysis of the discursive practices and the social practices. All levels were conducted on the two trial memoranda presented in the impeachment trial of President Trump in January 2020: the trial memorandum of the House of Representatives and the trial memorandum of the Office of White House Counsel. The first level of textual analysis was executed by utilizing the (de)legitimation strategies by Theo Van Leeuwen. The second level of analysis of discursive practices included the analysis of local coherence, force of utterance, and intertextuality. The third level, the analysis of social practices, included the overall analysis of the socio-political environment through the uncovered results and analysis of first two levels. In this section, I shall combine the results of the three levels. At the base, is the final stage of the three-dimensional level, analysis of social practices as discussing the findings on this level, allows the consideration of the first two levels as they embody the socio-political environment.

By conducting the analysis on all three levels in the three-dimensional framework, I deduce four main topics of discussion that showcase the socio-political environment but are also reflected in the textual analysis of the (de)legitimation strategies and the analysis of the discursive practices. These are *1. The interpretative nature of the Constitution of the United States, 2. The debate on presidential power and the separation of powers, 3. views on legitimacy,* and *4. polarization of the political field in the United States*. I discuss each of these topics next with reflections to the textual level of analysis and the analysis of discursive practices. The topics are also discussed in reflection to the thesis' theoretical background and concepts which introduced the subject matters of presidential power, the US Constitution, and legitimacy.

The Constitution of the United States has a clear, groundbreaking role in an impeachment trial of a president as the Impeachment Clause is the article that defines the powers for the Congress to impeach and remove a president. Thus, the power to impeachment is an important aspect of the checks and balances, as it allows the monitoring and the abilities to act against perceived misdemeanors. Even though the Constitution defines the laws and principles upon which the branches of the government can act, it is also important to remember, that impeachment is unique as it is political in nature, not criminal (United

States Senate 2020). This does, without a doubt, affect the impeachment trial, its proceedings as well as the trial memoranda and its discourses. Accordingly, the grandeur of the Constitution is evident in both trial memoranda of the impeachment trial of President Trump.

Many of the arguments in the trial memoranda are based on the Constitution. The findings indicate the vagueness of the Constitution as the prosecution and the defense are both able to decipher and base their arguments on the Constitution. For example, the House of Representatives argued that "Article I vests the House with the "sole Power of Impeachment", and the Senate with the "sole Power to try all Impeachments" [CL 21, HR]. The strategy used was impersonal authority, as the legitimation of the actions were based on Article I drafted in the Constitution. Thus, the assertions based on the Constitution were visible in both trial memoranda by using the strategy of authorization, and specifically, impersonal authority in which the (de)legitimation was vested in, for example, the articles in the Constitution.

The findings in the analysis of the discursive practices support the consideration that the Constitution is ambiguous and can be employed to support the aims of either the prosecution or the defense. The White House Counsel, but also the House of Representatives, relied in their own interpretations for arguing their cases. For instance, the White House Counsel persuades that the "House Democrats' theory that the President can be impeached and removed from office under a vaguely defined concept of "abuse of power" would vastly expand the impeachment power beyond the limits set by the Constitution and should be rejected by the Senate" [CL 179, WHC]. Here, the force of utterance from the White House Counsel asserts and creates a meaning that instead of the president, the House acted unjustly. Furthermore, they delegitimize the actions of the House with impersonal authority by referencing the impeachment power and the Constitution.

The larger socio-political discussion surrounding the Constitution and its ambiguousness can be correlated to the aims of the Framers who drafted the Constitution. For instance, the specification that it is possible to charge an official of federal government for "Treason, Bribery, or other high Crimes and Misdemeanors", leaves much room for interpretation (United States Senate 2020). The topic of debate was discussed in 2.1, and

how the term "high crimes and misdemeanors" is ambiguous and oftentimes creates two different types of misinterpretations: the definition alludes that the president can be impeached *only* or for *all* crimes that are in the criminal code (Katyal and Koppelman 2019, 25-26). Secondly, the definition of *high crimes* implies to the severity of the crime instead of the meaning of offences against the US (Katyal and Koppelman 2019, 28). In the findings of the thesis, the debate of the meaning and definition both the articles of impeachment but also the impeachment clauses of the Constitution were used as a point of argumentation. Both trial participants were able to draw from the vague description of the Constitution to suit their own aims in either prosecuting or defending President Trump.

The second reflection to larger topic and issue based on the findings is *power*, and to be specific, the definition and interpretation of presidential power. The main questions the impeachment trial of President Trump focuses are the two articles of impeachment, *abuse of power* and *obstruction of Congress*. Both articles contain aspects of power and whether President Trump acted in accordance with the position of presidency and its authority. The textual analysis revealed that the House of Representatives aimed to delegitimize the actions of the president based on the strategy of personal authority as opposed to the White House Counsel aiming to legitimize the actions of the president. Furthermore, the White House Counsel, instead, delegitimized the actions of the House.

The arguments and assertions from both participants included similar discursive practices through which the concepts of power and separation of power were constructed. The meanings created were discernible through analysis of local coherence, force of utterance and intertextuality. For example, the House of Representatives created meaning by claiming that President Trump "[…] claimed the House's sole impeachment power for himself and sought to shield his misconduct from Congress and the American people" [CL 12, HR]. The discursive practices persuade the jury that President Trump crossed the limits of power. Simultaneously, the House of Representatives delegitimize the actions of the president, indicating that the president obtained powers that specifically belonged to the House.

