

## **Tony Perkins: Face the Nation Rhetorical Analysis**

By: Shannon Hames

The artifact that I selected was a video clip from a television show called “Face the Nation” which aired in August, 2010. The first rhetor is David Boies from the American Foundation for Legal Rights speaking in favor of marriage equality. The second rhetor is Tony Perkins from the Family Research Council arguing against marriage equality. The discussion was centered on a court ruling by California district court judge Vaughn Walker. He ruled that California’s Proposition 8 (which allowed voters to ban gay marriage in the state) was unconstitutional. The artifact is important because it documents part of a critical case that will change how we define marriage in this nation (It is currently under review with the U.S. Supreme Court). Tony Perkins, the man arguing against marriage equality, made several errors in his attempt to persuade the audience to agree with him. In my analysis, I will show how he failed to name the harms that he believes that marriage equality will bring when he was given the opportunity. His speech act made him look like a bully when he attempted to villainize gay and lesbian citizens as well as the judge. He also insulted the intelligence of those who do not agree with the way that he sees things. For these reasons, his attempts at persuasion were limited, at best.

### **Rationale**

I wanted to focus my analysis on Tony Perkins, the man arguing against marriage equality. As a lesbian who deeply desires to have my marriage legally recognized and to have

my family protected by the same laws that protect heterosexual marriages, I wanted to learn why people would oppose equality in any form in this country. This will help me learn how to help them overcome their problems so they will be open to allowing me to be treated equally. I will be applying the concepts of indexing social obstacles, judgmental approach, narrative and propositional questioning, the Toulmin method and dramatic criticism.

## **Context**

This speech situation indexes a social obstacle: *marriage equality*. This issue has become an important issue on the legal landscape of America. For the history of our nation, marriage has been restricted to one man and one woman, excluding hundreds of thousands of gay and lesbian couples. When Massachusetts passed a law allowing gay marriage in 2003, there was a rush to ban legal recognition of same-sex unions in many other states as well as through the Defense of Marriage Act which prevents the federal government from recognizing gay marriage, even from states where they are legal. Many people fear that same-sex marriage will be a detriment to our nation and to the development of children. However, the American Psychological Association released a statement saying, "Scientific research provides no evidence that would justify discrimination against same-sex partners and their families. In its 2004 resolution on sexual orientation and marriage, APA strongly supports policy and legal decisions that support the health and well-being of same-sex couples, their children, and their communities." In addition, the American Academy of Pediatrics released a pro-marriage equality statement last month when it said that "The AAP believes there should be equal opportunity for every couple to access the economic stability and federal supports provided to

married couples to raise children... the AAP supports pediatricians advocating for public policies that help all children and their parents, regardless of sexual orientation, build and maintain strong, stable, and healthy families that are able to meet the needs of their children.” When major health organizations can make these statements but people still strongly resist, it is important to find out why.

## **Description**

Using the judgmental approach for analyzing Tony Perkins’ statements, I found several things. First, the clusters that are found in his statements are mostly factual, factual/desirable, factual/adjudicative and desirable. These statements show that Mr. Perkins relates factual statements to the listener to establish his line of thinking. He also uses factual/adjudicative statements to refer what he is speaking about in regards to the law. He also attaches factual statements with desirable statements to relate what he thinks the outcomes should be. This is the basis of his attempts to persuade the listener to agree with his ideals.

## **Analysis Proper**

In my analysis of this speech act, I applied many of the concepts from the book to the speech at to see if any patterns emerged. Although some of the concepts didn’t yield that much information for me, others revealed a great deal about how Tony Perkins created an unsuccessful attempt to persuade his audience.

The first concept I wanted to discuss was the narrative. Mr. Perkins had a specific narrative that I wanted to talk about in this speech act. He said, “This is an activist decision by a

district-level court who is interjecting his view over the view of not only millions of Americans who have voted on this issue, but, literally, the history of the human race. So, this is far from over and we hope that sanity will reign when it does make its way to the United States Supreme Court.”

