

**LIFTING ‘THE LONG SHADOW’: *KATEGORIA* AND *APOLOGIA* IN THE LEGACY  
OF THE TUSKEGEE SYPHILIS STUDY**

by

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# LIFTING ‘THE LONG SHADOW’: *KATEGORIA* AND *APOLOGIA* IN THE LEGACY OF THE TUSKEGEE SYPHILIS STUDY

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The U.S. Public Health Service Study at Tuskegee, conducted from 1932-1972, is widely considered a paradigm of bioethics failure in American history. Twenty-five years after the end of the Tuskegee Syphilis Study, no member of the U.S. government had yet offered an official apology to the victims. Entreated by an interdisciplinary committee of scholars and community members to help lift “the long shadow” of distrust and fear caused by the Study, President Clinton offered words of apology on May 16, 1997 for the deeds of government officials committed decades earlier.

This dissertation examines Clinton’s address within the broader context of the Tuskegee legacy. Following the critical method proposed by Ryan, the request for an apology and Clinton’s speech are paired and criticized as a *kategoria/apologia* speech set, allowing for richer yields than analyzing the texts in isolation. The ethical and rhetorical implications of treating Clinton’s speech as *apologia*, interpersonal apology, or institutional apology are considered. Finally, the dissertation follows the rhetorical path of the Tuskegee legacy by analyzing a body of empirical research by public health scholars about the possible effects of lingering memories and attitudes about the Tuskegee Study on individuals’ willingness to participate as medical research subjects in the present day. The rhetorical situation, as conceptualized by Bitzer and modified by Vatz and Consigny, and McGee’s ‘ideograph’ also serve as critical tools in the analyses of the key rhetorical artifacts of the Tuskegee legacy.

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## 1.0 INTRODUCTION: THE TUSKEGEE SYPHILIS STUDY<sup>1</sup>

On July 26, 1972, a *New York Times* headline announced startling news: “Syphilis Victims in U.S. Study Went Untreated for Forty Years.”<sup>2</sup> Readers who delved further into Associated Press journalist Jean Heller’s shocking story learned the morbid details: Six hundred Black men from Tuskegee, Alabama, “were induced to serve as guinea pigs” in a study of untreated syphilis conducted by the U.S. Public Health Service from 1932 until 1972.<sup>3</sup> The men who participated in the study, including 399 who had syphilis and 201 “controls” who did not have the infection, were not told they were part of an experiment or that the “treatment” they were offered to secure their cooperation would not actually effectively treat their disease.<sup>4</sup> Furthermore, those with syphilis were actively prevented from receiving treatment from other sources, even after penicillin was discovered in the 1940s and 1950s to be an effective treatment for syphilis.<sup>5</sup>

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<sup>1</sup> The present name for this study, according to the Centers for Disease Control and Prevention, is the U.S. Public Health Service Study at Tuskegee, a name that explicitly acknowledges that the project’s direction and responsibility resides with the U.S. government and not the Tuskegee Institute or other local institution. However, this name change is more recent than the source materials cited in this dissertation, including the text written by the member-named Tuskegee Syphilis Study Legacy Committee, so I shall retain the traditional name of the Study despite its terminological ambiguity. Historian Susan M. Reverby acknowledges a similar struggle in referring to the Study in her work and notes that, while “USPHS Study at Tuskegee” is more accurate, “the word ‘Tuskegee’ is what circulates and is known.” *Examining Tuskegee: The Infamous Syphilis Study and Its Legacy* (Chapel Hill, NC: University of North Carolina Press, 2009), 8-9.

<sup>2</sup> Jean Heller, “Syphilis Victims in U.S. Study Went Untreated for 40 Years,” *New York Times*, July 26, 1972.

<sup>3</sup> *Ibid.*

<sup>4</sup> Allan M. Brandt, “Racism and Research: The Case of the Tuskegee Syphilis Study,” *Hastings Center Report* 8, no. 6 (December 1978): 21, 24; U.S. Department of Health, Education, and Welfare, *Final Report of the Tuskegee Syphilis Study Ad Hoc Advisory Panel* (Washington, DC: GPO, 1973): 12.

<sup>5</sup> *Ibid.*, 9-10.

After the Tuskegee Study's details were brought to light, financial reparations were made to the survivors and families of survivors through an out-of-court settlement in 1974.<sup>6</sup> Such settlements are usually taken as an admission of guilt,<sup>7</sup> but in this case, they did not bring satisfactory closure for those involved in the Study and those affected by its legacy. Something was still missing – a formal apology. For decades, the absence of an explicit expression of regret and admission of wrongdoing by the U.S. federal government lingered like salt on a slow-healing wound. Then, nearly 25 years after the Study ended, an influential group of researchers and community leaders focused attention on this rhetorical imperfection and insisted that the president of the United States come clean about Tuskegee. They declared in a letter to President Clinton, “The Tuskegee Syphilis Study continues to cast its long shadow on the contemporary relationship between African Americans and the biomedical community.”<sup>8</sup>

On May 16, 1997, President Clinton spoke at the White House to a gathering of five survivors of the Tuskegee Syphilis Study and family members representing the sixth remaining survivor and two deceased participants. President Clinton, a man who had not yet been born when the Tuskegee Study began, offered words of apology on behalf of the United States government and the American people for the tragedy and injustice inflicted on the men in that Study and their families. He then outlined five policy proposals for moving on from the tragedy

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<sup>6</sup> James H. Jones, *Bad Blood: The Tuskegee Syphilis Experiment*, new and exp. ed. (New York: Free Press, 1993), 217.

<sup>7</sup> Keith Michael Hearit and Jennifer Brown, “Merrill Lynch: Corporate Apologia and Business Fraud,” *Public Relations Review* 30 (2004), 465.

<sup>8</sup> Tuskegee Syphilis Study Legacy Committee, “Legacy Committee Request,” in *Tuskegee's Truths: Rethinking the Tuskegee Syphilis Study*, ed. Susan M. Reverby (Chapel Hill: University of North Carolina Press, 2000), 559.

to a new era in bioethics and research in the hopes that such an offense should never happen again.<sup>9</sup>

Much has been written about the Tuskegee Study since the 1972 *Times* article and subsequent “fallout” events such as congressional hearings, a class-action lawsuit, and President Clinton’s speech. Historians, public health officials and scholars, sociologists, bioethicists, physicians, and rhetoricians have weighed in on the implications of the Tuskegee Study in terms of minority health, public health, government trustworthiness, human subjects research, and the dehumanizing features of medical reporting. However, according to historian and women’s studies professor Susan M. Reverby, the “facts” of the Tuskegee Study are hardly straightforward, even in hindsight:

Especially after the 1997 presidential apology, media and cultural attention have refocused on Tuskegee and its racial assumptions and made the facts still more elusive. Concern over rising AIDS rates, the African American community’s lack of participation in clinical studies, and revelations of abuse of research and informed consent protocols in the nation’s leading medical schools and hospitals have also added to Tuskegee’s ascending metaphoric status.<sup>10</sup>

Why is the Tuskegee Study so infamous, when other bioethical violations have also been recorded in American history? Perhaps, as Reverby suggests, it is because an arm of the U.S. government—including the hierarchical, military model organization of the Public Health Service with periodic changes in command—carried out the Study or because the Study persisted

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<sup>9</sup> William J. Clinton, “Remarks in Apology to African-Americans on the Tuskegee Experiment,” *Weekly Compilation of Presidential Documents* 33 (1997), 718-20.

<sup>10</sup> Susan M. Reverby, “More than Fact and Fiction: Cultural Memory and the Tuskegee Syphilis Study,” *Hastings Center Report* 31, no. 5 (2001), 25.

through an era of significant civil rights activity.<sup>11</sup> Or perhaps it is because, unlike some other bioethical failures (such as the hepatitis experiments at Willowbrook School<sup>12</sup>), the Tuskegee Study involved the systematic deception of participants about the nature of their participation and their purported personal benefits, even when truth-telling (if not formal informed consent) was a norm of scientific research.<sup>13</sup> Reverby continues:

It is not surprising that a historical experience, containing the elements of a sexually transmitted disease, African Americans, coercion and lying by government officials, violation of trust between health-care providers and patients, and fear of experimentation, wrapped into a forty-year narrative with multiple media replays, would capture our analytic focus and reach into our cultural unconscious. Playing out with all the drama of a southern gothic tale, the story of the Tuskegee Syphilis Study holds our imaginations in thrall in ways that other medical research disasters do not. It almost would have to. As scholars Geneviève Fabre and Robert O’Meally have argued, by quoting author Richard Wright’s midcentury comment, “the Negro [*sic*] is America’s metaphor.”<sup>14</sup>

Historian and African American studies scholar Darlene Clark Hine agrees that the Tuskegee Study “has become the powerful symbol of black vulnerability in a white-dominated, capitalistic, patriarchal society. In its deepest sense, ‘Tuskegee Syphilis’ is a potent metaphor for the multiple

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<sup>11</sup> Reverby, “More than Fact and Fiction,” 26; Susan M. Reverby, “More than a Metaphor: An Overview of the Scholarship of the Study,” in Reverby, *Tuskegee’s Truths*, 2-3.

<sup>12</sup> See, for example: Joel D. Howell and Rodney A. Hayward, “Writing Willowbrook, Reading Willowbrook: The Recounting of a Medical Experiment,” in *Useful Bodies: Humans in the Service of Medical Science in the Twentieth Century* ed. Jordan Goodman, Anthony McElligott and Lara Marks (Baltimore: Johns Hopkins University Press, 2003), 190-213.

<sup>13</sup> Reverby, “More than a Metaphor,” in Reverby, *Tuskegee’s Truths*, 2-3.

<sup>14</sup> *Ibid.*, 3.

stratifications along the race, class, sex, and regional grids in twentieth-century America.”<sup>15</sup> Furthermore, the Tuskegee Study has often been cited as a prominent reason why many African Americans are distrustful of mainstream medical practice.<sup>16</sup>

Although there has been much scholarly interest in the Tuskegee Syphilis Study, Clinton’s speech, generally dubbed an “apology,” has garnered much less attention by comparison. This dissertation provides a focused analysis of Clinton’s speech, situating it historically and rhetorically within the “legacy” of the Tuskegee Syphilis Study. The 38-year history since the Study’s termination includes the formal request for a presidential apology issued by the Tuskegee Syphilis Study Legacy Committee, Clinton’s formal response to that request, and the empirical research conducted by epidemiologists to assess the efficacy of the President’s speech in changing public attitudes about participation in medical research. In this chapter, I lay out my plan to analyze the presidential speech within the context of the direct pressure for a presidential apology by the Tuskegee Syphilis Study Legacy Committee and the enduring “Tuskegee legacy” that functions as a recurrent rhetorical situation for physicians and researchers who would recruit African Americans and other minorities for participation in the mainstream medical (and research) establishment.

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<sup>15</sup> Darlene Clark Hine, “Reflections on Nurse Rivers,” in Reverby, *Tuskegee’s Truths*, 390.

<sup>16</sup> See, for example: Stephen B. Thomas and Sandra Crouse Quinn, “The Tuskegee Syphilis Study, 1932-1972: Implications for HIV Education and AIDS Risk Education Programs in the Black Community,” *American Journal of Public Health* 81, no. 11 (November 1991): 1498-1505. Associated Press writer Sonya Ross claimed, “Blacks use [the Tuskegee Study] as a reason to avoid clinical trials for diseases that disproportionately afflict them, such as high blood pressure, kidney disease and cancer.” Sonya Ross, “Clinton Offers Nation’s Apology for Syphilis Experiment.” *New Pittsburgh Courier* (June 7, 1997), Pg. 2. Additionally, Ralph V. Katz and colleagues note that the slate of speakers at University of Virginia’s 1994 bioethics conference, “The Tuskegee Legacy: Doing Bad in the Name of Good,” had collectively presumed “that African Americans were, in fact, more reluctant to participate in biomedical studies and that the USPHS-Tuskegee experiment was at the heart of this reluctance to become a research participant,” despite the speakers’ failure to provide any empirical evidence to support this claim. Ralph V. Katz and others, “The Tuskegee Legacy Project: History, Preliminary Scientific Findings, and Unanticipated Societal Benefits,” *Dental Clinics of North America* 47 (January 2003): 2-3.

## 1.1 SCHOLARSHIP ON THE TUSKEGEE SYPHILIS STUDY AND THE PRESIDENTIAL APOLOGY

Historian James H. Jones's *Bad Blood: The Tuskegee Syphilis Experiment* is widely considered the authoritative account on this subject. In addition to tracing the impetus for the Tuskegee Syphilis Study and its 40-year trajectory, Jones considers the implications of the racial and medical themes of the Study for a contemporary audience living in the era of AIDS and distrust in mainstream medicine along racial lines. Jones has been involved in research of the Study since Heller's article broke the news in 1972, including assisting attorney Fred Gray during the class-action lawsuit filed against the United States government in 1973 and serving on the Tuskegee Syphilis Study Legacy Committee formed in 1996. His thorough account of the Study is the result of unprecedented access to restricted archives in Macon County, Alabama; Atlanta, Georgia; and Washington, D.C.

The Study has also been contextualized, chronicled, and criticized in Susan Reverby's edited volume, *Tuskegee's Truths: Rethinking the Tuskegee Syphilis Study*.<sup>17</sup> This collection includes contributions from key figures in the Study, including correspondence among the government researchers in charge of the Study and interviews with nurse Eunice Rivers and Study survivors, attorney Fred Gray and President Clinton, journalists, historians, public health researchers, bioethicists, poets, and others. These diverse voices and perspectives complicate the "tragic frame" that typically characterizes contemporary lay discourse surrounding the Study.<sup>18</sup>

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<sup>17</sup> Reverby, ed., *Tuskegee's Truths*.

<sup>18</sup> The "tragic frame" is a poetic category described by Kenneth Burke as taking a resigned, forensic perspective toward causality. The victim is powerless in some way to overcome misfortune or offense and the perpetrator of the offense is subject to punishment and possible atonement. *Attitudes Toward History*, 3<sup>rd</sup> ed, (Berkeley, CA: University of California Press, 1984), 37-39.

In *Tuskegee's Truths*, the only rhetorical analysis of the Study comes from rhetorical scholar Martha Solomon in her article, "The Rhetoric of Dehumanization: An Analysis of Medical Reports of the Tuskegee Syphilis Project."<sup>19</sup> Solomon identifies a new rhetorical genre of medical reports by examining the thirteen progress reports about the Tuskegee Syphilis Study (In the reports, the Study was described as one of "untreated syphilis in the Negro male.") published in national medical journals. According to Solomon, these reports feature discursive styles that help to explain why the publication of these reports in medical journals over more than 30 years did not draw criticism of the Study by the readers of those journals. Solomon's analysis speaks to norms of medical research and reporting that were persistent factors in the Tuskegee Syphilis Study and demonstrates that Tuskegee was not "just" a racially problematic event.

Reverby's scholarship on the Tuskegee Study continues in her book, *Examining Tuskegee: The Infamous Syphilis Study and Its Legacy*, which is the product of more than 15 years of research.<sup>20</sup> Reverby delves into the history of the Study and its lingering repercussions through an exploration of the uncertainties, contingencies, and fictions that attach to accounts of the Study from personal, medical, and cultural perspectives. As a member of the Tuskegee Syphilis Study Legacy Committee, Reverby also provides important insight into the development of the request for a federal apology and the subsequent advocacy necessary to bring about a public statement from President Clinton.

In contrast to the number of published works that focus specifically on the Tuskegee Syphilis Study (including newspaper accounts published nationwide and beyond), there is much less scholarship focused on the speech President Clinton offered in 1997. For example, Clinton's

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<sup>19</sup> Martha Solomon, "The Rhetoric of Dehumanization: An Analysis of Medical Reports of the Tuskegee Syphilis Project," *Western Journal of Speech Communication* 49, no. 4 (Fall 1985): 233-47.

<sup>20</sup> Reverby, *Examining Tuskegee*.

speech is used in psychiatrist Aaron Lazare's book, *On Apology*, as an example of a public apology and a delayed apology with potential to promote social healing.<sup>21</sup> Philosopher Nick Smith provides the text of Clinton's speech as an example of collective apology but leaves the task of analysis to the reader.<sup>22</sup> Clinton himself makes only passing reference to the Tuskegee speech in one sentence of his autobiography.<sup>23</sup> Besides brief mentions such as these, there are only a handful of sustained treatments of the speech. Public health researcher Stephen Thomas wrote a commentary about the event in Emory University's online journal, *The Academic Exchange*, in which he claims, "Clinton and the others present experienced forgiveness from men who suffered at the hands of PHS doctors."<sup>24</sup> Communication scholars Joy Koesten and Robert Rowland devote a portion of their article on "The Rhetoric of Atonement" to describe Clinton's various apologies as examples of atonement (such as the Tuskegee speech) or not (such as the failed Lewinsky apologies).<sup>25</sup> A book chapter, "Racial Apologies," by rhetoric scholars Dexter Gordon and Carrie Crenshaw, uses Clinton's speech and the 1997 congressional resolution that apologized for the Constitution's sanctioning of slavery as examples of racial apologies.<sup>26</sup> The authors argue that while these apologies can transcend racism "because of their resonance with traditional apologia," they actually "perpetuate racism through their rhetorical silences about White privilege."<sup>27</sup> The authors identify features of these apologies that align with

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<sup>21</sup> Aaron Lazare, *On Apology* (New York: Oxford University Press, 2004), 51, 198-9.

<sup>22</sup> Nick Smith, *I Was Wrong: The Meanings of Apologies* (New York: Cambridge University Press, 2008), 249-252.

<sup>23</sup> William J. Clinton, *My Life* (New York: Vintage Books, 2005), 757.

<sup>24</sup> Stephen B. Thomas, "Anatomy of an Apology," *The Academic Exchange*, Emory University, [http://www.emory.edu/ACAD\\_EXCHANGE/1999/sept99/anatomy.html](http://www.emory.edu/ACAD_EXCHANGE/1999/sept99/anatomy.html).

<sup>25</sup> Joy Koesten and Robert C. Rowland, "The Rhetoric of Atonement," *Communication Studies* 55, no. 1 (2004): 69.

<sup>26</sup> Dexter B. Gordon and Carrie Crenshaw, "Racial Apologies," in *New Approaches to Rhetoric*, edited by Patricia A. Sullivan and Steven R. Goldzwig, (Thousand Oaks, CA: Sage Publications, 2004), 245-66.

<sup>27</sup> *Ibid.*, 247.



traditional apology (naming the Tuskegee Study as “shameful” and “wrong,” for example) while calling out the silences that serve to reinforce “otherness.”<sup>28</sup>

An article written by communication scholars Lynn M. Harter, Ronald J. Stephens, and Phyllis M. Japp focuses specifically on the President’s speech and “explore[s] how the discourse narratively reconstituted the events surrounding the Tuskegee experiment.”<sup>29</sup> The authors reveal how Clinton adeptly made specific moves to deflect attention away from the Tuskegee Institute, a medical institution devoted to African American health and a partner in the Tuskegee Study, and placed the responsibility solely on the U.S. government and on the American people. Additionally, Harter and colleagues argue that Clinton’s address sought to reaffirm American confidence in the modernist institutions of medicine and technological advancement through his policy segment of the speech.<sup>30</sup> The authors address the government’s position on the Tuskegee Syphilis Study as presented through Clinton’s remarks and related press releases, gesturing to implications of such public “apologies” and their affect on public memory and race relations.

Communication scholar Jason A. Edwards has used Clinton’s Tuskegee speech, along with speeches by Australian Prime Minister Kevin Rudd and Canadian Prime Minister Stephen Harper, to build theory about a genre of “collective apologies.”<sup>31</sup> Edwards discusses commonalities among the three speeches and asserts the purpose of collective apologies as

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<sup>28</sup> Ibid., 254-257.

<sup>29</sup> Lynn M. Harter, Ronald J. Stephens, and Phyllis M. Japp, “President Clinton’s Apology for the Tuskegee Syphilis Experiment: A Narrative of Remembrance, Redefinition, and Reconciliation,” *The Howard Journal of Communications* 11: (2000), 23.

<sup>30</sup> Ibid., 28.

<sup>31</sup> Jason A. Edwards, “Apologizing for the Past for a Better Future: Collective Apologies in the United States, Australia, and Canada,” *Southern Communication Journal* 75, no. 1 (January-March 2010): 57-75. In an earlier article by Edwards, he labels Clinton’s speech as “community-focused apology.” Jason A. Edwards, “Community-Focused Apologia in International Affairs: Japanese Prime Minister Tomiichi Murayama’s Apology,” *The Howard Journal of Communications* 16 (2005): 320-1.

“repairing, healing, and rebuilding relationships harmed by historical injustice.”<sup>32</sup> He also identifies three rhetorical strategies employed by Clinton, Rudd, and Harper: acknowledging their government’s wrongdoing, accepting responsibility for the wrongdoing while expressing remorse for the wrong, and taking corrective action to prevent future recurrence of the wrongdoing.<sup>33</sup>

My analyses add to the extant scholarship on Clinton’s Tuskegee speech by performing paired rhetorical criticism of this text with an earlier appeal that helped to draw President Clinton into the lingering rhetorical situation following the termination of the Tuskegee Study. By examining features of the Tuskegee Syphilis Study Legacy Committee’s text that called for Clinton’s response, I am better positioned to analyze the rhetorical situation facing the president and the appropriateness of his speech in response. More details about the justification and methods of the paired analysis of the speech set are discussed in the following section. Additionally, in this project I integrate more focused analyses of the apology and *apologia* genres and specifically consider the commitments and implications of each, whereas extant literature tends to take for granted the labeling of Clinton’s speech as an apology. Finally, my work follows the rhetorical path of the “Tuskegee legacy” by analyzing a body of empirical research by public health scholars about the possible affects of lingering memories and attitudes about the Tuskegee Study on individuals’ willingness to participate as medical research subjects in the present day.

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<sup>32</sup> Edwards, “Apologizing for the Past,” 63.

<sup>33</sup> *Ibid.*, 63-64.

## 1.2 METHODS AND PERSPECTIVES

The discourse formation considered in this project can effectively be analyzed using a set of theoretical concepts and critical approaches drawn from the field of rhetoric, including the genres of *kategoria* and *apologia*, paired speech set analysis, the rhetorical situation, and ideographic analysis. Additionally, I incorporate a discussion of the fundamental features of apology, drawing from key texts in philosophy, psychology, and sociology, to provide a more focused consideration of Clinton's speech as apology and *apologia*. In this section I provide an overview of each of these analytical methods and perspectives used throughout the dissertation.

### 1.2.1 Genre Considerations

The rhetorical analysis of the two primary texts, the Legacy Committee's request and President Clinton's speech, begins by considering the texts' generic features. By reading the Legacy Committee's request as a *kategoria* or accusation, the critic is poised to identify the key features and issues in the text to which a response is expected by the rhetors. *Stasis* theory, a classical approach to judicial rhetoric, provides a taxonomic guide to analyze accusations in order to design a strong defense. I also use Walter R. Fisher's "motive view" of communication,<sup>34</sup> Lloyd Bitzer's "rhetorical situation,"<sup>35</sup> and William L. Benoit and Bruce Dorries's typology of "persuasive attack"<sup>36</sup> to strengthen the generic criticism of the Legacy Committee's *kategoria*.

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<sup>34</sup> Walter R. Fisher, "A Motive View of Communication," *Quarterly Journal of Speech* 56 (1970): 131-139.

<sup>35</sup> Lloyd Bitzer, "The Rhetorical Situation," *Philosophy and Rhetoric* 1 (1968): 1-14.

<sup>36</sup> William L. Benoit and Bruce Dorries, "Dateline NBC's Persuasive Attack on Wal-Mart," *Communication Quarterly* 44 (Fall 1996): 463-469.

The genre criticism continues with Clinton's response. Communication scholars Lynn M. Harter, Ronald J. Stephens, and Phyllis M. Japp describe Clinton's speech, in part, as "a historical narrative identifying heroes, villains, and causal relationships."<sup>37</sup> These functions are at home in the genres of *apologia* (defense) and apology and, as a response to a particular kind of accusation by the Legacy Committee, Clinton's speech can be treated as both. I trace the development of *apologia* from Aristotle's treatment of judicial rhetoric and *stasis* theory to contemporary elaborations of *apologia*'s rhetorical commitments. Although *kategoria* and *apologia* have been considered counterparts in judicial rhetoric since antiquity<sup>38</sup>, my analysis also includes the non-defensive genre of apology as a potential response to accusation. This two-pronged approach allows the critic to connect the issues addressed in the response with those introduced in the accusation and assess the rhetorical appropriateness of the response. Harter and colleagues ask, "Can Clinton's address truly be viewed as an apology, or should it be viewed as a sales pitch for the modern medical establishment?"<sup>39</sup> Indeed, the proportion of the speech devoted to an explication of policies and executive orders to promote ethical research outweighs the time given to apologetic language. Perhaps, as a public figure and government leader, Clinton was too heavily influenced by the expectations of presidential rhetoric, which involve advancing policy and progress through presidential action. I argue, instead, that the second half of Clinton's speech is an overt effort to "develop a different kind of present and future"<sup>40</sup> for his audience by reinforcing long-standing values for modernist institutions. The relationship between *apologia* and apology is treated in Chapter 4, where I provide a definition of "genuine,"

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<sup>37</sup> Harter, Stephens, and Japp, "President Clinton's Apology," 24.

<sup>38</sup> Aristotle, *On Rhetoric*, trans. George A. Kennedy (New York: Oxford University Press, 1991), 1358b.

<sup>39</sup> Harter, Stephens, and Japp, "President Clinton's Apology," 30.

<sup>40</sup> Koesten and Rowland, "Rhetoric of Atonement," 73.

interpersonal apology and consider the complicated phenomenon of what is termed “institutional apology.” According to my analysis, Clinton’s speech may not be a genuine apology in the strictest sense, but as an institutional apology it has particular rhetorical functions that are similar to interpersonal apologies. The questions Harter and colleagues raise about the appropriate spokespersons and timings of public apologies are important to keep in mind so that addresses such as Clinton’s are not uncritically accepted as sufficient reconciliations of long-standing fear, manipulation, and abuses of power.

### **1.2.2 Analog Criticism of the *Kategoria*/Apologia Speech Set**

The multifaceted and longitudinal features of the Legacy Committee request and Clinton’s response open up the possibility of many possible interpretations and require a robust analytical approach to plumb its depths. Clinton’s speech was not an isolated text, responding to one particular event. Rather, it drew upon a growing history of medical abuses, racism, and Clinton’s own political commitments and goals. While there are many frames through which to interpret these facets of Clinton’s speech, we need some standard for judgment by which we can make sense of it. Analog speech set criticism provides such a standard: the preceding *kategoria* serves as a standard by which the response, the *apologia*, is judged.

Analog criticism, as theorized by L. W. Rosenfield, is a compare-and-contrast strategy that involves taking two generically similar speeches and “comparing the speeches in such ways

that each address serves as a reference standard for the other.”<sup>41</sup> Rosenfield claims that the benefits of this type of criticism are a deeper exploration of the genre itself (as “exemplified by the messages”) and a comparison of the “relative artistic merit of each speech.”<sup>42</sup> Argumentation scholar David Zarefsky employs this approach briefly in his analysis of Secretary of State Colin Powell’s February 2003 speech to the United Nations Security Council. Zarefsky compares Powell’s rhetorical context and composition in the lead-up to the second war in Iraq to that of UN Ambassador Adlai Stevenson’s in 1962 during the Cuban missile crisis.<sup>43</sup> Analog criticism was developed further by rhetorician Halford Ross Ryan, who applied analog criticism to a speech set of *kategoria* and *apologia* rather than two speeches of the same genre. Ryan justified this application by noting that a “critic cannot have a complete understanding of accusation or apology without treating them both.”<sup>44</sup>

The paired speech set approach described by Ryan is well-suited to criticize the longitudinal and historical artifacts featured in this dissertation because rhetoric deals specifically in *situated* persuasion. The *kategoria* issued and advocated by the Legacy Committee was created at a particular moment in time in an attempt to both increase and harness the rhetorical pull of situational factors such as the upcoming 25<sup>th</sup> anniversary of the Tuskegee Study’s termination and the persistent failure of the U.S. government to apologize. The Committee’s efforts indelibly altered the rhetorical situation facing the president and, as I discuss in Chapter 3, contributed substantially to Clinton’s rhetorical choices in his speech. By analyzing

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<sup>41</sup> L. W. Rosenfield, “A Case Study in Speech Criticism: The Nixon-Truman Analog.” *Speech Monographs* 35, no. 4 (November 1968): 435.

<sup>42</sup> *Ibid.*

<sup>43</sup> David Zarefsky, “Making the Case for War: Colin Powell at the United Nations,” *Rhetoric and Public Affairs* 10, no. 2 (Summer 2007): 280.

<sup>44</sup> Halford Ross Ryan, “*Kategoria* and *Apologia*: On Their Rhetorical Criticism as a Speech Set,” *Quarterly Journal of Speech* 68, no. 3 (1982): 254.

these texts as counterparts rather than in isolation, I am able to determine the influence of the preceding text on the response text and I have an established standard by which to weigh the merits of the responding text. As one example of the speech set analysis dynamic that is explored in this dissertation, I consider how President Clinton's speech does and does not fulfill the specific features of a governmental apology requested by the Legacy Committee. Situational factors besides the Legacy Committee request influenced the President's rhetorical choices, however, and additional analytical tools are necessary to fully explore these artifacts.

### **1.2.3 The Rhetorical Situation**

As situated discourse, rhetoric is subject to judgments about its appropriateness, timeliness, and general 'fit' with its context. Rhetorician Lloyd Bitzer theorized the "rhetorical situation" to describe the contextual features that pull and sway rhetorical invention and his theory serves as an underlying guide to the analyses in this dissertation.<sup>45</sup> There are three main components in the rhetorical situation: exigence, audience, and constraints. The rhetor is motivated by the exigences or defects that can be remedied (where the remedy requires discourse) in the context.<sup>46</sup> The rhetor considers the appropriate and potentially efficacious audience that may be persuaded by her rhetorical intervention. Finally, the rhetor is limited by the constraints of the situation that hamper efforts to remedy the exigence. Constraints may include but are not limited to events, objects, and others' beliefs, attitudes, and abilities. If the rhetor is able to address the appropriate audience and accommodate the situational constraints in her appeal to remedy a specific exigence, she is said to have crafted a "fitting response" to the demands of the rhetorical

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<sup>45</sup> Bitzer, "Rhetorical Situation," 1-14.

<sup>46</sup> *Ibid.*, 6-7.

situation.<sup>47</sup> Both Clinton’s speech and the Legacy Committee’s request are analyzed (in Chapters 3 and 2, respectively) according to the components of the rhetorical situation and in those analyses I consider another particularly relevant feature of the situation for this project: timeliness. Bitzer notes that “rhetorical situations come into existence, then either mature or decay or mature and persist – conceivably some persist indefinitely.”<sup>48</sup> In Chapter 2, I discuss how the passage of time had mitigated but not fully decayed the perceived exigence of a missing presidential apology and how the Legacy Committee sought to revive the persisting rhetorical situation through its intervention. In Chapter 3, I also consider how timeliness served to constrain Clinton’s response.

#### **1.2.4 The Influence of Ideograph**

What remains to be seen in the situation surrounding Clinton’s apology is how an entire society perceives and reacts to a rhetorical situation. Americans’ knowledge of the Tuskegee Study draws upon a particular kind of memory about historical events filtered through media accounts, fictionalized theatrical dramas, word of mouth, and community lore. Myths intertwine with facts to form the powerful and influential connotations associated with ‘Tuskegee.’ Furthermore, the term ‘Tuskegee’ is often used as a one-word representative anecdote or paradigm example of 20<sup>th</sup> century bioethical failure in the United States and public health researchers have often credited the Tuskegee Study with causing or perpetuating feelings of distrust toward and fear of medical and government institutions. The legacy of the Study is said to be a significant deterrent that prevents African Americans from potentially participating as

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<sup>47</sup> Ibid., 10.

<sup>48</sup> Ibid., 12.



research subjects and from seeking mainstream medical care. For example, public health and minority health researchers Stephen B. Thomas and Sandra Crouse Quinn trace the Tuskegee legacy to AIDS risk reduction programs involving African Americans. They write, “almost 60 years after the experiment began, the Tuskegee Syphilis Study’s legacy is a trail of distrust and suspicion that hampers HIV education efforts in Black communities. [...] Public health professionals must recognize that Blacks’ belief in AIDS as a form of genocide is a legitimate attitudinal barrier rooted in the history of the Tuskegee Syphilis Study.”<sup>49</sup> Social work scholar Carol A. Heintzelman cites the Tuskegee Study as a significant factor that perpetuated “African Americans’ continued distrust of the medical establishment, especially public health programs and a fear of vaccinations. It reinforced views about the medical establishment and the federal government, as well as disregard for African American lives.”<sup>50</sup> Note that Heintzelman does not credit the Tuskegee Study with originating feelings of distrust among African Americans (as Thomas and Quinn seem to) but, rather, she perceives the Study as providing significant evidence to support the apprehension many minorities already felt toward government and medical institutions. Yet another understanding of the Tuskegee legacy comes from public health researchers Vickie Shavers, Charles Lynch, and Leon Burmeister. According to their study about factors affecting people’s willingness to participate in studies, “forty-nine percent of African Americans and 17% of whites that responded that their knowledge of the Tuskegee Study would affect their future participation indicated that they would not be willing to participate in a medical research study in the future.”<sup>51</sup> However, the authors interpret these findings by

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<sup>49</sup> Thomas and Quinn, “Tuskegee Syphilis Study,” 1503.

<sup>50</sup> Carol A. Heintzelman, “The Tuskegee Syphilis Study and Its Implications for the 21st Century,” *The New Social Worker* 10, no. 4 (Fall 2003). <http://www.socialworker.com/tuskegee.htm>.

<sup>51</sup> Vickie L. Shavers, Charles F. Lynch, and Leon F. Burmeister, “Racial Differences in Factors That Influence the Willingness to Participate in Medical Research Studies,” *Annals of Epidemiology* 12 (2002): 252.

commenting, “having knowledge of the Tuskegee [Study] alone did not seem to impact the willingness to participate in medical research. The role of Tuskegee appears to lie with its contribution to the overall distrust of medical research among African Americans.”<sup>52</sup> These published studies not only treat the Tuskegee legacy as a legitimate social factor, but they also contribute to the legacy by asserting and perpetuating cultural understandings of its significance.

One way to understand these phenomena is to examine how ‘Tuskegee’ operates as an ideograph. Ideographs, as conceptualized by rhetorician Michael Calvin McGee, are terms that have particular rhetorical thrust within a culture. They carry particular connotative commitments and motivate behavior and attitudes among members of the culture. McGee describes:

An ideograph is an ordinary-language term found in political discourse. It is a high-order abstraction representing collective commitment to a particular but equivocal and ill-defined normative goal. It warrants the use of power, excuses behavior and belief that might otherwise be perceived as eccentric or antisocial, and guides behavior and belief into channels easily recognized by a community as acceptable and laudable. [...] Ideographs are culture-bound, though some terms are used in different signification across cultures.<sup>53</sup>

Moreover, McGee writes, ideographs perform “a task of socialization, an exercise in epideictic rhetoric” that teaches us “to make, or comprehend, judgments of public motives and [...] civic duty.”<sup>54</sup> This conceptualization will be instrumental in examining the Tuskegee legacy that is cited by research in knowing tones but which is largely overlooked in empirical studies. The

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<sup>52</sup> Ibid., 254.

<sup>53</sup> Michael Calvin McGee, “The ‘Ideograph’: A Link Between Rhetoric and Ideology,” *Quarterly Journal of Speech* 66, no. 1 (February 1980): 15.

<sup>54</sup> Ibid., 11.

recent studies led by Ralph V. Katz to examine the influence of the legacy and Clinton's speech on attitudes about medical research are a notable exception and are the focus of Chapter 5.<sup>55</sup>

The ideograph is a powerful tool of rhetorical criticism that, in this case, highlights how popular conceptions of the Tuskegee legacy are tinged by a patina of contingency, and how such conceptions thereby have potential to be colored and shifted by rhetorical events, especially high-profile interventions such as presidential addresses. By attending to the cultural resources that adhere to references to the Tuskegee Syphilis Study, I shed similar light on how lay audiences, public health scholars, and others make use of <Tuskegee><sup>56</sup> as an ideograph and how understandings of <Tuskegee> may be resistant to particular rhetorics.

### 1.3 CHAPTER ORGANIZATION AND PREVIEW

In this section, I introduce the specific thesis questions that guide each stage of the inquiry and briefly preview the rhetorical artifacts to be examined.

Chapter 2 features *kategoria*, the first component of the two-part speech set of *kategoria* and *apologia* as conceptualized by Ryan. Criticism of this genre incorporates several theoretical resources dating from antiquity through the contemporary era, including the frame of Bitzer's rhetorical situation and the subsequent correctives to this perspective as asserted by Vatz and Consigny. The key text under consideration as a *kategoria* is the 1996 Tuskegee Syphilis Study

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<sup>55</sup> See, for example: Katz and others, "Tuskegee Legacy Project." Additional published findings from the Tuskegee Legacy Project are cited and discussed in Chapter 5.