The manner of creating meaning by the White House Counsel included delegitimizing the actions of the House with strategies of authorization, moral evaluation, and

rationalization. In the trial memorandum, the defense, for example, describes that the House degraded the process of impeachment and override the separation of powers [CL 69, WHC]. Not only do their assertion delegitimize the House, but they also delegitimize the entire impeachment trial. The defense persuades that the House ignored the separation of powers, not the president. The findings of the textual analysis as well as the discursive practices correlate, creating emphasis and meaning by both the prosecution and defense, furthermore (de)legitimizing the elements of the impeachment trial as well as the previously conducted impeachment inquiry.

The concept of presidency and presidential power was discussed in 3.1, and there are differing views on whether a president acts within the limits of Constitution. *Imperial presidency*, for instance, refers to presidents that wield their power outside of the Constitution (Rudalevige 2006, 57). As can be seen, the theory of presidential power and its limits have been much debated and as the interpretations are vague, the prosecution and defense can utilize them in their own favor. In the Constitution, the Vesting Clause of Article II defines that "the executive Power shall be vested in a President of the United States of America" (Calabresi and Yoo 2008, 3). Thereafter, the controversy of presidential power and its far-reaching effect has been debated in the United States. The Framers disputed over the drafting of a unitary executive, and whether one person should be able to wield the full powers of the executive branch. This fissure and tension between differing views is visible in both trial memoranda, the prosecution and defense can utilize the ambiguous views on presidential power to support their cases.

Calabresi and Yoo argue that presidential power has strengthened in recent years diminishing the transparency of presidency (2008, 3). Based on the findings of the thesis, the strength of presidency and the power of the executive branch is at the forefront, illustrating the opposing views of presidential power. Calabresi and Yoo explain that the Congress has attempted to resolve the openness of interpretation without being successful (2008, 4). For that reason, the Congress has accumulated a variety of means to conduct investigations and hearings (Calabresi and Yoo 2008, 17). Based on this, the impeachment trial of President Trump, in a sense, showcases the abilities of the Congress and its abilities to act if they consider that a president has acted outside of the powers of the Constitution.

The issue of *separation of powers* correlates the topic of power, and as was seen in the example above [CL 69, WHC] and the discussion on the concept of presidential power, separation of powers was also extensively emphasized by the prosecution and the defense to further legitimize their own actions and arguments. In the discussion of separation of powers, the *checks and balances* system need to be addressed. The checks and balances system establishes the balance of power between the executive branch (the president), the legislative branch (the Congress), and the judicial branch (the Supreme Court). The aim of the checks and balances is to limit governing powers and assure that the other branches act within the limits of the Constitution. As, for example, the executive branch is monitored by the legislative and judicial branches, and vice versa, the tension between the government branches is discernible from the findings of the trial memoranda of the prosecution and the defense.

The textual analysis of the trial memoranda as well as the discursive practices demonstrated the tension between the prosecution and the defense. In any other trial, criminal, for instance, the tension could be explained by the prosecution trying to convict, and the other party aiming to defend. As the impeachment trial is political, however, the nature of the trial showcases also in the construction of the prosecution and the defense. The prosecution is executed by the House of Representatives which, at the time of the trial, was controlled by the Democrats. On contrast, however, the Senate that is responsible for the vote to acquit or convict, was controlled by the Republicans (Bowman III 2019, 312). In other words, the political nature of the impeachment trial can be seen throughout the process of the impeachment, not only the articles of impeachment, but also the results can be largely affected by the party having the control of the Senate as the senators are unlikely to vote outside of the party lines.

Legitimacy is the third topic of reflection in the discussion, discerned by the three-levels of analysis. Its visibility on all levels of analysis is clear as the focus of the impeachment trial was on whether President Trump actions are legitimate. The House of Representatives delegitimized the president's actions with strategies of (de)legitimation as opposed to the White House Counsel that legitimized the actions of the president. Furthermore, another aspect of (de)legitimation was the impeachment trial itself: the prosecution legitimized the trial with, for example, strategies of impersonal authority and

personal authority. Similar methods were utilized by the White House Counsel, except they delegitimized the trial and the process leading up to the trial.

The discursive practices by the prosecution and the defense comprised of same strategies regarding cohesion, force of utterance, and intertextuality. Both created meanings through the concepts of the Constitution, the Impeachment Clause, history, and the previous cases of impeachments. Furthermore, a significant feature that delivered legitimacy was intertextuality, and especially direct citations from experts, professors, and the Framers. For example, The House of Representatives describe that the impeachment power was incorporated to the Constitution "[…] as **Alexander Hamilton** observes, "the powers relating to impeachments" are "an essential check in the hands of [Congress] upon the encroachments of the executive."" [CL84, HR]. As was earlier analyzed in 5.2.1, quotations from Alexander Hamilton, who was drafting the Constitution, carry weight and produce legitimacy into the actions of the House.

Since legitimacy, perceived presidential legitimacy, and (de)legitimation strategies are distributed all through the trial memoranda, and the arguments that the prosecution or defense present can be regarded through legitimacy. Legitimacy is, in simple terms, approval or justification of an action or situation (Reyes 2011, 782). If the one interpreting the actions considers them as correct or just, the actions are regarded as legitimate. In other words, the trial memoranda aim to (de)legitimate the actions of President Trump through discourse that aims to appeal to the jury. The side which appeals to the jury on a fair and impartial trial, should be the side who wins. Thus, it is apparent why legitimacy portrays such a prominent role in the findings, and on all levels of analysis.