This narrative characterizes the judge who ruled in the case. Mr. Perkins is painting him as a rouge judge who violated his impartial duty by “interjecting his view over the view of not only millions of Americans who have voted on this issue, but, literally, the history of the human race.” By characterizing the judge this way, the story becomes more interesting. Our textbook states that “People are interested in people. Narratives are the stories of what people do. Often, narratives introduce interesting people...to the audience” (Hart and Daughton 89) What could be more interesting than hearing about an activist judge who wholly ignored the evidence in the case and ruled the way he wanted to because he himself had something to gain by the ruling? However, when Perkins ended his narrative with the exaggeration “interjecting his view over the view of not only millions of Americans who have voted on this issue, but, literally, the history of the human race,” he discredited himself as a rational speaker.

The second concept that I applied to Mr. Perkins speech was asking what propositional content is the narrative designed to mask? What I found was that the narrative tries to mask defeat. Although the judge sided with Mr. Perkin’s opponent and Perkins’ side lost the court case, Perkins tries here to make it seem like an insignificant loss and only a step towards the bigger U.S. Supreme Court battle that is certain to come. In order to accomplish this, he must characterize the judge as a bad judge by saying he is a gay rights activist who made an “an

activist decision.” He also tries to minimize the position of the judge by stressing that he is a mere “district-level court” judge who is “interjecting his view over the view of not only millions of Americans.” By saying all of that, he gets the listener to forget the defeat because, after all, the judge is not a good judge with much importance and when the United States Supreme Court hears the case, hopefully, “sanity will reign.”

I then applied the Toulmin method in my analysis and asked if Perkins was persuasive or if he failed to persuade. After analyzing all of his statements, I concluded that he failed to persuade. Mr. Perkins begins his argument by saying “I think what you have is one judge who thinks he knows, and a district level judge, and an openly homosexual judge at that who says he knows better than not only seven million voters in the state of California but voters in thirty states across the nation that have passed marriage amendment.”

By introducing the term “openly homosexual” before the word “judge,” Perkins has done the equivalent of name-calling. “Openly” implies that the judge should be ashamed of his sexuality, or to go to some lengths to keep it a secret. He also implies that the fact that the judge is a homosexual has kept him from being impartial. He does this by associating the fact that a judge who feels impartial should recuse himself from a case with the implication is that since this judge didn’t, he is also a man without integrity. The listener, he hopes, will think that he has no integrity and has ignored the wishes of millions so that he can advance his own personal agenda. “Rhetoric is fueled by the negative” write authors Hart and Daughton. Perkins’ negativity about the judge fits in perfectly with this dramatic principle.

After Perkins is questioned by the moderator wondering if introducing the sexuality of the judge has a bearing on the facts of the case, he ignores the question and goes on to talk about how he thinks the judge failed in the case. “He ignored a lot of the social science in his opinion.” He doesn’t state what “science” the judge ignored so the listener is left to just trust him and believe it.

Next, he moves into a colossal argument fail. The moderator asked him to provide examples to make his argument. The moderator stated: “Mister Boies says and the judge says there was no evidence on that case. So what harm-- give us some evidence in terms of the harm that would be created by allowing same-sex marriages.”

That would have been a perfect time for him to give specific examples of how he believes that harm would result if marriage equality was allowed. Instead of citing examples in a simple way, he starts off by admitting that there isn’t any conclusive evidence that children are negatively impacted by being in a family with same gendered parents. He states, “This is so relatively new that there is not a conclusive evidence to suggest that children who grow up with two moms or two dads fare as well as children who grow up with a mom and a dad.”

Then, instead of providing the examples that suggest harm by allowing same-gendered people to marry as he was asked to do, he introduces examples of harm done by allowing heterosexual couples to divorce easily. He states, “We do have an abundance of evidence over the last forty years from the social sciences that show us that public policy that has devalued marriage through law such as no-fault divorce has truly impacted children and that impacted the institution of marriage. And the judge, in his ruling, actually over-- just ignored all of that

and said that there is no evidence that any of the policy that's been adopted on no-fault divorce and other liberal-leaning policies have impacted marriage. And I think anybody with a half-a-brain can see that the policies that have been adopted in the last forty years have impacted marriage. And as a result have impacted the well-being of children.”