<sup>56</sup> I use the angle brackets to indicate reference to an <ideograph>, following the lead of Lucaites and Condit in their ideographic rhetorical criticism article. See John Louis Lucaites and Celeste Michelle Condit, "Reconstructing <Equality>: Culturetypal and Counter-Cultural Rhetorics in the Martyred Black Vision," *Communication Monographs* 57, no. 1 (1990): 5-24.

Legacy Committee's request for a presidential apology, which established expectations for the long-awaited apology. The history of the Legacy Committee sheds light on the motivations and rhetorical situation that contributed to the composition of its appeal to the president, as well as the exigences facing Clinton leading up to his response.

This broader understanding of the rhetorical situation will allow for a more thorough understanding of the exigences that emerged "objectively" due to the Tuskegee Syphilis Study's termination (Bitzer's formulation) as well as the exigences and constraints created through creative human effort in the Legacy Committee's request (Vatz's formulation).<sup>57</sup> I argue that the exigences that emerged at the close of the Study lacked sufficient urgency to compel a fitting response at the time. This insufficient condition was rectified through the production of a rhetorical artifact by members of the Legacy Committee that infused urgency into the exigence and set the stage for increased publicity as the 25<sup>th</sup> anniversary of the Study's end drew near.

According to Ryan, "The accuser is the affirmer or the rhetorical prime-mover in the speech set. The accuser perceives an evil or an exigence, he is motivated to expose it, and the rhetorical response to that motivation is a *kategoria*."<sup>58</sup> This chapter, then, analyzes *kategoria* as a bookend of an interactive speech set, by pursuing the following questions:

- What are the generic features of *kategoria*?
- How did the Tuskegee Syphilis Study Legacy Committee seek to intensify the exigences in the post-Tuskegee rhetorical situation with their demand for an

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<sup>57</sup> In response to criticism such as Vatz's, Bitzer amended his stance on exigence in a later work: "Public knowledge will change as new conceptions, values, and principles are added and old ones discarded, and as some of these recede into the background while others become dominant... [...C]ertain salient elements will be known to most—if those elements are placed regularly before the public view." Lloyd F. Bitzer, "Rhetoric and Public Knowledge," in *Rhetoric, Philosophy, and Literature: An Exploration*, ed. Don M. Burks (West Lafayette: Purdue University Press, 1978): 69.

<sup>58</sup> Ryan, "*Kategoria and Apologia*," 256.

apology?

- How was the appeal crafted? What are its prominent features?
- How does the request fit with the generic features of *kategoria*?
- How did the appeal contribute to further advocacy for a presidential apology?

In Chapter 3, I analyze the so-called apology for the Tuskegee Syphilis Study offered by Clinton, completing my initial analysis of the *kategoria/apologia* speech set. There are several features of this speech context that require a multi-faceted generic analysis. First, Clinton is a representative of a culpable institution, yet he does not stand personally accused of wrongdoing. How is he able to respond to the *kategoria* in light of his innocence? Since he does not necessarily need to speak from a position of defensiveness, does that preclude his remarks from categorization as *apologia*? In order to make the most of these analytical tools, I use Ryan's perspective of the speech set to draw productive parallels between the paired analysis of *kategoria* and *apologia* and the paired rhetorical artifacts of the Legacy Committee's request and Clinton's responsive address.

Although Clinton answered the Legacy Committee's request, his speech did not close the books on the "Tuskegee legacy" or lay to rest the specific concerns raised by the Legacy Committee. By examining the speech in light of the particular features of the preceding request, I am able to parse the ways in which Clinton's remarks fulfilled the explicit expectations of the *kategoria* as well as identify additions to and omissions from the recommendations of the request that may belie the President's other commitments. Additionally, I discuss how Clinton's ideological maneuvers in his speech shifted the tone from apology/*apologia* to a policy-driven epideictic oration. My analysis takes its direction from both Bitzer and Vatz: I consider how Clinton's rhetoric is a response to the rhetorical situation *created by the absence of apology*

following the Study and *enhanced by the efforts of specific rhetors*, and I consider how Clinton's speech is an important attempt to shape the (re)current rhetorical situation faced by medical researchers seeking to recruit African American subjects. To this end, I engage the following questions:

- What are the generic features of *apologia*?
- How did Clinton's remarks fit with the preceding *kategoria*? What conclusions can be drawn from the degree of fit?
- What is the significance of Clinton's deviations from the Legacy Committee's recommendations (both omissions and additions) for a presidential apology?
- How did the request serve to shape the subsequent address? What were the aspects of the exigence that drove Clinton's speech?
- How did Clinton's address work as an *apologia*?
- How did the speech reframe an historical understanding of the Tuskegee Syphilis Study?

In Chapter 4 I interrogate the common description of Clinton's speech as an apology. The Legacy Committee requested an apology from President Clinton and the president's response is termed an apology in subsequent media reports and academic literature, but critical attention to this characterization is rare in the extant literature. Chapter 4 continues the analysis of Clinton's speech through the additional frame of genuine apology. I draw on foundational works to develop a basic definition of apology and then discuss Clinton's address in light of that standard as well as the genre of *apologia* introduced in Chapter 3. The following questions guide the analyses in Chapter 4:

- What are the constitutive elements and other features of a genuine apology?

- How does Clinton’s address fit with the definition of genuine apology? What conclusions can be drawn from the degree of fit?
- How did Clinton deal with the fact that he was apologizing for an institution that he was not part of at the time of the Study?
- How does the concept of institutional apology help make sense of the “gray area” of Clinton’s speech?
- How does Clinton’s speech work as apology and *apologia*? Can either be a potentially “fitting response” to *kategoria*?

Chapter 5 looks more broadly at the cultural context of the “Tuskegee Legacy” and considers the theoretical traction gained by treating the term ‘Tuskegee’ as an ideograph. The Tuskegee Syphilis Study Legacy Committee described the lingering effects of Tuskegee as “cast[ing] a long shadow on the contemporary relationship between African Americans and the biomedical community”<sup>59</sup> and the Committee called for a presidential apology that was long overdue. Now that an apology (of sorts) has been made, has the status of the Tuskegee legacy changed in any fundamental way? Is public acknowledgement of the offense an effective remedy for the historical trauma of Tuskegee? If Clinton’s speech did indeed create a shift in the Tuskegee legacy, is the shifting of such a “legacy” appropriate? In Chapter 5, the analysis moves out from the two primary texts in the speech set into a social analysis of the significance of public memory about the Tuskegee Syphilis Study. By treating the Legacy as an ideograph, I develop a framework for a more sophisticated understanding of the uses of ‘Tuskegee’ in the lay public. To do so, I draw on an array of sources, including rhetorical theory, a historian’s analysis of African Americans’ knowledge about the Tuskegee Study, public health researchers’ analyses of

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<sup>59</sup> Legacy Committee, “Legacy Committee Request,” 559.

Americans' attitudes about participating in medical research, and examples of journalism that reflect on the significance of Clinton's speech from the perspective of the lay public.

Public health research led by Ralph V. Katz and colleagues has explored the *doxa* of medical researchers who assume that the Tuskegee legacy is a significant deterrent for potential minority participants in medical research. As widespread as this particular "understanding" of the Tuskegee legacy seems to be (as evidenced by its reference in scholarly and journalism articles<sup>60</sup>), the authors shed doubt on this particular influence of the Tuskegee legacy by conducting the first long-term, multi-city empirical study to assess minorities' anxiety about participating in medical research as well as their likelihood to participate. These researchers are also the first to consider the potential influence of Clinton's 1997 address over attitudes about the Tuskegee Study and its legacy. The frequent citing of the legacy by other researchers, as well as the capacity for Katz and colleagues to design an instrument called the Tuskegee Legacy Questionnaire, indicate that the legacy may circulate ideographically.

By treating the Legacy as an ideograph, I examine how <Tuskegee> is juxtaposed with Clinton's speech and how that relationship may complicate or shift the mental connotations that accompany references to <Tuskegee>. The assumption underlying this approach is that public memory perpetuates and evolves contemporary understandings of the Tuskegee Syphilis Study. The often-used term "legacy" is central to this analysis: it is used by those describing long-standing apprehensions of medical and government institutions in the shadow of ethics violations like Tuskegee, but it also describes a recurring rhetorical situation surrounding the ideographically charged <Tuskegee>. In order to parse the ideographic tendencies of the Tuskegee Legacy, this chapter is guided by the following questions:

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<sup>60</sup> See footnote 16 in this chapter.



- How does ‘Tuskegee’ circulate as an ideograph?
- What do the findings of the Tuskegee Legacy Project reveal about the influence of <Tuskegee> and Clinton’s remarks over Americans’ attitudes and behaviors about participating in medical research?
- How do the rhetorical choices of the Tuskegee Legacy Project Questionnaire designers potentially affect responses from respondents?
- In what ways do Clinton’s remarks fall short of “curing” the Tuskegee legacy?

Chapter 6 concludes the dissertation by summarizing my findings and reflecting on “big-picture” implications of the central theses driving the Study. In this vein, I explore how Clinton’s adherences and deviations from the Legacy Committee’s request transformed an apology into a celebration of modern medicine and therefore disregarded the medical establishment and the modernist priorities on <science> as being key culprits in the Study. For example, when the Legacy Committee asked for bioethics research support by the government, Clinton obliged but also exhorted his African American audience to participate in research as subjects, which was not explicitly requested by Committee. How does this reframing of the apology event complicate the Legacy? To put it another way, was the Committee’s optimism about the “opportunity to challenge this legacy and create a more beneficial one” satisfied?<sup>61</sup> I also revisit claims made in the opening chapter regarding the significance of my research: the benefits of paired rhetorical criticism over strict genre criticism, the opportunities and limits of institutional apologies for government-level wrongdoing, the role of “Tuskegee” as a metaphor, and the capacity and limitations of rhetoric to work within the constraints of historical context while simultaneously shift the framing of the same context. Aaron Lazare speaks to the equalizing effects of apologies

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<sup>61</sup> Legacy Committee, “Legacy Committee Request,” 563.

as “hurting” the offender to make up for the hurt suffered by the victim.<sup>62</sup> Since Clinton was an apologizer but not the offender, who benefits from his display of humility?

Chapter 6 takes stock of how the specific findings and overarching themes of the dissertation address the research questions guiding the project, as well as how they suggest future paths of inquiry.

## 1.4 CONCLUSION

This study of Clinton’s address within the broader context of the Tuskegee legacy is beneficial for several reasons. First, there is little scholarship focused on Clinton’s speech, and even less attention given to the rhetorical artifact that provoked it: the Legacy Committee request. Second, the project provides a clearer understanding of public reception and uses of apology and *apologia* within their ideological frames of reference. Third, failing to understand how the Tuskegee legacy continues to circulate decades after the Study’s end has significant implications for public health policies, health outcomes for minorities, and the public discourse of science and medicine.

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<sup>62</sup> Lazare, *On Apology*, 52.

## 2.0 *KATEGORIA*: THE REQUEST FOR APOLOGY

I cannot understand why some hold that the elaboration of speech originated in the fact that those who were in peril owing to some accusation being made against them, set themselves to speak with studied care for the purpose of their own defence. This, however, though a more honourable origin, cannot possibly be the earlier, for accusation necessarily precedes defence. You might as well assert that the sword was invented for the purpose of self-defence and not for aggression.<sup>1</sup>

~ Quintilian

In January 1996, a group of fourteen scholars, historians, public health officials, and others interested in the long-term consequences and implications of the Tuskegee Syphilis Study gathered at Tuskegee University in Tuskegee, Alabama, to form the Tuskegee Syphilis Study Legacy Committee.<sup>2</sup> At that time, they also began composing a document, the Legacy Committee Request, to secure an official apology for the Tuskegee Syphilis Study from President Clinton and to “develop a strategy to redress the damages caused by the Study and to

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<sup>1</sup> Quintilian, *The Institutio Oratoria*, trans H. E. Butler (Cambridge: Harvard University Press, 1963), 3.2.2.

<sup>2</sup> Tuskegee Syphilis Study Legacy Committee, “Legacy Committee Request,” in *Tuskegee’s Truths: Rethinking the Tuskegee Syphilis Study*, ed. Susan M. Reverby (Chapel Hill: University of North Carolina Press, 2000), 565 n. 1.

transform its damaging legacy.”<sup>3</sup> The Legacy Committee and its formal request are credited with bringing about the long-awaited apology delivered by President Clinton in the East Room of the White House on May 16, 1997—25 years after the termination of the Study.

The significance of the Legacy Committee request extends beyond simply compelling a response from the one of the most powerful political leaders in the world. As the antecedent in a pair of rhetorical artifacts, the request performs the function of *kategoria*, or accusation, to which the predicate artifact (Clinton’s speech) must respond. The request implicitly and explicitly lays out expectations and constraints for the response intended by the request’s authors. Therefore, it is critical to examine the request and its entailments before considering the nature of the response. In the terminology of rhetorician Halford Ross Ryan, the *kategoria* is appropriately paired with its corresponding *apologia*, or defense, as a speech set. He asserts that paired rhetorical criticism of the speech set enables the critic to understand better the rhetorical choices of each speaker or author and recognize the degree to which the *apologia* fits with or departs from the expectations revealed by the *kategoria*.<sup>4</sup> According to this analytical model, the generic constraints on an artifact of *apologia* may be variable and dependent on the *kategoria* that precedes it.

This chapter analyzes the Legacy Committee Request by first exploring *kategoria* as a rhetorical genre and considering its relationship to its counterpart, *apologia*. Next, I discuss the history and membership of the Legacy Committee to provide context for the development of the request letter and its presentation to President Clinton. This groundwork lays a foundation for description and rhetorical analysis of the Legacy Committee Request using the critical tools

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<sup>3</sup> Ibid., 560.

<sup>4</sup> Halford Ross Ryan, “*Kategoria and Apologia: On Their Rhetorical Criticism as a Speech Set*,” *Quarterly Journal of Speech* 68, no. 3 (1982): 254.

afforded by a consideration of this document as *kategoria*, including its implications for subsequent rhetorical action by key actors in this drama.

## 2.1 GENERIC FEATURES OF *KATEGORIA*

While the genre of *kategoria* is as old as *apologia*,<sup>5</sup> it receives much less theoretical attention in the contemporary era than its counterpart. Clearly, as a piece of persuasive discourse, a *kategoria* may be designed by its creator to include any number of rhetorical tactics to castigate her target effectively. Rhetorical critique of these moves can be informed by several important developments in *kategoria* theory that have been offered in recent decades. Most notably, Halford Ross Ryan reinvigorated theoretical attention to *kategoria*. Ryan approaches criticism of *kategoria* and *apologia* using a toolset comprised of three analytic perspectives: Walter Fisher's four motives of communication, Hermagoras' four classical *stases*, and Lloyd Bitzer's rhetorical situation.<sup>6</sup> Further, Ryan argues that in rhetorical criticism of *kategoria* and *apologia*, critics ought to treat artifacts of accusation and defense as a speech set rather than in isolation, in order to better measure the features of each text against the exigences created by its counterpart.<sup>7</sup> But, he claims, "The accuser is the affirmer or the rhetorical prime-mover in the speech set. The accuser perceives an evil or an exigence, he is motivated to expose it, and the rhetorical response

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<sup>5</sup> The classical history of each of these genres will be spelled out in sections 2.1.1 and 3.1.1, respectively.

<sup>6</sup> Ryan, "*Kategoria* and *Apologia*," 255.

<sup>7</sup> *Ibid.*, 254.

to that motivation is a *kategoria*.”<sup>8</sup> Therefore, the critic must be attentive to the arguments advanced in accusation before assessing the corresponding *apologia*.<sup>9</sup>

Before looking at contemporary uses and developments of this genre, we must first look to the origins of *kategoria* as a feature of judicial rhetoric in ancient Greece and the further development of *stasis* theory in judicial contexts. From there, Ryan’s contemporary rhetorical criticism of *kategoria* leads to a more diverse set of analytical frames with which to consider *kategoria* beyond the courtroom. These frames include Bitzer’s rhetorical situation, communication scholar Walter R. Fisher’s “motive view” of communication, and communication scholars William L. Benoit and Bruce Dorries’s theory of persuasive attack. Several additional considerations of this genre will be addressed in preparation for the analysis of the Legacy Committee’s request for a presidential apology.

### 2.1.1 Classical Treatments of *Kategoria*

Even as rhetorical genres were first considered in classical Greece, thinkers acknowledged the rhetorical opportunities in prosecution and defense. Looking back to classical Greek texts, we can find several brief references to *kategoria*. For example, the character of Socrates in Plato’s *Phaedrus* acknowledges the rhetorical handbooks’ topical treatment of

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<sup>8</sup> Ibid., 256.

<sup>9</sup> The accusation(s) and defense(s) need not be a single events or texts, but may arise generally through mediated commentary and/or come from multiple rhetors over a variable period of time [On this point, see Halford Ross Ryan, introduction to *Oratorical Encounters: Selected Studies and Sources of Twentieth-Century Political Accusations and Apologies*, ed. Halford Ross Ryan (New York: Greenwood Press, 1988), xxiii; William L. Benoit, *Accounts, Excuses, and Apologies: A Theory of Image Restoration Strategies* (Albany, NY: State University of New York Press, 1995), 85]. Due to the prominence and influence of the Tuskegee Syphilis Study Legacy Committee’s request for a presidential apology, I focus exclusively on that text as the *kategoria*.

prosecution and defense.<sup>10</sup> Isocrates, in his oration on *Helen*, asserts, “a plea in defence is appropriate only when the defendant is charged with a crime” (though he does not use the term ‘*kategoria*’ in this passage).<sup>11</sup> Isocrates’ *Panegyricus* emphasizes the importance of rhetoric with regard to behavior change:

It is not, however, possible to turn men from their errors, or to inspire in them the desire for a different course of action without first roundly condemning their present conduct; and a distinction must be made between accusation, when one denounces with intent to injure, and admonition, when one uses like words with intent to benefit; for the same words are not to be interpreted in the same way unless they are spoken in the same spirit.<sup>12</sup>

In each of the above examples, the authors provide no further exposition of *kategoria* as a genre beyond indicating that a defense necessarily follows an accusation. Nevertheless, Isocrates’ distinction between accusation and admonition, as we shall see, sheds light on some important features of the Legacy Committee’s request for an apology in the Tuskegee case.

Aristotle treats *kategoria* more thoroughly in the course of describing judicial rhetoric as that of accusation or defense.<sup>13</sup> His conceptualization of wrongdoing serves as a heuristic frame for preparing or criticizing an accusation or defense; he suggests that arguments offered for either side should account for the motives for the wrongdoing and the natures of a perpetrator and a victim.<sup>14</sup> With regard to the purposes that drive wrongdoing, Aristotle writes, “it is clear

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<sup>10</sup> Plato, *Phaedrus*, trans. Alexander Nehamas and Paul Woodruff (Indianapolis: Hackett, 1995), 267A.

<sup>11</sup> Isocrates, *Helen*, trans. LaRue Van Hook. Loeb Classical Library (Cambridge, MA: Harvard University Press, 1961), section 15.

<sup>12</sup> Isocrates, *Panegyricus*, trans. George Norlin. Loeb Classical Library (Cambridge, MA: Harvard University Press, 1966), section 130.

<sup>13</sup> Aristotle, *On Rhetoric*, trans. George A. Kennedy (New York: Oxford University Press, 1991), 1368b.

<sup>14</sup> *Ibid.*

that the prosecutor should consider, as they apply to the opponent, the number and nature of the things that all desire when they do wrong to their neighbors, and the defendant should consider what and how many of these do not apply.”<sup>15</sup> Aristotle’s profiling of offender and victim provide tools for individual accusation and defense but are less applicable to the Legacy Committee’s request for at least two reasons. First, both the Legacy Committee and President Clinton acknowledged that Clinton was a representative of the blameworthy institution but neither a central figure in the wrongdoing of the Tuskegee Syphilis Study nor a personal apologist. Second, the artifacts under consideration here do not fit squarely with forensic rhetoric but, rather, have more in common with the other two species of rhetoric as conceptualized by Aristotle: deliberative and epideictic rhetoric. The generic considerations of the two central artifacts in this thesis are important and will continue to be discussed in this and following chapters.

### **2.1.2 *Stasis* Theory Approach to *Kategoria***

Following Ryan’s lead, we might consider how other classical analytic schemes can contribute to our understanding of *kategoria* and its function as persuasive rhetoric. In particular, Ryan suggests that *stasis* theory is valuable when examining an artifact of *kategoria*. The rhetorical critic of *kategoria* and *apologia* uses the *stases* to define the contours of the argument and to determine whether the response of the accused party adequately addresses the specific issues of the accusation lodged against her. The four classical *stases* (fact, definition, quality, jurisdiction or legality), while developed over centuries by several philosophers and rhetorical theorists, were

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<sup>15</sup> Ibid.



set in their basic form by Hermagoras during the second century B.C.<sup>16</sup> *Stasis* theory is an approach to disputes that helps the critic or disputants to identify the key lines of controversy at issue in the dispute. Each of the four *stasis* lines may be addressed within a *kategoria* and an *apologia*, though in a given controversy or speech set one *stasis* may be more central than the others. As rhetorician Dale Hample asserts, “all the *stases* must be addressed, all the time. Only one may turn out to be pivotal in a given matter, but only because the others have obvious and consensual resolutions.”<sup>17</sup> The *stases* are traditionally listed in descending importance from the perspective of the accused; the hierarchy of the *stases* reflects the prioritization of the arguments one may offer in defense of oneself.<sup>18</sup> First is the *stasis* of fact: Did the accused commit the act? This issue is fundamental to an accusation: one alleges that some action was or was not done by the accused. Likewise, this issue is the first one that a defendant will try to deny if possible. If one cannot offer a compelling argument that she did not do the alleged act, she will turn to the second *stasis*: definition. This issue concerns the description of the act. Was the killing a *murder*? Did the act constitute *sacrilege*? Was it *unjust*?<sup>19</sup> The accuser may offer definitions of the act as part of the *kategoria*, and the accused may take issue with those proffered definitions. Additionally, the accused may concede the issue of fact but then anchor a defense on the issue of how the act ought to be defined: not as unjust but as just, or not as murder but as an accident. The third *stasis* is the issue of quality and concerns the possibility of mitigating or guilt-lessening circumstances.<sup>20</sup> If the defendant has conceded that she committed an illegal act, her next line of

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<sup>16</sup> Hanns Hohmann, “Stasis,” in *Encyclopedia of Rhetoric*, ed. Thomas O. Sloane (New York: Oxford University Press, 2001), 741.

<sup>17</sup> Dale Hample, *Arguing: Exchanging Reasons Face to Face* (Mahwah, NJ: Lawrence Erlbaum, 2005), 71.

<sup>18</sup> Hohmann, “Stasis,” 741.

<sup>19</sup> Charles Marsh, “The Syllogism of Apologia: Rhetorical Stasis Theory and Crisis Communication,” *Public Relations Review* 32 (2006): 42.

<sup>20</sup> *Ibid.*

defense is that her act was excusable or justified based on some principle. For example, her theft may be justified by her need to feed her starving family or her violence may have been committed in self-defense. The fourth *stasis*, jurisdiction, is used as a last resort by the defense to argue that the accusation has been brought before an inappropriate forum and that the venue in question does not have the right to judge the case.<sup>21</sup> This *stasis* is rarely addressed directly in an accusation because, implicitly, the accuser directs her charges to the audience or venue she believes to be appropriate and relevant.<sup>22</sup>

While the *stases* have their foundation in judicial rhetoric, writers have applied them to assessments of deliberative and, rarely, epideictic rhetoric.<sup>23</sup> Speeches of praise and blame (epideictic), like accusations and defenses, employ claims and evidence to support the speaker's assertion that the subject of her speech is, indeed, praiseworthy or blameworthy and these claims may follow the traditional form of the *stases*. In cases of deliberative rhetoric, the policy under consideration is addressed from four *stases* called stock issues: significant harm of the current system, the inherency of the problem to the current system, the plan to address the harm, and any disadvantages of the proposed policy.<sup>24</sup> As with legal arguments, policy arguments may pivot on only one of these *stases* or stock issues if both sides address the other issues in a mutually satisfactory way. Analysis of the *kategoria/apologia* speech set specifically benefits from the mobilization of *stasis* theory, which helps the critic identify the *stases* in the *kategoria* and lays the groundwork for the critique of the *apologia* as a response to those *stases*. By setting up a

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<sup>21</sup> Ibid.

<sup>22</sup> Ryan, "Kategoria and Apologia," 256 n. 20.

<sup>23</sup> See, for example: Hample, *Arguing*, 71, 76.

<sup>24</sup> Hample, *Arguing*, 75.

thorough understanding of the *kategoria, stasis* theory enables a richer and more productive rhetorical criticism of the subsequent *apologia*.

### 2.1.3 The Rhetorical Situation of *Kategoria*

Ryan suggests another analytic frame for *kategoria* and *apologia* that moves beyond judicial contexts by treating the two as a rhetorical situation, consistent with Lloyd Bitzer's traditional model.<sup>25</sup> In this formulation, an accuser identifies an "exigence which he would seek to modify through accusatory discourse," recognizes constraints to his rhetoric, and addresses an audience that he perceives to be capable of mediating change to resolve the exigence.<sup>26</sup> For *kategoria/apologia* speech set criticism, the rhetorical situation approach equips the critic to attend to contextual factors influencing the inventional capacities of both rhetors. Specifically, understanding *kategoria* and *apologia* as existing within and constituting a particular rhetorical situation acknowledges the function of the *kategoria* as affecting the exigences and constraints facing the one who would offer an *apologia*. This form is sufficient for a preliminary analysis though I will provide a more thorough and sophisticated description in this and the next chapter as part of the analyses of the Legacy Committee's request and President Clinton's response.

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<sup>25</sup> Lloyd Bitzer, "The Rhetorical Situation," *Philosophy and Rhetoric* 1 (1968): 6-8.

<sup>26</sup> Ryan, "*Kategoria* and *Apologia*," 255.

#### 2.1.4 Motive View of *Kategoria*

The theory of motive, conceptualized by Walter R. Fisher, is another approach employed by Ryan to analyze the *kategoria/apologia* speech set.<sup>27</sup> The four primary motives, according to Fisher, are affirmation (creating a new image or seeking buy-in to a new concept), reaffirmation (revitalizing the audience's pre-existing belief or value), purification (refining an image or ideology), and subversion (weakening or destroying an image or ideology).<sup>28</sup> These motives influence rhetorical invention as the rhetor considers each salient element of the rhetorical situation she faces.<sup>29</sup> Clearly, motives are important for consideration of both the accuser's rhetoric as well as the defender's rhetoric. For the critic, this theory "directs attention not to communicator intent so much as to how and in what ways rhetorical discourse functions, the nature of its use in adapting ideas to audiences and audiences to ideas."<sup>30</sup> The particular speech set artifacts analyzed in this project have significant entailments and consequences for multiple audiences, so an analysis of the rhetorical functions and motives of the *kategoria* and *apologia* may help to illuminate these consequences.

#### 2.1.5 *Kategoria* as "Persuasive Attack"

The three analytical frames cited by Ryan and discussed above are not the only tools with which to understand *kategoria*. Citing the disproportionate attention given to *apologia* over *kategoria* in

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<sup>27</sup> See Walter R. Fisher, "A Motive View of Communication," *Quarterly Journal of Speech* 56 (1970): 131-139.

<sup>28</sup> *Ibid.*, 132-137.

<sup>29</sup> *Ibid.*, 139.

<sup>30</sup> *Ibid.*

the extant rhetoric literature, William L. Benoit and Bruce Dorries developed a preliminary typology of “persuasive attack.”<sup>31</sup> Inspired by Anita Pomerantz’s description of a persuasive attack having essentially two elements (the accuser must believe that salient audiences will perceive the alleged act negatively, and the accused person must be perceived to be responsible for the act), Benoit and Dorries elaborate on how a rhetor might increase the accused person’s perceived responsibility for the act and increase the perceived offensiveness of the act. The rhetor must also, of course, consider the audience’s preexisting attitudes about the act and the accused and the likely response the accused will make to the accusation.<sup>32</sup> Benoit and Dorries propose that an accuser can emphasize the agent’s responsibility by showing that the accused has committed the act before, planned the act, knew the likely consequences of the act, and/or benefitted from the act.<sup>33</sup> The relative offensiveness of the act may be emphasized by noting the extent of the damage, the persistence of negative effects, the effects on the audience, inconsistency or hypocrisy by the accused, the innocence or vulnerability of the victims, or the particular obligation of the accused to protect the victims (as in the case of parents for their children or doctors for their patients).<sup>34</sup> These ten *topoi* for persuasive attacks are consistent with the rhetorical strategies offered by Aristotle’s *On Rhetoric*.<sup>35</sup>

Although classical rhetorical theory does not provide much depth in terms of the development of *kategoria* as a genre, the several analytical frames discussed thus far serve to expand the opportunities for and usefulness of rhetorical criticism of the genre. By considering

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<sup>31</sup> William L. Benoit and Bruce Dorries, “Dateline NBC’s Persuasive Attack on Wal-Mart,” *Communication Quarterly* 44 (Fall 1996): 463.

<sup>32</sup> *Ibid.*, 464-465.

<sup>33</sup> *Ibid.*, 466.

<sup>34</sup> *Ibid.*, 469.

<sup>35</sup> Aristotle discusses the *topoi* of justice and injustice as well as degrees of magnitude in chapters 13-14 of Book I of *On Rhetoric*.

critical tools applicable to judicial rhetoric (e.g., *stasis* theory and persuasive attack) as well as those that have broader application (e.g., the rhetorical situation and motive view), we can see how multiple frames may help generate richer analysis of deceptively simple accusations. Still, there are additional considerations that must be addressed before concluding this discussion on the genre of *kategoria*.

### 2.1.6 Further Considerations of *Kategoria*

The tools discussed above for analyzing *kategoria* do not fully satisfy a few questions that remain about treating *kategoria* as a genre. First, it is important to recognize that *kategoria* is different from general accusation in respect to its functions. Whereas an accusation may be made for the psychological and sociological benefit of the accuser and witnesses, *kategoria* is *specifically* designed to elicit a particular response in the form of *apologia*. In the terminology of speech act theory, the *kategoria* is an illocutionary act that carries enough force to “invite by convention a response or sequel” and *apologia* functions as the corresponding “perlocutionary sequel,” a response that necessarily follows.<sup>36</sup> The response need not be verbal—in many cases a physical action or deed can serve as a perlocutionary sequel.

Another function of *kategoria* that distinguishes it from general accusation is that *kategoria* seeks to shape the generic constraints that confront the *apologia*. It is this function that justifies the pairing of *kategoria* and *apologia* for analysis as a speech set and requires particular focus on the *kategoria* as the instigation of the speech set. All *kategoriae* face the challenge of working within received audience expectations regarding the generic constraints of *apologia*. A

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<sup>36</sup> J. L. Austin, *How to Do Things with Words*, 2<sup>nd</sup> ed. (Cambridge, MA: Harvard University Press, 1975), 117-118.

*kategoria* may try to foreground, background, alter, add, or subtract from the set of those constraints. The success of a *kategoria* is not predetermined because it depends in part on rhetoric to shape the rhetorical situation. The success of any *apologia*, then, depends on the rhetor not only dealing artfully with the received generic constraints (what audiences generally expect from an *apologia*), but also on the extent to which the rhetor responds to the situation as shaped by a particular *kategoria* (what audiences expect from this *apologia*, specifically).

The context for *kategoria* also factors in to its consideration as a genre. Traditionally, *kategoria* has been associated with judicial/forensic rhetoric of accusation to which the accused responds in defense (*apologia*) by addressing the salient *stasis* points with denial, excuse, or justification and perhaps by using the strategies the rhetoricians B. L. Ware and Wil A. Linkugel made famous (bolstering, denial, transcendence, and differentiation).<sup>37</sup> However, *kategoria* has a place within deliberative and epideictic rhetoric as well. In the case of the Legacy Committee Request, as we shall see, accusations about past events—including the failure of the United States government to apologize for the Tuskegee Syphilis Study—are leveled in order to pursue a specific ceremonial action (apology) as well as the enactment of policies as suggested by the Legacy Committee.

Furthermore, the *kategoria/apologia* speech set has not traditionally allowed for non-defensive responses (i.e., apologies) to the accusation. In the next two chapters, I will specifically address the relationship between the genres of apology and *apologia*, but the generic divisions should not prohibit my consideration of *kategoria* and apology as possible variation of the speech set that benefits from paired criticism.

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<sup>37</sup> B. L. Ware and Wil A. Linkugel, "They Spoke in Defense of Themselves: On the Generic Criticism of Apologia," *Quarterly Journal of Speech* 59 (1973): 273-283.

This section has introduced the genre of *kategoria* and several specific analytic resources for its criticism, including *stasis* theory, motive theory, the rhetorical situation, and persuasive attack. The genre discussion has laid part of the foundation for analysis of the focal rhetorical artifact of this chapter, the Tuskegee Syphilis Study Legacy Committee's request for a presidential apology. I have traced the classical roots of *kategoria* and *stasis* theory, as well as examined the notable contemporary developments of *kategoria*'s generic qualities and *topoi*. I have also raised three additional concerns for the treatment of *kategoria* on its own as well as its inclusion in speech sets. I turn now to the history of the group that authored and authorized the request for an apology for the Tuskegee Syphilis Study before engaging an analysis of the document they issued.

## **2.2 HISTORY OF THE TUSKEGEE SYPHILIS STUDY LEGACY COMMITTEE**

The development of the Tuskegee Syphilis Study Legacy Committee's request for an apology began with the creation of the Committee itself, the impetus for which dates back more than two years before the delivery of the apology request to the White House in 1996. On February 23, 1994, the University of Virginia hosted a one-day symposium titled, "Doing Bad in the Name of Good? The Tuskegee Syphilis Study and its Legacy." Coordinated by Joan Echtenkamp Klein, then the Assistant Director for Historical Collection and Services at the Claude Moore Health Sciences Library at the University of Virginia, the symposium's purpose was to "apply historical perspective on the Tuskegee Study to the current problems of cultural difference in perceptions



of health care workers and the appropriate nexus of scientific research and human rights.”<sup>38</sup> The symposium included a viewing of the film, “Bad Blood,” and presentations by scholars across a variety of disciplines:

James H. Jones	Author of <i>Bad Blood: The Tuskegee Syphilis Experiment</i> Historian at University of Houston
Vanessa N. Gamble	Physician and medical historian at University of Wisconsin School of Medicine
Susan M. Reverby	Historian and women’s studies professor at Wellesley College
Patricia A. Sullivan	Biologist and Assistant Director for the Study of Civil Rights at the University of Virginia’s Carter G. Woodson Institute
Paul A. Lombardo	Law professor and Director of the Mental Health Law Training and Research Center of the Institute of Law, Psychiatry, and Public Policy at the University of Virginia
John C. Fletcher	Bioethicist and Director of the Center for Biomedical Ethics at the University of Virginia Health Sciences Center
Gertrude Fraser	Anthropologist at the University of Virginia <sup>39</sup>

According to Paul Lombardo, it was John Fletcher’s remarks and actions at the symposium that precipitated direct action on the part of the scholars present to bring about a government apology. In an emotional moment during his talk, “Fletcher set aside his prepared remarks and declared the legal settlement that followed the Tuskegee revelations to be morally inadequate; more was required, he said. ‘This institution [the Public Health Service] should have come to its knees and apologized. It is not too late to say we did something wrong?’”<sup>40</sup> Later that evening, Fletcher “paced the room” at the symposium dinner to solicit the involvement of other

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<sup>38</sup> University of Virginia Health System, “Tuskegee Syphilis Study Symposium,” [http://www.hsl.virginia.edu/historical/medical\\_history/bad\\_blood/symposium.cfm](http://www.hsl.virginia.edu/historical/medical_history/bad_blood/symposium.cfm); Joan Echtenkamp Klein, “Doing Bad in the Name of Good,” Symposium announcement, email to MedLib-L mailing list, <http://list.uvm.edu/cgi-bin/wa?A3=ind9401&L=MEDLIB-L&E=0&P=417124&B=-&T=text%2Fplain>.

<sup>39</sup> University of Virginia Health System, “Tuskegee Syphilis Study Symposium,” [http://www.hsl.virginia.edu/historical/medical\\_history/bad\\_blood/symposium.cfm](http://www.hsl.virginia.edu/historical/medical_history/bad_blood/symposium.cfm).

<sup>40</sup> Paul A. Lombardo, “In Memoriam: John C. Fletcher (1931-2004),” *Journal of Law, Medicine, and Ethics* 32 (October 2004): 539.

attendees in his fledgling plan to secure an apology from the government.<sup>41</sup> The seeds of the Legacy Committee had been sown.