The fourth, and final, larger socio-political topic that surfaced during the analysis of the findings is the *polarization* of the political field in the United States. The combination of the textual analysis and the analysis of discursive practices displayed the aspects of polarization and how it is present in the data. In the section of 5.2.1, the examples from the House of Representatives showcase persuasion to create meanings of polarization: "[…] using the power of the office to advance his [President Trump's] own interests at the expense of **the national interest**" [CL 25, HR], and "President Trump's directive rejects one of the key features distinguishing **our Republic from a monarchy** […]" [CL 77, HR]. In both examples, the discursive practices create a chasm between the president

and the nation, and between the president and the republic. The actions of the president are delegitimized, and it is further implied that the president does not have the best interests of the nation nor aims to work as is expected in a republic country.

Similar strategies of creating meanings by opposites of *us* versus *them* are used by the White House Counsel. The examples in 5.2.2 describe these constructions of discourse: "Anyone having **the most basic respect** of **the sovereign will** of **the American people** would shudder at the enormity of casting a vote to impeach a duly elected President" [CL 3, WHC]. The concordance line emphasizes the significance of American people that they ought to respect the will of people in a sovereign country and have basic respect, thus, have respect towards the presidency. Otherwise, they disagree with the White House Counsel. The discursive practice creates meaning on the concept of American people and with the aspects of opposition, further legitimizing the actions of a **duly elected President**.

Overall, the contrast of, for instance, the president being on the opposite of the nation polarizes the socio-political environment of the impeachment trial as the distinctive *us the nation* versus *they the president* are emphasized. This can be contrasted to the negative presentation in delegitimation as the 'other' is presented negative or as an 'enemy' (Chilton and Schäffner 1997, 213). Furthermore, the social discourses reflected in the trial may also be considered through partisan alliance defined by Tribe and Matz (2018, 199). Thus, the division of the prosecution and the defense illustrates the partisan alliance of the Democratic and Republican parties and their perceptions of the impeachment trial.

The analysis of the levels demonstrates that the House of Representatives and the Office of White House Counsel use the same strategies of (de)legitimation and discursive practices in the trial memoranda. However, they legitimize and delegitimize different actors as their aims are different. The conclusion of this study is that the House of Representative aims to legitimize the impeachment and the actions of the House as opposed to the White House Counsel that argues to delegitimize the actions of the House but legitimize the actions of President Trump. The concepts of presidential power, legitimacy and the interpretative nature of the Constitution are central to the discussion as they greatly influence the strategies of (de)legitimation and discourses in both trial memoranda. The trial memoranda of the prosecution and the defense reflect the current

socio-political environment that appears to be increasingly polarized, not only due to party division, but also on matters of presidential powers and impeachments.

7 Conclusion

The thesis covers the 2020 impeachment trial of President Donald Trump, aiming to analyze and discuss the (de)legitimation strategies and discourses in the trial memoranda of the House of Representatives, the prosecution, and the Office of White House Counsel, the defense. The topics of presidential power and legitimacy has been studied extensively (Lynch 2017, Broughton 2017), but the thesis intents to fill a gap in the field regarding presidential impeachments in the United States by combining the examination of impeachment trial to presidential power and legitimacy. Even though presidential power and legitimacy have been under considerable examination, the discourses used in an impeachment trial are still understudied. The focus of this study emphasized the (de)legitimation strategies used in the trial memoranda, but also examined how discourses create meaning. The three-dimensional framework by Norman Fairclough was applied to answer the research questions with an addition of the (de)legitimation strategies by Theo Van Leeuwen in the textual level of analysis. The three levels of analysis aimed to answer the following research questions: *1. How is legitimacy created and what type of (de)legitimation strategies are adopted to establish legitimacy in the trial memoranda? Do the strategies and aims differ between the prosecution and the defense? 2. What type of discourses are created, and how do the findings demonstrate the concepts of presidential power and legitimacy? and 3. What do the discourses demonstrate when correlated to the larger socio-political environment in the United States?*

The qualitative analysis conducted on three levels reflected both the use of (de)legitimation as a strategy but also the discourses and their meanings that were conveyed through discursive and social practices. The first level of analysis shows that in the analyzed 52 concordance lines of the House of Representatives' trial memorandum, the main strategies of (de)legitimation were authorization and its different subcategories. The strategies of authorization were also the main strategy in the analyzed 200 concordance lines of the trial memorandum of the White House Counsel. Furthermore, it was deduced that the prosecution legitimizes the actions of the House and the impeachment trial while delegitimizing the actions of the president. On the contrary, the defense legitimizes the actions of the president and delegitimizes the actions of the House and the impeachment trial and its inquiry. The findings in regard to the (de)legitimation strategies were expected as they reflect on the impeachment trial and the aims of the prosecution and the defense.

The second level of analysis demonstrates the controversies and debates surrounding the Constitution and its interpretation surrounding the topics. The prosecution and the defense can argue their own views and create their own discourses based on the same articles drafted in the Constitution. The examination illustrates the ambiguous nature of the Constitution and how it can be machinated to legitimize and justify the views of both sides. The discussion of both presidential power and the separation of powers are emphasized on both trial memoranda strategically. Additionally, the assertions derive from these vague definitions in the Constitution and the continuous debate of the limits of presidential power and political legitimacy.