This argument that he introduced had *nothing* to do with same sex marriage. It was about divorce laws for heterosexual couples and the negative impact on children. He used the method of “association” to link the idea of same sex marriage to bad divorce laws to show that there will be a negative impact on children. Perkins was given an opportunity to name ways in which he believed that harm would result from same-sex marriage and he was not able to name a single harm. When he said, “anybody with half-a-brain can see...,” he was insinuating that anyone who did not agree with him was less intelligent.

In his concluding statement, he asks the listener to consider history again. He states, “...the findings of the court over the last hundred years have dealt with traditional marriage— marriage between a man and a woman.” He wants to ask the listener to accept his definition of “traditional marriage” as being between one man and one woman even though history has held many models of marriage, including polygamy.

He then reminds the listener that the judge is an activist when he states, “This is an activist decision by a district-level court who is interjecting his view over the view of not only millions of Americans who have voted on this issue, but, literally, the history of the human race.” Not only does he want people to think he is an activist without offering proof, but he makes him seem like a bully by overruling the wishes of the entire history of the human race.

There is no possibility that the history of the human race holds the identical view of what “traditional marriage” should be. This type of statement is so far-fetched that it negates his point.

In his last statement, “So, this is far from over and we hope that sanity will reign when it does make its way to the United States Supreme Court”, Mr. Perkins is saying that when the case moves to the Supreme Court, the ruling will only be a good one if the justices rule the way he wants them to. To do otherwise would be “insane.” Here, Perkins makes it seem that if his view is not agreed with, the person is mentally ill. By using this approach, he lowers his argument to that of a playground bully.

## **Conclusion**

Perkins made several errors in his attempt to persuade the audience to agree with him. He failed to make important connections, failed to give examples when he was invited to and he made statements that were antagonistic. By saying if people didn’t agree, they had “half-a-brain” or were “insane”, he is trying to appeal to people who feel insecure about themselves instead of appealing to people’s sense or reason by presenting a rational argument. He failed to name the harms that he believes that marriage equality will bring when he was given the opportunity, grossly exaggerated claims, attempted to villainize gay people as well as the judge and then insulted the intelligence of those who do not agree with the way that he sees things. In so doing, he lowered his credibility and came across looking like a bully. I think (and hope) that his attempt to persuade viewers to support his viewpoint fell on deaf ears.



## Appendix

The categories are factual, desirable, adjudicative, directive, factual/desirable, factual/adjudicative, desirable/directive, factual/directive.

**JOHN DICKERSON:** Joining us now to discuss the California ruling on same-sex marriage from San Francisco, David Boies, one of the lead attorneys for the plaintiffs; and Tony Perkins, the head of the Family Research Council. factual

He is in Wichita Falls, Texas. factual

Mister Boies, I want to start with you. desirable

After the judge ruled in your favor, he put a stay on marriages going forward. factual

I want to know with so much legal fighting ahead on this issue, why should marriages be reinstated immediately? desirable/directive

**DAVID BOIES** (Counsel, American Foundation for Equal Rights): I think the issue is not whether they ought to be reinstated immediately but whether you ought to have marriage equality. factual/desirable

I think that courts can differ in terms of whether this goes into effect immediately or after an appeal. factual/adjudicative

I think the critical issue here is that what you have is a district court finding after a full trial. factual/adjudicative

Everybody had an opportunity to be heard. factual

A (sic) opinion that demonstrates that there are simply no basis whatsoever to continue discrimination against gay and lesbian citizens who want to marry. factual/adjudicative

**JOHN DICKERSON:** Tony Perkins, you said this ruling, this decision left you speechless. factual

What's your reaction going to be now? factual/directive

**TONY PERKINS** (President, Family Research Council): Well, this is not without political parallel. factual

I mean you go back to the 1970s and abortion was nowhere near the political issue that it is today when the court interjected itself in 1973 to this issue. factual/adjudicative

And this issue is not going to go away. factual

I think what you have is one judge who thinks he knows, and a district level judge, and an openly homosexual judge at that factual

who says he knows better than not only seven million voters in the state of California, but voters in thirty states across the nation that have passed marriage amendment.