On January 18-19, 1996, Tuskegee University hosted a workshop on “Enhancing Minority Participation in Research and Other Programs Sponsored by the United States Department of Health and Human Services” sponsored by the Minority Health Professions Foundation and funded by the Centers for Disease Control and Prevention (CDC) and the Department of Health and Human Services.<sup>42</sup> The workshop, organized by the Northeastern Minority Oral Health Research Center, attracted scholars and practitioners interested in racial health disparities and disproportionate participation by minorities in health research and the mainstream medical establishment. Dr. Ralph Katz guided the organization of the workshop along with Dr. James Ferguson (Dean of Tuskegee University College of Veterinary Medicine and president of the Minority Professions Foundation) and Dr. Rueben Warren (Associate Director for Minority Health at the CDC).<sup>43</sup> Two goals were established for the two-day workshop: to “develop a strategy for an apology from the United States President” and to have the 22-person expert panel assess the preliminary Tuskegee Legacy Project Questionnaire developed by Katz and his colleagues before its revision and pilot the following summer.<sup>44</sup>

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<sup>41</sup> Ibid.

<sup>42</sup> Ralph V. Katz and others, “The Tuskegee Legacy Project: History, Preliminary Scientific Findings, and Unanticipated Societal Benefits,” *Dental Clinics of North America* 47 (January 2003): 10.

<sup>43</sup> Katz and others, “The Tuskegee Legacy Project,” 10.

<sup>44</sup> Ibid., 10-11. The Tuskegee Legacy Project, of which Katz is the principal investigator, is an empirical study that aims to “document, directly address, and hopefully mollify the specific concerns harbored by African Americans as they were invited to participate in future studies focused on minority health issues” (3). The Tuskegee Legacy Project will be discussed in more depth in Chapter 5.

Fourteen of the participants at the Tuskegee University workshop established the Tuskegee Syphilis Study Legacy Committee at that meeting.<sup>45</sup> As Katz describes, the Committee's goal was "to ensure that, subsequent to the workshop, the proposed apology document would be presented to the highest levels of government and to key community leaders."<sup>46</sup> The final report of the Committee, the request for a presidential apology, was dated May 20, 1996.<sup>47</sup>

Vanessa Northington Gamble chaired the Legacy Committee. As a medical historian and professor at the University of Wisconsin, she was a founder and director of the Center for the Study of Race and Ethnicity at the University of Wisconsin Medical School.<sup>48</sup>

John Fletcher served as co-chair for the Legacy Committee he instigated.<sup>49</sup> Previously, Fletcher had been a Founding Fellow of the Hastings Center (a bioethics research institution founded in 1969), the first Chief of the Bioethics Program at the Clinical Center of the National Institutes of Health and the Founding Director of the Center for Bioethics at the University of Virginia in Charlottesville.<sup>50</sup> He was a professor of biomedical ethics there until he retired in 1999.<sup>51</sup>

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<sup>45</sup> Legacy Committee, "Legacy Committee Request," 564, 565 n. 1; Katz and others, "The Tuskegee Legacy Project," 11. The names and affiliations of all fourteen members of the Legacy Committee are included in the Committee's final report (reprinted in Appendix A) and, unless otherwise specified, information about these members came from that report.

<sup>46</sup> Katz and others, "The Tuskegee Legacy Project," 11.

<sup>47</sup> University of Virginia Health System, "Final Report of the Tuskegee syphilis Study Legacy Committee—May 20, 1996," [http://www.hsl.virginia.edu/historical/medical\\_history/bad\\_blood/report.cfm](http://www.hsl.virginia.edu/historical/medical_history/bad_blood/report.cfm).

<sup>48</sup> National Library of Medicine, "Biography [Dr. Vanessa Northington Gamble]," Changing the Face of Medicine exhibit, [http://www.nlm.nih.gov/changingthefaceofmedicine/physicians/biography\\_122.html](http://www.nlm.nih.gov/changingthefaceofmedicine/physicians/biography_122.html)

<sup>49</sup> Lombardo, "In Memoriam," 539; Legacy Committee, "Legacy Committee Request," 564.

<sup>50</sup> Mary Faith Marshall, "What Really Happened: A Tribute to John C. Fletcher," *The American Journal of Bioethics* 4 (Fall 2004): W3.

<sup>51</sup> *Ibid.*

In addition to Fletcher and Gamble, two other speakers at the 1994 Symposium joined the Legacy Committee: James Jones and Susan Reverby. Jones, a historian from the University of Houston, wrote what is widely held as the definitive history of the Tuskegee Syphilis Study. *Bad Blood: The Tuskegee Syphilis Experiment* was initially published in 1981 and a second edition, expanded to include “the Tuskegee Experiment’s legacy in the age of AIDS” was published in 1993.<sup>52</sup> Jones first learned of the Tuskegee Study while researching a different project in the National Archives but thought that the Study had already been discontinued.<sup>53</sup> The 1972 Heller article shocked him and he began research for the manuscript of *Bad Blood* the same year.<sup>54</sup> Susan Reverby, a women’s studies scholar, has written about the role of nurse Eunice Rivers in the Tuskegee Study and, since the Legacy Committee’s formation, has written and edited several articles and two books about the Tuskegee Study.

Tuskegee workshop organizers Ralph Katz, Rueben Warren, and James Ferguson were members of the Legacy Committee, as was one of Katz’s co-investigators in the Tuskegee Legacy Project, Dr. B. Lee Green. Dr. Green was an Assistant Professor at the University of Alabama and had been invited to join the committee due to his previous interest and work in the area of minority participation in research.<sup>55</sup> Joan Echtenkamp Klien, the University of Virginia symposium coordinator, also joined the Committee.

The remaining five members of the Legacy Committee were professionals in public health organizations. Myrtle Adams was the Chairman and Patricia Clay was an administrator of the Macon County Health Care Authority. Barbara Harrell was the Director of the Division of

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<sup>52</sup> James H. Jones, *Bad Blood: The Tuskegee Syphilis Experiment*, New ed. (New York: The Free Press, 1993).

<sup>53</sup> *Ibid.*, xi.

<sup>54</sup> *Ibid.*

<sup>55</sup> Moffitt Diversity, “Team Members—B. Lee Green,” <http://www.moffitt.org/Site.aspx?spid=9EB65A0FA168416D99B96A1FE4564DD4>.

Minority Health at the Alabama Department of Public Health. Dr. Bill Jenkins was an epidemiologist at the CDC. Anthony Winn, a Program Analyst from the Minority Health Professions Foundation, rounded out the Committee.

Understanding the make up of this motivated group sheds light on the group's orientation toward rhetorical production and their explicit mission to craft an effective call for apology. The participation of the Committee members in local and national organizations, as well as some members' academic prestige, lent particular credibility to the Legacy Committee and strength to its collective voice in the formal request. Armed with background information about the authors of the Legacy Committee Request, I now turn to a description of the document followed by rhetorical analysis of the request according to the analytic frame detailed in the previous section.

### **2.3 THE LEGACY COMMITTEE REQUEST**

The final report of the Tuskegee Syphilis Study Legacy Committee was submitted to the CDC as well as to the White House and was publicly supported by the Congressional Black Caucus, civil rights attorney Fred Gray (who, joined by five Study survivors, held a press conference on the matter in April 1997), and other groups.<sup>56</sup> According to one colleague, Legacy Committee co-chair John Fletcher “worked through colleagues and contacts in government to bring the apology petition to the President's desk.”<sup>57</sup>

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<sup>56</sup> Susan M. Reverby, “History of an Apology: From Tuskegee to the White House,” *Research Nurse* 3, no. 4 (July/August 1997): 7.

<sup>57</sup> Lombardo, “In Memoriam,” 539.

In its report,<sup>58</sup> the Legacy Committee acknowledged that it sought “two inseparable goals: 1) to persuade President Clinton to publicly apologize for past government wrongdoing to the Study’s living survivors, their families, and to the Tuskegee community, and 2) to develop a strategy to redress the damages caused by the Study and to transform its damaging legacy.”<sup>59</sup> The stated purpose was not to demonize or damage the Clinton administration for acts that took place long before its election, but to urge the sitting president to perform particular rhetorical and political acts designed to address the exigences identified by the Committee. Needless to say, this approach did not fully absolve the Clinton administration for its handling of the issue, as the subsequent analysis elucidates.

The Legacy Committee’s request set forth arguments for why an apology was necessary (perception of an “evil or exigence,” in Ryan’s terms), why it ought to be given soon, and why President Clinton was a fitting agent to deliver the apology. In the following subsections, I identify and describe these arguments as they occur within four prominent themes in the request. Specifically, the Legacy Committee emphasized the wrongs and harms of the Study; made recommendations regarding the audience, timing, and context for its desired presidential apology; identified the agent to perform the apology; and laid out additional goals for the apology event and presidential action related to the event. Each of these themes contributes to the *kategoria* as an accusation and as a document designed to elicit a particular set of perlocutionary sequels performed by President Clinton. The analysis in Section 2.4 also deploys the specific tools for rhetorical criticism of *kategoria* that were introduced earlier in this chapter.

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<sup>58</sup> The text of the Legacy Committee’s report has been reprinted in Appendix A.

<sup>59</sup> Legacy Committee, “Legacy Committee Request,” 560.

### 2.3.1 Emphasizing the Wrongs and Harms of the Study

As an accusation, the request for an apology must explain the acts or failures to act that warrant censure and for which an apology is requested. In the Legacy Committee’s request, the Committee described the “moral and physical harms to the community of Macon County,” specifically the men in the Study and their families.<sup>60</sup> The report cited several components to the government’s wrongdoing, including “deliberately deceiving them and withholding from them state of the art treatment.”<sup>61</sup> The introduction to the report pointed to how the government doctors “went to extreme lengths to ensure that [the men] would not receive any therapy from other sources.”<sup>62</sup> Additionally, the “lax study protocol” may have admitted men whose syphilis was still communicable, thereby allowing the untreated men to spread the disease to their sexual partners and their children in utero.<sup>63</sup> In this way, the physical harms of untreated syphilis extended beyond the men in the Study to others in the community. The Committee reported that even the reputation of Tuskegee Institute (now, Tuskegee University) was harmed because the name of the Study itself is misleading and “clouds the funding and responsibility for the Study”—the United States government, rather than Tuskegee Institute, directed the Study and designed its parameters.<sup>64</sup>

Another aspect of the Study’s lingering harm described in the request regards the absence of apology for the Tuskegee Syphilis Study: “No public official has ever stated clearly to the nation that the Tuskegee Syphilis Study was morally wrong from its inception, and no public

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<sup>60</sup> Ibid.

<sup>61</sup> Ibid.

<sup>62</sup> Ibid., 559.

<sup>63</sup> Ibid., 560.

<sup>64</sup> Ibid., 561.

official has ever apologized to the survivors and their families.”<sup>65</sup> A class-action lawsuit, settled out of court in 1974, provided financial compensation to victims and their family members but did not include an apology.<sup>66</sup> The Legacy Committee contended that “an apology is sorely needed” and that “an apology from the President could facilitate the healing of the victims and the nation.”<sup>67</sup> There is no further explanation of apology’s healing potential beyond the rhetorical power of publicly declaring the values and moral standards by which the nation will be guided. Still, the Legacy Committee’s request implies that a public acknowledgement of the government’s wrongdoing and its consequent harms may have tremendous value to those who have felt disregarded and forgotten by their nation.

Beyond the immediate harms of the Study, the request for an apology cited the “harmful legacy of the Study.”<sup>68</sup> The authors acknowledged, “African Americans’ distrust of the medical profession predates the revelation of the Tuskegee Syphilis Study and involves a myriad of other social and political factors. Nevertheless, the Study has become a powerful symbol for the fear of exploitation in research and the deprivation of adequate medical care that is widespread in the African-American community.”<sup>69</sup> The Committee cited several examples of how the memory of the Tuskegee Syphilis Study is invoked as the reason why so many African Americans are suspicious of the medical profession and the government. This distrust manifests in many ways including avoiding medical treatment, participating in medical research in disproportionately low numbers, choosing not to donate organs, and believing rumors of various government genocide

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<sup>65</sup> Ibid.

<sup>66</sup> Susan E. Bell, “Events in the Tuskegee Syphilis Study: A Timeline,” in Reverby, *Tuskegee’s Truths*, 38.

<sup>67</sup> Legacy Committee, “Legacy Committee Request,” 561.

<sup>68</sup> Ibid.

<sup>69</sup> Ibid.



programs involving, for example, the AIDS virus and needle exchange programs.<sup>70</sup> According to the Committee, this lingering distrust has continued implications for the health disparities observed between African Americans and white Americans. The Committee summarized the nature of the Tuskegee Legacy: “In the almost twenty-five years since its disclosure, the Study has moved from a singular historical event to a powerful metaphor. It has come to symbolize racism in medicine, ethical misconduct in human research, paternalism by physicians, and government abuse of vulnerable people.”<sup>71</sup> The power of this metaphor, then, is another argument for a public presidential apology. In Chapters 5 and 6, I will return to this theme of the Tuskegee Study as a metaphor to explore the implications of this claim for medical research recruitment and for the rhetorical situations facing those who would speak about historical wrongdoing.

### **2.3.2 Attending to Audience, Timeliness, and Context**

The Legacy Committee’s *kategoria* extended beyond mere accusation to include recommendations for the response the Committee sought. Still, the explicit call for apology is clear: “The Committee urges President Clinton to apologize on behalf of the American government for the harms inflicted at Tuskegee.”<sup>72</sup> The Committee then specified its preferred parameters for such an event. First, it requested that the apology be offered to both the specific and the more general victims of the Tuskegee Study: “The apology should be directed to those most directly harmed: to the elderly survivors of the Study, to their families, and to the wider

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<sup>70</sup> Ibid.

<sup>71</sup> Ibid., 559.

<sup>72</sup> Ibid., 562.

community of Tuskegee and its University. Also included in the apology should be all people of color whose lives reverberate with the consequences of the Study.<sup>73</sup> Attention to the broader audience would take into account the legacy of the Study and not just the men directly involved in the government program itself.

The call for an apology listed a few more details for the context of the apology event: it “should be offered swiftly,” as fewer than a dozen participants were still living at the time of the report and those survivors were advanced in years; it should be offered from Tuskegee University; it might correspond with a meeting of the National Bioethics Advisory Commission at the same location since “the Tuskegee Study is a starting point for all modern moral reflection on research ethics.”<sup>74</sup> Some of these parameters seem to be offered in the spirit of ideal wishes rather than mandatory features—the correspondence between these requests and the actual circumstances of President Clinton’s apology will be discussed in Chapter 3.

### **2.3.3 Specifying the Agent of Apology**

As for the agent of the apology, the Committee argued that Clinton, as the “highest elected official of the United States,” ought to apologize since a branch of the government conducted the Tuskegee Syphilis Study. Furthermore, President Clinton had already demonstrated his willingness to apologize for governmental wrongdoing of past administrations when he apologized for human radiation experiments conducted during the Cold War, an event cited by the Committee as an example of the significance of a presidential apology and a means to

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<sup>73</sup> Ibid.

<sup>74</sup> Ibid.

“regain confidence of the American people.”<sup>75</sup> A third reason offered for Clinton to serve as the agent of apology was his own professed commitment to “bridg[ing] the racial divide”—the Committee argued that offering an apology for the Tuskegee Study “provides the opportunity to begin to heal the racial wounds that persist in this country.”<sup>76</sup> Again, the report provided no specific explanation of how an apology would affect the legacy of the Study, nor how it could resolve broader racial conflicts in the United States, but an apology was still hailed by the Committee as the first big step toward repairing the damage caused by the Tuskegee Syphilis Study.

#### **2.3.4 Identifying Additional Goals**

In addition to establishing an argument for a presidential apology and providing some guidance about the context for such an apology, the Legacy Committee also included in the report a discussion of how an apology could serve as a catalyst for a transformation of the Tuskegee legacy. The Committee deemed a presidential apology to be a necessary but insufficient action to “heal the wounds of Tuskegee,” and requested that a center be established at Tuskegee University, funded by governmental and private contributions, that would be “focused on preserving the national memory of the Study and transforming its legacy.”<sup>77</sup> The Committee did not express a wish to end the legacy but, rather, convert it into a positive association that demonstrates “the importance of acknowledging past wrongs, rebuilding trust, and practicing

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<sup>75</sup> Ibid.

<sup>76</sup> Ibid.

<sup>77</sup> Ibid.

ethical research.”<sup>78</sup> A staffed center at Tuskegee University would, according to the Committee, serve as a Tuskegee Syphilis Study museum and archive as well as a bioethics research facility with a focus on determining and disseminating ethical and practical solutions to mitigate the negative effects of the Tuskegee legacy. The Committee proposed both governmental and private funding for such a center but suggested that other initiatives related to minority health and research ethics could be valuable, as well. The request closed with optimism about an apology’s effect on the Tuskegee legacy: “It is undeniable that the Tuskegee Syphilis Study has adversely affected the attitudes that many African Americans hold toward the biomedical community and the United States government. But despite the long shadow that it casts, we now have an opportunity to challenge this legacy and create a more beneficial one.”<sup>79</sup> Such optimism about the efficacy of an apology might appear to be nearsighted, particularly in light of the deep-seated racial divisions in the United States that extend farther back than our nationhood itself. Still, the Legacy Committee recognized that its explicit request for an apology could serve to fan the fading flames of the exigence for an official governmental response to the Tuskegee Syphilis Study.

The Legacy Committee’s report shows clear intent to influence its audience, but the rhetorical tactics employed in the request must still be explicated. In the next section, I provide an analysis of the text using the critical toolkit for *kategoria* discussed earlier in this chapter with the goal of identifying the rhetorical maneuvers that contributed to the report’s influence over President Clinton’s actions and policies.

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<sup>78</sup> Ibid.

<sup>79</sup> Ibid., 563.

## 2.4 ANALYSIS OF THE REQUEST

### 2.4.1 Identifying the Genre and Speech Set

The report issued by the Legacy Committee performs several rhetorical functions, but its degree of fit with the genre of *kategoria* must be addressed before proceeding with its analysis according to the theory discussed earlier in the chapter. It is important to recognize that this report was not issued within a legal context or for the purpose of bringing criminal or civil charges against any individual or group. The class-action lawsuit brought by attorney Fred Gray and settled in 1974 was the opportunity for formal investigations, accusations, defenses, and statements. By contrast, the Legacy Committee's 1996 report serves purposes more closely associated with deliberative and epideictic rhetoric than forensic rhetoric. Here, the *kategoria* enumerates the particular harms and shortcomings of the present situation and establishes the rationale for President Clinton addressing those ills at this particular, opportune time (*kairos*). The key topics are not merely past events (as they tend to be in forensic rhetoric), but also the present harms suffered as a result of those past events and the proposals for future policies to remediate the harms. The Legacy Committee's *kategoria* performs epideictic functions as it lays out a blaming scheme that places responsibility for the harms of the Tuskegee Study squarely on the shoulders of the U.S. government and locates responsibility for an apology with the executive head of that government. Additionally, the request for apology serves as a commemorative artifact issued in preparation for the 25<sup>th</sup> anniversary of the Study's end that recalls the history of the Study and its legacy and calls for a formal ceremony in response.

The Legacy Committee's two stated goals, "to persuade President Clinton to publicly apologize [and] to develop a strategy to redress the damages caused by the Study and to

transform its damaging legacy,”<sup>80</sup> indicate that its document seems to be presented in the spirit of admonition (using “words with intent to benefit”) rather than accusation (“denounc[ing] with intent to injure”), according to Isocrates’ distinction.<sup>81</sup> The committee’s rhetorical invention aimed at bringing about a presidential apology employs a tone of cooperation and exhortation rather than antagonism. Yet, in Isocrates’ conceptualization, the difference between admonition and accusation is one of intent rather than form or substance. It is useful to treat them as variations of *kategoria* rather than separate genres; both admonition and accusation require the rhetor to advance claims about the *stases* and both call for a response in the form of *apologia* or apology. Further analysis of the speech set will reveal whether the Legacy Committee’s stated benevolent goals were interpreted as such but, at this juncture, further difference between admonition and accusation need not worry us.

The appropriate response to this *kategoria*, as requested by the Legacy Committee, is an apology rather than a defense typical of the *kategoria/apologia* speech set. However, the non-forensic contextual features of this *kategoria* allow for a response that need not be a defense in the traditional sense of *apologia*—such a defensive response may be entirely inappropriate in some cases—but an *apology* that addresses the faults identified in the *kategoria* and the enactment of policies that the proposers and respondent deem to be expedient to meet the needs described in the *kategoria*. In our case, the speech set is much less adversarial than a traditional accusation/defense pair.

The Legacy Committee’s elaboration of a request for a presidential apology fits the pattern of *kategoria* in important ways and serves, therefore, to heighten the exigence faced by

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<sup>80</sup> Ibid., 560.

<sup>81</sup> Isocrates, *Panegyricus*, section 130.

President Clinton as the 25<sup>th</sup> anniversary of the Tuskegee Syphilis Study's termination approached. While the Committee's call for an apology is not an accusation against Clinton specifically and Clinton's response is not a personal defense, the two rhetorical events still constitute a speech set and the genres of *kategoria* and *apologia* are relevant and helpful in the analytical process.

#### **2.4.2 A Challenge of Clinton's Ethos**

As an accusation, the Legacy Committee report does not link President Clinton directly to the wrongdoing of the Tuskegee Syphilis Study or the government's failure to apologize in the past but, rather, echoes the President's own stated political goals of racial reconciliation and governmental transparency in and accountability for matters of wrongdoing. In this way, the President's character was not the subject of the accusation but was invoked in the service of a persuasive strategy that offered him the opportunity to uphold his stated values and work toward his political goals. For example, the Committee asserted, "In the context of President Clinton's stated desire to bridge the racial divide, this apology provides the opportunity to begin to heal the racial wounds that persist in this country."<sup>82</sup> As the leader of the government (though not the particular administration) responsible for the Tuskegee Syphilis Study, any sitting president at that time would have been subject to the Committee's criticism and request, but President Clinton's explicit desire for racial reconciliation made him a particularly attractive recipient. Had President Clinton not responded to the call for an apology, he almost certainly would have become the subject of direct accusation for his failure to do so. After all, the Committee's belief

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<sup>82</sup> Legacy Committee, "Legacy Committee Request," 562.

was that, “as the highest elected official of the United States, the President should offer the apology for the Study which was conducted under the auspices of the United States government.”<sup>83</sup>

In Walter Fisher’s “A Motive View of Communication,” he asks the reader to keep in mind that the “motive view” is designed to help us see *how* rhetoric works rather than primarily to *identify* a specific rhetor’s intent.<sup>84</sup> Using that approach, we can understand how the Legacy Committee’s report may have *reaffirmed* some readers’ views of the U.S. government (and, perhaps, the medical establishment) as corrupt, dangerous, unethical, racist, and untrustworthy while simultaneously *subverting* others’ perceptions of the government as benevolent, progressive, just, transparent, and responsive. For those who had lived under the specter of the Tuskegee legacy, the history provided by the Legacy Committee’s report was not news. However, for those who were not as familiar with the details of the Study, the report may have germinated new perceptions and feelings about the U.S. government and medical research establishments.<sup>85</sup> As for the effects on the specific intended audience, President Clinton, it is unclear whether his previously held views on the government’s role in the Tuskegee Syphilis Study were reaffirmed or subverted by the Legacy Committee’s report. What is more important rhetorically, however, is how President Clinton responded to the Legacy Committee’s appeals, the subject of the next chapter’s inquiry.

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<sup>83</sup> Ibid.

<sup>84</sup> Fisher, “Motive View,” 139.

<sup>85</sup> The effects of Clinton’s apology on those previously unfamiliar with the Tuskegee Syphilis Study is one measure accounted for by the Tuskegee Legacy Project research conducted by Katz and colleagues. See, for example, Ralph V. Katz and others, “Awareness of the Tuskegee Syphilis Study and the US Presidential Apology and Their Influence on Minority Participation in Biomedical Research,” *American Journal of Public Health* 98 (June 2008), 1137-1142.



### 2.4.3 Building a Case Using *Stases*

Despite the necessary qualifications accompanying my classification of the Legacy Committee request as a *kategoria*, we can plainly see how the authors built a case against the United States government for the harms caused as a result of the Tuskegee Syphilis Study by providing evidence to address each of the four *stases*. The issue of fact is perhaps the simplest in this case: The Committee reminded the President that the United States Public Health Service, a government agency, conducted a study in rural Alabama for 40 years.<sup>86</sup> Additionally, the Committee cited the legal settlement of 1974 and the absence of any official apology to the men and families affected by the Study as additional facts that are pertinent to their argument for an apology.<sup>87</sup> The question of how to define the actions of the Public Health Service doctors who designed and conducted the Study is critical. The Legacy Committee argued that the Tuskegee Study was harmful, unethical, scientifically and morally problematic, and unnecessary.<sup>88</sup> It categorized the harms as those suffered by the men and families of Macon County, by the community by extension, by the reputation of Tuskegee Institute and others involved with the Study (though not necessarily complicit with it) because of the name by which the Study is remembered, and by the fear and distrust that it alleges are consequences of the enduring legacy of the Tuskegee Syphilis Study.<sup>89</sup> This structure of the request serves not only to organize the Committee's arguments but also to emphasize clearly how the harms of the Study are varied, widespread, and enduring. Each of these accusations targets policies and practices of the government and its agents.

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<sup>86</sup> Legacy Committee, "Legacy Committee Request," 559.

<sup>87</sup> *Ibid.*, 561.

<sup>88</sup> *Ibid.*, 560-561.

<sup>89</sup> *Ibid.*

The charge against the government for the lack of a public apology was further defined in the Committee's request as a failure to provide a necessary and ethically valuable offering to the victims of the government's wrongdoing.<sup>90</sup> The *stasis* of jurisdiction is not typically addressed in an accusation, but the Legacy Committee provided an explicit argument for why President Clinton was an appropriate audience for its appeal and the appropriate apologizer for the Tuskegee Syphilis Study. It asserted that, as the "highest elected official of the United States," Clinton had the authority and responsibility to speak on behalf of the deeds committed by a government agency.<sup>91</sup> The Committee even provided evidence of Clinton's willingness to apologize for past administrations' sins against U.S. citizens by citing his 1995 apology for Cold War-era human radiation experiments,<sup>92</sup> thereby attempting to preemptively shut down an excuse for Clinton not to apologize, one based on the *stasis* of quality.

Attention to each of the *stases*, whether the Committee intended to or not, shows a strong argumentative approach to the accusation and call for apology. The Committee is unambiguous in its criticism of the government's wrongdoing and its proposal for partial remediation through a presidential apology. By presenting a clear and straightforward statement, the Committee was successful in beginning to reshape the rhetorical situation facing President Clinton.

#### **2.4.4 The *Kategoria*'s Rhetorical Situation**

As Ryan suggests, the elements of Bitzer's rhetorical situation can helpfully serve to illuminate and organize criticism of *kategoriae* and *apologiae*. In Bitzer's model, a rhetor senses an

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<sup>90</sup> Ibid., 561.

<sup>91</sup> Ibid., 562.

<sup>92</sup> Ibid.

imperfection, or exigence, and seeks to ameliorate it by addressing a rhetorical audience (one that is able and potentially willing to respond favorably) while working within the constraints posed by the situation.<sup>93</sup> In the case of the Legacy Committee request, the two central issues argued by the Committee—the government conducted a harmful project and has not yet apologized—also serve as the exigences driving the request. In particular, the lack of an apology presented a clear imperfection to the Committee that it explicitly desired to correct through its rhetorical action. The urgency that marks this exigence is also made explicit in the request: “Given the ages of the [eleven] living participants and the period of time since the Study was disclosed, we believe that the apology should be offered swiftly.”<sup>94</sup> The Legacy Committee delivered its request twenty-four years following the end of the Study, in time for a presidential response during the 25-year anniversary of the Study’s end. Such a direct appeal for an apology can create the exigence for a presidential response. However, the Legacy Committee argued that the exigence had existed for at least twenty-four years and that the government has been guilty of affording inadequate attention to repairing the damage caused by the Study.<sup>95</sup> Thus, this accusation serves to heighten the exigence facing Clinton rather than to manufacture a new rhetorical situation or allow an old situation to decay.<sup>96</sup> By working with governmental groups such as the CDC and the Congressional Black Caucus to promote its request (and by including

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<sup>93</sup> Bitzer, “Rhetorical Situation,” 6-8.

<sup>94</sup> Legacy Committee, “Legacy Committee Request,” 562.

<sup>95</sup> *Ibid.*, 561.

<sup>96</sup> In this way, the “push” of the Legacy Committee modified the rhetorical situation, a phenomenon argued by rhetorician Richard Vatz to be a more appropriate perspective to take on the relationship between situations and rhetoric than that proposed by Bitzer. Vatz asserts that “meaning is not discovered in situations, but *created* by rhetors” and that “utterance strongly invites exigence.” Richard E. Vatz, “The Myth of the Rhetorical Situation,” *Philosophy and Rhetoric* 6, no. 3 (1973): 157, 159. Bitzer later acknowledged the role of rhetors in shaping exigence by noting that “certain salient elements will be known to most—if those elements are placed regularly before the public view.” Lloyd F. Bitzer, “Rhetoric and Public Knowledge,” in *Rhetoric, Philosophy, and Literature: An Exploration*, ed. Don M. Burks (West Lafayette: Purdue University Press, 1978): 69.

For more discussion on this issue, see section 3.3.2 regarding the rhetorical situation facing Clinton.

fourteen signatories from both local and national organizations), the Legacy Committee assured that its efforts could not be ignored by President Clinton without notice by others. The witnesses to the Legacy Committee's request form a peripheral audience for the rhetoric, though President Clinton is clearly the primary target.<sup>97</sup> The Legacy Committee, then, experienced the usual constraints of observing appropriate decorum in its correspondence with the President. The Committee needed to be clear and firm about its goals without becoming demanding or presumptuous in its requests and the request reflects appropriate care given to this balance.

More attention to the features of the rhetorical situation facing President Clinton following his receipt of the Legacy Committee's request for an apology will be provided in Chapter 3. For now, however, it is important and sufficient to recognize the Legacy Committee's overt attempt to reinvigorate the exigence (a missing apology) that had become feebler due to the passage of time. The Committee argued that its intended audience, President Clinton, had the power and authority to remediate many of the lingering harms of the Tuskegee Syphilis Study that cast a "long shadow" over the United States and crafted its appeal to accommodate the rhetorical and practical constraints of addressing the highest elected official of the government with its request.<sup>98</sup>

#### **2.4.5 *Topoi* of Persuasive Attack**

Finally, I turn to the argumentative *topoi* of persuasive attack developed by Benoit and Dorries to consider how the Legacy Committee employed rhetorical tactics to present its case to President

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<sup>97</sup> Interestingly, though, the Legacy Committee Request—also called the Final Report of the Tuskegee Syphilis Study Legacy Committee—is not addressed directly to the president and employs third-person grammar as typical of a formal report.

<sup>98</sup> Legacy Committee, "Legacy Committee Request," 562-563.

Clinton. Benoit and Dorries focus on two primary concerns of the attacker: increasing the agent's perceived responsibility for the alleged act and increasing the perceived offensiveness of the alleged act.<sup>99</sup> Three of the *topoi* emphasizing the agent's responsibility are used within the Legacy Committee request, though not always for the same agent of responsibility. One tactic is to show that the accused has committed the act before. In this case, the Legacy Committee uses this strategy with a twist—not to castigate Clinton for particular wrongdoing, but to call to mind the precedent for official apologies for governmental wrongdoing that he had already established by apologizing for the human radiation experiments during the Cold War.<sup>100</sup> Since he had apologized in the past for other administrations' wrongdoing he should apologize now, the argument goes.

Another tactic is to demonstrate that the accused agent planned the act. The Committee's request clearly recounts the U.S. Public Health Service's role in designing and initiating the Tuskegee Syphilis Study in 1932 and persisting in preventing the men in the Study from receiving effective treatment by penicillin when it became available several years later.<sup>101</sup> The Legacy Committee's accusation also emphasizes that the government scientists engaged in "deliberately deceiving" the men they recruited into the Study.<sup>102</sup> This *topos* specifically points to the Study characteristics that were purposefully and unethically established by the Public Health Service.

Additionally, the request alleges implicitly that the government knew the likely consequences of their actions, another of the attack *topoi* for agent responsibility. The

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<sup>99</sup> Benoit and Dorries, "Persuasive Attack," 464-465.

<sup>100</sup> Legacy Committee, "Legacy Committee Request," 560.

<sup>101</sup> Ibid., 559-560.

<sup>102</sup> Ibid., 560.

Committee acknowledged that “state of the art” treatments for syphilis were hardly effective in 1932, but criticized the Study investigators for withholding penicillin after it was found to be effective as the standard treatment for syphilis.<sup>103</sup> Implicitly, the Legacy Committee alleged that, in withholding treatment from the men for four decades, the government scientists knew they were harming the health of the men in the Study even if that was not necessarily the case at the Study’s inception. While the Study was intended to be an investigation of “untreated syphilis in the male Negro,”<sup>104</sup> there was enough scientific knowledge in 1932 to indicate that withholding treatment—even less effective treatments—would be detrimental to the men’s health.

Benoit and Dorries recommend that the persuasive accuser indicate how the accused has benefited from the alleged act. In the case of the Tuskegee Syphilis Study, the investigators must have thought they were gathering important data to expand medical and public health knowledge, but the Legacy Committee cited “lax study protocol” that invalidated the results by enrolling participants who did not meet the study criteria (e.g., some men may have had active rather than latent syphilis).<sup>105</sup> In any case, the Legacy Committee did not use this topic of the perpetrator’s gain in its criticism of the U.S. government but relied, instead, on descriptions of the harm done to the victims.

After increasing the agent’s perceived responsibility for wrongdoing according to the tactics outlined above, Benoit and Dorries indicate that an accuser may try to increase the perceived offensiveness of the alleged act. While there are six suggested lines, all of which are eligible for use in an accusation of the government’s role in the Tuskegee Study, the Legacy

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<sup>103</sup> Ibid.

<sup>104</sup> See, for example, a research talk given by one of the Study’s original investigators: O. C. Wenger, “Untreated Syphilis in Negro Male,” Hot Springs Seminar, September 18, 1950, in Reverby, *Tuskegee’s Truths*, 96-99.

<sup>105</sup> Legacy Committee, “Legacy Committee Request,” 560.

Committee focused on four in particular. First, the Committee recounted the extent of the damage of the Study, explicitly listing the moral harms (deception, being prevented from obtaining standard medical care, “exploitation in research”<sup>106</sup>), physical harms (fatalities from syphilis are estimated between 28-100 men, spread of active syphilis to family members<sup>107</sup>), psychological harms (increased distrust and suspicion of the medical profession, fear of exploitation, avoidance of medical treatment<sup>108</sup>), and harm to the reputation of Tuskegee Institute—now Tuskegee University—because of the name by which the Public Health Service study is remembered.<sup>109</sup> This strategy was combined in the request with another strategy: showing the persistence of the negative effects. For the Legacy Committee, the harm of the Tuskegee Study was not simply in the health consequences for the men in the Study, but in the *enduring* physical and, particularly, psychological and sociological harms to the broader African American community, many of whom believe that “the fact that the Tuskegee Study occurred at all proves that black life is not valued” in the United States.<sup>110</sup> The Committee wrote, “The Tuskegee Syphilis Study continues to cast its long shadow on the contemporary relationship between African Americans and the biomedical community,”<sup>111</sup> and repeatedly cited this “harmful legacy of the Study”<sup>112</sup> as a persistent need for official words and actions to “begin the process of regaining the trust of people of color.”<sup>113</sup> The harms of the Tuskegee legacy are cited by the Legacy Committee as salient in the present—the Committee used the present tense to

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<sup>106</sup> Ibid., 560-1.

<sup>107</sup> Ibid., 560.

<sup>108</sup> Ibid., 561.

<sup>109</sup> Ibid.

<sup>110</sup> Ibid.

<sup>111</sup> Ibid., 559.

<sup>112</sup> Ibid., 561.

<sup>113</sup> Ibid.

describe the consequences of African Americans' distrust in government and the medical establishment as well as how "the notoriety of the Study obscures the achievements of the Tuskegee Institute in improving the health care of African Americans."<sup>114</sup> The Committee's recommendation for a presidential apology and development of grants and programs to enhance bioethics and minority health training were explicitly made in the hopes that such moves would help the country "move beyond Tuskegee and to address the effects of its legacy."<sup>115</sup> The Committee also hoped that a dedicated research and memorial center at Tuskegee "could help transform the legacy of Tuskegee into a positive symbol for all Americans by demonstrating the importance of acknowledging past wrongs, rebuilding trust, and practicing ethical research."<sup>116</sup>

The Legacy Committee also attempted to increase the perceived offensiveness of the Tuskegee Study by showing the victims to be innocent and helpless. The Committee described the men in the Tuskegee Study as "poor black sharecroppers from Macon County"<sup>117</sup> and "socially and economically vulnerable African-American men."<sup>118</sup> Later, some of the men were called "elderly survivors"<sup>119</sup> and the Study was described as "government abuse of vulnerable people."<sup>120</sup> The report also cited the men's families, children, unborn children, and "all people of color whose lives reverberate with the consequences of the Study" as victims of the Study, victims who cannot be seen as blameworthy for their hardship, grief, or fear. The Legacy Committee did not explicitly identify the government researchers and doctors as "white," but the frequent reference to African American victims, "racial wounds," and the "racial divide" signal

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<sup>114</sup> Ibid.

<sup>115</sup> Ibid., 562.