The third level of analysis consisting of the social practices further showcased the underlying socio-political climate of the impeachment trial. The final level of the three-dimensional framework examines the relationship between the discourses to the concepts of presidential power, the Constitution, and legitimacy. To conclude, the findings illustrate the current socio-political climate in the United States as well as the chasm between the Democratic and Republican parties. This chasm is discernible throughout the three levels of analysis. The findings indicate that the influence of the polarization of the politics in the US and its influence on the impeachment trial of President Trump is extensive. The underlying current of *us* versus *them* affirm the political nature of the impeachment trial. The involvement of the polarized views in the trial memoranda further reinforces the complex and contradictory interpretations of the Constitution, presidential power, and legitimacy, and on the other hand, how the structure of impeachment is a vaguely created concept that needs further definition.

Considering the limitations of the thesis, narrowed down data and the room for interpretation in the analysis, it does not yield a complete answer on the impeachment trial in the United States. A further examination, therefore, should be conducted on the other presidential impeachment trials. For example, the size of the data could be broadened with more comprehensive research carried out to analyze the relationship between presidential impeachment trials and the discourses of (de)legitimation. Additionally, the aspects of Democratic and Republican parties should be examined extensively to understand the influence of partisan alliances to the impeachment trials and the used discourses.

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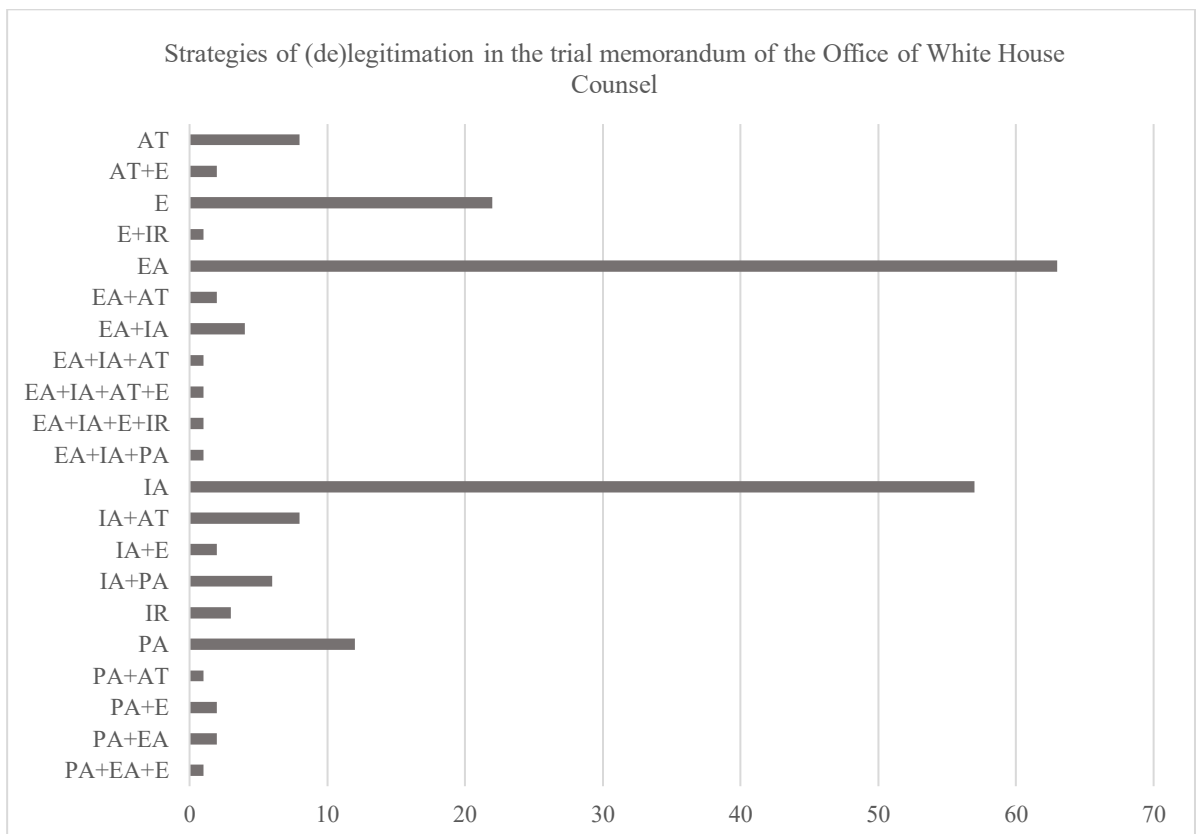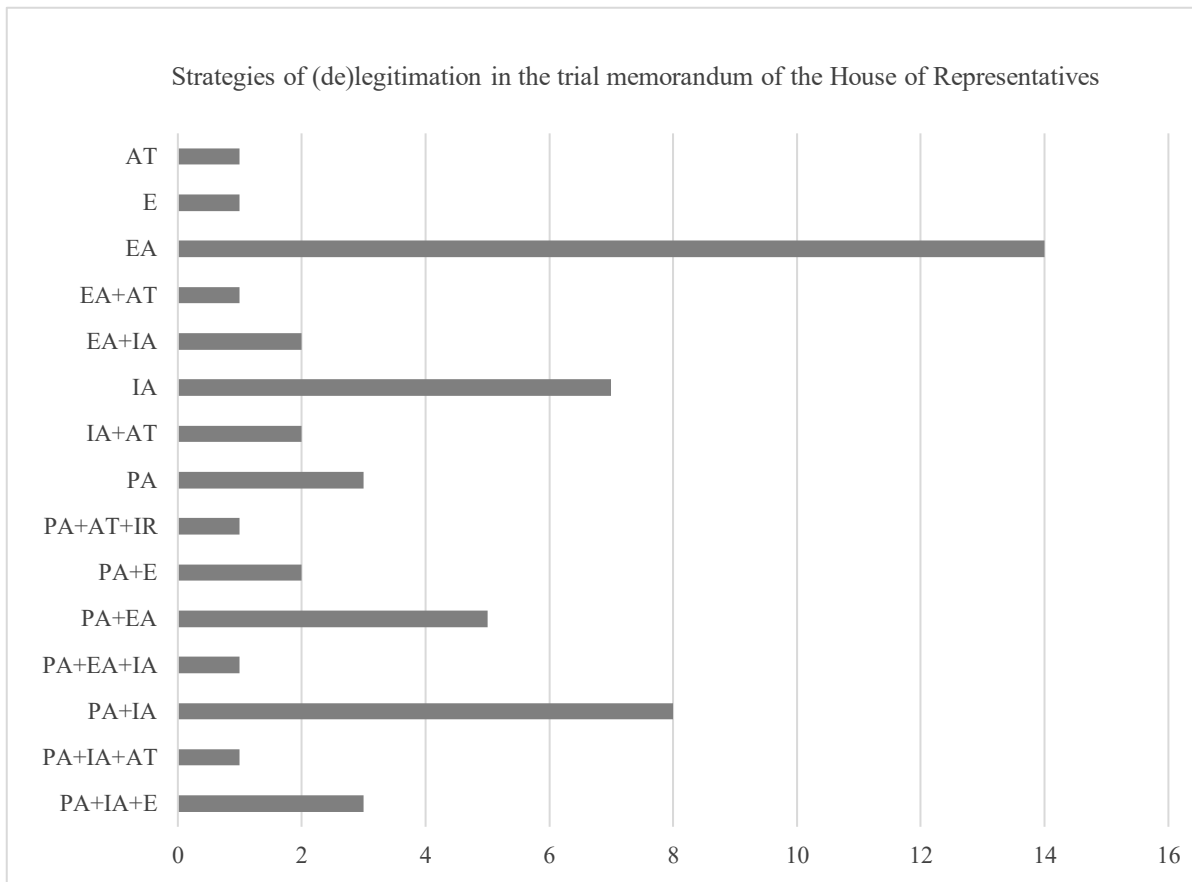
Appendix A