factual/adjudicative

This is far from over. factual

**JOHN DICKERSON:** You mentioned this claim that he's openly homosexual. factual

I'm not sure if that's in fact the case but whether he is or isn't, what basis-- what bearing does that have on the case? factual/adjudicative

**TONY PERKINS:** Well, that according to the San Francisco Chronicle that-- that he is openly homosexual, one of two federal judges. factual

And I think, you know, had-- had this guy been a, say, an evangelical preacher in his past, there would have been cries for him to step down from this case. factual/adjudicative

So, I do think it has a bearing on the case. factual

**JOHN DICKERSON** (overlapping): But you think it's made his-- factual

**TONY PERKINS:** But this is not without precedent. factual/adjudicative

**JOHN DICKERSON** (overlapping): You think it's made his ruling-- factual/adjudicative

**TONY PERKINS:** This is not without precedent. factual/adjudicative

Well, I mean, you look at-- he ignored a lot of the social science in--in his opinion. factual/adjudicative

But in Nebraska in 2005, there was a similar ruling by another federal district level judge. factual/adjudicative

It was overturned in the 8th Circuit unanimously. factual/adjudicative

So there is certainly not only based upon the social empirical data that's out there, but on the legal basis this is a flawed decision. factual/adjudicative

And as I said, it's far from over. factual

**JOHN DICKERSON:** David Boies, the-- one thing you mentioned that the judge spent a great deal of time on the facts of the case here, what's your response to Mister Perkins? factual

**DAVID BOIES:** Right. factual

Well, it's easy to sit around and debate and throw around opinions - appeal to people's fear and prejudice, cite studies that either don't exist or don't say what you say they do.

factual/desirable

In a court of law you've got to come in and you've got to support those opinions.  
factual/adjudicative

You've got to stand up under oath and cross-examination. factual/adjudicative

And what we saw at trial is that it's very easy for the people who want to deprive gay and lesbian citizens the right to vote, to make all sorts of statements and campaign literature or in debates where they can't be cross-examined. factual/adjudicative

But when they come into court and they have to support those opinions and they have to defend those opinions under oath and cross-examination, those opinions just melt away.  
factual/adjudicative

And that's what happened here. factual

There simply wasn't any evidence. factual

There weren't any of those studies. factual

There weren't any empirical studies. factual

That's just made up. factual

That's junk science. factual

And it's easy to say that on television. factual

But a witness stand is a lonely place to lie. factual/adjudicative

And when you come into court, you can't do that. factual/adjudicative

And that's what we proved. factual

We put fear and prejudice on trial, and fear and prejudice lost. factual/adjudicative

**JOHN DICKERSON:** Mister Perkins, I want to ask—factual/desirable

**DAVID BOIES** (overlapping): --that is absolutely-- that is absolutely not true. factual

**JOHN DICKERSON:** Well, let me just ask you, the judge in this case said that the state has to find a harm-- some kind of harm created by same-sex marriage. factual/adjudicative

There has to be empirical evidence. factual

Mister Boies says and the judge says there was no evidence on that case. factual/adjudicative

So what harm-- give us some evidence in terms of the harm that would be created by allowing same-sex marriages. factual/adjudicative

**TONY PERKINS:** Well, a lot of the discussion was about the issue of children, how children are impacted by this. **factual/desirable**

This is so relatively new that there is not a conclusive evidence to suggest that children who grow up with two moms or two dads fare as well as children who grow up with a mom and a dad. **factual/desirable**

Now, we do have an abundance of evidence over the last forty years from the social sciences that show us that public policy that has devalued marriage through law such as no-fault divorce has truly impacted children and that impacted the institution of marriage. **factual/adjudicative**

And the judge, in his ruling, actually over-- just ignored all of that and said that there is no evidence that any of the policy that's been adopted on no-fault divorce and other liberal-leaning policies have impacted marriage. **factual/adjudicative**

And I think anybody with a half-a-brain can see that the policies that have been adopted in the last forty years have impacted marriage. **factual/adjudicative**