<sup>116</sup> Ibid.

<sup>117</sup> Ibid., 559.

<sup>118</sup> Ibid., 560.

<sup>119</sup> Ibid., 562.

<sup>120</sup> Ibid., 559.



that the Tuskegee Study was, among other things, a *race* issue where the powerful majority abused and exploited the less powerful minority.

The remaining strategies available to the Legacy Committee to emphasize the offensiveness of the Tuskegee Study would be recognized by the reader though they were not explicitly argued in the report. The inconsistency or hypocrisy of the agents are obvious enough not to need spelling out in the request: the Public Health Service ought to be serving the health needs of the citizens rather than purposely putting them in danger, the U.S. government ought not allow—much less promote—the needless abuse of its citizens, and doctors ought to treat their patients rather than keep them from appropriate care. This attack strategy fits well with another: arguing the special obligation of the agents to protect the victims. The doctor/patient, researcher/participant, and perhaps even government/citizen relationships all obligate the party with more power and control to exercise due care in their treatment of their counterparts. These obligations rise above a mere social contract or professional obligation to the level of an *ethical* obligation.<sup>121</sup>

The final strategy for increasing the perceived offensiveness of an act, according to Benoit and Dorries, is to show how the act affects the audience. In this case, this strategy is implicitly modified as showing the effects of the Tuskegee Study on those within the jurisdiction of the audience(s)—American citizens and those the CDC aims to reach in their attempts to eliminate racial health disparities. By emphasizing how the legacy of the Tuskegee Study is said

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<sup>121</sup> An example from the medical field may help to illustrate the connection among professional, legal, and ethical obligations and failures: “If a physician breaches her duty to care and fails to meet the standard of care, we can say that she has acted wrongfully and find her blameworthy according to ethical and professional standards. If that failure of her duty also results in compensable harm to the patient, she would also be liable—by legal standards—for negligence and, thus, malpractice. Ethical culpability and legal culpability do not adhere to all the same criteria, but the standard of care in the medical arena clearly carries implications for both.” Autumn R. Boyer, “In a ‘Sorry’ State: The Ethics of Institutional Apologies in Response to Medical Errors” (master’s thesis, University of Pittsburgh, 2009), 17-18.

to affect the health care participation of African Americans and breed general distrust of the government, the Legacy Committee appealed to President Clinton's stated political interests and invoked the mission of another government agency, the CDC, to add additional pressure to President Clinton's reception of the message. Again, this strategy was not explicitly employed, but the critic would be foolish not to see how the Legacy Committee uses the power of rhetoric to invite its target audience to enact policies consistent with his previously cited priorities.

#### 2.4.6 Summary of Analysis

In the above analysis, I have examined the Legacy Committee's final report and request for a presidential apology according to the frame of Ryan's suggested approach (motive view, *stases*, and the rhetorical situation) and Benoit and Dorries's *topoi* for persuasive attack. Additionally, I have considered the request's degree of fit with the genre of *kategoria* and the implications of that categorization.

As a criticism of specific government policies from the beginning of the Tuskegee Study until the present, the Legacy Committee Request performs the function of *kategoria* in the midst of a stale rhetorical situation.<sup>122</sup> To the Committee, the lack of an official apology for the Tuskegee Study was a self-evident exigence but one that did not have sufficient power to compel

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<sup>122</sup> Bitzer writes that rhetorical situations can "mature or decay or mature and persist—conceivably some persist indefinitely" until they are met with a fitting response ("Rhetorical Situation," 12). In the legacy of the Tuskegee Study, it may have seemed that the appropriate time for a governmental apology had long since passed by 1996—perhaps the situation had matured in the mid-1970s but then "decayed" as public and private attention was diverted to myriad other concerns in the world. However, the rhetorical pressures of a dedicated group of people revived the situation and reinvigorated the pull of the persistent imperfection that no U.S. government official had ever apologized for the Tuskegee Syphilis Study. Rather than "decayed" beyond usefulness or persisting with energy, this rhetorical situation was merely "stale" and, with the help of purposefully crafted rhetoric, still had the power to compel a response from key figures in the still-unfolding drama. Without the push from the Legacy Committee, it is reasonable to assume that a formal presidential apology would not have been issued in 1997.

a response from the United States government during the decades following the Study. As a request for an apology and government funding for bioethics and minority health programs, the Committee's report had to be clear about the wrongdoing and harm that necessitated an apology but also proceed in a manner that invited governmental cooperation. Rather than *demand* compensation or redress through public health initiatives and additional resources at Tuskegee University, the Committee's proposal was offered as an opportunity for the government to specifically benefit Macon County and Tuskegee University communities as well as underserved populations, generally. Failure to attend to these constraints may have resulted in a less favorable response from President Clinton. Additionally, the Committee likely sought to take advantage of the approaching 25<sup>th</sup> anniversary of the Study's end, which would provide a timely opportunity for public ceremonies of remembrance and apology. The Committee's request was successful in compelling a public response from President Clinton, but further analysis is needed to ascertain how the President's remarks addressed the *stases* argued in the request and how the rhetorical situation may have changed as a result of the Legacy Committee's report.

## 2.5 FROM THE REQUEST TO THE RESPONSE

As historian and Tuskegee Syphilis Study Legacy Committee member Susan M. Reverby notes, a letter to the President from motivated individuals would not necessarily have compelled action from the President had the Legacy Committee and other concerned citizens not continued to work to bring about the response they desired.<sup>123</sup> The above analysis shows that the Legacy

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<sup>123</sup> Susan M. Reverby, *Examining Tuskegee: The Infamous Syphilis Study and its Legacy* (Chapel Hill: University of North Carolina Press, 2009): 223.

Committee request is hardly a simple letter but, rather, a conscientiously crafted persuasive appeal. Still, a series of exhortations and negotiations transpired in the year between the finalization of the Legacy Committee’s request in May 1996 and the White House event on May 17, 1997 that was necessary to bring the request for apology to fruition. At the time the request was written, the Legacy Committee agreed that the apology event should not take place before that fall’s presidential election because such a speech by Clinton could cynically be perceived as an attempt to manipulate voters, so the Committee waited until after the election to push in earnest for the apology.<sup>124</sup> In the meantime, Legacy Committee member Ruben Warren, the CDC’s Associate Director for Minority Health, and Dixie Snider, the CDC’s Chief of Science, kept in touch with Legacy Committee chair Vanessa Gamble, Tuskegee University’s president Benjamin Payton, and Representative Louis Stokes (Ohio) about the proposal for Clinton’s apology.<sup>125</sup> The proposal survived “umpteen iterations,” according to Snider, and became particularly focused on “the importance of the past and its contemporary legacy,” although some within the CDC had reservations about how drawing public attention to such a significant ethical failure might negatively affect their work.<sup>126</sup>

For months, advocates of the apology partnered with the Congressional Black Caucus and other influential political figures (including AIDS activist A. Cornelius Baker and civil rights attorney Fred Gray) to negotiate for an apology from President Clinton, and the Caucus even issued a formal letter to Clinton.<sup>127</sup> Once the President agreed to issue a formal apology, the

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<sup>124</sup> Ibid.

<sup>125</sup> Ibid.

<sup>126</sup> Ibid., 223-224.

<sup>127</sup> Ibid., 224.

logistics were ironed out in February and March.<sup>128</sup> Even though the Committee had specifically requested that Clinton speak from Tuskegee, ultimately the White House was chosen for the event due to constraints of the President’s schedule and “the fact that the press corps was more likely to cover a major racial story in Washington.”<sup>129</sup>

It is evident that the efforts and cooperation of many people in various professional fields and political organizations contributed to the efficacy of the Legacy Committee’s request to garner a presidential response. We cannot overlook, however, the importance of a carefully crafted rhetorical artifact to serve as both the site and the impetus for such cooperation.

## 2.6 CONCLUSION

As a *kategoria*, the Committee’s request for an apology performed several functions: it emphasized the Study’s unethical and harmful consequences, laid out recommendations for the context and audience of the apology, identified who should offer the apology, and enumerated practical policies and programs that could help to achieve the Committee’s goals of improving ethical medical research and developing a more positive legacy for the Study.

Yet, beyond functioning as an accusation that aims to compel a response from the accused, the *kategoria* of the Legacy Committee also advocates a particular understanding of the events of the Tuskegee Syphilis Study. In particular, the Committee emphasized, while “facilities and staff of the Tuskegee Institute were involved, primary direction came from the government

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<sup>128</sup> Ibid.

<sup>129</sup> Ibid.

under the auspices of the USPHS.”<sup>130</sup> Additionally, as addressed earlier, the Committee focused narrowly on the racial dimension of the Study, repeatedly citing the fear aroused by the Study for persons of color, specifically. These claims are not untrue or particularly exaggerated. However, the Committee could have taken an approach that had more general, trans-racial appeal and acknowledged the potential consequences of the Tuskegee Study for Americans of other races, as well. Such an approach may have affected how President Clinton received and responded to the request, as well as the political implications of such a request-and-response pairing. As it was written, the request narrowed the scope of the accusation to specifically include wrongdoing against African Americans (in particular and in general) perpetrated by an arm of the U.S. government. This framing and the rhetorical choices discussed in this chapter undoubtedly provided particular constraints for the response crafted by President Clinton—just how much will be discussed in the next chapter.

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<sup>130</sup> Legacy Committee, “Legacy Committee Request,” 561.

### 3.0 *APOLOGIA*: PRESIDENT CLINTON’S REMARKS

The genre [of *apologia*] is a high-stakes rhetorical battle in the political arena that apologists cannot afford to lose. Success in this arena requires a “take action, welcome debate, and be rational and methodical” approach. The genre is a public purging of sins and a reaffirmation of the ethical norms of society “dressed up” in theatrical proportions to bring pleasure to spectators; it is the most intimate form of secular discourse.<sup>1</sup>

~ Susan Schultz Huxman

The previous chapter discussed the role of *kategoria* leading up to the 25<sup>th</sup> anniversary of the Tuskegee Study’s termination. The lack of apologetic response to the Tuskegee Study from the United States government left a lingering insufficiency for the victims of the Study, the victims’ families, and other concerned groups. To help satisfy this insufficiency, the Tuskegee Syphilis Study Legacy Committee penned a letter addressed to President Clinton that laid out the Committee’s expectations and desires for a presidential apology. As argued in the previous chapter, the request for an apology functioned as a *kategoria* that heightened the exigency facing the President as the anniversary of the Study’s termination approached.

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<sup>1</sup> Susan Schultz Huxman, “Exigencies, Explanations, and Executions: Toward a Dynamic Theory of the Crisis Communication Genre,” in *Responding to Crisis: A Rhetorical Approach to Crisis Communication*, ed. Dan P. Millar and Robert L. Heath (Mahwah, NJ: Lawrence Erlbaum, 2004), 297.

In this chapter, I turn to the official response from President Clinton to complete the paired analysis of the speech set containing both *kategoria* and *apologia*. By conducting the analysis of the two artifacts as a paired set, the critic is better situated to identify and compare the expectations of the *kategoria* with the corresponding elements in the *apologia*. Any omissions or deviations in the *apologia* from the groundwork laid by the *kategoria* are also identifiable when the analysis of the two artifacts is conducted together. This chapter serves as the corresponding bookend to the analysis performed in Chapter 2.

President Clinton's official response to the Legacy Committee's request came on the afternoon of May 16, 1997 in a ceremony held in the East Room of the White House. Both the content and context of this speech are important to the analysis because both were specifically addressed by the Legacy Committee's formal request and considered by the Committee to be significant to the event. Before analyzing the speech, however, it is necessary to explore the generic features of *apologia* and trace the series of events that took place between the issuance of a request for apology and President Clinton's official response.

This chapter, then, provides explication of the generic developments of *apologia* in both ancient and contemporary scholarship, description of Clinton's speech and analysis based on generic considerations, comparison of the speech to the Legacy Committee's request for an apology, and discussion of how Clinton's rhetorical choices reframed contemporary understandings of the historical events of the Tuskegee Study.



### 3.1 GENERIC FEATURES OF *APOLOGIA*

As introduced in the first chapter, the genre of *apologia* has been recognized and theorized since antiquity. One of the oldest recognized genres in rhetorical theory, *apologia* is characterized by speeches of self-defense. The Oxford English Dictionary traces the noun ‘apology’ to 1533, meaning at that time, “The pleading off from a charge or imputation, whether expressed, implied, or only conceived as possible; defence of a person, or vindication of an institution, etc., from accusation or aspersion.”<sup>2</sup> It was not until the late 16<sup>th</sup> century that the verb ‘to apologize’ was used, but still the definition for that era’s use of the term links it more closely with offering justification for one’s actions rather than expressing guilt and remorse: “To speak in, or serve as, justification, explanation, or palliation of a fault, failure, or anything that may cause dissatisfaction; to offer defensive arguments; to make excuses.”<sup>3</sup> The application of the term ‘apology’ to a defense is still used, primarily in scholarly and religious contexts, but the common understandings and uses of the genre have evolved since its early instantiations. In this section, I trace the theoretical developments of the genre of *apologia* in rhetorical scholarship, which remained largely unchanged until the 20<sup>th</sup> century when political scandals inspired a more nuanced theorization of defensive strategies. By considering Clinton’s speech in light of the traditional rhetorical understandings of *apologia* as well as the contemporary modifications of the genre, we can begin to explore the exigences and constraints affecting Clinton’s inventional resources as an institutional representative.

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<sup>2</sup> *Oxford English Dictionary*, 2<sup>nd</sup> ed., s.v. “Apology.”

<sup>3</sup> Nicholas Tavuchis, *Mea Culpa: A Sociology of Apology and Reconciliation* (Stanford, CA: Stanford University Press, 1991), 16; *Oxford English Dictionary*, 2<sup>nd</sup> ed., s.v. “Apologize.”

### 3.1.1 Classical Foundations of the Genre

Rhetorician Noreen Wales Kruse notes that initial attention to *apologia* was poetic rather than theoretical, citing Solon's iambic triameters on the topic.<sup>4</sup> Plato considered rhetoric as divisible into the two genres of accusation and apology, whereas Isocrates thought two additional genres of encomium and admonition rounded out the species of rhetoric.<sup>5</sup> Aristotle defines *apologia* simply as defense for past actions, specifically as the counterpart to accusation (*kategoria*) in legal proceedings.<sup>6</sup> The most famous example from antiquity is arguably the *Apology* of Socrates, where the condemned philosopher spoke on his own behalf to the Athenian jurors in response to the accusations that he had corrupted the youth of Athens and had shown disrespect to the gods.<sup>7</sup> Socrates' speech was closer to expressing defiance rather than contrition; in this context, the "apology" differs from what we commonly recognize as an apology today (The Greek word *apologos*, or 'story', serves as the root of both *apologia* and apology.<sup>8</sup>).

In Chapter 2, I introduced Aristotle's recommendation that litigants on both sides of a case account for the motives for the alleged wrongdoing and the natures of a perpetrator and victim.<sup>9</sup> The same issues raised by the accuser should be considered by the defendant: "[I]t is clear that the prosecutor should consider, as they apply to the opponent, the number and nature of the things that all desire when they do wrong to their neighbors, and the defendant should

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<sup>4</sup> Noreen Wales Kruse, "The Scope of Apologetic Discourse: Establishing Generic Parameters," *Southern Speech Communication Journal* 46 (Spring 1981): 279.

<sup>5</sup> George Kennedy, *The Art of Persuasion in Greece* (Princeton, NJ: Princeton University Press, 1963): 86.

<sup>6</sup> Aristotle, *On Rhetoric*, 1358b.

<sup>7</sup> Plato, "Socrates' Defense (Apology)" in *The Collected Dialogues of Plato*, ed. Edith Hamilton and Huntington Cairns, trans. Hugh Tredennick (Princeton: Princeton University Press, 1961): 3-26.

<sup>8</sup> Tavuchis, *Mea Culpa*, 15.

<sup>9</sup> Aristotle, *On Rhetoric*, 1368b.

consider what and how many of these do not apply.”<sup>10</sup> Aristotle enumerates other factors useful to both the prosecution and the defense, including seven causes for human action, considerations of the degree of magnitude of the wrongdoing, and forms of evidence that may be presented or contested.<sup>11</sup> This legal and rhetorical advice ties the speech set of *kategoria* and *apologia* together tightly, as both speeches ought to account for the same issues, though likely from quite different perspectives.

Similarly, the development of *stasis* theory by Hermagoras and others has as much—if not more—relevance to *apologia* as *kategoria*.<sup>12</sup> As discussed in Chapter 2, an accuser can attempt to implicate the accused along the lines of the first three *stases* (fact, definition, and quality), but it is more significantly the defendant’s onus to prepare the strongest defense possible, for which *stasis* theory is particularly applicable. The defendant should try to deny the fact of a crime; failing that the defendant can contest the definition of the act as criminal; failing that, the defendant can assert mitigating factors affecting the quality of the act; failing that, the defendant may challenge the procedure and jurisdiction of the court.<sup>13</sup> The *stases* can be used in rhetorical criticism to identify the degree to which an *apologia* addresses the charges leveled in the *kategoria*.<sup>14</sup> In other words, a satisfactory *apologia* ought to have an answer for the accusations made against the defendant.

In classical rhetoric, then, guidance for crafting *apologia* was focused on legal contexts of accusation and defense. Although other philosophers and theorists continued to develop the

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<sup>10</sup> Ibid.

<sup>11</sup> Ibid., 1368b-1377b.

<sup>12</sup> George A. Kennedy, *A New History of Classical Rhetoric* (Princeton, NJ: Princeton University Press, 1994), 98. In Hermagoras’ terminology, the charge of the prosecution is a *kataphasis* and the defendant’s denial is an *apophasis*.

<sup>13</sup> Ibid.

<sup>14</sup> Halford Ross Ryan, “*Kategoria* and *Apologia*: On Their Rhetorical Criticism as a Speech Set,” *Quarterly Journal of Speech* 68 (1982): 254.

broader category of judicial rhetoric throughout ancient times, this has been done without substantial shifts to the genre of *apologia* itself.<sup>15</sup>

### 3.1.2 Contemporary Developments of the Genre

Although *apologia* is a genre recognized from the beginning of rhetorical theory in ancient Greece, interest in and development of *apologia* has blossomed in the latter part of the 20<sup>th</sup> century. Additionally, contemporary theory about *apologia* has considered its use in contexts beyond formal courtrooms. Rhetoricians B.L. Ware and Wil Linkugel wrote an influential piece in 1973 on the genre of *apologia* where they retain the classical understanding of the genre as being constituted by speeches of self-defense but note that “[t]he questioning of a man’s *moral nature, motives, or reputation* is qualitatively different from the challenging of his policies” and demands a personal response.<sup>16</sup> Within those defenses, four factors (two pairs of opposites) are prevalent: denial and bolstering, and differentiation and transcendence.<sup>17</sup> Ware and Linkugel also discuss four common postures assumed by those who speak in self-defense, each based on which of the four factors are most strongly emphasized: absolution (seeking acquittal), vindication (preservation of reputation and great personal worth), explanation (assumption that an understanding audience could not condemn the speaker), or justification (seeking approval in addition to understanding).<sup>18</sup> This descriptive framework is not proffered by the authors for evaluative purposes, but to help focus the rhetorical critic’s attention as they determine whether

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<sup>15</sup> See, for example, Kennedy’s survey of rhetoric in classical Greece and Rome. Kennedy, *Classical Rhetoric*.

<sup>16</sup> B.L. Ware and Wil A. Linkugel, “They Spoke in Defense of Themselves: On the Generic Criticism of Apologia,” *Quarterly Journal of Speech* 59 (1973), 273-4.

<sup>17</sup> *Ibid.*, 275-80.

<sup>18</sup> *Ibid.*, 282-3.

the *apologia* is offered from a “culturally acceptable stance.”<sup>19</sup>

Other scholars in the 1970s built upon Ware and Linkugel’s framework and many focused on political *apologia*, as American presidents and other notable figures provided substantial material in the genre for analysis. For example, rhetoricians Jackson Harrell, Ware, and Linkugel theorize that Nixon’s Watergate *apologia* failed because the President did not adequately “maintain his public image along personal, ideological, and structural lines of legitimacy.”<sup>20</sup> Ellen Reid Gold continues the scholarship on personal integrity in political *apologia* by describing strategies deployed by candidates during the 1976 presidential campaign to distance themselves from the Watergate scandal.<sup>21</sup> She employs Ware and Linkugel’s typology of defensive strategies (particularly denial, bolstering, and differentiation) to examine how candidates used *apologia* to protect themselves from perceived threats to their *ethos*.<sup>22</sup> Gold postulates that “a candidate’s ability to free himself rhetorically from political nettles is often seen as analogous to his ability to lead the country out of the dark forests of domestic and foreign crises,” particularly in an age when the media pounce upon opportunities to reveal apparent misdeeds and stoke controversy.<sup>23</sup>

The connection between *ethos* and *apologia* is explicitly recognized by another rhetorician writing in the 1970’s, Noreen W. Kruse, who defines *apologia* as “public discourse produced whenever a prominent person attempts to repair his character if it has been directly or indirectly damaged by overt charges, or rumors and allegations, which negatively value his

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<sup>19</sup> Ibid., 283.

<sup>20</sup> Jackson Harrell, B.L. Ware, and Wil A. Linkugel, “Failure of Apology in American Politics: Nixon on Watergate,” *Speech Monographs*, 42, no. 4 (1975): 260.

<sup>21</sup> Ellen Reid Gold, “Political Apologia: The Ritual of Self-Defense,” *Communication Monographs*, 45 (1978): 306-16.

<sup>22</sup> Ibid., 307-308.

<sup>23</sup> Ibid., 315.

behavior and/or his judgment.”<sup>24</sup> She divides *apologiae* into two categories: those that deny the charges (denial *apologia*) and those that admit fault but offer justifications (non-denial *apologia*).<sup>25</sup> Utilizing A. H. Maslow’s hierarchy of needs, Kruse asserts that non-denial *apologia* may be first motivated by the rhetor’s need for survival (protecting one’s safety and security), then her social health (restoring one’s image in others’ eyes), and finally her self-actualization (maintaining one’s self-image and personal morality).<sup>26</sup> A critic can examine an *apologia* to determine which of these needs is of greatest concern to the rhetor, signaling which aspect the rhetor perceives as particularly threatened.<sup>27</sup> Whether denial or non-denial, Kruse understands *apologia* as “grounded in circumstances” due to its responsiveness to “recurring situations”<sup>28</sup> and, like other types of speech, as inherently behavioral—motivated by the rhetor’s emotional, physical, social, and situational needs.<sup>29</sup> In an article published four years later, Kruse defines and defends the generic parameters of *apologia* as being situated and responsive to criticism or anticipated criticism, exclusively defensive, and *self*-oriented (may not defend another with *apologia*).<sup>30</sup>

The responsiveness of *apologia* to prior accusations is addressed more specifically by rhetorician Halford Ryan,<sup>31</sup> as discussed in Chapter 2. His consideration of *kategoria* and *apologia* as counterparts in analog criticism follows the lead of Lawrence W. Rosenfield, who describes analog criticism as “comparing [two] speeches in such ways that each address serves as

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<sup>24</sup> Noreen W. Kruse, “Motivational Factors in Non-Denial Apologia,” *Central States Speech Journal* 28 (Spring 1977): 13.

<sup>25</sup> *Ibid.*, 14.

<sup>26</sup> *Ibid.*

<sup>27</sup> *Ibid.*, 15.

<sup>28</sup> *Ibid.*, 13.

<sup>29</sup> *Ibid.*, 23.

<sup>30</sup> Kruse, “Scope of Apologetic Discourse,” 280-286.

<sup>31</sup> Ryan, “*Kategoria* and *Apologia*,” 254-261.

a reference standard for the other,” for the purposes of identifying generic characteristics as well as evaluating the “relative artistic merit of each speech, compared to the other.”<sup>32</sup> Whereas Rosenfield was comparing two instances of mass mediated political *apologia* to ascertain their similarities and differences, Ryan’s interpretation of Rosenfield’s method obtains for analyzing *kategoria* and *apologia* as a speech set, as well.<sup>33</sup> Following Ryan’s model for examining *kategoria* and *apologia* as a speech set allows the present criticism to identify and discuss more fully the relevance and implications of Clinton’s specific rhetorical choices, by focusing analysis on the interplay between call and response.

Rhetorical theorist Sharon Downey expands the genre of *apologia* in her 1993 article, which considers five subgenres of *apologia*, each arising from the varying situational contingencies that evolved through history and led to specific stylistic choices with functional goals.<sup>34</sup> Through five historical periods, Downey traces the emergence of slight shifts in the forms and functions of *apologia*, yet she retains the classical stance of *apologia* as self-defense against specific accusations. Her more nuanced discussion of *apologia* through the ages helps to tie Ware and Linkugel’s traditional notion of *apologia* to Clinton’s specific address in 1997. For example, *apologia* in the contemporary period (the 20<sup>th</sup> century) is characterized by political discourses (rather than the traditional judicial appeals) and mass media’s amplification of events and resulting alienation of citizens from participating directly in those events.<sup>35</sup> Additionally, the

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<sup>32</sup> Lawrence W. Rosenfield, “A Case Study in Speech Criticism: The Nixon-Truman Analog,” *Speech Monographs*, 35, no. 4 (1968): 435.

<sup>33</sup> On this point, Susan Schultz Huxman reminds readers that “crisis is both an act (an empirical event) and a construct (perceptual and symbolic)” and scholars have a “duty to examine *Kategoria* and *Apologia* as a speech set; to treat attack and defense with equal measure as Aristotle instructed.” Huxman, “Exigencies, Explanations, and Executions,” 287.

<sup>34</sup> Sharon D. Downey, “The Evolution of the Rhetorical Genre of *Apologia*,” *Western Journal of Communication* 57 (1993): 43.

<sup>35</sup> *Ibid.*, 53.

charges leveled against the apologists, particularly before 1960, tended to “[stem] primarily from betrayal of trust, indiscretion, corrupt practice, or mishandling of an issue,” so “rhetors were motivated to repair threats to their reputations.”<sup>36</sup> In response to charges of this nature, a rhetor seeks closure and protection of their “political pasts and futures” through *apologia* from a homogenous mass public, but the closure is based in public opinion and the rhetor’s image protection rather than more tangible judgments in earlier eras of *apologia*.<sup>37</sup> Since 1960, continued “suspicions about leadership in America [...] and a media-inundated audience increasingly ‘inured to tales of scandal and tragedy’” have estranged audiences of *apologia*.<sup>38</sup> *Apologia* in this era tends to respond to “administrative corruption, media intervention, and public disillusionment.”<sup>39</sup>

Downey’s conceptualizations of *apologia* in the contemporary era make way for a subgenre of institutional or organizational *apologia*, as well as more focused concern on image restoration in response to criticism. Both of these related concerns are addressed in communication scholar William Benoit’s *Accounts, Excuses, and Apologies: A Theory of Image Restoration Strategies*. He invokes examples such as Exxon’s response to the Valdez oil spill and President Nixon’s “Cambodia” address and argues that to analyze such rhetorical artifacts we must integrate various theories pertaining to *apologia* that have traditionally been used independent of each other.<sup>40</sup> To that end, Benoit makes use of the theoretical contributions of

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<sup>36</sup> Ibid.

<sup>37</sup> Ibid., 53, 55.

<sup>38</sup> Downey, “Rhetorical Genre of Apologia,” 55. Regarding the 1976 campaign, Ellen Reid Gold discusses the consequence and implications of the public’s alienation from rhetors employing *apologia*, whom they perceive as using “language to deceive.” Gold, “Political Apologia,” 309-311.

<sup>39</sup> Downey, “Rhetorical Genre of Apologia,” 56.

<sup>40</sup> On this point, Benoit cites Rosenfield, Ware and Linkugel, and Burke’s treatment of victimage and mortification. William L. Benoit, *Accounts, Excuses, and Apologies: A Theory of Image Restoration Strategies*. (Albany, NY: SUNY Press, 1995), 29.



dozens of other scholars to develop his typology of discourse-oriented image restoration strategies according to five categories: denial, evasion of responsibility, reducing the offensiveness of an event, corrective action, and mortification.<sup>41</sup> This typology and Benoit's theory of image restoration, generally, are founded on the paired assumptions that "communication is a goal-directed activity" and that "maintaining a positive reputation is one of the central goals of communication."<sup>42</sup> Furthermore, Benoit asserts that one's reputation can only be threatened if a "relevant audience" perceives that the accused is responsible for the occurrence of an undesirable act (whether or not the accused is *actually* responsible).<sup>43</sup>

Maintaining reputations is not a concern solely for individuals; organizations and institutions clearly have stakes in fostering a positive image from the public's perspective. The strategies Benoit describes may be employed by spokespeople and other representatives of corporations or organizations that have experienced a public image setback. Likewise, Susan Schultz Huxman coalesces the strategies theorized by Ware and Linkugel, Benoit, Ryan, and others by identifying three general types of executions of *apologia* that may be employed by individuals or corporations, each type corresponding with the three major species of rhetoric. For each of these executions, rhetors employ a constellation of tactics in the service of their goals: Deliberative responses are more political in nature and use the strategies of transcendence, corrective action, extenuating circumstances, and/or minimization; epideictic responses are expressive and use the strategies of confession, bolstering, counter-attack, and/or scapegoating;

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<sup>41</sup> Benoit, *Accounts, Excuses, and Apologies*, 79. These strategies, along with Ware and Linkugel's set of postures for *apologia* (denial, bolstering, differentiation, transcendence) are evidence of *apologia*'s affiliation with all three of Aristotle's species of rhetoric: forensic rhetoric makes use of denial and evading responsibility, epideictic rhetoric employs bolstering and mortification, and deliberative rhetoric is an appropriate setting for transcendence and corrective action strategies. Huxman, "Exigencies, Explanations, and Executions," 283.

<sup>42</sup> Benoit, *Accounts, Excuses, and Apologies*, 63.

<sup>43</sup> *Ibid.*, 71-72.

forensic responses have a legal focus and use arguments of denial, stonewalling, dispute of jurisdictional authority, and/or equivocation.<sup>44</sup> Huxman argues that the “clustering approach [...] allows the crisis analyst to move beyond description (what responses are used?) to analysis (why are these responses used together?).”<sup>45</sup> In a later section I will expand on the specific image restoration and apologetic strategies Clinton used in his speech and discuss how those rhetorical choices were also designed to rehabilitate the reputations of the federal government and the institutions of medical research and practice.

Another development in *apologia* theory is the consideration that *apologia* may be used preemptively to “forestall or mitigate criticism” rather than solely in response to an accusation.<sup>46</sup> Rhetorician Alfred G. Mueller adopts Kruse’s perspective that “apologia exists whenever a response is issued relative to a person’s character *somehow* being attacked and when that response constitutes *some kind* of ethical defense.”<sup>47</sup> While Kruse’s generic parameters of *apologia* require a provocation in the form of an accusation, she concedes in a footnote that “[t]hose who realize that their behaviors are immoral or unethical and, thus, are likely to be condemned, may anticipate public response and produce apologetic discourse before they are actually criticized.”<sup>48</sup> Likewise, Mueller argues that this broader application of *apologia* as potentially preemptive does not violate the earlier parameters of the genre.<sup>49</sup>

In sum, *apologia* should be understood as a defensive mode of rhetoric used to respond to accusations and to protect the rhetor from further criticism. As we shall see in this chapter,

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<sup>44</sup> Huxman, “Exigencies, Explanations, and Executions,” 292-93.

<sup>45</sup> *Ibid.*, 292.

<sup>46</sup> Alfred G. Mueller II, “Affirming Denial through Preemptive Apologia: The Case of The Armenian Genocide Resolution,” *Western Journal of Communication* 68 (Winter 2004): 40.

<sup>47</sup> *Ibid.*, 30.

<sup>48</sup> Kruse, “Scope of Apologetic Discourse,” 281 n. 10.

<sup>49</sup> Mueller, “Preemptive Apologia,” 30.

Clinton's speech is designed to protect his political future by responding in particular ways to the request brought to him by the Legacy Committee and their political allies. Section 3.2 provides a description of Clinton's speech, which is followed by close analysis according to the generic features of *apologia* already discussed. First, though it is important to briefly address how the defensive behaviors of justification and excuse are treated outside the field of rhetoric in order to recognize the differences between these strategies as they apply to instances of *apologia*.

### 3.1.3 Justification and Excuse as *Apologia*

When discussing issues of blame and defense, we must also consider what constitutes justification and excuse, both of which are offered in an attempt to establish one's blamelessness for particular actions.<sup>50</sup> In Kruse's terminology, discussed above, both justification and excuse can be considered forms of non-denial *apologia*. However, there are significant distinctions between the two. When one offers a justification for one's actions, one accepts responsibility for the actions (or failure to act) but claims that those actions (or omissions) "were defensible or permissible on the basis of some countervailing demand or obligation."<sup>51</sup> Moreover, from a legal perspective—or, by analogy, an ethical perspective—a justified act is one where "what is done is regarded as something which the law [or ethics] does not condemn, or even welcomes."<sup>52</sup>

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<sup>50</sup> Portions of this section are drawn from my prior research on the ethics of apologies. Autumn R. Boyer, "In a 'Sorry' State: The Ethics of Institutional Apologies in Response to Medical Errors" (master's thesis, University of Pittsburgh, 2009), 21-23.

<sup>51</sup> Virginia A. Sharpe, "Taking Responsibility for Medical Mistakes," in *Margin of Error: The Ethics of Mistakes in the Practice of Medicine*, ed. Susan B. Rubin and Laurie Zoloth (Hagerstown, MD: University Publishing Group, 2000), 184.

<sup>52</sup> H. L. A. Hart, *Punishment and Responsibility: Essays in the Philosophy of Law* (Oxford: Clarendon Press, 1968), 13.

By contrast, those who seek to excuse their actions or omissions admit that the behavior was wrong but seek to shift or deny culpability for their action or inaction. In other words, to offer an excuse is to admit that the action “wasn’t a good thing to have done, but to argue that it is not quite fair or correct to say *baldly* ‘X did A.’”<sup>53</sup> The nature of the actor’s behavior may then be explained with some excusing condition. Legal philosopher H. L. A. Hart asserts that the psychological state of the accused is the locus of excusing conditions, typically including “those forms of lack of knowledge which make action unintentional: lack of muscular control which makes it involuntary, subjection to gross forms of coercion by threats, and types of mental abnormality, which are believed to render the agent incapable of choice or of carrying out what he has chosen to do.”<sup>54</sup> The accused may also point to particular features of the action or circumstances surrounding it that serve as mitigating factors that should both excuse the act and absolve the agent of responsibility in this situation.<sup>55</sup> In the terminology of *stasis* theory, excuses may argue against the definition and the quality of the offense for which one is accused.

Clearly, offering an excuse or justification is a rhetorical act in the service of self-defense from an accusation and both are, therefore, potential strategies of *apologia*. As discussed above, contemporary developments in the genre of *apologia* have produced a more nuanced consideration of defense and image restoration strategies that incorporate justification, excuse, and other defensive rhetorical moves, but it is important to have introduced these particular considerations at this point due to their utilization since antiquity.

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<sup>53</sup> J. L. Austin, “A Plea for Excuses: The Presidential Address,” *Proceedings of the Aristotelian Society* 57 (1956-1957): 2.

<sup>54</sup> Hart, *Punishment and Responsibility*, 14.

<sup>55</sup> Sharpe, “Taking Responsibility,” 184.

### 3.2 PRESIDENT CLINTON'S RESPONSE

President Clinton's official response to the Legacy Committee's request came in the form of a ceremony held in the East Room of the White House and transmitted via satellite to viewers in Tuskegee, Alabama. His speech may be divided into four sections: welcome and introductions, apology statements, policy announcements, and closing.<sup>56</sup> President Clinton opened by identifying and welcoming the five Tuskegee survivors present at the ceremony, as well as the family representatives of the sixth remaining survivor and two deceased Study subjects.<sup>57</sup> He welcomed the other honored guests at the ceremony, including several politicians and civil rights attorney Fred Gray, as well as members of the Tuskegee community watching the ceremony by satellite feed.

Next, President Clinton offered a statement of "apology" to the Study survivors, the extended families of those who participated in the Study, and beyond, saying:

We can stop turning our heads away. We can look at you in the eye and finally say on behalf of the American people, what the United States Government did was shameful, and I am sorry.

The American people are sorry—for the loss, for the years of hurt. You did nothing wrong, but you were grievously wronged. I apologize and I am sorry that this apology has been so long in coming.

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<sup>56</sup> The text of the speech has been reprinted in Appendix B.

<sup>57</sup> Clinton identified each of the five present survivors (Carter Howard, Frederick Moss, Charlie Pollard, Herman Shaw, Fred Simmons) as well as one survivor (Ernest Hendon) who was represented by a family member. William J. Clinton, "Remarks in Apology to African-Americans on the Tuskegee Experiment," *Weekly Compilation of Presidential Documents* 33 (1997): 718. Historian Susan M. Reverby, a Legacy Committee member who attended the White House event, reported that five of the six living survivors were in attendance. Susan M. Reverby, *Examining Tuskegee: The Infamous Syphilis Study and Its Legacy* (Chapel Hill: University of North Carolina Press, 2009): 224.