Examples of the concordance lines in *Sketch Engine*, House of Representatives

40	☐ ⓘ doc#0	use voted to impeach President Trump and adopted two Articles of	**Impeachment**	.[</s><s>76] The First Article for Abuse of Power states that Preside	📋
41	☐ ⓘ doc#0	ued by the House of Representatives pursuant to its 'sole Power of	**Impeachment**	.'</s><s>"[83] Without "lawful cause or excuse, President Trump dir	📋
42	☐ ⓘ doc#0	ions and judgments necessary to the exercise of the 'sole Power of	**Impeachment**	' vested by the Constitution in the House of Representatives."</s><	📋
43	☐ ⓘ doc#0	esentatives."</s><s>[84] The President's "complete defiance of an	**impeachment**	inquiry . . . served to cover up the President's own repeated miscon	📋
44	☐ ⓘ doc#0	it's own repeated misconduct and to seize and control the power of	**impeachment**	."</s><s>[85] President Trump's misconduct was "consistent" with h	📋
45	☐ ⓘ doc#0	rocess strikes at the core of misconduct that the Framers designed	**impeachment**	to protect against.</s><s>President Trump's abuse of power require	📋
46	☐ ⓘ doc#0	is uniquely dangerous.</s><s>President Trump's misconduct is an	**impeachable**	abuse of power.[</s><s>91] A. President Trump Exercised His Offic	📋
47	☐ ⓘ doc#0	RESS In exercising its responsibility to investigate and consider the	**impeachment**	of a President of the United States, the House is constitutionally ent	📋
48	☐ ⓘ doc#0	have recognized that honoring Congress's right to information in an	**impeachment**	investigation is a critical safeguard in our system of divided powers.	📋
49	☐ ⓘ doc#0	uld hide his own wrongdoing to prevent Congress from discovering	**impeachable**	misconduct, effectively nullifying Congress's impeachment power.[<	📋
50	☐ ⓘ doc#0	covering impeachable misconduct, effectively nullifying Congress's	**impeachment**	power.[</s><s>186] President Trump's sweeping effort to shield his	📋
51	☐ ⓘ doc#0	g effort to shield his misconduct from view and protect himself from	**impeachment**	thus works a grave constitutional harm and is itself an impeachable	📋
52	☐ ⓘ doc#0	npeachment thus works a grave constitutional harm and is itself an	**impeachable**	offense.</s><s>A. The House Is Constitutionally Entitled to the Rele	📋
53	☐ ⓘ doc#0			as and demand	📋
54	☐ ⓘ doc#0			recognized that,	📋
55	☐ ⓘ doc#0			authority,[191] a	📋
56	☐ ⓘ doc#0			not stand in the	📋
57	☐ ⓘ doc#0			s Supreme Court	📋
58	☐ ⓘ doc#0			ial impeachmen	📋
59	☐ ⓘ doc#0			n" and it is "diffic	📋
60	☐ ⓘ doc#0			e attendance of	📋

in our system of divided powers.[</s><s> 185] Otherwise, a President could hide his own wrongdoing to prevent Congress from discovering impeachable misconduct, effectively nullifying Congress's impeachment power.[</s><s> 186] President Trump's sweeping effort to shield his misconduct from view and protect himself from **impeachment** thus works a grave constitutional harm and is itself an impeachable offense. </s><s> A. The House Is Constitutionally Entitled to the Relevant Information in an Impeachment Inquiry The House has the power to issue subpoenas and demand compliance in an impeachment investigation. </s><s> The Supreme Court has long recognized that