And as a result have impacted the well-being of children. **factual**

**JOHN DICKERSON:** Mister Boies, let me ask you a question about the-- where this case goes from here. **factual**

There is the view among a lot of legal scholars-- **factual**

**DAVID BOIES** (overlapping): Let me-- let me-- let me just respond. **desirable**

**JOHN DICKERSON:** Quickly, if you could. **directive**

**DAVID BOIES:** Let me just respond to that, okay? **desirable**

Look at - the judge did deal with it. **adjudicative**

And he pointed out, which is obvious, is that no-fault divorce doesn't have anything to do with issue that's here. **factual/adjudicative**

The empirical studies that do exist and they're based on what's happened in Canada and Sweden and Spain and other countries and other states where you are able to have marriage equality demonstrates that there is no harm. **factual/adjudicative**

There are studies going back for twenty years that demonstrate this. **factual**

The problem here is that unlike a court, people don't stick to the facts. **factual/adjudicative**

**JOHN DICKERSON:** Okay, let me ask you on the question of the Supreme Court where this may end up, one day. **adjudicative**

There is a view that the court doesn't like to get too far out in front of where the law is now. **factual/adjudicative**

Isn't this a big leap for the Supreme Court to side with you, Mister Boies, in this case?  
 adjudicative

**DAVID BOIES:** It really isn't. factual

Remember, unlike abortion, the court is not creating a new legal right. factual/adjudicative

This is a right that has been well recognized for a hundred years in terms of the right of individuals to marry. factual/adjudicative

And all that's at issue here is can the State of California take away that right depending on the sex of your intended partner? factual/adjudicative

And that issue depends exactly on what you said before. factual

Is there a rational basis for that distinction? factual

Can you prove that it harms heterosexual marriage, children, can you prove it harms anybody?  
 factual/desirable

Why do you make these people suffer if it doesn't help anybody? factual/desirable

And what we proved at trial is that there simply isn't any basis, no evidence at all, to indicate that this has any harm to anybody. factual/adjudicative

And, indeed, all the evidence is to the contrary. factual/adjudicative

That it makes those relationships more stable. factual

Even the defendant's own witnesses admitted that there was no evidence of harm to heterosexual marriage or to children as a result of gay and lesbian marriage.  
 factual/adjudicative

Even the defendant's own experts admitted that there was great harm to homosexual couples and the children they're raising by depriving them of the stability and love of marriage.  
 factual/adjudicative

**JOHN DICKERSON:** Mister Perkins, I want to ask you about the Republican Party. desirable

Often, in cases like this, you hear Republican politicians jump to decry these kinds of rulings.  
 factual

It's been pretty muted so far. factual

Why do you think that is? directive

**TONY PERKINS:** Well, there will be a ruling-- there'll be a resolution introduced in Congress this coming week, when the House is pulled back in by Nancy Pelosi. factual/adjudicative

But I want to address, you know, David knows better than this. desirable

I mean he's a constitutional lawyer. **factual**

He knows that the findings of the court over the last hundred years have dealt with traditional marriage—marriage between a man and a woman. **factual/adjudicative**

And then a whole issue of civil rights that is drawn into this, you know, the court in Brown v. Board of Education and the civil rights cases in the fifties and sixties were based upon constitutional amendments on the issue of racial equality which were adopted by the states. **factual/adjudicative**

That hasn't happened on same-sex marriage. **factual**

This is an activist decision by a district-level court who is interjecting his view over the view of not only millions of Americans who have voted on this issue, but, literally, the history of the human race. **factual/adjudicative**

So, this is far from over and we hope that sanity will reign when it does make its way to the United States Supreme Court. **factual/adjudicative**

**JOHN DICKERSON:** Okay. Tony Perkins, thank you so much. David Boies, thank you for being with us. **factual/desirable**

#### **Tabulations:**

1. **Factual** 38
2. **Desirable** 5
3. **Adjudicative** 3
4. **Directive** 2
5. **factual/desirable** 8
6. **factual/adjudicative** 43
7. **desirable/directive** 1
8. **factual/directive** 1

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