To Macon County, to Tuskegee, to the doctors who have been wrongly associated with the events there, you have our apology, as well. To our African American citizens, I am sorry that your Federal Government orchestrated a study so clearly racist.<sup>58</sup>

The President's statement included the "hundreds of men betrayed, along with their wives and children, along with the community in Macon County, Alabama, the City of Tuskegee, the fine university there, and the larger African American community."<sup>59</sup> Throughout the speech, Clinton identified that the victims of the Study "were betrayed," "were denied help, and they were lied to," had their rights "trampled upon," and experienced "years of internal torment and anguish" as well as "years of hurt."<sup>60</sup> He characterized the government's actions as "shameful," "fail[ing] to live up to its ideals," "[breaking] the trust" with its people, "deeply, profoundly, morally, wrong," an "outrage," and "racist."<sup>61</sup>

Following the apologetic portion of the speech, Clinton announced federal initiatives to help mitigate the damage of "the legacy of the study at Tuskegee [that] has reached far and deep, in ways that hurt our progress and divide our Nation."<sup>62</sup> These developments included: 1) a pledge to help build a memorial at Tuskegee and a grant from the Department of Health and Human Services (HHS) to plan a bioethics research center there; 2) a report to be issued by Donna Shalala, Secretary of HHS, within 180 days regarding strategies to increase minority communities' involvement in research and health care; 3) additional bioethics training materials, to be prepared by Shalala and others, for health care researchers; 4) HHS fellowships, beginning

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<sup>58</sup> Clinton, "Remarks in Apology," 719.

<sup>59</sup> Ibid.

<sup>60</sup> Ibid.

<sup>61</sup> Ibid.

<sup>62</sup> Ibid.

in Fall 1998, to support postgraduate bioethics students, particularly students of color; and 5) extension of the charter of the National Bioethics Advisory Commission through October 1999.

Finally, Clinton closed his speech with a caution about the consequences of allowing scientific and technological progress to take precedence over ethics and “our conscience,” and by thanking the Study survivors for their forgiveness and grace.<sup>63</sup>

Today, all we can do is apologize. But you have the power, for only you, Mr. Shaw, the others who are here, the family members who are with us in Tuskegee—only you have the power to forgive. Your presence here shows us that you have chosen a better path than your Government did so long ago. You have not withheld the power to forgive. I hope today and tomorrow every American will remember your lesson and live by it.

Thank you, and God bless you.<sup>64</sup>

### 3.3 ANALYSIS OF CLINTON’S RESPONSE

Based on the theoretical framework discussed earlier in this chapter, an analysis of this rhetorical artifact may now proceed with an understanding that there exists a significant difference between what is commonly understood as apology and the genre of *apologia*. Given this distinction, it may seem discordant to discuss Clinton’s speech in the context of *apologia* or defense when it has almost uniformly been referred to by scholars, journalists, and laypersons alike as an apology (in the common, non-defensive sense of the term). Indeed, as a specific response to the Legacy

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<sup>63</sup> Ibid., 720.

<sup>64</sup> Ibid.

Committee’s accusation and call for apology, Clinton’s speech resembles both apology and *apologia*. Specific attention to the apology aspect will be addressed in Chapter 4, as additional analysis is warranted to determine whether characterizing Clinton’s speech as an apology is appropriate. Presently, however, we must identify the features of this speech that are associated with *apologia* and determine how its degree of fit with the preceding *kategoria* affects our understanding and interpretation of this speech.

In this section, then, I discuss the generic categorization of Clinton’s speech as *apologia*, explore the historical and rhetorical context which offered opportunities and constraints to his rhetorical invention, analyze some particular facets of Clinton’s defense, and consider how his rhetorical “sleight-of-hand” attempted to reframe retrospective understanding of the Tuskegee Syphilis Study.

### 3.3.1 Identifying the Genre

In order to identify whether Clinton’s speech may be characterized as *apologia* following the general definition of *apologia* as a speech of defense,<sup>65</sup> it is essential first to identify particular accusations against which Clinton may be defending himself. In this regard, it is useful to bear in mind the Tuskegee Syphilis Study Legacy Committee’s point that President Clinton had neither direct nor indirect involvement with the creation, preservation, or dissolution of the Study. Therefore, he is not in position to defend any particular actions of his own with regards to the harms and wrongdoing associated with the Study itself. However, the Legacy Committee’s specific criticism against President Clinton (as a representative of the U. S. government) was that

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<sup>65</sup> Aristotle, *On Rhetoric*, 1358b.



no president had yet offered an apology for the Tuskegee Study and “an apology is sorely needed.”<sup>66</sup> The Committee’s request also cited Clinton’s statement in apology for the U.S. government’s human radiation experiments during the Cold War in which he claimed that the government has a responsibility to tell the truth, admit fault for wrongdoing, and “do the right thing.”<sup>67</sup> In this way, the Legacy Committee put specific pressure on President Clinton to act in accordance with his previous statement and be the one to right the wrong of a missing governmental apology for the Tuskegee Study. This pressure serves both as an accusation (“no public apology has ever been offered”<sup>68</sup>) and as a challenge to act consistently in response to historical, governmental wrongdoing—Clinton had little choice but to respond to these charges.

Additionally, as an *apologia*, Clinton’s speech is explicitly and implicitly a forward-looking defense of government policies and practices. His direction of funds and other resources to increase bioethics research and training, safe and ethical medical research, and respect and protection for minorities serves not only as corrective action but also as a preemptive defense against continued allegations of governmental wrongdoing. Clinton’s humble tone and specific agreement with the Legacy Committee’s characterization of the Tuskegee Syphilis Study are not consistent with personal defensiveness *per se* but serve another goal of *apologia* concerning the restoration and protection of images and reputations—both Clinton’s and the government’s. In this light, Clinton’s response fits with Downey’s description of contemporary *apologia*: corruption by the administration, revealed through mass media intervention compounding public disillusionment, was addressed by a politician who had a reputation and political future at stake.

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<sup>66</sup> Tuskegee Syphilis Study Legacy Committee, “Legacy Committee Request,” in *Tuskegee’s Truths: Rethinking the Tuskegee Syphilis Study*, ed. Susan M. Reverby (Chapel Hill: University of North Carolina Press, 2000), 561.

<sup>67</sup> *Ibid.*, 560.

<sup>68</sup> *Ibid.*, 561.

Other theorists' approaches to *apologia* discussed earlier are also salient to analysis of Clinton's speech: the accusations are of a moral nature and threaten Clinton's reputation (Ware and Linkugel), the speech is responsive to a particular rhetorical situation (Kruse, Ryan), image restoration strategies may be necessary (Benoit), and Clinton shifts among all three rhetorical species within his speech (Huxman). In the following sections I will elaborate on how these analytic frames help to parse out the rhetorical maneuvers Clinton employed in his speech.

### 3.3.2 The *Apologia*'s Rhetorical Situation

As Ware and Linkugel note, "The recurrent theme of accusation followed by apology is so prevalent in our record of public address as to be, in the words of literary theorist Kenneth Burke, one of those 'situations typical and recurrent enough for men to feel the need of having a name for them.'"<sup>69</sup> To address this feature, I use an analytical frame based on rhetorical theorist Lloyd Bitzer's landmark essay, "The Rhetorical Situation."<sup>70</sup> The rhetorical situation, as described by Bitzer, is characterized by an exigence ("an imperfection marked by urgency"), constraints upon the rhetor and audience, and an audience who is in a position to be persuaded and/or act upon the "fitting response" called for by the rhetorical situation.<sup>71</sup> Bitzer's article stirred criticism and further development by other rhetorical scholars. A notable criticism was leveled by rhetorician Richard Vatz in which he contests Bitzer's assertion that situations can be objectively rhetorical and compel responses. Vatz argues, instead, that "meaning is not discovered in situation, but *created* by rhetors" who interpret situations and invent rhetorical

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<sup>69</sup> Ware and Linkugel, "Generic Criticism of Apologia," 273-4.

<sup>70</sup> Lloyd F. Bitzer, "The Rhetorical Situation," *Philosophy and Rhetoric* 1 (1968): 1-14.

<sup>71</sup> *Ibid.*, 6.

situations through their use of rhetoric (Bitzer later modified his view to in response to this criticism<sup>72</sup>). In a continuation of the debate, rhetorician Scott Consigny offers a third perspective: rhetoric is an art in which the rhetor must meet the conditions of integrity and receptivity to “become effectively engaged in particular situations.”<sup>73</sup> Consigny reaffirms Bitzer’s claim that situations have particularities but disagrees that those particularities *determine* the rhetorical response. He also sides with Vatz on the view that rhetors have the power of creativity and invention but warns that Vatz does not account for the constraints that rhetors face within rhetorical situations. Consigny proposes that being mindful of *topoi* will help the rhetor navigate and manage indeterminate situations.<sup>74</sup> This broader understanding of the rhetorical situation allows for a more thorough understanding of the exigences that emerged “objectively” due to the Tuskegee Syphilis Study’s termination (Bitzer’s original formulation) as well as the exigences and constraints created through creative human effort in the Legacy Committee’s request (Vatz’s formulation). Vatz’s theory is useful because it shows that contingency is built into the rhetorical situation: rhetoricians can influence the intensity of the exigence.

The rhetorical audience, as conceptualized by Bitzer, is one that is potentially motivated and able to act in response to a rhetorical appeal. The Legacy Committee explicitly identified President Clinton as one who had the authority and ability to speak on behalf of the U.S. government regarding the wrongdoing of the Tuskegee Syphilis Study. Moreover, the Committee’s request spoke to the issue of motivation by calling attention to Clinton’s previous

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<sup>72</sup> Richard E. Vatz, “The Myth of the Rhetorical Situation,” *Philosophy and Rhetoric* 6, no. 3 (1973): 157; Lloyd F. Bitzer, “Rhetoric and Public Knowledge,” in *Rhetoric, Philosophy, and Literature: An Exploration*, ed. Don M. Burks (West Lafayette: Purdue University Press, 1978): 69.

<sup>73</sup> Scott Consigny, “Rhetoric and its Situations,” *Philosophy and Rhetoric* 7, no. 3 (1974): 176.

<sup>74</sup> *Ibid.*, 182.

apology for the human radiation experiments and his commitment to racial healing and equality in the United States.

The exigence for a presidential apology is a bit more complicated, however. Although the situation created by the termination of the Tuskegee Syphilis Study called for some sort of governmental response (an imperfection, since no president offered an apology for the Study widely understood to be unethical), there was no particular urgency until one was created through the request written by the Legacy Committee. As Consigny contends, *both* Bitzer and Vatz have partial understanding of the nature of rhetorical situations: both “objective” events and rhetorical creativity were in play leading up to Clinton’s response. The lack of apology was, alone, an insufficient exigence until the Legacy Committee’s request created particular opportunities and constraints for Clinton’s response. While the request did not explicitly call Clinton’s own character into question, it did echo the President’s own stated political goals of racial reconciliation and governmental transparency in and accountability for matters of wrongdoing. In this way, the President’s character was not the subject of the accusation but was invoked in the service of a persuasive strategy that offered him the opportunity to uphold his stated values and work toward his political goals. Such an “invitation” is difficult to disregard, politically, and may be personally compelling as well—it serves as an identification of an exigence to be ameliorated as well as a constraint on what the Committee would deem a “fitting response” from the President.

The Committee offered another test of the President’s character and political commitments when their request described specific programs that they wished to see implemented and funded with the help of the federal government. Again, the bioethics research and Tuskegee memorial proposals offered the President the opportunity (and constraint) to enact

policies consistent with his stated commitment to racial reconciliation and government accountability. As requested, the President did announce five specific plans to promote ethical research and health care and to preserve the memory of the Tuskegee Study. Furthermore, Clinton's apology did not challenge the Legacy Committee's claims about the harms of the Tuskegee Study, the nature of the wrongdoing, or the relative innocence of Tuskegee Institute (now, University). He conceded each argument of fact, definition, quality, and jurisdiction, and even responded within the timeframe recommended by the request and the subsequent advocacy on its behalf. The President's responsiveness to the policy proposals and arguments in the request suggest that the *kategoria* was sufficiently persuasive or coercive or that the President already believed strongly in the mission of the Legacy Committee. Additionally, such responsiveness shows attention to the constraints established explicitly and implicitly by the Committee's request.

Some constraints existed apart from the Legacy Committee's request, however. As an official presidential speech, Clinton's discourse was expected to have a certain degree of formality. Likewise, he could not speak exclusively of the U.S. government's faults—American audiences expect that the President will show patriotism and optimism for the future. Clinton used his speech, in part, to bolster the values of trust, freedom, and equality that are considered traditional American values and indicated how the Tuskegee Study betrayed those values when it betrayed and deceived the men who unknowingly participated in that Study.<sup>75</sup> His rhetoric also invoked Ware and Linkugel's transcendence strategy by hailing the medical and scientific progress that can be gained through continued research and improvement of research ethics.<sup>76</sup>

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<sup>75</sup> Clinton, "Remarks in Apology," 719.

<sup>76</sup> *Ibid.*, 720.

Ironically, as communication scholars Lynn M. Harter, Ronald J. Stephens, and Phyllis M. Japp point out, Clinton “framed science and technology in such a way as to reinforce the ideology of a technological society—the same values that originally served as catalysts to the Tuskegee Syphilis Experiment.”<sup>77</sup> Still, as the President, Clinton could not appropriately have adopted a position that was critical of or antagonistic toward medical, scientific, and technological industries, whether from fear of losing political support or from the perception that being fearful of the future and “progress” is un-American.

Whether or not Clinton’s address constituted a fitting response requires additional analysis and must take into consideration the speech’s degree of fit with the Legacy Committee’s request as well as audiences’ expectations of the speech. These and other issues salient to the speech’s reception by Study survivors and the public will be taken up later in this chapter as well as in Chapters 5 and 6.

### **3.3.3 Defense of Personal and Professional *Ethos***

The preceding analysis showed how Clinton’s speech meets the self-defensive criterion of *apologia* even though he had no role in the Tuskegee Study. The nature of his defense, then, warrants closer attention.

Race was a prominent theme in Clinton’s presidential campaign, and once elected, the new President voiced his commitment to racial reconciliation and equality.<sup>78</sup> Such statements

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<sup>77</sup> Lynn M. Harter, Ronald J. Stephens, and Phyllis M. Japp, “President Clinton’s Apology for the Tuskegee Syphilis Experiment: A Narrative of Remembrance, Redefinition, and Reconciliation,” *Howard Journal of Communications* 11 (2000): 28.

<sup>78</sup> Legacy Committee, “Legacy Committee Request,” 562. Additionally, just a couple of years before the Legacy Committee drafted and submitted their request, the political ramifications of the Tuskegee Syphilis Study had featured significantly in the hearings for President Clinton’s nomination for Surgeon General. In 1994, Clinton

provided a natural opening for the Legacy Committee to call for a Tuskegee apology, suggesting, “In the context of President Clinton’s stated desire to bridge the racial divide, this apology provides the opportunity to begin to heal the racial wounds that persist in this country.”<sup>79</sup> To further drive home the point that the Clinton administration was uniquely positioned to apologize for Tuskegee, the Committee cited the President’s stated commitment to acknowledge past wrongdoing by the government, here referencing Clinton’s 1995 apology for the human radiation experiments conducted by the U.S. government during the Cold War in an effort to “[heal] the wounds inflicted” and “regain the trust of the country.”<sup>80</sup> According to the Committee’s logic, if such high-level effort were appropriate in the case of human radiation experiments, similar redress on Tuskegee would be warranted as well.

Against this background, Clinton faced the constraint of appearing consistent with his prior comments and actions, specifically those declaring remorse for the U.S. government’s past wrongdoing. By speaking plainly and directly about the harms caused by the U.S. Public Health Service’s Tuskegee Syphilis Study, Clinton had the opportunity to protect his image (and, therefore, speak in preemptive self-defense) in two ways. He protected his *professional* image as the leader of the culpable institution (though not the blameworthy institution) by acknowledging the wrongdoing and harms unequivocally rather than attempting to mitigate the Study’s damage or obscure the government’s role in the Study. His forthrightness prevented the issue of a

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nominated Henry W. Foster, Jr., an African American, for Surgeon General and the subsequent confirmation proceedings devolved into accusations and defenses regarding the Tuskegee Syphilis Study, *even though Foster had no involvement with the Study himself* and had simply been vice president of the Macon County Medical Society in during the final years of the Study. According to historian Susan Reverby’s analysis, Foster “took the blame and became the villain” for the Study he claims he first learned about with the rest of the public in 1972. Ultimately, Foster’s nomination was tabled and he was never appointed following the spectacle of the too-late witch-hunt for those *actually* responsible for the Tuskegee Study. Reverby, *Examining Tuskegee*, 217-220.

<sup>79</sup> Legacy Committee, “Legacy Committee Request,” 562.

<sup>80</sup> *Ibid.*, 560.

missing apology from developing into a full-fledged contemporary controversy that might have had the power to taint his professional image. Clinton also performed image work on a *personal* level as he appeared to genuinely sympathize with the Study's victims and speak from a personal commitment to racial reconciliation rather than as a mere professional courtesy. President Clinton's true intentions and feelings about the speech are a matter of speculation;<sup>81</sup> his performance, however, was understood by witnesses at the event to be a sincerely heart-felt offering.<sup>82</sup>

To say that Clinton spoke in defense of his personal and professional *ethos* is not to claim that he bore direct responsibility for the Study's harms. Rather, his defense is largely proactive and asserts his commitment to present and future protections for vulnerable populations involved in medical research in addition to his commitment to ensuring the full measure of respect and ethical treatment for minorities that had been missing in the Tuskegee episode. Clinton's remarks and policy enactments were crafted as expressions of his personal character<sup>83</sup> and political

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<sup>81</sup> President Clinton's only mention in his autobiography of this speech is within the context of his proposal to Congress to ban human cloning. He wrote a single sentence about it: "Just a month earlier I had apologized for the unconscionable and racist syphilis experiments performed on hundreds of black men decades earlier by the federal government in Tuskegee, Alabama." William J. Clinton, *My Life* (New York: Vintage Books, 2005), 757.

<sup>82</sup> Herman Shaw, a Study participant and survivor, spoke at the White House ceremony immediately prior to President Clinton and said, "Mr. President, words cannot express my gratitude to you for bringing us here today—for doing your best to right this tragic wrong, and resolving that America should never again allow such an event to occur. Because of your leadership I am confident that we never will." ("Herman Shaw's Remarks," in Reverby, *Tuskegee's Truths*, 573). Public health researcher Stephen B. Thomas, though not a participant at the ceremony, wrote that "Clinton and the others present experienced forgiveness from men who suffered at the hands of [Public Health Service] doctors" and characterized Clinton's statement as "emotional." ("Anatomy of an Apology: Reflections on the 1997 Presidential Apology for the Syphilis Study at Tuskegee," *The Academic Exchange*, Emory University, [http://www.emory.edu/ACAD\\_EXCHANGE/1999/sept99/anatomy.html](http://www.emory.edu/ACAD_EXCHANGE/1999/sept99/anatomy.html)).

<sup>83</sup> For example, Clinton developed some immediacy in his speech by his use of the personal pronoun "I" ("I apologize and I am sorry," "I would like to announce several steps to help us achieve these goals," "I hope today and tomorrow every American will remember your lesson and live by it") as well as the inclusive pronoun "we" ("We remember," "We can stop turning our heads," "we can look at you in the eye," "we need to do more," "we face a challenge in our time.").



goodwill and served to bolster his credibility as a racial reconciler.<sup>84</sup> Several of his remarks spoke directly about racial tension and Clinton's hope for resolution and healing.<sup>85</sup> By responding to the Legacy Committee's request for an official apology with his statement and policies, Clinton was able to obviate the possibility of specific accusations against his character for neglecting the request and for perpetuating the perceived harm caused by such a delayed apology.

Ware and Linkugel's defensive strategies factors of bolstering, differentiation, and transcendence are all featured in Clinton's speech (denial was not employed as a strategy in this case). Clinton used bolstering rhetoric, which "reinforces the existence of a fact, sentiment, object, or relationship [...] viewed favorably by the audience,"<sup>86</sup> when he spoke about acknowledging historical wrongdoing and reasons for mistrusting the government while also adopting the postures of sympathy and reconciliation. For example, Clinton said, "[W]ithout remembering [our past], we cannot make amends and we cannot go forward,"<sup>87</sup> and "We cannot be one America when a whole segment of our nation has no trust in America. An apology is the first step, and we take it with a commitment to rebuild that broken trust."<sup>88</sup> Additionally, he bolstered the ideals of equality and fairness when he referred to the Study as "an outrage to our

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<sup>84</sup> The rhetorical agency of the speaker in official apologies is complicated, involving both institutional and personal factors. According to rhetorician Lisa Storm Villadsen, the official apologizer's rhetorical agency is "based in rather concrete elements of the communicative context. It emerges as a fusion of personal and institutional ethos on the part of the speaker, more or less explicit commentary on the speaker's access to the role as apologist in accordance with his or her mandate from the audience, and finally a more elusive sense of fidelity to the values at stake reflected in the speaker's credibility vis à vis the act of apologizing." Lisa Storm Villadsen, "Speaking on Behalf of Others: Rhetorical Agency and Epideictic Functions in Official Apologies," *Rhetoric Society Quarterly* 38, no. 1 (January 2008): 43.

<sup>85</sup> For example, "We cannot be one America when a whole segment of our Nation has no trust in America. An apology is the first step, and we take it with a commitment to rebuild that broken trust." Clinton, "Remarks in Apology," 719.

<sup>86</sup> Ware and Linkugel, "Generic Criticism of Apologia," 277.

<sup>87</sup> Clinton, "Remarks in Apology," 719.

<sup>88</sup> Ibid.

commitment to integrity and equality for all our citizens.”<sup>89</sup> Even Clinton’s policy pronouncements were sometimes framed as his personal efforts to promote bioethics and reduce racial health disparities, as when he said, “I’m directing the Secretary of Health and Human Services, Donna Shalala, to issue a report” and “I am also today extending the charter of the National Bioethics Advisory Commission.”<sup>90</sup>

Clinton’s use of differentiation rhetoric was largely for the sake of others rather than himself. The President’s presentation of himself as an ethical leader concerned about the well being of citizens of all races serves as an implicit differentiation between himself and past administrations that did not actively protect Americans from governmental abuse. However, he explicitly engaged in differentiation strategies as he sought to preserve or improve the reputation of Tuskegee Institute and the region of Macon County according to the Legacy Committee’s request. Ware and Linkugel describe differentiation strategies as those that provide a different, transformative perspective on a charge or issue that has been typically viewed negatively by the audience.<sup>91</sup> Here, it is Clinton’s broader audience, the general public, that is being “set right” with a new understanding of the Tuskegee Study rather than the immediate audience of the Study survivors. He performed this differentiation by framing his apology *to* these communities rather than indict them as complicit with the U.S. Public Health Service program. This, too, was a stance encouraged in the Legacy Committee’s request.<sup>92</sup> While not a specific strategy of differentiation, Clinton also avoided providing complicating details about those from the Macon County community (especially those who were African American) who worked alongside the

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<sup>89</sup> Ibid.

<sup>90</sup> Ibid., 720.

<sup>91</sup> Ware and Linkugel, “Generic Criticism of Apologia,” 278.

<sup>92</sup> Legacy Committee, “Legacy Committee Request,” 562. “The apology should be directed to those most directly harmed: to the elderly survivors of the Study, to their families, and to the wider community of Tuskegee and its University.”

government doctors in carrying out the procedures of the Tuskegee Study. This passive omission helped further to establish perceptual separation between the local victims and the Study's perpetrators.

Clinton's transcendence rhetoric helped "psychologically move the audience away from the particulars of the charge at hand in a direction toward some more abstract, general view,"<sup>93</sup> in this case a view of science and medical progress as beacons of hope rather than as the underlying motives for unethical research such as the Tuskegee Study. He said, "Science and technology are rapidly changing our lives with the promise of making us much healthier, much more productive and more prosperous. But with these changes we must work harder to see that as we advance we don't leave behind our conscience. No ground is gained and, indeed, much is lost if we lose our moral bearings in the name of progress."<sup>94</sup>

In addition to the strategies described by Ware and Linkugel, Benoit's image restoration strategies of corrective action and mortification appear in Clinton's speech. The five policy initiatives introduced in the latter half of the speech each serve as forms of corrective action by expanding the resources available for bioethics research and training, minority health research, ethical involvement of community members in public health initiatives, and preserving the memory of the Tuskegee Study. Mortification was particularly prevalent, though with a twist due to Clinton's non-involvement in the Study's wrongdoing. Benoit uses Kenneth Burke's conceptualization of mortification as occurring when "the accused may admit responsibility for

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<sup>93</sup> Ware and Linkugel, "Generic Criticism of Apologia," 280.

<sup>94</sup> Clinton, "Remarks in Apology," 720. A few days after Clinton's speech to the Tuskegee Study survivors, he gave the commencement address at Morgan State University in which he praised the power of science, technology, and knowledge to drive the future. The irony of this perspective is highlighted by Harter, Stephens, and Japp: "Clinton again framed science and technology in such a way as to reinforce the ideology of a technological society—the same values that originally served as catalysts to the Tuskegee Syphilis Experiment." Harter, Stephens, and Japp, "President Clinton's Apology," 27-28.

the wrongful act and ask for forgiveness.”<sup>95</sup> Clinton readily admitted the government’s (exclusive) responsibility for the Study (“The United States Government did something that was wrong, deeply, profoundly, morally wrong.”<sup>96</sup>) and offered a personal apology as well as an apology on behalf of “the American people.”<sup>97</sup> Similarly, Clinton closed his speech by further castigating those who directed the Tuskegee Study and addressing his audience of Study survivors as those who “have the power to forgive” and who “have not withheld the power to forgive.”<sup>98</sup>

Rather than solely protecting his own reputation, as required by Kruse’s generic parameters and Downey’s contemporary *apologia*, Clinton’s rhetorical maneuvers also worked to protect and restore the images of Tuskegee University and its surrounding communities.<sup>99</sup> Identifying particular defensive strategies, such as those conceptualized by Benoit and Ware and Linkugel, helps the critic recognize the issues of particular concern to the rhetor. In the case of Clinton’s response to the Legacy Committee’s request, it is apparent that the President’s blamelessness for the Tuskegee Study did not keep him from performing a speech of *apologia* and the above analysis reveals particular opportunities taken by Clinton to protect his reputation amidst a broader controversy.

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<sup>95</sup> Benoit, *Accounts, Excuses, and Apologies*, 79.

<sup>96</sup> Clinton, “Remarks in Apology,” 719.

<sup>97</sup> *Ibid.*

<sup>98</sup> *Ibid.*, 720.

<sup>99</sup> Harter and colleagues claim that Clinton sought to “rebuild African American trust in the medical community” rather than defend himself. Harter, Stephens, and Japp, “President Clinton’s Apology,” 28.

### 3.3.4 Responding to the *Stases*

As discussed in Chapter 2, the Legacy Committee’s request for an official apology served as a *kategoria* in part by laying out the blameworthy elements of the Study. The *stases* served to guide the analysis of the Committee’s accusations, and we return to those *stases* now to consider how President Clinton addressed these accusations in his official response.

The issues of fact identified by the Committee were confirmed by the President: “[Forty] years, hundreds of men betrayed, along with their wives and children, along with the community in Macon County, Alabama, the City of Tuskegee, the fine university there, and the larger African-American community.”<sup>100</sup> He acknowledged that “hundreds of men [were] used in research without their knowledge and consent” in a study “orchestrated” by the federal government and carried out through the U.S. Public Health service.<sup>101</sup> The fact that an official apology had not yet been offered was noted directly when Clinton said, “[W]e can end the silence. We can stop turning our heads away.[...] I am sorry that this apology has been so long in coming.”<sup>102</sup> In each of these statements, Clinton assented to the facts presented by the Legacy Committee.

Likewise, Clinton accepted the *stases* of definition supplied in the Legacy Committee request. He referred to the Study unambiguously as “shameful;” “deeply, profoundly, morally wrong;” “an outrage;” “clearly racist;” and “against everything our country stands for.”<sup>103</sup> He specified those harmed, as the Legacy Committee did, as extending beyond the men in the Study to include the broader community and African Americans, generally, while acknowledging that

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<sup>100</sup> Clinton, “Remarks in Apology,” 719.

<sup>101</sup> Ibid.

<sup>102</sup> Ibid.

<sup>103</sup> Ibid.

the damage caused included betrayal by the government, “lives lost, the pain suffered, the years of internal torment and anguish,” and having their rights “trampled upon.”<sup>104</sup> The Legacy Committee further identified the harm caused to the reputations of Tuskegee Institute (now, Tuskegee University) because the Study has come to be remembered as the “Tuskegee Syphilis Study” even though it was a project of the U.S. Public Health Service that took place in that region.<sup>105</sup> In his response, Clinton included Macon County, Tuskegee, and the “doctors who have been wrongly associated with the events there” as recipients of his apology, implicitly acknowledging the Committee’s definitions.<sup>106</sup> A final aspect of the *stasis* of definition to which Clinton responded affirmatively was that a government apology for the Study was ethically valuable and necessary. On that topic he asserted, “We cannot be one America when a whole segment of our Nation has no trust in America. An apology is the first step, and we take it with a commitment to rebuilt that broken trust.”<sup>107</sup>

While the Legacy Committee directly addressed the *stasis* of jurisdiction in their argument that Clinton, as the “highest elected official of the United States,”<sup>108</sup> was the appropriate person to offer an official apology for the Tuskegee Study, Clinton only acknowledged this implicitly by agreeing to the Committee’s request. Moreover, President Clinton invoked his role as the nation’s chief representative by claiming to speak and apologize on behalf of the American people.<sup>109</sup>

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<sup>104</sup> Ibid.

<sup>105</sup> The Centers for Disease Control and Prevention now refers to the Tuskegee Syphilis Study by a revised title: U.S. Public Health Service Syphilis Study at Tuskegee. <http://www.cdc.gov/tuskegee/>

<sup>106</sup> Clinton, “Remarks in Apology,” 719.

<sup>107</sup> Ibid.

<sup>108</sup> Legacy Committee, “Legacy Committee Request,” 562.

<sup>109</sup> Clinton, “Remarks in Apology,” 719.

These *stases* (and the *stasis* of quality, which is not salient to Clinton's response) function in traditional *apologia* as *topoi* or "commonplaces" upon which a defendant could mount his case by targeting opportunities to contend and contradict the accuser's accounts. However, in this case, President Clinton assented to each of the *stasis* presented in the Legacy Committee's request. This analysis reaffirms my earlier claim that his defense was not of the Study or its responsible agents but of his reputation as a concerned and ethical leader. By agreeing with and reaffirming the Legacy Committee's assessment of the Study and its legacy, President Clinton acted to placate the Committee and the American citizens concerned with issues of government wrongdoing and racial discrimination rather than to perpetuate or escalate the existing controversy about the Study and its legacy.

The value of this congruence between *kategoria* and *apologia*, with regard to *stases*, is more evident to the critic than the general reader or hearer of Clinton's speech because the Legacy Committee's request was not widely disseminated or publicized. Those who heard Clinton speak, read his transcript, or read newspaper accounts of the White House event were more likely to assess his speech according to their own expectations of an appropriate address on the topic rather than in comparison to the specific accusations that compelled the President's response, so general public reaction to the speech is unlikely to be structured or primed by the *stases* in the Legacy Committee's request. The rhetorical critic, however, can note that the degree of congruence between the *kategoria* and *apologia* helps to satisfy the exigence identified and amplified by the *kategoria* (and, further, does not exacerbate the exigence of a missing or delayed acknowledgement by the U.S. government). For both general audiences and rhetorical critics, an *incongruity* between Clinton's rhetoric and the audience's expectations or between his rhetoric and the prescriptions of the Legacy Committee request would draw more attention to

key points than the congruity evident in this episode. In forensic rhetoric, a defendant would implicitly assent to *stasis* points by his silence but would need to develop an explicit argument to contest the *stasis* points with which he disagrees or finds room to mount a defense. Likewise, we notice clashes more than agreements because rhetors draw attention to them and dwell on the contrasting arguments. When there is agreement, there is much less need to draw the audience's attention to particular *stases*. In this way, Clinton's address is largely unremarkable. However, some of his agreements with the Legacy Committee have other implications and will be discussed in a later section.

### 3.3.5 Fitness of the Response to the *Kategoria*

Following Rosenfield's model of analog criticism<sup>110</sup> and Ryan's speech set approach to *kategoria* and *apologia*,<sup>111</sup> a key move for the rhetorical critic is to examine the succeeding artifact in light of that which preceded it. In this case, Clinton's official response ought to be considered in comparison to the Legacy Committee request that compelled it in order to identify the elements of congruency as well as those that deviate or contradict the claims and conditions set forth in the Committee's request.

In the previous section, I pinpointed the various ways in which Clinton accepted and promoted the Legacy Committee's descriptions and interpretations of the events in the Tuskegee Study. By agreeing to the three *stasis* points (and implicitly agreeing to the fourth, quality, by accepting the responsibility to speak), Clinton's response showed a high degree of fit with the

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<sup>110</sup> Rosenfield, "Nixon-Truman Analog."

<sup>111</sup> Ryan, "*Kategoria* and *Apologia*."



preceding *kategoria*. He offered no significant challenge to the narrative laid out by the Committee, nor did he offer a competing narrative to replace theirs.<sup>112</sup>

Clinton also acted in accordance with the Legacy Committee's request by introducing several initiatives to promote bioethics and minority health research. The Committee specifically requested a staffed, federally and privately funded memorial center at Tuskegee "focused on preserving the national memory of the Study and transforming its legacy."<sup>113</sup> Such a center would facilitate scholarly research and investigate the concerns and solutions associated with attitudes of distrust that prevent many, particularly African Americans, from participating in mainstream medical practice.<sup>114</sup> The Committee also suggested that other federally assisted programs could help meet their goal to "redress the damages of Tuskegee." These include a Minority Health Initiative, a program to train health care providers in the socio-cultural issues salient to serving minority populations, and a research "clearinghouse" to promote ethical research scholarship and practice.<sup>115</sup> In response to these specific requests, President Clinton announced five initiatives as part of his speech: 1) a grant from the Department of Health and Human Services (DHHS) to fund the memorial center at Tuskegee to serve as a museum and site for bioethics research; 2) a commissioned report to be conducted by the Secretary of Health and Human Services to examine how the government "can best involve communities, especially minority communities, in research and health care"; 3) bioethics training materials for medical researchers to be prepared in part by the Secretary of Health and Human Services; 4) postgraduate bioethics fellowships provided by the DHHS beginning in September 1998; and 5)

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<sup>112</sup> Harter and colleagues argue that Clinton's "discourse narratively reconstituted the events surrounding the Tuskegee experiment," a point that will be developed more thoroughly in section 3.3.6. Harter, Stephens, and Japp, "President Clinton's Apology," 23.

<sup>113</sup> Legacy Committee, "Legacy Committee Request," 562.

<sup>114</sup> *Ibid.*, 563.

<sup>115</sup> *Ibid.*

an extension of the NBEAC charter to October 1999.<sup>116</sup> Taken together, these five programs were intended to meet the stated desires of the Legacy Committee to promote bioethics and improve minority health research and outreach.

There were, however, two notable differences between the Legacy Committee's *kategoria* and Clinton's *apologia*. These vary in their material significance. First, the ceremony was not held in conjunction with a National Bioethics Advisory Commission meeting as requested (although Clinton did extend the Commission's charter). The Legacy Committee had suggested that the apology could "perhaps" be held in concert with a meeting of the National Bioethics Advisory Commission (NBEAC) because, as the Committee asserted, "the Tuskegee Study is a starting point for all modern moral reflection on research ethics [and] a meeting of the NBEAC at Tuskegee in conjunction with a presidential apology would be an ideal new beginning."<sup>117</sup> While the apology event was not paired with a NBEAC meeting, this deviation from the request has not earned the President any specific criticism.

Clinton's choice to speak from the White House rather than from Tuskegee University, as the Legacy Committee specifically recommended, was more controversial. As noted in Chapter 2, the choice of location was determined by "Clinton's schedule and the fact that the press corps was more likely to cover a major racial story in Washington."<sup>118</sup> Furthermore, as Clinton spoke, he was physically surrounded by his institutional context rather than the site of the wrongdoing. This choice implicitly affiliates Clinton with the presidency rather than the Tuskegee Study directly. One could argue that the five Study survivors, family representatives of three participants, and other attendees of the ceremony were more highly honored as guests of the

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<sup>116</sup> Clinton, "Remarks in Apology," 720.

<sup>117</sup> Legacy Committee, "Legacy Committee Request," 562.

<sup>118</sup> Reverby, *Examining Tuskegee*, 224.