Examples of concordance lines in *Sketch Engine*, Office of White House Counsel

40	☐ ⓘ doc#0	rman Nadler himself has explained that a House	**impeachment**	inquiry "demands a rigorous level of due process.	📋
41	☐ ⓘ doc#0	never to get to the truth.</s><s>The goal was to	**impeach**	the President, no matter the facts.</s><s>House	📋
42	☐ ⓘ doc#0	it, no matter the facts.</s><s>House Democrats'	**impeachment**	crusade started the day the President took office.	📋
43	☐ ⓘ doc#0	onfirmed in December 2019, her party's quest to	**impeach**	the President had already been "going on for 22 r	📋
44	☐ ⓘ doc#0	orted that partisans had launched a campaign to	**impeach**	him.</s><s>The current proceedings began with	📋
45	☐ ⓘ doc#0	lawyer who declared in 2017 that he would use "	**impeachment**	" to effect a "coup."</s><s>House Democrats orig	📋
46	☐ ⓘ doc#0	'</s><s>House Democrats originally pinned their	**impeachment**	hopes on the lie that the Trump Campaign had co	📋
47	☐ ⓘ doc#0	e next vehicle that could be twisted to carry their	**impeachment**	dream: a perfectly appropriate telephone call betv	📋
48	☐ ⓘ doc#0	ible to come to grips with losing the election, and	**impeachment**	provides them a way to nullify the judgment of the	📋
49	☐ ⓘ doc#0	heir candidate.</s><s>Second, they want to use	**impeachment**	to interfere in the 2020 election.</s><s>It is no ac	📋
50	☐ ⓘ doc#0	Senate is being asked to consider a presidential	**impeachment**	during an election year.</s><s>Put simply, Demo	📋
51	☐ ⓘ doc#0	ple will never accept.</s><s>For the Democrats,	**impeachment**	became an electoral imperative.</s><s>Congress	📋
52	☐ ⓘ doc#0			ted."</s><s>[34	📋
53	☐ ⓘ doc#0			tics by other me;	📋
54	☐ ⓘ doc#0			oted without a si	📋
55	☐ ⓘ doc#0			e on a partisan b	📋
56	☐ ⓘ doc#0			one of our majo	📋
57	☐ ⓘ doc#0			litical parties and	📋
58	☐ ⓘ doc#0			erness in our pol	📋

America's military, and confronting America's adversaries abroad. </s><s> Instead, they are held hostage by a radical left wing that has foisted on their party an agenda of socialism at home and appeasement abroad that Democrat leaders know the American people will never accept. </s><s> For the Democrats, **impeachment** became an electoral imperative. </s><s> Congressman Al Green summarized that thinking best: "[I]f we don't impeach the [P]resident, he will get re-elected." </s><s> [34] In their scorched-earth campaign against the President, House Democrats view impeachment merely

Appendix B

Strategies of (de)legitimation in the trial memorandum of the House of Representatives

Strategy	Value
AT	1
E	1
EA	14
EA+AT	1
EA+IA	2
IA	7
IA+AT	2
PA	3
PA+AT+IR	1
PA+E	2
PA+EA	5
PA+EA+IA	1
PA+IA	8
PA+IA+AT	1
PA+IA+E	3

Strategies of (de)legitimation in the trial memorandum of the Office of White House Counsel

Strategy	Value
AT	8
AT+E	2
E	22
E+IR	1
EA	63
EA+AT	2
EA+IA	4
EA+IA+AT	1
EA+IA+AT+E	1
EA+IA+E+IR	1
EA+IA+PA	1
IA	57
IA+AT	8
IA+E	2
IA+PA	6
IR	3
PA	12
PA+AT	1
PA+E	2
PA+EA	2
PA+EA+E	1

Appendix C: Finnish Summary

Viime vuosina Yhdysvallat on kokenut monia mullistuksia, joilla on ollut kauaskantoisia vaikutuksia. Näistä esimerkkinä muun muassa Yhdysvaltojen liittovaltion oikeuslaitoksen uudelleenmuokkaaminen Donald Trumpin presidenttiyden aikana. Vuonna 2020 suurta huomiota herätti Presidentti Donald Trumpin ensimmäinen virkarikosoikeudenkäynti, jossa häntä syytettiin vallan väärinkäytöstä ja kongressin lainkäytön estämisestä.

Virkarikosoikeudenkäynnin prosessi omaksuttiin Yhdysvaltojen perustuslakiin Iso-Britanniasta. Tutkielman kannalta merkittävimmät seikat koskien Yhdysvaltojen perustuslain historiaa liittyvät sen toiseen artikkeliin liittyen vallan kolmijakoon. Yhdysvaltojen kontekstissa tämä tarkoittaa sitä, että valta on jaettu lainsäädännön (kongressi), toimeenpanon (presidentti) sekä oikeudellisen (oikeuslaitos) haaran kesken. Vallan kolmijaon ytimessä on ajatus siitä, että jaon haarat monitoroivat toisiaan sekä voivat esimerkiksi käyttää veto-oikeutta päätöksissä. Tämän jaon tarkoituksena on varmistaa, ettei yksikään tahoista pääse mielivaltaisesti käyttämään valtaa. Yhdysvaltojen perustuslakiin on lisäksi määritelty tarkemmat piirteet liittyen toimiin, joita voidaan tehdä, mikäli presidentti on toiminut väärin tai tehnyt rikkomuksen. Yhdysvaltojen kongressilla on valta johtaa presidenttiä kohtaan suunnatut tutkinnat ja virkarikosoikeudenkäynnit. Yhdysvalloissa kongressi jakautuu edustajainhuoneeseen sekä senaattiin. Kongressin edustajainhuoneen enemmistöäänestyksellä voidaan nostaa virkarikossyyte presidenttiä vastaan. Senaatissa sen sijaan äänestetään virkarikosoikeuskäynnin tuloksesta. Viraltapanoon vaaditaan kaksi kolmasosaa senaatin äänistä.

Syytetutkina Donald Trumpia vastaan alkoi vuonna 2019, kun hänen epäiltiin pyytäneen ulkovalloilta apua vuoden 2020 presidentinvaaleihin sekä Ukrainan Presidentti Volodymyr Zelenskyiltä tietoja Joe Bideniin liittyen. Raporttien mukaan Trumpin tavoitteena oli hyötyä tiedoista vuoden 2020 järjestettävissä presidentinvaaleissa. Presidentti Trumpia syytetään painostaneen Zelenskyitä keskusteluissa jäädyttämällä satojen tuhansien miljoonien dollarien suuruinen sotilastuki. Tutkinnan aikana Trumpia syytettiin lisäksi kongressin lainkäytön estämisestä. Syksyllä 2019 Yhdysvaltain edustajainhuone aloitti virkasyytetutkinnan Presidentti Trumpia vastaan, ja jonka perusteella edustajainhuone äänesti virkasyytteen nostamisesta joulukuussa 2019. Presidentti Trumpin virkarikosoikeudenkäynti alkoi

tammikuussa 2020 ja helmikuussa hänet vapautettiin molemmista syytteistä senaattoriäänten perusteella.

Legitimaatiolla ja sen konseptilla on suuri merkitys tutkielmassa. Legitimaatiolla viitataan lingvistisiin metodeihin, joiden avulla ihmisten käyttäytyminen voidaan tulkita oikeaksi tai oikeutetuksi. Sen lisäksi että legitimaatiolla voidaan oikeuttaa käytöstä, sillä voidaan myös delegitimoida. Legitimaatio nähdään tärkeänä osana politiikkaa sillä päättäjien, muiden valtion viranhaltijoiden ja johtajien oletetaan toimivan lakien ja sääntöjen mukaisesti. Toimiakseen valtuuksiensa mukaisesti, toiminnan tulee olla oikeutettua ja perusteltua. Poliittisissa keskusteluissa legitimaatiolla on merkitystä siinä, miten ja miksi esimerkiksi presidentin toiminta nähdään oikeana ja sopivana.

Toinen merkittävä konsepti tutkielman aiheen kannalta on presidenttiys sekä erityisesti presidentin valta. Presidentin valtaan nähdään vaikuttavan erityisesti presidentillä olevat koetut heikkoudet tai vahvuudet. Näiden merkitys korostuu, sillä presidentti on erityisen riippuvainen kyvystään taivutella ja olla vakuuttava. Yhdysvalloissa presidentin valtuudet ja toimet määritellään perustuslaissa. Perustuslain säätäminen koettiin haastavaksi, koska jo Philadelphian konventissa oltiin erimielisiä siitä, voidaanko yhdelle henkilölle antaa kokonaisuudessaan toimeenpanovalta. Yhdysvalloissa perustuslain allekirjoittamisesta lähtien presidentin vallasta on käyty keskustelua ja esimerkiksi tutkijoiden kesken vallan laajuudesta esiintyy paljon eriäviä mielipiteitä.

Osaltaan presidentin valtaan liittyvä kriittinen keskustelu kuvastaa myös Yhdysvaltojen perustuslain tulkinnanvaraisuutta. Tulkinnanvaraisuus ei liity pelkästään presidentin vallan määritelmään, vaan myös kongressin toimivaltuuksiin sekä esimerkiksi siihen, millä rikkomuksilla presidentti voidaan asettaa virkarikosoikeuteen. Perustuslaki koetaan tulkinnanvaraisena, sillä siinä ei ole tarkasti määritelty toimivaltuuksia tai esimerkiksi viraltapanoon johtavia rikkomuksia.

Tämä laadullinen Pro Gradu -tutkielma tutki sitä, miten Donald Trumpin virkarikosoikeudenkäynnin muistioissa legitimoitiin presidentin vallan käyttöä ja niitä kielellisiä keinoja, joiden avulla legitimaatio saavutettiin. Tutkielmassa vastattiin seuraaviin kysymyksiin:

1. Miten legitimaatiota luodaan ja minkälaisia legitimaation strategiota virkarikosoikeudenkäynnin muistioissa käytetään? Onko syyttäjän ja puolustuksen välillä eroja legitimaation strategioissa?
2. Minkälaisia diskursseja muistioissa luodaan ja miten tulokset kuvaavat presidentin valtaa ja legitimiteettiä?
3. Mitä virkarikosoikeudenkäynnin muistioiden diskurssit kertovat laajemmasta yhteiskuntapoliittisesta ilmapiiristä Yhdysvalloissa?