White House than they may have been if the ceremony had been held in Alabama. Still, the chosen site for the ceremony excluded the physical attendance of interested community members in Macon County, including the sixth Study survivor, who watched the speech via satellite downlink to a conference center at Tuskegee University.<sup>119</sup> Reverby regarded the venue choice of the East Room of the White House as “a fitting setting for a formal apology.”<sup>120</sup> However, John C. Fletcher, co-chair of the Legacy Committee and one of the primary authors of the request document, strongly opposed Clinton’s decision not to speak in Tuskegee. Reverby reported, “Sticking to his principles, John Fletcher refused to attend because the event was not in Tuskegee.”<sup>121</sup> Mark I. Evans, in his obituary for John Fletcher in 2005, elaborated:

He always stood up for principle regardless of its personal costs. He was instrumental in getting President Clinton to acknowledge the horrors of the Tuskegee experiment, yet, when President Clinton insisted that the ceremony be held at the White House, as opposed to going to Alabama to personally try and undo the damage, John refused to be involved, stating that it was only a half-hearted effort.<sup>122</sup>

### **3.3.6 Reframing Historical Understandings of the Tuskegee Syphilis Study**

As introduced in earlier sections, Clinton’s speech performs a variety of functions within and apart from the genre of *apologia*. One of these functions, related to defending others, presents a

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<sup>119</sup> Clinton, “Remarks in Apology,” 718-719.; Reverby, *Examining Tuskegee*, 224.

<sup>120</sup> Susan Reverby, “History of an Apology: From Tuskegee to the White House,” *Research Nurse* 3 (July/August 1997): 7.

<sup>121</sup> Reverby, *Examining Tuskegee*, 224.

<sup>122</sup> Mark I. Evans, “In Memoriam: John C. Fletcher, PhD, The Conscience of Our Field,” *Fetal Diagnosis and Therapy* 20 (2005): 80.

particular interpretation of the events of the Tuskegee Study. Following the Legacy Committee's lead, Clinton's description of the Tuskegee Study emphasized its racial dimension over other probable and coexisting factors. According to Harter and colleagues, Clinton's reframing of the Study "forced the experiment to be interpreted strictly as a racial issue rather than an issue of medical ethics and abuse of power."<sup>123</sup> This flattening of the issue away from problematic medical institution norms tends to reduce the legacy of the Tuskegee Study to a race issue and neglects other widespread issues that made the Tuskegee Study possible, such as scientific norms, the economically depressed region of Macon County, the pressure on the Tuskegee Institute to cooperate with government programs for their own institutional gains, and others. The historical reconstruction, in other words, minimizes the scope of the Tuskegee Study in other cultural and social realms. However, the Legacy Committee helped pave the way for this interpretation of the Study through their particular suggestions for the presidential apology, which favored the simpler approach of understanding the Study as a problem of racism.<sup>124</sup>

Another significant interpretive shift Clinton made in the text of his speech was his inclusion of "the American people" as co-apologists for the Tuskegee Study. He said, "We can look at you in the eye and finally say on behalf of the American people, what the United States Government did was shameful, and I am sorry. The American people are sorry—for the loss, for the years of hurt. You did nothing wrong, but you were grievously wronged."<sup>125</sup> While the

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<sup>123</sup> Harter, Stephens, and Japp, "President Clinton's Apology," 29.

<sup>124</sup> This point deserves more attention and will be taken up in Chapter 6.

<sup>125</sup> Clinton, "Remarks in Apology," 719. One may argue that Clinton's use of the word "sorry" in this context is not a claim of personal responsibility for the Tuskegee Study (as it cannot logically be, particularly when expressed on behalf of others), but is instead an expression of empathy. Conceptually, his expression of empathy is more appropriate than an expression of personal responsibility for the Study, but downplaying the act of "apology" disregards the manner in which Clinton's speech was accepted up by his immediate audience and received by his broader audience. In Chapter 4 I will address the conceptual muddiness regarding apologies offered on behalf of others.

“American people” were being called forth as fellow apologists with Clinton, it is unclear whether he was speaking inclusively or signaling only *white* American people, particularly when he apologized to “our African-American citizens” that the “Federal Government orchestrated a study so clearly racist.”<sup>126</sup> Additionally, Clinton censured the United States government “on behalf of the American people.” One may argue that the whole of the U.S. government was not responsible for the Tuskegee Study (it was a Public Health Service program), but Clinton rebuked the government’s sins. Again, the unethical treatment he apologized for was described as being committed by “the American people” and “the United States Government.”<sup>127</sup>

In addition to providing a particular historical frame with which to interpret the Tuskegee Study, Clinton also proffered a forward-looking perspective for his audience by trying to constitute potential research subjects according to bioethical norms and conventions. Rhetorician Maurice Charland writes, “constitutive rhetorics, as they identify, have power because they are oriented towards action.”<sup>128</sup> The actions that Clinton proposed for his audience include increased participation by African Americans in medical research. He lamented that the progress of medical science was slowed as a result of the Tuskegee Study, and the benefits of research and developments could not flow well to African Americans if they distrusted the physicians who were well-intentioned: “Still, 25 years later, many medical studies have little African-American participation and African-American organ donors are few. This impedes efforts to conduct

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<sup>126</sup> Clinton, “Remarks in Apology,” 719. Elsewhere, I have provided a more thorough analysis of how Clinton’s apology treated whiteness as invisible and, intentionally or not, alternately included and excluded groups of people from his audience and from the category of “American.” See Autumn Boyer, “After Tuskegee: Rhetoric, Race, and Bioethics in an Era of Distrust,” Paper presented at the National Communication Association Annual Convention, San Antonio, TX, November 16-19, 2006. My analysis in that paper relies upon the theoretical contributions provided by Thomas Nakayama and Robert L. Krizek, “Whiteness: A Strategic Rhetoric,” *Quarterly Journal of Speech* 81 (2002): 228-244.

<sup>127</sup> Clinton, “Remarks in Apology,” 719.

<sup>128</sup> Maurice Charland, “Constitutive Rhetoric: The Case of the People Québécois,” *Quarterly Journal of Speech* 73, no. 2 (1987): 143.

promising research and to provide the best health care to all our people, including African-Americans.”<sup>129</sup> This link between the Tuskegee Study and African Americans’ distrust of medical institutions, particularly government medical institutions, is commonly referenced in public health and bioethics literature, but the Legacy Committee asserts that the origins of the distrust stretch far earlier in American history.<sup>130</sup> As examples of other historical medical abuses of African Americans, Reverby cites doctors’ (mis)treatment of Black women slaves in order to develop vaginal surgical procedures, slaveholders’ propagation of myths about “night riders” who abducted Blacks for experimentation, and grave robbers’ predilection for Black bodies to sell to medical schools as cadavers.<sup>131</sup> Clinton used his speech as an opportunity to improve the image of mainstream medical and research institutions that have for so long been distrusted among many African Americans and other minorities. He offered an implied invitation for African Americans in his broader audience to take on a new identity, that of potential research subjects and trusting patients who are willing to engage the mainstream medical system for better health. He attempted to “[provide] the subject with new perspectives and motives”<sup>132</sup> through promises of ethical conduct, commitment to bioethical principles, and unequivocal condemnation of past government abuses. Clinton said, “Since the study was halted, abuses have been checked by making informed consent and local review mandatory in federally funded and mandated research” and implored, “You must—every American group must be involved in medical research in ways that are positive. We have put the curse behind us; now we must bring the

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<sup>129</sup> Clinton, “Remarks in Apology,” 720.

<sup>130</sup> Legacy Committee, “Legacy Committee Request,” 561. For more on the “legacy” of the Tuskegee Study, see Chapter 5.

<sup>131</sup> Susan Reverby, “More than Fact and Fiction: Cultural Memory and the Tuskegee Syphilis Study,” *Hastings Center Report* 31, no. 5 (2001): 23.

<sup>132</sup> Charland, “Constitutive Rhetoric,” 142.

benefits to all Americans.”<sup>133</sup> This exhortation, however, may have the unintended effect of placing an undue burden on particular racial groups to “pick up the slack” in research participation for the benefit of others, if not themselves, an effect that will remind the savvy observer of the original purposes of the Tuskegee Study.

In sum, Clinton’s *apologia* employed rhetoric to help his broader audiences interpret history and the present in ways that particularly benefited key stakeholders: the Tuskegee Syphilis Study Legacy Committee, medical and science industries, and even himself as a political figure with a reputation and professional future to protect. These rhetorical moves are not always included in *apologia* but certainly do contribute to broader motives of self-defense and image restoration.

### 3.4 CONCLUSION

By using analog criticism, pairing the Legacy Committee’s request for a presidential apology with President Clinton’s response, I have been able to fulfill Halford Ross Ryan’s promise that “the critic is better able to distinguish the vital issues from the spurious ones, to evaluate the relative merits of both speaker’s [*sic*] arguments, and to make an assessment of the relative failure or success of both speakers in terms of the final outcome of the speech set.”<sup>134</sup> I have argued that the specific rhetorical choices included in Clinton’s apology demonstrate a clear responsiveness to the *kategoria* issued by the Legacy Committee. He conceded the Committee’s

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<sup>133</sup> Clinton, “Remarks in Apology,” 720.

<sup>134</sup> Ryan, “*Kategoria* and *Apologia*,” 254.

claim that Tuskegee University's reputation has been sullied by its eponymous affiliation with the Tuskegee Study, acknowledged the lingering damage the Study had caused for minorities and vulnerable populations, and fulfilled the Committee's requests for specific federal support through new and renewed programs and funding. Clinton's notable deviations from the Legacy Request were the change of setting for the apology and his broader notion of who had standing to apologize, including "the American people" among those who were sorry for the Tuskegee Study. From this degree of fit between the *kategoria* and *apologia*, we can determine that the Legacy Committee's request highlighted its perceived exigences and accommodated its situational constraints in such a way that its audience, the President, was able to identify and provide a fitting response.

However, I have noted that the exigences that emerged at the close of the Study lacked sufficient urgency to compel a fitting response at the time. This insufficient condition was rectified through the production of a rhetorical artifact by members of the Legacy Committee to renew the unsatisfied exigences with the infusion of urgency from increased publicity about the request as well as the looming 25<sup>th</sup> anniversary of the Study's end. Clinton responded to the heightened exigence and worked within the constraints created by the *kategoria* to address his multiple audiences and balance his political commitments and responsibilities. My analysis takes its direction from both Bitzer and Vatz: Clinton's rhetoric is a response to the rhetorical situation *created by the absence of apology* following the Study and *enhanced by the efforts of specific rhetors*. His speech is also, significantly, an attempt to shape the (re)current rhetorical situation faced by medical researchers seeking to recruit African American subjects. The ideological and rhetorical maneuvers in Clinton's speech shifted the tone from apology/*apologia* to a policy-



laden epideictic oration, an approach that allows the rhetor to shift from a position of defense and humility to one of benevolent power.

Although Clinton answered the Legacy Committee's request, his address did not close the books on the "Tuskegee Legacy" nor the specific concerns raised by the Legacy Committee. Health disparities between white Americans and minorities continue to concern public health workers and distrust of government persists among many Americans, particularly those who feel most vulnerable to abuse or neglect. More work is needed to remedy these scars caused by our nation's history of racial tensions, misuse of government power, and delayed attention to ethical issues in research and health care. Still, by cooperating with the community leaders, scholars, administrators, and clinicians in the Tuskegee Syphilis Study Legacy Committee, President Clinton took important steps in the continuing long-term challenge of diffusing the harmful power of the Tuskegee legacy.

#### 4.0 APOLOGIA AND APOLOGY RECONSIDERED

A consummate apology, no matter how personal or private an act, is rarely the sole concern of the principals. It is not easily contained because it inevitably touches upon the lives and convictions of interested others while raising both practical and moral questions that transcend the particular situation that prompted it. In this sense, it is quintessentially social, that is, a *relational* symbolic gesture occurring in a complex interpersonal field, with enormous reverberatory potential that encapsulates, recapitulates, and pays homage to a moral order rendered problematic by the very act that calls it forth.<sup>1</sup>

~ Nicholas Tavuchis

Thus far, the analysis of Clinton's speech about the Tuskegee Syphilis Study has proceeded based on the classification of that speech as *apologia*, a speech of defense. In Chapter 3, I laid out the key theoretical developments of that genre and discussed the degree to which the speech fit with that classification. However, this critical stance may seem at odds with the fact that Clinton's speech is generally considered an apology (in the common definition of the term) rather than a defense. What are we to make of the daylight between these classifications? From

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<sup>1</sup> Nicholas Tavuchis, *Mea Culpa: A Sociology of Apology and Reconciliation* (Stanford, CA: Stanford University Press, 1991), 14.

one vantage point, the divergent terms used to classify the President's address speak to how this charged text is prone to diverse uptake by various audiences. On another level, the terminological cleavage highlights how apology and *apologia* carry distinct entailments, especially for critics striving to make sense of Clinton's rhetoric. The following discussion considers both of these issues, using the Clinton case study to drive extended theoretical reflection on the apology/*apologia* relationship, and in turn, drawing upon the resulting insight to inform a more granular appraisal of the Tuskegee speech set.

Chapter 3 revealed that *apologia* and apology (as a statement of remorse) share an etymological root but have little else in common. Conceptualizations of apology in contemporary literature reveal a lack of consensus among scholars hailing from the disciplines of philosophy, sociology, and psychology, among others, who disagree about the appropriate meanings, limitations, and even the essential elements of apology. In this chapter, I first lay out a working definition of apology, drawn from foundational works, and then consider the possibility and implications of a subgenre of institutional or collective apology. Throughout the discussion of these genres, I tie the theoretical developments to our specific artifact, Clinton's speech, to demonstrate how this artifact eludes simple categorization. Finally, I return to the apology/*apologia* division to further explicate the entailments each places on Clinton as a rhetor. This approach focuses critical attention on two quintessentially rhetorical aspects of the study: 1) How Clinton's speech has been accepted and understood by his various audiences, whether as a defense or as an apology; and 2) The critical stakes in play for the question, "What do we call Clinton's speech act?"

## 4.1 DEFINING APOLOGY

Since President Clinton's remarks about the Tuskegee Study have been termed an 'apology,' both formally and informally,<sup>2</sup> we must specifically define apology to see if this designation is appropriate in Clinton's case. This task is relevant to criticism of the *kategoria/apologia* speech set of the past two chapters because the Legacy Committee specifically requested an apology—rather than some other rhetorical response—from the President. Minimally, we must understand what an apology's constituent elements are and when it is appropriate to offer an apology (and to whom). The following sections offer a conceptualization of apology that will be used to continue the genre analysis of Clinton's speech of May 16, 1997 that was launched in the previous chapter.

### 4.1.1 Constitutive Elements

Writers on the subject of apology offer varying definitions of this seemingly common phenomenon.<sup>3</sup> These definitions indicate that apology is made up of components numbering from two (fundamentally, "the offender has to be sorry and has to say so"<sup>4</sup>) to four<sup>5</sup> to as many

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<sup>2</sup> The White House's Office of the Press Secretary titled this speech "Remarks in Apology to African-Americans on the Tuskegee Experiment." See William J. Clinton, *Weekly Compilation of Presidential Documents* 33 (1997): 718-720.

<sup>3</sup> Portions of section 4.1.1 were developed as part of my master's thesis in bioethics. See Autumn R. Boyer, "In a 'Sorry' State: The Ethics of Institutional Apologies in Response to Medical Errors" (master's thesis, University of Pittsburgh, 2009), 34-39.

<sup>4</sup> Tavuchis, *Mea Culpa*, 36.

<sup>5</sup> Aaron Lazare, *On Apology* (New York: Oxford University Press, 2004), 35. Lazare lists four parts to the apology process: "1) the acknowledgment of the offense; 2) the explanation; 3) various attitudes and behaviors including remorse, shame, humility, and sincerity; and 4) reparations."

as eleven.<sup>6</sup> The definition I offer is derived from these models and is—I trust—sufficiently descriptive and simple to serve the purposes of this project. I propose that there are four necessary elements in a genuine apology: 1) acknowledgment that a wrong was committed; 2) acceptance of responsibility for one’s contribution to that wrong; 3) expression of remorse; and 4) intent to benefit the victim through the offer of apology. Each of these elements is necessary but individually insufficient to constitute an apology. As simple as this definition appears, there is much contained implicitly within each of its elements. What follows in this section is an explanation and elaboration of each of these constitutive elements of apology.

First, the apologizer must acknowledge that a wrong occurred. Without disclosure of the wrong to the victim, there can be no apology. Necessarily, as a matter of an interpersonal communicative process, this stage involves identifying the victim of the wrong (*to whom* the apology is addressed) as well as coming to a shared understanding with the victim about the events that constitute the wrong (*for what* the apology is offered).<sup>7</sup> Additionally, this stage implicitly acknowledges the norm that was breached and reaffirms the offender’s commitment to the norm as well as to viewing the victim as a moral equal.

Second, the apologizer must take responsibility for her part in the commission of the wrong. Specifically identifying one’s role in an offense indicates that one is not attempting to shirk responsibility or shift responsibility to another person. Rather, offering an honest and transparent account of one’s culpability demonstrates respect for the victim and continues the

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<sup>6</sup> Nick Smith, *I Was Wrong: The Meanings of Apologies* (New York: Cambridge University Press, 2008), 28-107. What Smith calls a “categorical apology” consists of eleven elements.

<sup>7</sup> It may be that the victim and the offender do not initially agree upon the nature of the wrong allegedly committed and must negotiate a mutually acceptable interpretation of the incident. Although achieving a shared understanding of the wrong is not necessary for the apology offered to *be* a genuine apology—i.e., to fulfill the conceptual and ethical requirements for an apology—achieving such a shared understanding affects the audience’s acceptance and interpretation of the apology. If the victim fails to share the apologizer’s understanding of the wrong, she may not accept the apology because she will interpret it as being offered for the “wrong wrong.”

process of disclosure that must precede contrition. Again, as a practical matter of communicative process, in especially complex circumstances it may take days, weeks, or even years for all the facts of the case to be discovered; an accurate account of one's responsibility in wrongdoing may be a work in progress while details of the case emerge.

Third, the apologizer must express remorse for her actions that constituted a breach of a norm. Psychologist Aaron Lazare defines remorse as "the deep, painful regret that is part of the guilt people experience when they have done something wrong."<sup>8</sup> Without this sense of guilt and regret, there can be no apology in the genuine sense.<sup>9</sup> Other attitudes related to remorse that might factor into an apology include shame, humility, and sincerity.<sup>10</sup> While there is no practical "sincerity test" to apply to an apology at the time it is given to the victim, expressing remorse implies that, at least at the time the apology is offered, the offender desires not to repeat the wrong or error. This implicit forbearance is not, however, a requirement that the apologizer must demonstrate or prove her intentions to prevent future offenses; it is only an indication that one would be justified in believing that the apologizer wants to behave differently in the future.

Fourth, the apologizer must intend to benefit the victim (i.e., improve her condition) through the offer of an apology. However, one's intent to benefit another by apologizing does not require that the offender believe that any benefits *will* actually result from the apology, either immediately or eventually. An offender may believe, in fact, that nothing she says can undo the

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<sup>8</sup> Lazare, *On Apology*, 107.

<sup>9</sup> Nick Smith terms this type of regret "categorical regret"—which he distinguishes from mere regret—defining categorical regret as "an offender's recognition that her actions, which caused the harm at issue, constitute a moral failure." This definition is more stringent than mere regret (wishing things were otherwise), which can be applied to the actions of others, unpleasant results of following the rules, natural disasters or other events for which the person expressing regret is not blameworthy. This definition for mere regret is closer an empathic 'sorry' described later in this section than to the sense of remorse my definition requires, which is more akin to Smith's categorical regret. Smith, *I Was Wrong*, 68.

<sup>10</sup> Lazare, *On Apology*, 107, 114.

harm she caused or be a sufficient offering to her victim. Still, this criterion serves to guide the rhetorical and behavioral choices of the offender as she prepares to apologize directly to her victim, including the timing, location, content, and medium of the apology, in order to maximize the possibility of improving the victim's condition. The criterion of benevolent intent also assures that our standards for an apology do not allow one to apologize merely for one's own satisfaction.

The interdependency of these four elements of apology becomes clearer after elaboration of their implied commitments. If a person believes his actions were regrettable but maintains that he should not have to take responsibility or be blamed for his behavior, his expression is an attempt to excuse his actions. He does not offer an apology because he does not accept responsibility for wrongdoing. Similarly, if a person admits responsibility for her behavior and argues that her actions were right, she is attempting to justify those actions rather than to apologize for them since one need not apologize for right actions. If someone admits a wrong occurred and is remorseful without acknowledging personal responsibility, the "apology" fails to make the relevant meaningful link between the apologizer and the victim. This expression is akin to an expression of sympathy or empathy rather than an apology because one can only apologize for one's own wrongs. In this case, too, remorse is a misnomer and is better termed regret or sadness. Additionally, a disclosure of wrongdoing and personal responsibility without demonstrating sincere remorse takes the legs out from under a would-be apology by leaving the discourse at the level of disclosure. Worse, it may be a sign that the offender is actually arrogant, defiant, or malicious rather than contrite and apologetic. Finally, without acting with the intent to benefit the victim through the offer of apology, an offender may compound the initial harm by acting insensitively in the process of trying to discharge her ethical duty to apologize. We would

consider an apologizer who acts without regard for the feelings and other needs of her victim to lack both true remorse and appropriate humility.

In the above definition of apology, the reader will note that there is no requirement for the word ‘sorry’ to be included. Indeed, a genuine apology may be expressed with or without using the words ‘sorry’ or ‘apologize.’ One should also note, however, that use of ‘sorry’ does not necessarily indicate that an apology is being offered.<sup>11</sup> The word ‘sorry’ can also be used to express empathy (“I’m sorry for your loss; I know you really loved your dog.”), to thinly veil resentment and hostility (“I’m sorry you’re so touchy. Most people wouldn’t be so easily offended!”), and to describe a poor condition (“After weeks of neglect, my yard was in a sorry state.”). Each of these examples is obviously not an apology, though the second example may be an effort to avoid an apology by shifting blame to the interlocutor.

Furthermore, this definition does not require the addition of other actions that often accompany apologies, though it does not preclude the possibility that actions such as offering compensation for damage or promising to reform one’s behavior may be wholly appropriate in addition to offering a genuine apology. Such supplements to genuine apology may, in fact, contribute substantially to how the apology itself is received by its audience.

Armed with this definition of genuine apology, we may now consider how well Clinton’s speech squares with such a concept. Certainly, ‘apology’ is the predominant label given to his speech among the principal figures involved as well as journalists, members of the public, and even some academicians.<sup>12</sup> Clinton’s own rhetoric seemed to treat the speech as an apology

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<sup>11</sup> Nick Smith notes that the “most significant words in an apology [are] ‘I was wrong.’ In the context of apologizing, these words express not only a cognitive error but also a moral lapse.” Smith, *I Was Wrong*, 60.

<sup>12</sup> For a few examples, see Clinton, “Remarks in Apology,” 718-720; William J. Clinton, *My Life* (New York: Vintage Books, 2005), 757; Susan M. Reverby, “History of an Apology: From Tuskegee to the White House,” *Research Nurse* 3, no. 4 (July/August 1997): 1-9; Stephen B. Thomas, “Anatomy of an Apology: Reflections on the



when he said, “I apologize, and I am sorry that this apology has been so long in coming,”<sup>13</sup> “you have our apology,”<sup>14</sup> and “all we can do is apologize.”<sup>15</sup> He also used the word ‘sorry’ repeatedly, though these uses could also be interpreted as appropriately empathetic: “what the United States Government did was shameful, and I am sorry,” “[t]he American people are sorry—for the loss, for the years of hurt,” and “[t]o our African-American citizens, I am sorry that your Federal Government orchestrated a study so clearly racist.”<sup>16</sup>

However, according to the definition of genuine apology, Clinton could not have actually been a meaningful, genuine apologizer for the Tuskegee Study. He was able to clearly identify and acknowledge wrongs that had been done, meeting the first criterion. He failed to meet the second and third criteria, however, because he lacked both direct and vicarious responsibility for the wrongdoing and harms of the Study and, thus, was unable to express personal remorse for blameworthy actions. He was forthright about his regret for the unethical actions taken by the government representatives and physicians affiliated with the Study (his use of the word ‘sorry,’ as well as his direct censure of the Study events, serve as expressions of regret), but regret is not sufficient for apology. As for the fourth element of apology, Clinton’s apparent intent to benefit the victims through his rhetorical action ought to be accepted as genuine, as there is no compelling evidence to the contrary. Furthermore, President Clinton was able to supplement his words and provide some means of redress and corrective action for the harms of the Tuskegee

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1997 Presidential Apology for the Syphilis Study at Tuskegee.” The Academic Exchange. Emory University, [http://www.emory.edu/ACAD\\_EXCHANGE/1999/sept99/anatomy.html](http://www.emory.edu/ACAD_EXCHANGE/1999/sept99/anatomy.html)

<sup>13</sup> Clinton, “Remarks in Apology,” 719.

<sup>14</sup> Ibid.

<sup>15</sup> Ibid., 720.

<sup>16</sup> Ibid., 719.

Study, though I have already clarified that providing compensation is not itself a necessary nor sufficient feature of apology.

In summary, this basic definition of genuine apology is comprised of four elements: acknowledging that a wrong was committed, accepting responsibility for one's contribution to that wrong, expressing remorse, and intending to benefit the victim by offering an apology. Although the formal qualities of Clinton's speech fail to meet two of these four criteria, further consideration is warranted before concluding that application of the "apology" classification to the address is inappropriate. Accordingly, the next section considers additional theoretical dimensions of the apology speech act, and how they bear on the question of whether Clinton's address can properly be labeled an apology.

#### 4.1.2 Goals of Apology

People may apologize in order to achieve various goals that may result from apologies.<sup>17</sup> These goals may pertain to the offender, the victim, and others, but in any case point to the belief that apology can *do* something through its expression and reception.<sup>18</sup> Additionally, the apologizer may be responding to her own internal pressures, pressure from others, or some combination of the two when she decides to offer an apology.<sup>19</sup>

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<sup>17</sup> Portions of section 4.1.2 were developed as part of my master's thesis in bioethics. See Boyer, "Ethics of Institutional Apologies," 39-45.

<sup>18</sup> Just as the phrase 'I do', offered in the appropriate norm-governed setting can result in the marital union of two people, the phrase 'I am sorry' (or a similar expression of apology) can produce material results when offered under conditions satisfying the norms governing apologies. See section 2.1.6 for a brief discussion of *kategoria* as a speech act that invites a perlocutionary sequel. In the context of this chapter, we can consider apology to be one such perlocutionary sequel to *kategoria*. J. L. Austin, *How to Do Things with Words*, 2<sup>nd</sup> ed. (Cambridge: Harvard University Press, 1975).

<sup>19</sup> Lazare, *On Apology*, 134.

The call for an apology, then, may come from the offender, the victim, or interested others who are privy to the wrongdoing. First, the apologizer may be motivated to apologize to those whom she has wronged in order to relieve her own strong feelings. She may hope to expiate her shame for wrongdoing by confessing or coming clean to her victim and, thereby, maintain her own “moral house.” She may apologize out of personal conviction or professional commitment that disclosing her wrongdoing and expressing remorse is the right thing to do. She may also apologize in order to seek forgiveness from her victim on the way to achieving her own personal peace or closure of the episode. Though these personal and internally motivated goals of apology may be sought, it does not follow that the apology itself would then be insincere, unethical, or manipulative.

Second, an apologizer may be motivated to apologize in response to compelling or coercive external factors. He seeks to influence how the victim and others think about and act toward him; he may want to mitigate the damage to his reputation, avoid retaliation, or avoid the loss of social support.<sup>20</sup> These externally initiated, self-oriented goals of apology may or may not correspond with the offender’s personal convictions; an “apology” offered *solely* in response to external pressures does not fulfill the conceptual requirements of an apology because the would-be apologizer lacks true remorse for his wrongdoing and does not specifically intend to benefit his victim.

Third, apology may achieve or contribute to goals that pertain to the victim and/or witnesses to the offense and apology. These goals may not have personal value to the offender but she expects that they will be meaningful to the victim or witnesses. Apology demonstrates a respect for others, which may be important for the victim and witnesses to observe of the

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<sup>20</sup> Ibid., 145.

offender (especially presuming the demonstration of respect is authentic). Reestablishing or reaffirming the offender's respect for the offended other, or others in general, may be a step toward the offender's reentry or reacceptance into the social and cultural memberships shared by the offender and victim.<sup>21</sup> The act of apologizing can thus meet interpersonal and social goals of reaffirming and recommitting to the values shared among offender, victim, and their community.<sup>22</sup> Likewise, receiving an apology may provide some psychological relief for the victim who may have been afraid that her suffering was invisible or unimportant to others. The victim may feel safer or more secure in her interactions and relationship with the offender after receiving explicit confirmation that her offender recognizes previous wrongdoing and is remorseful.<sup>23</sup> Such psychological relief may contribute to the goal of allowing the victim the opportunity to move toward a sense of closure about the wrongdoing, even if such closure is not fully achieved until well after the apology is offered.

In the case of Clinton's apology, we do not know his personal motivations and convictions on the matter. It is unlikely that strong internal feelings motivated his rhetoric, since he had no guilt to expiate for the Tuskegee Study. There were, however, strong external pressures presented by the Legacy Committee's request and the associated advocacy by the Congressional Black Caucus and key figures at the Centers for Disease Control and Prevention. Based on the content of the Legacy Committee request, Clinton would have had every reasonable expectation that the victims and the Legacy Committee (as witnesses) would have found an apology meaningful and morally important. Clinton could also expect that witnesses

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<sup>21</sup> Tavuchis, *Mea Culpa*, 22-3, 31. Additionally, Tavuchis refers to "apology's fundamental tasks of reaccrediting membership and stabilizing precarious relations" following a transgression. Tavuchis, *Mea Culpa*, 20.

<sup>22</sup> Lazare, *On Apology*, 53.

<sup>23</sup> *Ibid.*, 59.

would interpret his speech to be a genuine indication of his values and social commitments. Therefore, the second and third types of motivation—external pressures and goals for the victim—both contributed to Clinton’s eventual decision to offer official remarks about the Tuskegee Study.

For the offender and the victim there is another possible goal for apology that deserves more sustained attention—namely, forgiveness. The issue of forgiveness factors prominently in discourse about apology, and though this study cannot give forgiveness the attention it merits, I will briefly address the relationship among apology, forgiveness, and—in later chapters—the acceptance of apology by broader audiences. Like apology, the concept of forgiveness is both foundational and complicated.

Sociologist Nicholas Tavuchis conceptualizes apology as the “middle term in a moral syllogism” that follows a call for apology and is followed by forgiveness.<sup>24</sup> Although others may argue that forgiveness is not chronologically or conceptually tied to apology in this way,<sup>25</sup> it is appropriate within this discussion of the goals of apology to consider the offer—or withholding—of forgiveness following an apology.

Forgiveness has ties to religious practices (such as confession, repentance, and atonement) that take place between individuals or between a person and God, notably within Judeo-Christian traditions. However, we can still understand forgiveness within a secular context as a “process by which the offended party or victim relinquishes grudges, feelings of hatred, bitterness, animosity, or resentment toward the offender,”<sup>26</sup> feelings which may be justifiable in light of the

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<sup>24</sup> Tavuchis, *Mea Culpa*, 20.

<sup>25</sup> Aaron Lazare considers four formulations of the relationship between apology and forgiveness: “1) forgiveness without apology; 2) no forgiveness regardless of the apology; 3) forgiveness that precedes apology; and 4) apology that precedes forgiveness.” *On Apology*, 231-232.

<sup>26</sup> *Ibid.*, 230-1.

wrongdoing. Forgiveness may, additionally, involve the adoption of positive feelings, such as compassion or love, toward the one who has caused her harm.<sup>27</sup> Like apology, the sentiments associated with forgiveness must be expressed voluntarily in order to support the moral weight of the gesture. As both an emotional and cognitive activity, offering forgiveness involves recognizing the wrongdoing for what it is and making a conscious choice to temper one's thoughts and actions in response to the wrongdoing.<sup>28</sup> To forgive does not mean to forget the wrongdoing—how would forgoing retaliation have meaning in such a case?—nor to pardon the offender, which is the purview of the law or other authority.<sup>29</sup>

When one offers an apology, he offers simply a speech act, asking in return for something “exceptional and urgent: nothing less than forgiveness, redemption, and acceptance that serve to restore one's sense of reality and place in a moral order.”<sup>30</sup> The power to offer such redemption and acceptance through the act of forgiveness belongs to the victim, and the offender cannot demand forgiveness from his victim. A sincere apology may create the conditions necessary to allow the victim to detach from the wrongdoing through forgiveness of his offender, but forgiveness should not be expected as the “right” of the offender in exchange for an apology.<sup>31</sup>

Although forgiveness is a morally weighty process, it does not follow that it is an all-or-nothing phenomenon. A victim may still harbor distrust or some anger toward her offender despite her detachment from retaliatory impulses and she may forgive her offender without

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<sup>27</sup> Ibid., 231.

<sup>28</sup> Ibid.

<sup>29</sup> Ibid.

<sup>30</sup> Tavuchis, *Mea Culpa*, 31.

<sup>31</sup> Nancy Berlinger, *After Harm: Medical Error and the Ethics of Forgiveness* (Baltimore: Johns Hopkins University Press, 2005), 109. While wrongdoing serves as an occasion for apology, apology is not a sufficient condition for forgiveness to be offered (ibid., 110).

necessarily subjecting herself to the possibility of future harm by that person. The degree to which forgiveness is experienced or even possible may depend on the appropriateness and reception of the apology, how inclined the victim is towards forgiveness in general, and how traumatic or serious the offense was in the first place.<sup>32</sup> The issue of forgiveness in the Tuskegee Study case is complicated because the one offering an apology is not the one seeking forgiveness for the wrongdoing. In the closing of Clinton's speech, he mentions forgiveness as a goal of the apology event, saying to the victims and their family members, "only you have the power to forgive. Your presence here shows us that you have chosen a better path than your Government did so long ago. You have not withheld the power to forgive."<sup>33</sup> However, it is unclear by what evidence or standards he recognizes that forgiveness has been offered other than his assumption that the victims' attendance signaled the offer of forgiveness. One of the Study subjects, Herman Shaw, gave a brief message at the White House event before Clinton's statement, thanking the President for his anticipated apology and expressing his gratitude for the opportunity to "close this very tragic and painful chapter in our lives," but did not specifically mention forgiveness.<sup>34</sup> Yet, one newspaper account of the ceremony noted that "forgiveness came swiftly and easily from Shaw" and the other survivors in attendance.<sup>35</sup> Clinton was right that only those harmed by the events of the Tuskegee Study have the power or standing to forgive, but the conceptual concern is *to whom* they can offer forgiveness. Does it make sense to forgive an institution, whether in its historical or present form? Certainly, one can forgive one's individual offender(s)

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<sup>32</sup> Lazare, *On Apology*, 231.

<sup>33</sup> Clinton, "Remarks in Apology," 720.

<sup>34</sup> Herman Shaw, "Herman Shaw's Remarks," in *Tuskegee's Truths: Rethinking the Tuskegee Syphilis Study*, ed. Susan M. Reverby (Chapel Hill: University of North Carolina Press, 2000), 572. In other parts of Mr. Shaw's statement, it appears that he anticipates the apology event at the White House will allow him and the other victims to heal psychologically, which may be associated with the act of forgiveness.

<sup>35</sup> Sonya Ross, "Clinton Offers Nation's Apology for Syphilis Experiment," *New Pittsburgh Courier* (June 7, 1997), Pg 2.

even if the offender does not apologize, as is the case in the Tuskegee Study, but that forgiveness need not be triggered by an apology offered by a non-culpable person.

Relevant to this discussion of apology and forgiveness is the rhetoric of atonement, which rhetoricians Joy Koesten and Robert C. Rowland conceptualize as a subgenre of *apologia*. The authors differentiate between atonement for past misconduct by institutions (including nations) and atonement sought for personal sins.<sup>36</sup> Yet both types differ from traditional *apologia* in that “atonement rhetoric does not ‘restore’ the image directly, but admits that sinful behavior has occurred in an attempt to gain forgiveness and long-term image restoration. Its goal is both forgiveness for a sinful act and restoration of the relationship once the sin has been expiated.”<sup>37</sup> Therefore, we can associate atonement rhetoric more closely with apology than *apologia*, despite Koesten and Rowland’s alignment of atonement rhetoric with *apologia*. As described above, it is nonsensical to interpret Clinton’s rhetoric as seeking forgiveness for himself, though he did explicitly seek to rehabilitate the reputation of the U. S. government among those who had reason to distrust the government as a result of the Tuskegee Study.

In summary, apology may be offered in pursuit of various goals that have particular implications for the offender, the victim, and the witnesses to the wrongdoing and/or apology. Achievement of these goals should not be considered dichotomously, but rather along a spectrum that allows for great and small shifts of attitude, behavior, and connectedness among individuals and groups. These shifts signal some degree of efficacy of apology, dependent on many variables, which should not be constrained by an unreasonable standard of perfection in order to be interpersonally and socially valuable. Generally, a non-polar approach to the effects of

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<sup>36</sup> Joy Koesten and Robert C. Rowland, “The Rhetoric of Atonement,” *Communication Studies* 55, no. 1 (Spring 2004): 69.

<sup>37</sup> *Ibid.*



apology is worth introducing here and remembering throughout the forthcoming discussion of Clinton's speech in this and later chapters. What we seek is not a mere label for his speech act but, rather, a nuanced exploration of the various meanings it may have, particularly in light of the rhetoric that compelled it. Just as the previous chapter foregrounded texture of Clinton's address that emerged in light of paired speech set analysis, here additional features of the address emerge when we see how the speech squares with formal definitions of apology. In the next section, I continue on this vector by discussing the situational features that appropriately call for an apology and considering how these situational features affected Clinton's opportunity for rhetorical production.

### **4.1.3 What Warrants an Apology**

Since blame for wrongdoing is appropriately attached to an agent in only some cases of alleged wrongdoing (as in other instances the agent's action or behavior may be justified or excused), the issues that must be addressed concern the circumstances under which an agent may or must offer an apology following wrongdoing and under what circumstances an apology would be inappropriate.<sup>38</sup> *A priori*, the definition of apology offered earlier requires that wrongdoing has occurred and that the apologizer is able to assume responsibility for all or part of that wrongdoing. With these prerequisites in mind, we must turn to the details that so often complicate accounts of apology.

As discussed earlier, sociologist Nicholas Tavuchis conceptualizes apology as the "middle term in a moral syllogism" that follows a call for apology and is followed by

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<sup>38</sup> Portions of section 4.1.3 were developed as part of my master's thesis in bioethics. See Boyer, "Ethics of Institutional Apologies," 54-61.

forgiveness.<sup>39</sup> Having already addressed the issue of forgiveness, let us focus on the “call.” For Tavuchis, this is a crucial step: “until there is a mutually understood response to a call (emanating from the offender, offended, or interested third parties), there is no occasion for an apology, and the meaning of the act remains ambiguous or subject to other interpretations.”<sup>40</sup> Before an apology can be offered there must be a precipitating event as well as recognition of the event as an offense to which apology may be an appropriate response. Furthermore, it may be neither the victim nor the offender who initially identifies the need for an apology.<sup>41</sup>

This call, or recognition of the need for an apology, may develop on the basis of varying conditions. A sense of duty may be one motivation: “if we believe that apologies convey deontological meaning then we might desire them regardless of whether any living person or group feels personally wronged.”<sup>42</sup> By contrast, one might focus on consequences and advocate apology only in cases where the recipient or a witness can respond in such a way that makes the effort of apology worthwhile to the offender, for example by withholding retribution or penalties. If one’s apology seems to be offered primarily because one fears the consequences of getting caught or wants to earn the good favor of others—rather than because one feels remorse for the “inherent wrongness of an offense” itself—we would characterize the “apology” as non-genuine and criticize the offender as being selfishly rather than ethically motivated.<sup>43</sup>

Those with special obligations, such as a specific duty to care for others, may have particular opportunities to apologize. If those with a professional duty to care (such as a

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<sup>39</sup> Tavuchis, *Mea Culpa*, 20.

<sup>40</sup> *Ibid.*

<sup>41</sup> However, we should expect that the offender will internalize the need for the apology by the time she offers it to the victim, according to the definition of a genuine apology.

<sup>42</sup> Smith, *I Was Wrong*, 221.

<sup>43</sup> *Ibid.*, 56.

physician's care for a patient) engage in actions that cause harm to those in their care, one can make a strong argument that those responsible parties must apologize to the victim of the harm, even if the victim may never otherwise be aware of the error or the harm. The extent of the harm may be minor—a physician's delay in visiting the patient because the patient's chart was misfiled—or it may cause increased morbidity and require additional medical care in consequence, as in the case of wrong-site surgery. The call for an apology following a harm caused by one's actions is the most cut-and-dry exigence. In the Tuskegee case, exigence for an apology was created by the many individuals who, through their morally wrong actions and omissions, caused harm to the men in the Study.<sup>44</sup> Moreover, those who were blameworthy were physicians, nurses, researchers, and policymakers who had a special duty to care for those in their charge. President Clinton, the eventual apologizer, was not one of those wrongdoers by this criterion, however.

A more complicated situation is one where a significant moral wrong committed appears not to cause harm.<sup>45</sup> In cases where the wrongdoing is minor and there is no harm—physical, economic, psychological, etc.—there is no clear ethical mandate or rhetorical exigence to

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<sup>44</sup> I should note that this claim is not universally accepted. Thomas G. Benedek and Jonathon Erlen, for example, argue that available therapies for syphilis in the 1930's were painful and inefficacious and that penicillin was unlikely to improve the conditions of the men in the Study, who had been infected for over 20 years by the time penicillin was widely available and whose late-stage syphilis yielded good prognoses. Following this argument, the Tuskegee investigators should not be blamed for withholding treatment or causing harm beyond what the men would have experienced had the Public Health Service not initiated this study. "The Scientific Environment of the Tuskegee Study of Syphilis, 1920-1960," *Perspectives in Biology and Medicine* 43, no. 1 (Autumn 1999): 1-30. A similar argument is made by Robert M. White, who further contends that the treatment of the men in the Study was *not* racist, based on similar treatment of whites according to best medical practices at the time. "Unraveling the Tuskegee Study of Untreated Syphilis," *Archives of Internal Medicine* 160 (March 13, 2000): 585-598.

<sup>45</sup> Moral and legal philosopher Joel Feinberg contends that nearly all wrongs cause some degree of harm, claiming: "One person *wrongs* another when his indefensible (unjustifiable and inexcusable) conduct violates the other's right, and in all but certain very special cases such conduct will also invade the other's interest and thus be harmful [...] There *can* be wrongs that are not harms *on balance*, but there are few wrongs that are not *to some extent* harms. Even in the most persuasive counterexamples, the wrong will usually be an invasion of the interest in liberty." *The Moral Limits of the Criminal Law*, vol. 1, *Harm to Others* (New York: Oxford University Press, 1984), 34-35.

apologize, though an apology may still be wholly appropriate. Whether or not an apology should be made likely depends on the magnitude of wrongdoing, the magnitude of harm that was (perhaps narrowly) avoided, as well as other features of the situation. In any case, one should be careful not to overlook or disregard less obvious harms in order to avoid offering an apology that may in fact be warranted. Some have argued that failing to treat the syphilitic men in the Tuskegee Study did not cause them any additional harm beyond what the men could have expected from the medical resources available to them at the time and the nature of their late-stage illness.<sup>46</sup> This argument attempts to relieve the Study researchers from blame, but historian Susan M. Reverby counters the self-defensive claims of the Public Health Service researchers: “Their policies and the ways they thought about race’s seemingly biological impact were built into their science, and their actions and public health perspective kept them from thinking about the individual men.”<sup>47</sup> Pursuing data and the focus on pure science took precedence over ethical concerns,<sup>48</sup> and this moral wrong was likely responsible for increased morbidity and mortality among many of the men and their families.<sup>49</sup> Even those who were not *physically* harmed directly by the Study were wronged in the sense that their interest in being treated as moral

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<sup>46</sup> Susan M. Reverby, *Examining Tuskegee: The Infamous Syphilis Study and Its Legacy* (Chapel Hill, NC: University of North Carolina Press, 2009): 148-149. Benedek and Erlen make this argument in “The Scientific Environment of the Tuskegee Study of Syphilis, 1920-1960.”

<sup>47</sup> Reverby, *Examining Tuskegee*, 151.

<sup>48</sup> For example, Dr. O. C. Wenger, an original investigator in the Tuskegee Study, presented findings of the Study at the Hot Springs Seminar in September 1950 that indicated a twenty percent shorter life expectancy, greater disease in the cardiovascular system, and higher risk of other morbidity among those whose syphilis was untreated. Wenger proclaimed, “I heartily support the work that has been done, but it does not go far enough.” He pushed for increased federal support to track down the men with whom the investigators had lost touch and to continue to fund autopsies of the men when they died so that data would not be lost. O. C. Wenger, “Untreated Syphilis in Negro Male,” Hot Springs Seminar, September 18, 1950, in Reverby, *Tuskegee’s Truths*, 96-99.

<sup>49</sup> Tuskegee Syphilis Study Legacy Committee, “Legacy Committee Request,” in Reverby, *Tuskegee’s Truths*, 560. James H. Jones reports that, in 1975, the U.S. government expanded their compensatory health care provision following the termination of the Tuskegee Study to include the wives of Study participants who had contracted syphilis and the participants’ children who had contracted congenital syphilis. *Bad Blood: The Tuskegee Syphilis Experiment*, new and exp. ed. (New York: Free Press, 1993), 215.

equals was not honored by the researchers who deceived them and may have considered them inferior because of their race.

In cases where there is no wrongdoing, there is no ethical reason to apologize and no exigence or compelling argument for an apology. In fact, an apology offered for an unpreventable event would be nonsensical and confusing. Tavuchis, for one, claims, “Where an actor’s responsibility and intentionality are deemed to be minimal or the consequences as trivial or accountable, an apology is superfluous.”<sup>50</sup> Instead, an expression of empathy or regret may be appropriate and possibly morally required. For Clinton, empathy and regret were all he could logically offer, but it is clear from the above criteria that the nature of the Study and its harms warranted apologies from many other individuals involved with the Study from its inception in 1932 to its termination in 1972. This sense that an apology was warranted motivated the Legacy Committee and their political allies to push for a presidential apology and it was a constellation of factors, as discussed in Chapters 2 and 3, that made President Clinton the recipient of the request.

Physician Michael S. Woods claims that three groups of people may properly compel a clinician to apologize by demanding or mandating such an action: patients, patients’ families, and healthcare organization administrators.<sup>51</sup> In the case of the Tuskegee apology, by analogy, those who have standing to call for an apology include the men in the Study, family members of men in the Study, and government leaders in authority over those who designed and directed the Study. Examining this position in light of the Tavuchis model of call-apology-forgiveness, we more appropriately understand that these particular agents may call for an apology, but the

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<sup>50</sup> Tavuchis, *Mea Culpa*, 21.

<sup>51</sup> Michael S. Woods, *Healing Words: The Power of Apology in Medicine* (Oak Park, IL: Doctors In Touch, 2004), 47.

apologizer must internalize that call in order to offer a genuine apology. Since remorse cannot be coerced, it makes no sense to speak of a coerced genuine apology.<sup>52</sup> While Smith maintains that a coerced apology can serve as a form of punishment of the offender because it forces a display of humility and demonstrates the power that an authority holds over the offender,<sup>53</sup> it is more appropriate to call that expression something other than ‘apology’ *per se* due to its insincere and forced nature. While Clinton’s speech did not seem to be coerced, it was certainly compelled through rhetorical action and advocacy. This speech of apology could not have served as a public humiliation for Clinton for reasons already explicated, though it did give him an opportunity to enhance his reputation among his various audiences by endorsing particular values and expressing regret for historical wrongdoing.

Sometimes, for pragmatic reasons an offender may delay offering an apology until the completion of a full investigation of the potential wrongdoing, for example, so that she may know the extent of her responsibility. While an accurate account of one’s responsibility is important to genuine apology, a prolonged silence from the offender following a call for apology may be interpreted by the victim as avoidance, denial of responsibility, or heartlessness. Thus, when one is relatively certain that one played a role in harming another, one should speak to what one knows in an apology and leave open the possibility of offering a more comprehensive account in a subsequent apology or disclosure when more details are known. The delay between the end of the Tuskegee Study and Clinton’s formal statement was addressed in Chapter 3 but will also be a point of discussion in Chapter 6 as we consider how such a silence affects the receptivity of an apology in this particular case.

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<sup>52</sup> Similarly, we tend not to give full credence to contracts or confessions derived from coercion.

<sup>53</sup> Smith, *I Was Wrong*, 151.

Finally, it is important to note that there may be empirical conditions that would make an apology ethically inappropriate. Consider, for example, a victim who has expressed her strong desire not to see or correspond with her offender. If the offender continued to pursue an apology encounter with her victim, she would be violating the victim's expressed wish to be free of continued trauma from her offender. In cases where an offender's apology (or attempted apology) is expected to cause harm or distress to the victim, the offender has an ethical duty *not* to apologize.<sup>54</sup> The expectation of harm resulting from an unwelcome apology should be based upon the expressed wishes of the victim or the reliable account of mutual acquaintances, not simply the offender's resistance to offering an apology. Clearly, this was not a concern for Clinton, who was explicitly asked to speak to the victims of the Tuskegee Study and whose immediate audience was eager to hear his official apologetic remarks.

To summarize the theoretical developments in this section, apology is called for when one has committed a wrong that causes harm to another person or that person's interests. If a wrong is committed that does not appear to result in harm, an apology may still be warranted; the situation may require further discussion between the wronged person and the offender to achieve a mutually satisfactory understanding of the situation and the appropriate response by the wrongdoer.<sup>55</sup> Near misses (errors that are corrected prior to being harmful) and harms that result from non-blameworthy causes (such as natural disasters) do not require apology, though one might appropriately express empathy for another's suffering. In any case of apology, the rhetorical and behavioral choices of an apologizer should be driven not only by the four

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<sup>54</sup> Offering such an apology would undermine the fourth element of genuine apology, according to our definition, an element included specifically to avoid compounding the harm suffered by a victim.

<sup>55</sup> Lazare maintains, "Like the doctor-patient interaction, an apology is best understood not as what one party (the offender) does or offers to another party (the offended), but as a process in which both parties reach agreement through a 'give and take' as a way to deal with the initial problem." *On Apology*, 204-5.

conceptual criteria but also by consideration of what a reasonable person in the victim's position would expect (normatively and epistemologically) of a genuine apology. In the language of the rhetorical situation, this section has examined some of the situational features that create an exigence for apology as a fitting response. While Clinton's speech has been analyzed as "fitting" according to the criteria set forth by the Legacy Committee, this section provided the conceptual clarity to explore whether the rhetorical situation 25 years after the Study's termination sufficiently warranted an apology from this particular interlocutor. In the following section, I address the issue of 'standing' to continue this analysis.

#### **4.1.4 Standing to Apologize**

The legal notion of "standing" provides a good starting place for determining who may apologize and for what.<sup>56</sup> This is an important consideration for the forthcoming discussion of institutional apology and the continuing analysis of Clinton's role in offering an apology for the Tuskegee Study. Standing is "a procedural requirement ensuring that only legitimate disputants adjudicate claims and that random parties cannot bring actions simply because they may hold an intellectual interest in the outcome."<sup>57</sup> In the earlier discussion about genuine apologies, I asserted that the offender must offer genuine apologies to the correct victim. In the language of standing, we can now say that an offender with standing to apologize offers a genuine apology to a victim with standing to receive the apology. That is, the person offering the apology must be able to identify

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<sup>56</sup> Portions of section 4.1.4 were developed as part of my master's thesis in bioethics. See Boyer, "Ethics of Institutional Apologies," 61-64.

<sup>57</sup> Smith, *I Was Wrong*, 52.



her own causal responsibility for the wrong to particular victim(s), who must be identified as the “correct” victims to receive the apology based on their having been wronged by that offender.

Additionally, there are cases where one has vicarious responsibility for harms caused by particular others, as parents may have for their small children and employers may have for their employees. The nature of such vicarious responsibility “means that they are agent-responsible, in a forward-looking sense, for the state of the world that is free of harm caused by these children or employees, and agent-responsible, in a backward-looking sense, for harm the children or employees do cause. In these cases of vicarious responsibility, those who are responsible for the harm are not those who have caused it.”<sup>58</sup> If a supervisor asks her subordinate to administer what is an incorrect dosage of medication to a patient, the supervisor has responsibility for the error even though she did not personally administer the dose; the subordinate acted as the agent of the supervisor. In cases where the one committing the wrong was acting as an agent of another (i.e., performing an action at the behest of another), the responsibility for the wrong and standing for the apology belongs to the authority on whose behalf the wrong was committed. Had the subordinate acted independently in her administration of an incorrect dose (or the child acted independently of the wishes of her parent), the superior would not have standing to apologize for the error. However, if the supervisor (or parent) had failed to discharge her duties or obligations appropriately, thereby causing or failing to prevent the wrong (e.g., by failing to prevent the subordinate from acting), the supervisor has standing to apologize for her own failings that contributed to the ultimate harm. Additionally, in one’s role as employer, supervisor, or parent, one may be liable for damages caused by those within one’s responsibility or influence. However, just as one may compensate a victim without accepting fault for the events that caused

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<sup>58</sup> Kurt Baier, “Moral and Legal Responsibility,” in *Medical Innovation and Bad Outcomes: Legal, Social, and Ethical Responses*, ed. Mark Siegler and others, (Ann Arbor, MI: Health Administration Press, 1987), 104.

the harm, one may be liable to compensate (or liable to legal responsibility) without having the standing to apologize.

To say that one is apologizing on behalf of another might indicate to the victim that the speaker recognizes the wrong committed against her and demonstrate the speaker's empathy, but it does not make sense as a genuine apology without the personal acceptance of blame and responsibility as well as a personal expression of remorse and not merely regret for the circumstances. Likewise, it does not make sense for a third party to accept an apology offered to another. However, the stipulation of standing does not limit the number of people who may be found blameworthy for an offense and, therefore, eligible and responsible to offer an apology, nor does it limit the number of people who may be counted among the victims awaiting an apology.<sup>59</sup> Standing, as it applies to genuine apology, requires that we account for and identify the agents most relevantly involved in an offense so that an apology is offered by the blameworthy individuals for their own actions.

Since the Tuskegee Study was not initiated or continued at Clinton's directive, he bore neither direct nor vicarious responsibility for its wrongs and harms. Therefore, he technically lacked standing to apologize and no one with standing to apologize delegated that responsibility to him ("The dead rarely delegate," says Nick Smith<sup>60</sup>). However, any outstanding needs for victims' compensation would still be the responsibility of the U. S. government, despite the passage of 25 years, and it can reasonably be argued that President Clinton had standing to remediate some of the lingering psychological and sociological damage caused by the Study. As it happened, he took the opportunity to provide additional restitution through the establishment

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<sup>59</sup> Smith discusses the complications of proximate causation as compared to direct causation, concluding that the nuances of causation color the meaning of apologies. He favors the reasonable limits of causation provided by the proximate causation perspective, and I am inclined to agree. Smith, *I Was Wrong*, 38-46.

<sup>60</sup> *Ibid.*, 219.

of a memorial and bioethics institute at Tuskegee University as well as other corrective measures.

This chapter has, to this point, focused largely on interpersonal apologies and cases where institutional members may apologize for their wrongdoing committed in an official capacity. I have laid out a four-part definition of genuine apology, considered what goals apology may be used to reach, and examined the types circumstances and actors that drive the calls for apology. In the next section, I look more specifically at apologies offered on behalf of institutions and how these statements complicate the notion of apology discussed thus far. By expanding our discussion of apology to include collectives, I hope to provide some degree of resolution to the lingering questions about Clinton's role in apologizing for the Tuskegee Syphilis Study.

## **4.2 INSTITUTIONAL APOLOGY**

A growing area of interest in the study of apologies concerns those made on behalf of institutions or groups of people rather than individuals. Since institutional and collective apologies complicate the model of genuine apologies explicated above, they warrant extended treatment here. Specifically, I will address how theorists' views of institutional apologies differ from my conceptualization of genuine (interpersonal) apologies, how the concept of standing challenges some forms of institutional apology, and what reasons institutions may have for offering apologies. Finally, I will propose a framework with which we might assess institutional apologies in light of the conceptual differences between them and individual apologies. I will use this framework to reconsider how Clinton's speech may be considered an apology in this

modified sense and what meanings may attach to it as a result.

#### 4.2.1 Conceptualizing Institutional Apology

In addition to the basic sense of apology as an interpersonal act, a great deal of literature deals with what is variously termed organizational, corporate, collective, official, or institutional apology.<sup>61</sup> Sociologist Nicholas Tavuchis recognizes four modes of apology interactions: one to one (interpersonal apology), one to many (to a collectivity), many to one (from a collectivity), and many to many (from one collectivity to another).<sup>62</sup> This chapter's discussion of institutional—or collective—apology pertains most closely to the second and third of these types, as I will be teasing out how we might understand an apology coming from “many.”<sup>63</sup> Regarding apologies offered by collectives, Tavuchis poses the following questions: “[H]ow is an apology formulated in this context and what does it signify? What does it, or can it, render when essentially inanimate, and therefore mute, social entities require human agents to speak on their behalf? Finally, can we speak of collective sorrow and regret in any sense other than metaphorically?”<sup>64</sup> These questions are good to keep in mind as we explore how Tavuchis and other theorists have attempted to answer them. Furthermore, these concerns about institutional apologies bear on our interpretation of Clinton's speech to the victims of the Tuskegee Syphilis Study—especially as he claims to speak on behalf of the country—and will be addressed, though perhaps not answered definitively, later in the chapter.

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<sup>61</sup> Portions of section 4.1.4 were developed as part of my master's thesis in bioethics. See Boyer, “Ethics of Institutional Apologies,” 64-70.

<sup>62</sup> Tavuchis, *Mea Culpa*, 48.

<sup>63</sup> In the case of Clinton's speech, we may characterize it as an address from “many to many,” even though he was a single speaker, since he claimed to speak on behalf of the government and the nation.

<sup>64</sup> Tavuchis, *Mea Culpa*, 96.

For clarity, let us define institutional apology as an expression of regret<sup>65</sup> offered by an institution (through a spokesperson or media release) or an individual within the institution who responds to alleged wrongdoing by the institution as a whole or select individuals or groups acting within their institutional roles. While these ever-increasingly ubiquitous expressions are called ‘apologies’ by witnesses, media reports, and theoretical literature, they do not satisfy all four criteria for genuine apology as defined earlier in this chapter. Still, for the present purposes, it will be convenient to use the broadly accepted terminology of ‘institutional apology’ to avoid the clumsy phrase “so-called institutional apologies.” Additionally, adopting the term ‘institutional apology’ acknowledges that these instances of institutional rhetoric are intended to serve some of the same functions as genuine interpersonal apologies, though further analysis of particular cases may lead to the conclusion that these statements achieve varying levels of apologetic success.

One version of an institutional apology is an individual apologizing on behalf of her institution, what I call the “non-representative institutional apology.” This individual has not been delegated the authority of an institutional representative by her institution, but she speaks on behalf of the collective nonetheless. However, this would-be apologizer lacks standing to apologize for the institution, and her remarks may even be repudiated by the institution. The victim(s), too, may be dissatisfied by the speaker’s lack of standing and authority to offer an apology. Tavuchis puts it more firmly: “an apology proffered without the proper credentials, that is, lacking the moral imprimatur of the group, amounts to no apology at all. It means nothing because it represents the unaccredited One and not the mandate of the Many.”<sup>66</sup> The non-

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<sup>65</sup> The substitution of regret for remorse is discussed in more detail in Section 4.2.2—the assumption of responsibility is more complicated in institutional contexts than interpersonal contexts.

<sup>66</sup> Tavuchis, *Mea Culpa*, 101.

representative may better be considered as expressing shame or embarrassment because of one's association with wrongdoers, as well as sympathy or empathy with the victim.

A second form of institutional apology is offered by an institutional representative on behalf of an employee or member of the institution. The "representative/individual apology" affixes blame on an individual within the institution and offers an apology for that individual's actions. The responsible agent may be unwilling or unavailable to offer an apology, or the institution may want to control what statements are made publicly by members of the institution. Here again, the issue of standing casts light on the conceptual failings of such an apology; the institutional representative's lack of standing significantly diminishes the apologetic meaning of such an expression, particularly if the responsible person is unrepentant and refuses to apologize. Although someone in authority in the institution has delegated responsibility for the apology to the representative (who may be an executive, public relations officer, or department head, for example), the culpable person may not have authorized the delegation and, in any case, the speaker cannot express remorse for another's actions.

The third form of institutional apology relevant here is offered by an institutional representative for the institution's failings. This "representative/collective apology" makes use of the same types of spokespersons as the representative/individual apology, but this representative purportedly speaks on behalf of the institution as a whole. The representative/collective apology is commonly offered following events that are publicly embarrassing to the institution or following an accusation of wrongdoing that is considered sufficiently severe or endemic to the institution that a collective apology is considered warranted. The critical conceptual concern with regard to this form of apology is collective responsibility, which will be discussed at various points in the remainder of this chapter.

Of these three forms of institutional apology, Clinton's speech seems to fit best with the third—the representative/collective apology that is offered on behalf of the whole institution by a legitimate spokesperson. The delegation to Clinton of responsibility for the apology is implicitly inherent in his position as United States President rather than the result of the expressed wishes of all the institutional members, and the Legacy Committee's request for an apology acknowledges his legitimate authority to apologize on that basis.<sup>67</sup> As a representative of the government Clinton assumed the position of the apologizer on behalf of the government and the American people. However, when the President claimed to apologize on behalf of all Americans, he may have overstepped his bounds. As Smith describes this question of representation, "Surely the president speaks for the people in some institutional sense, but allowing this to override all of the respects in which our leaders do not represent our opinions, values, and commitments oversimplifies and misleads."<sup>68</sup> As the President, Clinton had standing to speak on behalf of the United States in many instances, but it is not so clear that he had standing to *apologize* on behalf of all Americans regarding the Tuskegee Study as he did in this speech.<sup>69</sup>

This and other complications of collective apologies have recently been addressed systematically by philosopher Nick Smith, who considers both individual and collective apologies in his book, *I Was Wrong: The Meanings of Apologies*. Although Smith outlines the eleven features of what he terms categorical apologies, he prefers to address the "forms" of

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<sup>67</sup> Legacy Committee, "Legacy Committee Request," 562.

<sup>68</sup> Smith, *I Was Wrong*, 162.

<sup>69</sup> The mandate for official apologies is not absolute because it depends on the support of the community on whose behalf the rhetor speaks. As rhetorician Lisa Storm Villadsen describes, "A speaker unable to gauge and give expression to common sentiment will fail to achieve the consubstantiality with the audience necessary for the mandate to apologize on their behalf. If the speaker ignores or violates the norms and values of the listeners, the apology may be judged empty or disingenuous and the speaker's mandate null." Lisa Storm Villadsen, "Speaking on Behalf of Others: Rhetorical Agency and Epideictic Functions in Official Apologies," *Rhetoric Society Quarterly* 38, no. 1 (January 2008): 34.

apologetic meaning rather than approach the analysis of apologies from a binary “is” or “is not” perspective.<sup>70</sup> According to his analysis, apologies offered by collectives are problematic and pose significant challenges to the moral value of such statements, though they can still be meaningful speech acts on several levels. Primarily, questions of consensus and representation complicate the apology: does the representative issuing the apology properly represent the institution and/or the entity on whose behalf he apologizes? Who is included in membership of the institution? What kind of agreement or consensus must exist among the members about the text of the apology (or offering it at all)?<sup>71</sup> Even if these questions cannot be neatly answered or addressed in specific instances, we can still understand some of the purposes served by a public, official, apologetic statement from a collective. The additional purposes or “important meanings” of collective apologies may hold significance for interested third parties in addition to the victim(s) and include establishing the historical record of the events and the apology,<sup>72</sup> expressing the representative’s sympathy and regret (although one cannot meaningfully speak of an institution’s responsive *emotions*),<sup>73</sup> endorsing moral principles and values,<sup>74</sup> rehabilitating the institution’s identity in the public eye,<sup>75</sup> and recognizing the victims as moral equals.<sup>76</sup> Additionally, official actions might provide redress to victims and serve as a promise not to let such wrongdoing occur again.<sup>77</sup> One can see, however, that these important functions of

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<sup>70</sup> Smith, *I Was Wrong*, 12.

<sup>71</sup> *Ibid.*, 162-165.

<sup>72</sup> Lazare, *On Apology*, 39-40; Smith, *I Was Wrong*, 247; Tavuchis, *Mea Culpa*, 108-9.

<sup>73</sup> Smith, *I Was Wrong*, 174.

<sup>74</sup> Keith Michael Hearit, *Crisis Management by Apology: Corporate Response to Allegations of Wrongdoing* (Mahwah, NJ: Lawrence Erlbaum, 2006), 203; Lazare, *On Apology*, 55; Smith, *I Was Wrong*, 226-227, 247.

<sup>75</sup> Hearit, *Crisis Management by Apology*, 202-3; Lazare, *On Apology*, 203; Tavuchis, *Mea Culpa*, 108.

<sup>76</sup> Smith, *I Was Wrong*, 227-229.



institutional “apology” need not derive from explicit, anthropomorphized statements acknowledging collective wrongdoing or claiming collective remorse. While these goals and purposes of collective apology do not meet the four criteria for genuine apology (let alone Smith’s eleven criteria for categorical apology) and are apologies in a metaphorical sense alone, they nonetheless can serve as meaningful discursive events for the victims of wrongdoing.

Smith cites several reasons why victims may readily settle for a collective apology from a non-blameworthy representative rather than a genuine apology from the culpable parties. He notes:

If the victim is primarily concerned with an institution revising a policy or providing redress, a ranking member may be much better positioned to generate this meaning than those directly responsible for the harm. [...] In these situations, the injured and those at risk of injury may prefer apologetic gestures from those with the highest rank and most power to control the future regardless of even their membership status in the culpable group.<sup>78</sup>

According to Smith’s caveat, the victim accepts the replacement of genuine apology with redress and/or reform, but the apologetic meaning and ethical value of apology itself is still largely lost. According to Smith, value-declaring apologies may be called for when a collective lacks standing to offer a categorical apology (or where responsible individuals may not be available or willing to apologize) and where the rhetorical situation demands that *something* must be said.<sup>79</sup>

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<sup>77</sup> Smith, *I Was Wrong*, 233-235. Smith also considers how the speaker’s role within the institution may or may not have sufficient standing to enforce the institutional commitment to particular values or policies. Additionally, the proportion of institutional members who endorse the value will affect the institution’s success in upholding the stated standards. *Ibid.*, 247.

<sup>78</sup> *Ibid.*, 220.

<sup>79</sup> *Ibid.*, 248.

Such a declaration may be significant to the victim(s), though we can clearly distinguish between the ethical significance of genuine and value-declaring apologies.”<sup>80</sup>

While I have already described some reasons why calling Clinton’s speech an apology—even an institutional apology—is problematic, his speech may be described more appropriately as conveying various forms of apologetic meaning, as Smith describes them. Clinton established the historical record of the events and added his official statement to that record, expressed his sympathy and regret, endorsed particular moral principles and values, recognized the victims as moral equals, and, perhaps, rehabilitated the institution’s identity in the public eye (at least among some of his audience).

By making an official statement, President Clinton corroborated the historical account of the Tuskegee Study as asserted by the Legacy Committee in their request for an apology. Communication scholars Lynn M. Harter, Ronald J. Stephens, and Phyllis M. Japp argue that Clinton’s narrative (re)framing of the Tuskegee Study “was an attempt to rebuild African American trust in the medical community” and, therefore, may not have been entirely accurate.<sup>81</sup> Regardless of whether Clinton’s account was perfectly accurate, it still served as an official though incomplete account of the events of the Study.

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<sup>80</sup> *Ibid.*, 203.

<sup>81</sup> Lynn M. Harter, Ronald J. Stephens, and Phyllis M. Japp, “President Clinton’s Apology for the Tuskegee Syphilis Experiment: A Narrative of Remembrance, Redefinition, and Reconciliation,” *Howard Journal of Communications* 11 (2000): 28.

## 4.2.2 Additional Considerations of Institutional Apology

As gestured to above, institutional apologies vary from individual apologies in particular, significant ways.<sup>82</sup> A key difference is that the apologizer in an institutional apology is not necessarily an agent significantly responsible for the wrongdoing at issue. We have already discussed how an apology-by-proxy is unacceptable according to the criteria of genuine individual apologies, but institutions tend to offer such apologies without considering the logical and ethical problems inherent in such an arrangement. The voice of the institutional apology may be either an abstraction of the institution (issued as a press release, for example) or a spokesperson speaking on the institution's behalf. The apologizer may even be the head of the institution apologizing for the offenses of past administrations, such as in Clinton's apology for the Tuskegee Study. In any case, the voice of the apology is typically dissociated from the agent(s) of the wrongdoing.

Another criterion in the definition of apology that is often omitted in institutional apology is the expression of sincere remorse. When a representative is speaking on behalf of others, the closest to remorse she can express is mere regret because she does not bear responsibility for the wrongdoing. Genuine collective remorse and apology can only be expressed and offered in cases where the collective is extremely cohesive, like-minded, and "bound by considerable solidarity," and where each and every member is able and willing to express personal responsibility and remorse for wrongdoing.<sup>83</sup> Since an institution or collective meeting these requirements is extremely rare, we should be suspicious of expressions of remorse by institutional

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<sup>82</sup> Portions of section 4.1.4 were developed as part of my master's thesis in bioethics. See Boyer, "Ethics of Institutional Apologies," 67-73.

<sup>83</sup> Smith, *I Was Wrong*, 245.

representatives that are offered on behalf of the “institution” in an abstract sense rather than offered by identifiable individuals for their particular roles in the wrongdoing. Although a representative of a blameworthy institution may not be able to express true remorse, it is reasonable to expect that the spokesperson should be able to speak with genuine sorrow about the wrong that was committed by others. Her regret and the institution’s disclosure should not be self-interested, but should come from an attitude of forthrightness and a policy of transparency.

A problem with collective apologies is that they can “allow wrongdoers to diffuse blame into the ether of institutional doublespeak,” rather than ensure that all responsible will be included in the apology.<sup>84</sup> It is ethically and rhetorically preferable for each of the culpable agents to offer an apology rather than allow the institution to obscure the details of the wrongdoing. In the case of Clinton’s apology for the government’s (and nation’s) role in the Tuskegee Study, he never identifies individuals who bore direct responsibility. His most specific reference to blameworthy agents in the Study was one mention of the United States Public Health Service, which betrayed the men who “were offered free medical care.”<sup>85</sup> Those who were most directly involved in the design and operation of the Study were left anonymous, their identities obscured by Clinton’s general references to “the Government,” “our Nation,” and “the American people.”<sup>86</sup>

The “absence of legal and ontological equivalence between the parties” involved in institutional apologies differentiates them from interpersonal apologies and raises complications for how we might consider institutional apologies and the “nature of the Many.”<sup>87</sup> But, as

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<sup>84</sup> Ibid., 199.

<sup>85</sup> Clinton, “Remarks in Apology,” 719.

<sup>86</sup> Ibid.

<sup>87</sup> Tavuchis, *Mea Culpa*, 97.

Tavuchis allows, “collectivities can, do, and at times, must apologize to persons they have harmed, *in a manner of speaking*.”<sup>88</sup> The constraints of this “manner of speaking” deserve explanation. Perhaps because institutional apologies usually become part of the historical record and perhaps because some institutional “apologies” are crafted in such a way as to abstract from and occlude the specifics of the wrongdoing to which it responds, institutional apologies leave little to no room for the spontaneity and dynamics of human conversation. As Tavuchis describes, institutional apologies tend to be more formal and indirect as compared to individual apologies.<sup>89</sup> The formality of the language can shield the institutional representative from being candid or direct, or prevent her from admitting more responsibility than officials might want to acknowledge, and this poses ethical and conceptual problems. According to my prescription for genuine apology, if one may reasonably be left wondering whether the institutional statement was an apology, then we may assume that it fails to meet either the reasonable person standard or the four conceptual criteria for genuine apologies. Clinton’s speech has no semantic ambiguity about its purpose as an apology, but it shares the formal and prepared qualities of institutional speeches. Still, Clinton appeared to be direct rather than evasive about the U. S. government’s blameworthiness for the Tuskegee Study. It is likely that Clinton had the luxury of such admissions given his personal and chronological distance from the wrongdoing.

Allegations of wrongdoing against an institution generally involve higher stakes than allegations against an individual. The purposes of an institutional apology extend beyond redressing wrongs between offenders and victims and work further to rehabilitate the institution’s reputation and reaffirm its values to members and non-members alike. Institutional

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<sup>88</sup> Ibid.

<sup>89</sup> Ibid., 97, 100.

apologies, therefore, are offered to wider audiences than individual apologies but may also be offered to multiple audiences. A collective apology may explicitly or implicitly address concerned third parties, a broader community, and the history and legacy of the institution in addition to the specific victim(s).<sup>90</sup> Clinton's prose made it clear that he recognized his broader and multiple audiences. He directly named his honored guests present at the White House and acknowledged his audience in Tuskegee attending the ceremony via satellite feed.<sup>91</sup> He also addressed his remarks specifically to "Macon County, to Tuskegee, to the doctors who have been wrongly associated with the events there," and to "our African American citizens."<sup>92</sup> These multiple audiences may have had varying expectations of the President and his speech and so it is understandable that their reactions to the speech might vary accordingly. The involvement of diverse audiences clearly adds to the exigences and constraints facing a speaker in the rhetorical situation and affects the nature of an institutional apology.

These additional motives and concerns mean that an institutional apology is likely to be more complex than apologies meeting our four-component definition of apology, incorporating additional elements that may not generally be considered apologetic (or that may substitute for an apology). Communication scholars Jeffrey Courtright and Keith Hearit discuss one example of an additional requirement for institutional apologies. Their description of apologies made by organizations inverts Tavuchis's typology of apologies as from "one to many" or "many to many" (in the case of corporate apologies) and takes the stance of the "many to the few (institutions to wronged individuals)."<sup>93</sup> Courtright and Hearit surmise, "While with individuals

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<sup>90</sup> Ibid., 97.

<sup>91</sup> Clinton, "Remarks in Apology," 718-719.