Tutkielman aihetta ja lähestymistapaa motivoi erityisesti maailmanpolitiikan globalisoituminen sekä Yhdysvaltojen merkittävä asema ulkopoliittiselta kannalta. Virassa olevalla presidentillä on paljon mahdollisuuksia vallankäytölle ja tästä syystä aihetta tulee tutkia tarkemmin sekä niitä keinoja, joilla presidentin tekoja legitimoidaan.

Tutkimusmateriaali koostui vuoden 2020 virkarikosoikeuskäynnissä esitettyjen syyttäjän ja puolustuksen muistioista. Tutkimuksen analyysi toteutettiin korpusohjelma *Sketch Engine*:n avulla, joka mahdollisti suuren aineiston käsittelyn ja valmistelun analysointia varten. Aineistosta valittiin konkordanssihakua varten sana *impeach**, jotta myös muut esiintymismuodot sanasta saatiin esille. Tämän jälkeen aineisto analysoitiin manuaalisesti seuraavaksi esiteltävien tutkimusmetodien avulla.

Tutkimuksen päämetodina oli Norman Fairclough'n kolmitasoinen analyysi, joka kuuluu kriittiseen diskurssianalyysiin. Ensimmäisen tason analyysi on tekstianalyysi, joka toteutettiin Theo Van Leeuwenin legitimaatiostrategioiden analyysillä, ja jonka perimmäisenä tarkoituksena on vastata siihen, miksi jotakin tehdään ja millä tavoin käytöstä oikeutetaan. Legitimaatiostrategia jakautuu neljään merkittävään kategoriaan: *auktorisointi* (authorization), *moraalinen evaluointi* (moral evaluation), *rationalisointi* (rationalization) sekä *tarinankerronta* (mythopoesis). Lisäksi neljä kategoriaa jakautuvat alakategorioihin omilla painotuksillaan.

Tutkimuksen toinen taso, diskursiiviset käytänteet, analysoitiin seuraamalla Fairclough'n määrittämiä metodeja. Näihin lukeutuvat muun muassa ilmaisukyvyn voimakkuus (force of utterance), paikallinen yhtenäisyys (local coherence) sekä intertekstuaalisuus (intertextuality). Tutkimuksen kolmannella tasolla analysoitiin diskurssin yhteiskunnallisia käytänteitä osana poliittista toimintakenttää. Tärkeää on huomata, että kolmitasoisen analyysin kaksi viimeistä tasoa olivat nivoutuneet toisiinsa ja tästä syystä ne kuvasivat osaltaan samoja yhteiskuntapoliittisia teemoja.

Tekstianalyysin pohjalta nousi erityisesti esille se, että sekä syyttäjän että puolustuksen puoli käyttivät useita eri legitimaation strategioita. Molemmissa aineistoissa eniten käytettiin auktorisoinnin sekä sen alakategorioita. Syyttäjien puoli käytti legitimaation strategioita oikeuttamaan edustajainhuoneen toiminnan sekä kokonaisuudessaan virkarikosoikeudenkäynnin. Syyttäjät delegitimoivat muistiossa presidentin toiminnan. Puolustus sen sijaan käytti legitimaation strategioita oikeuttamaan presidentin toiminnan ja muistiossa he delegitimoivat edustajainhuoneen toiminnan sekä koko virkarikosoikeudenkäynnin.

Kolmitason toisen tason analyysi paljasti virkarikosoikeudenkäyntiin vaikuttavien näkemysten eroavaisuuksien vaikutukset. Esimerkiksi presidentin valta, Yhdysvaltojen perustuslaki sekä vallan kolmijako nähtiin ja tulkittiin eri tavoin syyttäjien ja puolustuksen toimesta. Lisäksi molemmat osapuolet pystyivät luomaan merkityksiä esimerkiksi Yhdysvaltojen perustuslain tulkinnanvaraisuuteen pohjautuen. Osapuolet hyödynsivät eri diskursiivisia käytänteitä luomaan merkityksiä sekä tukemaan osapuolten omia tulkintoja ja näkemyksiä.

Viimeisen, kolmannen tason, analyysi toi esille yhteiskunnalliset teemat, jotka kuvastuivat virkarikosoikeudenkäynnin muistioista. Analyysissä nousi esille se, miten Yhdysvaltojen poliittinen ilmapiiri on polarisoitunut kahden suurimman puolueen Demokraattien ja Republikaanien välillä. Tuloksissa taustalla näkyvänä vastakkainasetteluna nousi esille jakautuminen *meihin* ja *teihin*, mitä korosti myös tutkimuksen ensimmäisen tason tekstianalyysi sekä toisen tason diskursiivinen analyysi. Tutkimuksen johtopäätöksenä on se, miten virkarikosoikeudenkäynnin muistiot hyödynsivät edukseen useita legitimaation strategioita ja loivat diskursseja presidenttiyden, vallan ja perustuslain ympärille vahvistaakseen omia näkemyksiään ja tulkintojaan.

Tutkimuksen rajoitteina voidaan nähdä olevan tulosten analyysiin sisältyvä tulkinnanvaraisuus, mikä koettiin ajoittain hankalaksi tulosten analysointivaiheessa. Lisätutkimusta tulisi tehdä vertaamalla legitimaation strategioita muihin presidenttien virkarikosoikeudenkäynteihin. Tutkimusta voisi lisäksi laajentaa tarkastelemalla sitä, miten Demokraatti- ja Republikaanipuolueiden vaikutus näkyy virkarikosoikeudenkäynnissä sekä tutkimalla miten oikeudenmukainen senaatissa tapahtuva virkarikosoikeudenkäynti on taustalla heijastuvien puoluekannatusvaikutusten takia.