<sup>92</sup> Ibid., 719.

<sup>93</sup> Jeffrey L. Courtright and Keith Michael Hearit, "The Good Organization Speaking Well: A Paradigm

a confession is seen as enough, it is apparent that when dealing with institutions, there is an expectation that along with confession will come a strategy of corrective action” to prevent against a future infractions.<sup>94</sup> This expectation for corrective action may exist in interpersonal apologies as well, but an individual may still offer a genuine apology without making restitution or pledging to reform her behavior.<sup>95</sup> Still, Courtright and Hearit may be right that institutions should be expected to take specific actions that demonstrate a commitment to preventing future wrongdoing of the sort for which they have been found blameworthy. Revising policy, imposing sanctions for wrongdoers, and providing compensation for those who have been harmed are all common methods institutions use to mitigate the harm done to others and to demonstrate a commitment to reform that can protect their images in the future. These actions do not constitute an apology on their own, but may supplement or take the place of apology in some cases. Moreover, compensation for harm does not indicate remorse for the wrongdoing. Institutions or individuals sometimes offer compensation to a victim without acknowledging fault or liability (or apologizing), as in legal settlements. Again, these behaviors are sometimes interpreted as acknowledgment of guilt or remorse, but they are not apologetic expressions *per se*. Just as one may offer disclosure of an error without apologizing, one can also withhold apology while still disclosing and offering compensation for harms.

The Tuskegee Syphilis Study Legacy Committee explicitly addressed this issue of corrective action in its request for an apology, saying, “Although a public apology is necessary to heal the wounds of Tuskegee, it alone would not be sufficient to assure the nation that research

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Case for Religious Institutional Crisis Management,” *Public Relations Review* 28 (2002): 349.

<sup>94</sup> *Ibid.*, 355.

<sup>95</sup> Conversely, an offender can make a specific effort to avoid wrongdoing and harming others in the future without offering an apology for a particular wrong already committed.

like the Tuskegee Syphilis Study will not be duplicated. Despite the significance of a Presidential apology, it must not be an isolated event.”<sup>96</sup> Clinton’s response echoed the Committee’s assertion: “An apology is the first step, and we take it with a commitment to rebuild that broken trust.”<sup>97</sup> The policy initiatives he laid out in the last half of his speech are clearly intended to meet the specific requests of the Legacy Committee while demonstrating a commitment to reforming the institutional failings that allowed the Tuskegee Study to occur in the first place.

Another consideration of institutional apology concerns the impetus for these expressions: What are institutional members apologizing for? Typically, an apology may be warranted for faulty or unethical policies that may be unsatisfactory for several reasons, particularly if they have led to the harm of others. The policies may be ineffective (e.g., may not adequately prevent harm to others), unenforceable or unclear about who is to enforce them, unnecessarily complex, vague or loophole-ridden, or contradictory with current laws and policies, or they may refer to an abstract goal without specifying implementable procedures. Additionally, policies may be unethical because they are discriminatory, infringe unnecessarily upon others’ rights and interests, impose an unfair burden on a particular group, require that which is itself unethical, or otherwise disregard the status of others as moral beings. (In the case of the Tuskegee Study, the policies guiding the Study’s researchers and physicians were unethical for each of these reasons.) If the alleged wrongdoing is the poor or inadequate implementation of institutional policies, an institutional apology is essentially an apology for the behavior of others, which is ethically and conceptually troublesome. When an apology for institutional policy is warranted it would be best offered by the policy framers or those who have

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<sup>96</sup> Legacy Committee, “Legacy Committee Request,” 562.

<sup>97</sup> Clinton, “Remarks in Apology,” 719.



allowed the policy to remain in effect, rather than by an institutional representative who offers a diffuse and impotent apology for the institution at large or for others' misdeeds.

Finally, it is important that witnesses and critics of institutional apology differentiate between blameworthiness and moral duties to remedy the wrong. Smith writes, "We can inherit debts and obligations [...] without being blameworthy."<sup>98</sup> This seems to have been the belief of the Tuskegee Syphilis Study Legacy Committee, as reflected by its request for an apology—there was no claim in that appeal that Clinton was blameworthy for the Tuskegee Study, only that he bore an inherited obligation to offer the apology that had not been offered at the appropriate time by the appropriate agents in the past. Asking Clinton to apologize may not be a sign of the Legacy Committee's confusion about responsibility for the Study but, rather, a recognition that "[w]hen an institution recognizes its mistreatment of a group in the past, its leaders may feel a special solicitude toward the interests or values of the victims and take exceptional care not to repeat offenses against the group."<sup>99</sup>

While much more could be said about the way that institutional apologies are used and received in the public sphere, it will suffice at this point to summarize the conceptual gap between genuine apology and institutional apologies yet retain the understanding that institutional apologies can serve multiple ethical, social, rhetorical, and practical purposes despite falling short of the standards for genuine apology. Institutional representatives may appropriately disclose wrongdoing (our first criterion: acknowledging that a wrong was committed) and speak with the intent to benefit the condition of the victim(s) by speaking forthrightly (our fourth criterion, more or less). However, a representative cannot typically take

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<sup>98</sup> Smith, *I Was Wrong*, 202.

<sup>99</sup> *Ibid.*, 202-3

responsibility, personally, for the wrongdoing nor offer remorse on behalf of others. She may offer an expression of regret for the wrong and resulting harm, but this expression of empathy—while ethically valuable—is not equivalent to an interpersonal *apology* for the wrong. My reservations about the ethical value of institutional apologies are not shared by Koesten and Rowland, however, who claim optimistically that atonement rhetoric “functions as a purgative-redemptive device for an individual or an entire organization. Through purgation, redemption is produced and the relationship between the person or organization and the wronged party is healed.”<sup>100</sup> Whether by this or other sociological and psychological mechanisms, however, statements of institutional apology do hold significant meaning for various audiences and, potentially, those who offer such apologies. In the next section, I apply the principles and complications of institutional apologies to Clinton’s speech to interrogate the implications for audiences and critics of recognizing it as apology and/or *apologia*.

### 4.3 CLINTON’S SPEECH AS APOLOGY AND *APOLOGIA*

In light of the conceptual considerations of *apologia* and apology explicated in this chapter and Chapter 3, we are now better situated to assess Clinton’s remarks according to these genres. The issue of labeling the speech as “apology” or “*apologia*” presents some problems, due to the various types of rhetoric employed in the speech. More importantly, however, choosing one of these genres over the other potentially forecloses the opportunity to understand the rhetoric and its implications more fully. In this section, I will consider what meanings we can

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<sup>100</sup> Koesten and Rowland, “Rhetoric of Atonement,” 69.

derive from the speech if we assume it is an *apologia*, as well as what it may mean to call it an apology or institutional apology.

The title of this dissertation suggests that we ought to characterize Clinton's speech as an *apologia*.<sup>101</sup> But, as discussed in the previous chapter, Clinton's speech has more affiliations with particular conceptions of *apologia* than others. He was not involved with the Tuskegee Study in any way, but he spoke in response to the *kategoria* that called him out as an appropriate government representative. He sought neither to deny that a wrong had taken place nor to foster an understanding of motives that might excuse or justify the actions in Tuskegee. Koesten and Rowland assert, however, that the President had to carefully balance meeting the expectations of those who had been wronged without admitting too much guilt on behalf of the government and the country.<sup>102</sup> A speech like Clinton's, offered in part as an image restoration or image protection strategy, is a defense of sorts even if it concedes the accusations in the *kategoria*. The nature of his self-defense and defense of his administration is largely preemptive; therefore, the postures of bolstering, differentiation, and transcendence described by Ware and Linkugel apply to some extent, particularly as they are offered in response to explicit and implicit charges about the President's moral nature and reputation. Benoit's strategies of image restoration (specifically, offering corrective action and perhaps engaging in mortification) were cited as useful tools for understanding Clinton's *apologia*. Moreover, Downey's descriptions of contemporary *apologia* were shown to fit tightly with the situational features and constraints facing the President as he addressed the misdeeds of prior government administrations.

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<sup>101</sup> Rhetoricians Koesten and Rowland characterize the speech as a subgenre of *apologia*, what they term "rhetoric of atonement" (ibid., 71). More often, however, Clinton's speech is referred to, inside and outside academia, as an apology.

<sup>102</sup> Ibid.

Huxman's treatment of *apologia* as a cross-species genre also allows us to think about how Clinton's speech served deliberative and epideictic functions. It is clear that the second half of the speech is policy-oriented and makes implicit and explicit arguments that such policies reflect the present ethical climate of the government (the auditor is expected to recognize a contrast with the administrations under which the Tuskegee Study was conducted). The White House event for the Study survivors, family members, and other interested parties also supported an epideictic atmosphere, in which Clinton honored his guests and praised their perceived forgiveness as well as the science and technological industries for their promises of a "much healthier, much more productive and more prosperous" future.<sup>103</sup>

However, we might also consider what characterizing Clinton's speech as an apology entails. Analysis earlier in this chapter revealed that Clinton lacked the standing to offer a genuine apology for the Tuskegee Study and that, at best, he could disclose the wrongdoing and seek to improve the psychological condition of the victims by expressing empathy and regret for the historical wrongdoing.<sup>104</sup> The events of the Tuskegee Study clearly warranted an apology from the individuals who designed and carried out the Study, but Clinton opted not to name those individuals. His statement of regret and apology may have been genuinely heartfelt, in spite of its lack of fit with the requirements of genuine apology, but it was also clearly motivated by external pressures from the Legacy Committee. For Clinton, the political consequences of

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<sup>103</sup> Clinton, "Remarks in Apology," 720. Communication scholar Jason Edwards refers to Clinton's Tuskegee speech as an apology occurring in an "epideictic situation" and provisionally hypothesizes that such situations have heightened mortification requirements compared to apologies occurring in deliberative situations. Jason A. Edwards, "The Mission of Healing: Kofi Annan's Failed Apology," *Atlantic Journal of Communication* 16 (2008): 100-101.

<sup>104</sup> Edwards argues that Clinton had standing to apologize because the president "is the singular symbolic voice of the American republic. Only he has the mandate to speak for the entire populace." Edwards also describes Clinton as "contrite" and his rhetoric as expressing "remorse," though my analysis precludes these psychological states from being meaningful in non-culpable agents. Jason A. Edwards, "Apologizing for the Past for a Better Future: Collective Apologies in the United States, Australia, and Canada," *Southern Communication Journal* 75, no. 1 (January-March 2010): 64, 67.

refusing to speak apologetically likely far outweighed his association with the Study by virtue of his official remarks. Therefore, his goals for apologizing extended beyond bringing psychological closure and healing to the victims and their families to include protection of his own political and personal reputations.

Rather than stop the analysis with a verdict of “not apology,” we can gain a much more productive understanding of the power of Clinton’s rhetoric by using different analytical standards. The subgenre of institutional apology, for example, allows for more flexibility in the agent(s) and recipient(s) of apology than does our definition of genuine apology. According to the description of institutional apologies, Clinton had standing to speak on behalf of the U.S. government because of his legitimate leadership. Nick Smith’s descriptions of various modes of apologetic meaning found in institutional apologies also help to isolate the rhetorical opportunities available to the President in his representative apology. He identified values and principles that had been violated in the past and explicitly spoke of the government’s renewed commitment to those values. Clinton further demonstrated a recommitment to bioethical principles by allocating funding for bioethics research and training as well as a renewal of the National Bioethics Advisory Commission. Moreover, his pledge to corroborate and honor the historical record of the Study was reinforced by the funding he pledged for a memorial and museum at Tuskegee University.

The President’s policy initiatives in his speech further served to convey the message that the U.S. government is not as evil as it was in the past, which is also a defense of the institution that he represents. Financial and medical redress for the harms of the Study had already been made through legal action in the years following the Study’s termination. Clinton’s rhetoric, paired with his policy initiatives, led Harter and colleagues to ask, “Can Clinton’s address truly

be viewed as an apology, or should it be viewed as a sales pitch for the modern medical establishment?”<sup>105</sup> This is a question points to the challenge and, possibly, the limited usefulness of trying to categorize institutional rhetoric as belonging to a single genre, as Clinton’s speech seems to be *both*.

Aaron Lazare describes Clinton’s speech as “a moral statement on behalf of the United States,” but, while he acknowledges that victims found the apology meaningful, he has reservations about its overall moral worth.<sup>106</sup> Specifically, Lazare is concerned that the apology was so late in coming, that Clinton’s true motives for speaking may be in question, and that he was “apologizing for someone else’s misdeeds, not his own” when he had sufficient misdeeds of his own (unrelated to Tuskegee, of course) for which he could apologize.<sup>107</sup> Similarly, Smith notes that “political leaders are quick to denounce the failures of their countries—especially before *they* led the country—but slow to apologize for their own misdeeds.”<sup>108</sup> Still, Lazare asserts that the apology served a healing purpose for the victims who were “acknowledged as humans with rights like any others.”<sup>109</sup>

When considering whether to classify Clinton’s speech as an apology or *apologia*, if such a choice must be made, the rhetorical exigences that are tied to an audience’s expectations of a particular discourse should not be overlooked. As rhetorician Martha Solomon discusses in her article about the genre of scientific reporting in regard to published medical research from the Tuskegee investigators, “Clearly, a rhetor has some control over any genre, but generic

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<sup>105</sup> Harter, Stephens, and Japp, “President Clinton’s Apology,” 30.

<sup>106</sup> Lazare, *On Apology*, 198. Lazare refers to Clinton’s speech as an apology, and I keep that label when discussing Lazare’s analysis.

<sup>107</sup> *Ibid.*

<sup>108</sup> Smith, *I Was Wrong*, 221.

<sup>109</sup> Lazare, *On Apology*, 51-52.

conventions may be so powerful, pervasive, and esteemed by society that they severely restrict rhetorical choice. Rhetors inculcated with those generic conventions may become insensitive to alternatives and blind to the limitations and assumptions inherent in them.”<sup>110</sup> For Clinton, too much deviance from the generic norms of (institutional) apology likely would have been rhetorically and politically destructive. He *had* to use apology rhetoric to meet the expectations of the Legacy Committee and to avoid looking evasive. However, the norms of institutional apology are based in some problematic assumptions about responsibility and representation, and possibly in an overestimation of the ethical value of apologies offered on behalf of others, especially when one is apologizing on behalf of a collective or institution. These problems may lead uncritical audiences to ascribe more value and moral worth to such seemingly apologetic statements.

If we call Clinton’s speech an apology, we can credit him with being responsive to the Legacy Committee’s request and appreciate his public and official recognition of historical wrongdoing in a manner that honored his guests—particularly the Study survivors—at the White House. We can also be optimistic about the power such apologies have to heal sociological and psychological wounds for those directly harmed as well as witnesses to the wrongdoing and harm. The moral weight we ascribe to such statements is significant. However, this terminology requires us to greatly broaden the definition of apology or ignore the ways in which institutional representatives speaking about past administrations’ wrongdoing fail to meet the ethical requirements of genuine apology. In other words, by calling such statements ‘apologies’ we simultaneously diminish their ethical value while trying to credit them with full ethical power.

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<sup>110</sup> Martha Solomon, “The Rhetoric of Dehumanization: An Analysis of Medical Reports of the Tuskegee Syphilis Project,” *Western Journal of Speech Communication* 49, no. 4 (Fall 1985): 244.

If, on the other hand, we call Clinton's speech an *apologia*, a defense, then we cannot consider the President as being particularly cooperative with the Legacy Committee's request. We might lapse into cynicism about how Clinton took advantage of a camera-worthy moment to secure additional political support among minorities and spoke more for his own image-protecting benefit (as an individual and as an office-holder) than for the benefit of the Tuskegee victims. Since Clinton was not directly blameworthy, his *apologia* was not necessary to repair damage to his reputation (e.g., attempting to set the record straight about his involvement) but was an opportunity to enhance his public image regarding issues that were particularly salient to his career and reputation. Taking this approach avoids the ethical and conceptual murkiness of calling the speech an apology, but it also disallows the possibility that institutional apologies (however skeptically we might understand that term) are often meaningful to their recipients. Viewing Clinton's address as merely defensive, whether in response to specific allegations or to preempt future attacks, may unfairly reduce our perspective of the President to a manipulative and strategizing politician.

We might consider other factors while interpreting the meanings and value of the speech. For example, Clinton made headlines repeatedly during his terms in office for offering apologies (and *apologiae*). Whether for historical wrongdoing such as the Cold War era radiation experiments (as the Legacy Committee cited) or for his own personal scandals such as the Lewinsky affair, Clinton might be said to have a knack for demonstrating humility. Does this mean he is a particularly good apologizer or that he is a particularly savvy public figure? Does this diminish the value of an apology he may offer? Additionally, it might matter to the critic whether Clinton's expressions were particularly heartfelt (certainly it matters to the definition of genuine apology). For evidence of this, we could turn to Clinton's autobiography for his insight



on the event. There, we will find little substantive mention of the speech—he mentions it in passing in exactly one sentence: “Just a month earlier [than my proposal to Congress to ban human cloning] I had apologized for the unconscionable and racist syphilis experiments performed on hundreds of black men decades earlier by the federal government in Tuskegee, Alabama.”<sup>111</sup> This brief line does not give the reader sufficient information about Clinton’s psychological factors regarding the speech, such as how he understood his role as a speaker and how much he could have spoken from the heart. These questions regarding whether Clinton meant what he said and whether that matters (ethically versus socially, perhaps) are important but, ultimately and unfortunately, may not be answerable.

#### 4.4 CONCLUSION

In this chapter I have explicated an ethically sound definition of apology and then complicated that definition by introducing the genre of institutional apology as an additional way to understand some instances of institutional rhetoric. These conceptions were then applied, along with the genre of *apologia*, to Clinton’s speech in order to tease out dimensions of this rhetorical artifact. Although these theoretical and analytical tools did not directly employ speech set criticism as performed in Chapters 2 and 3, they provide a different kind of fixed standard by which we may assess and find additional meaning in this example of Clinton’s rhetoric. Whether one labels this speech apology, *apologia*, or some combination of the two, the critic will be wise to remember that it is a complex artifact that responds to a longitudinal series of events, as

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<sup>111</sup> Clinton, *My Life*, 757.

introduced in the first chapter. Furthermore, the question of generic labels is tied up with questions of audience. In the next two chapters, I will more closely examine the reactions to and receptions of Clinton's speech among various audiences. Some audiences, including those present at the White House event, welcomed the speech enthusiastically. Others in the broader, public audience felt differently. These varying reactions bear on the nature of the "Tuskegee Legacy," the topic of the following chapters.

## 5.0 THE TUSKEGEE LEGACY

The nearly forty years the study has been in the public realm of history, imagination, and rumor must now be added to its forty-year existence.<sup>1</sup>

~ Susan M. Reverby

Previous chapters have explored how Clinton's 1997 Tuskegee Syphilis Study address can be understood as a response to a preceding speech act and how the address might properly be classified. There remains the question, however: What impact did Clinton's address have, or what insights can be understood from the audience's uptake of his message? In rhetorical studies, audiences are not considered to be passive recipients of texts or inevitable sites of persuasion but, rather, active co-constructors of meaning. The audience's role in shaping the understanding and significance of rhetorical events is not necessarily undertaken consciously; Susan Reverby argues, for example, that the pervasiveness of myths about the Tuskegee Study and the intertwining of the myths and facts affect audiences' interpretations and understandings of the Study and its legacy.<sup>2</sup> Still, one way to explore how audiences have made meaning of President Clinton's remarks about the Tuskegee Study is to consider the commentary provided by journalists and newspaper editorials. For example, one newspaper documented that the audience

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<sup>1</sup> Susan M. Reverby, *Examining Tuskegee: The Infamous Syphilis Study and Its Legacy* (Chapel Hill: University of North Carolina Press, 2009), 5.

<sup>2</sup> Reverby, *Examining Tuskegee*, 233-234.

present at the White House ceremony was moved to tears and offered a standing ovation to the President after his remarks.<sup>3</sup> One can interrogate or take at face value the claim that the survivors “and their families, to varying degrees, have found it to forgive their government” but that regardless of forgiveness “the Tuskegee legacy will live on.”<sup>4</sup> Another example of lay understandings of the apology event is found in the report of disappointment and hurt experienced by deceased Study participants’ family members who assumed they could attend the White House ceremony but who had not been included on the exclusive guest list.<sup>5</sup>

While these newspaper accounts are one way to gauge how the public responded to the rhetoric and ceremonial features of Clinton’s address, this chapter analyzes the effects of the speech by focusing on a specific dimension of its impact, one that continues to exhibit durable salience and has also been explored by several empirical studies.

The legacy of the Tuskegee Study has cast a “long shadow,” one that has been said to exert material impact by dissuading African Americans from participating in biomedical research as study subjects.<sup>6</sup> A major impetus for increasing minority enrollment in biomedical studies came with the 1994 National Institutes of Health (NIH) guidelines, which called for more proportional inclusion of women and minorities in biomedical studies in order to account for “the fact that morbidity, mortality, and at-risk behaviors are socially patterned according to, for

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<sup>3</sup> Nancy Mathis, “Atoning for Tuskegee Experiment: On Behalf of a Nation, an Apology,” *Houston Chronicle*, May 17, 1997, STAR Edition, Section A.

<sup>4</sup> Editorial, “A National Apology,” *Washington Post*, May 18, 1997, final edition.

<sup>5</sup> Courtland Milloy, “Adding Insult to Injury,” *Washington Post*, May 18, 1997, final edition, Metro Section.

<sup>6</sup> Tuskegee Syphilis Study Legacy Committee, “Legacy Committee Request,” in *Tuskegee’s Truths: Rethinking the Tuskegee Syphilis Study*, ed. Susan M. Reverby (Chapel Hill: University of North Carolina Press, 2000), 559, 563.

example, race/ethnicity, socioeconomic status, age, and gender.”<sup>7</sup> These guidelines provided an exigency for researchers who needed minority participation in their studies but who also assumed that the Tuskegee legacy was an overpowering obstacle to reaching that goal. The question of the speech’s impact, then, interrogates the extent to which Clinton’s speech was able to lift the “long shadow.”

To explore this question, I first examine how ‘Tuskegee’ has circulated in public discourse as an ideograph, a theoretical construct conceptualized by Michael Calvin McGee as a particularly powerful and rhetorically resonant term, one with unique capacity to shape public consciousness. This analysis lays the groundwork for considering a body of empirical research designed to measure both the durability of the Tuskegee legacy and the effectiveness of Clinton’s speech in mitigating the perceived consequences of that legacy.

There have been several studies conducted to ascertain the influence of the Tuskegee Study over minorities’ attitudes about medical research; four are summarized here. A 1997 focus group study in Atlanta, Georgia sought the views of 33 African American adults regarding medical research. Among other discussion prompts in the five focus groups were questions about whether participants were “familiar with the Tuskegee Syphilis Study” and what they knew about it.<sup>8</sup> These focus groups took place prior to President Clinton’s speech and the Home Box Office release of *Miss Evers’ Boys*, a film based on the events of the Tuskegee Study.<sup>9</sup> Still, every participant claimed to be familiar with the Tuskegee Study<sup>10</sup> and the Study was cited, along with other perceived government conspiracies such as HIV infection and Agent Orange

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<sup>7</sup> Ralph V. Katz and others, “The Tuskegee Legacy Project: History, Preliminary Scientific Findings, and Unanticipated Societal Benefits,” *Dental Clinics of North America* 47 (January 2003): 4.

<sup>8</sup> Giselle Corbie-Smith and others, “Attitudes and Beliefs of African Americans Toward Participation in Medical Research,” *Journal of General Internal Medicine* 14 (1999): 537-538.

<sup>9</sup> *Ibid.*, 543.

<sup>10</sup> *Ibid.*, 541.

exposure, as “contemporary evidence that the legacy of abuse continues in [the African American] population.”<sup>11</sup> One participant even questioned the efficacy of participant protections such as informed consent by referring to the Tuskegee Study: “Even if you give informed consent, like the Tuskegee thing—those men were told they would be treated but they weren’t.”<sup>12</sup>

Another research team conducted a series of seven focus groups in 1997 in four major U.S. cities to learn about African Americans’ knowledge about the Tuskegee Study, attitudes about medical research, and reactions to the film *Miss Evers’ Boys*.<sup>13</sup> The 60 combined participants were in general agreement “that African Americans should generally avoid involvement [in medical research] given knowledge of past abuses and the inability to be certain that abuses would not reoccur.”<sup>14</sup> Participants’ factual knowledge about the Tuskegee Study tended to be overshadowed by their familiarity with common misconceptions about the Study, but they considered the Tuskegee Study to be typical of racist treatment of African Americans at that time in the United States’ past.<sup>15</sup>

A 1998-1999 survey of 198 Detroit residents found that awareness of the Tuskegee Study was not in itself the cause for diminished trust in medical researchers but was a “contribution to the overall distrust of medical research among African Americans.”<sup>16</sup> Additionally, the study found that African Americans who knew about the Tuskegee Study were actually *more* likely to

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<sup>11</sup> Ibid., 544.

<sup>12</sup> Ibid., 541.

<sup>13</sup> Vicki S. Freimuth and others, “African Americans’ Views on Research and the Tuskegee Syphilis Study,” *Social Science and Medicine* 52, no. 5 (March 2001): 797.

<sup>14</sup> Ibid., 802.

<sup>15</sup> Ibid., 805.

<sup>16</sup> Vickie L. Shavers, Charles F. Lynch, and Leon F. Burmeister, “Racial Differences in Factors that Influence the Willingness to Participate in Medical Research Studies,” *Annals of Epidemiology* 12, no. 4 (May 2002): 254. The specific prompt used to determine participants’ awareness of the Tuskegee Syphilis Study is not given in the published article.

indicate a willingness to participate in medical research than those who didn't know about the Study, especially if they had indicated that the Tuskegee Study did not decrease their trust in researchers.<sup>17</sup> Another study, published in 2003, surveyed 438 adults over the age of 50 to assess their willingness to participate in clinical research studies.<sup>18</sup> The researchers found that knowledge of the Tuskegee Study was not an influential factor in either African American or White participants' willingness to participate in cancer treatment research, although other factors diminished African Americans' willingness to participate as compared to Whites.<sup>19</sup> The researchers conclude, "knowledge of the Tuskegee study appears to be a symbol of distrust among African Americans, but not necessarily a deterrent to research participation."<sup>20</sup>

These and other studies<sup>21</sup> shed some light on the Tuskegee legacy's effects on minority involvement in medical research, but one particular research program deserves extended treatment for several reasons. The "Tuskegee Legacy Project," led by Ralph V. Katz, has gathered data and analyzed this issue for over 15 years, features a larger and more geographically diverse survey population than other studies, and, significantly, was the first to include Clinton's

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<sup>17</sup> Ibid., 252.

<sup>18</sup> Diane R. Brown and Meral Topcu, "Willingness to Participate in Clinical Treatment Research Among Older African Americans and Whites," *Gerontologist* 43, no. 1 (February 2003): 62-72.

<sup>19</sup> Ibid., 67-68. The researchers describe their method of assessing knowledge of the Tuskegee Syphilis Study: "Subsequent to the questions on willingness to participate in clinical cancer treatment trials, respondents were asked, 'Have you heard of the Tuskegee syphilis experiment?' The responses were coded 1 for yes only if the respondents could demonstrate some knowledge regarding the Tuskegee experiment, such as a description of the subjects. Otherwise, the response was coded 0 for no knowledge" (ibid., 66).

<sup>20</sup> Ibid., 70.

<sup>21</sup> See, for example: Benjamin R. Bates and Tina M. Harris, "The Tuskegee Study of Untreated Syphilis and Public Perceptions of Biomedical Research: A Focus Group Study," *Journal of the National Medical Association* 96, no. 8 (August 2004): 1051-1064; B. L. Green and others, "Participation in Health Education, Health Promotion, and Health Research by African Americans: Effects of the Tuskegee Syphilis Experiment," *Journal of Health Education* 28, no. 4 (1997): 196-201; B. L. Green and others, "African-American Attitudes Regarding Cancer Clinical Trials and Research Studies: Results from Focus Group Methodology," *Ethnicity and Disease* 10, no. 1 (Winter 2000): 196-201; and Sohini Sengupta and others, "Factors That Influence African Americans' Willingness to Participate in AIDS Research," *Journal of Acquired Immune Deficiency Syndromes* 24, no. 3 (July 2000): 275-284.

speech as a potential contributing factor to public knowledge and understanding of the Tuskegee Study and legacy. Katz recognized the need for such research based on the “widespread belief that the legacy of this unethical research event is that the African American community has a greater reluctance to participate in clinical research studies as a result of the abuses foisted on the 400 African American sharecroppers in Macon [County]” during the Tuskegee Syphilis Study.<sup>22</sup>

This chapter, then, considers the rhetorical power of the Tuskegee legacy—the lingering pall that accompanies the memory of the Study—and explores the extent to which Clinton’s speech may work to lift “the long shadow” of the legacy. In doing so, the following analysis sheds further light on the significance of Clinton’s address as a rhetorical artifact, while also highlighting how the rhetorical criticism advanced in this project engages salient issues of ongoing concern.

## 5.1 <TUSKEGEE> AS IDEOGRAPH

The Tuskegee Study has left a lasting impression on medical professionals, bioethicists, and laypeople alike, and it is appropriate that such a preventable tragedy should be remembered. One concern for this chapter is *how* the Study has been remembered and how that memory shapes the Tuskegee legacy. To guide this exploration, I employ the analytical frame of the ideograph, as conceptualized by rhetorician Michael Calvin McGee.

Ideographs, according to McGee, are “one-term sums of an orientation,” the grammatical

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<sup>22</sup> Katz and others, “Tuskegee Legacy Project,” 3-4.



“building blocks” of ideology.<sup>23</sup> These terms, specific to a particular cultural milieu, bear highly charged connotations that instruct users about the proper way to perceive and live in their world, whether or not they are aware that the terms exert this influence. In this way, ideographs are related to “ultimate terms” as described by rhetorician Richard M. Weaver.<sup>24</sup> Both ultimate terms and ideographs embody particular rhetorical thrust and influence, even as they seem to be simply natural within a cultural and political lexicon. However, ideographs attend to the *social* aspect of human experience more than general ultimate terms;<sup>25</sup> they perform “a task of socialization, an exercise in epideictic rhetoric” that teaches us “to make, or comprehend, judgments of public motives and [...] civic duty.”<sup>26</sup> Ideographs are mobilized through formal and casual discourse that circulates without question (unless competing ideographs emerge to create friction, as when privacy and security concerns clash).<sup>27</sup> Thus, ideographs serve as a persuasive short cut that can frustrate attempts at (counter-) argumentation because they have already been mobilized—and accepted—to some degree as “prior persuasion” in the service of an ideology.<sup>28</sup> They “come to be as a part of the real lives of the people whose motives they articulate.”<sup>29</sup>

For example, one ideograph in American culture is “equality,” a term invoked to motivate and justify myriad political and social behaviors. However, the exact meaning of

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<sup>23</sup> Michael Calvin McGee, “The ‘Ideograph’: A Link Between Rhetoric and Ideology,” *Quarterly Journal of Speech* 66, no. 1 (February 1980): 7.

<sup>24</sup> McGee acknowledges the relationship between ultimate terms and ideographs, as well: “Ideographs are one-term sums of an orientation, the species of ‘God’ or ‘Ultimate’ term that will be used to symbolize the line of argument the meanest sort of individual *would* pursue, if that individual had the dialectical skills of philosophers, as a defense of a personal stake in and commitment of the society” (Ibid.). Weaver explains his concept of ultimate terms in the ninth chapter of *The Ethics of Rhetoric*, originally published in 1953 by Regnery/Gateway Inc. The reprinted edition was published by Hermagoras Press (Davis, CA) in 1985.

<sup>25</sup> McGee, “Ideograph,” 8.

<sup>26</sup> Ibid., 11.

<sup>27</sup> Ibid., 7.

<sup>28</sup> Ibid., 5.

<sup>29</sup> Ibid., 7.

“equality” in these usages not only is left unarticulated but also varies to some degree between usages. As McGee describes, we can try to define our meaning of “equality” by referencing historical events and previous usages of the term; present uses of “equality” must conform to an acceptable degree with the precedent usage. The term’s rhetorical power flows from how and why it is invoked in the course of persuasion, rather than from a specifically articulated definition.<sup>30</sup> The following section considers how the term ‘Tuskegee’ exhibits similar ideographic qualities.

The media coverage that initially exposed the Tuskegee Syphilis Study effectively made ‘Tuskegee’ a one-word summary of the 40-year study and turned the term into a transcendent referent for government deceptions in medicine and bioethics violations generally. We know that the name and specter of the Tuskegee Study still circulate in contemporary biomedical, bioethical, and cultural discourses—some of these discourses will be identified in this chapter. One way to make sense of the persistent invocation of ‘Tuskegee’ as a representative anecdote or paradigm example of 20<sup>th</sup> century bioethical failure in the United States is to consider how the term ‘Tuskegee’ operates as an ideograph, complete with particular connotative commitments and motivations.

Since the Study dealt specifically with syphilis and African American men, <Tuskegee><sup>31</sup> as an ideograph symbolically evokes the stigma of STDs, class difference, and the long history of racial discrimination and slavery in the United States. As McGee writes with reference to ideographs, “human beings are ‘conditioned’ [...] to a vocabulary of concepts that

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<sup>30</sup> The significance of ideographs “is in their concrete history as usages, not in their alleged idea-content,” according to McGee (ibid., 10).

<sup>31</sup> I use the angle brackets to indicate reference to an <ideograph>, following the lead of Lucaites and Condit in their ideographic rhetorical criticism article. See John Louis Lucaites and Celeste Michelle Condit, “Reconstructing <Equality>: Culturetypal and Counter-Cultural Rhetorics in the Martyred Black Vision,” *Communication Monographs* 57, no. 1 (1990): 5-24.

function as guides, warrants, reasons, or excuses for behavior and belief.”<sup>32</sup> Through family conversations, community dialogues, media accounts, and written history, the legacy of the Tuskegee Study has conditioned <Tuskegee> as a term that transcends generations and locales to warrant broad-based distrust of medicine.<sup>33</sup> In the words of historian Susan M. Reverby, “Nations are built on the myths and stories they tell themselves. ‘Tuskegee’ is one of the foundational stories of American racism in the twentieth century, and it anchors our beliefs about race, medicine, and science.”<sup>34</sup>

As we shall see in the next section of this chapter, the Tuskegee Legacy Project has shown that a significant proportion of people surveyed are aware of the Tuskegee Syphilis Study but they know very little, factually, about it. More often, what is “known” about the Study are commonly circulating myths or distortions, yet this “knowledge” drives the ideograph of <Tuskegee> nonetheless. Reverby postulates that the myths about the Study have developed and persisted due to several influential factors: the varied retelling of the Tuskegee Study in theater, film, and documentaries;<sup>35</sup> conflation of the Tuskegee Study with other contemporary and ethically troubling studies such as the Willowbrook and Jewish Chronic Disease Hospital cases;<sup>36</sup> the similar title given to the World War II Tuskegee Airmen as the “Tuskegee

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<sup>32</sup> McGee, “Ideograph,” 6.

<sup>33</sup> The Tuskegee Legacy Project’s findings of increased fear of participation in biomedical studies among Blacks who were aware of the Tuskegee Study partially confirm this. See Ralph V. Katz and others, “Awareness of the Tuskegee Syphilis Study and the US Presidential Apology and Their Influence on Minority Participation in Biomedical Research,” *American Journal of Public Health* 98, no. 6 (June 2008): 1140; Ralph V. Katz and others, “The Legacy of the Tuskegee Syphilis Study: Assessing its Impact on Willingness to Participate in Biomedical Studies,” *Journal of Health Care for the Poor and Underserved* 19, no. 4 (November 2008): 1175.

<sup>34</sup> Reverby, *Examining*, 239.

<sup>35</sup> Reverby, *Examining*, 205-215.

<sup>36</sup> *Ibid.*, 190-192, 201. These two studies are known, respectively, as the Willowbrook Study (at the Willowbrook Hospital for children with retardation on Staten Island, 1963-1966, where children were orally given the live hepatitis virus with their parents’ permission) and the Jewish Chronic Disease Hospital case (at the hospital in Brooklyn from 1964-1965, where older patients were injected with live cancer cells).

Experiment”<sup>37</sup> (and the fact that Laurence Fishburne starred in film dramas about both the syphilis study and the airmen);<sup>38</sup> the rhetorical link made by some bioethicists between the Nazi doctors’ experiments at Nuremberg and the Study;<sup>39</sup> and, of course, the ways in which stories generally circulate among families and communities.<sup>40</sup> The myths about the Study cannot be disregarded, however, because they actively contribute to the connotations and rhetorical power associated with <Tuskegee>. The myths intertwine with the facts to form the ideograph's mosaic of meaning.

Furthermore, McGee writes that ideographs with negative connotations (like <Tuskegee>) “may guide behavior and belief negatively by branding unacceptable behavior.”<sup>41</sup> In the case of the Tuskegee Study, the unacceptable behaviors and conditions included deception, absence of informed consent, inability to “unenroll” in the Study, and withholding potentially life-saving treatment from participants after it became widely available. Other Western ideographs like <science> or <technology> have met their match in <Tuskegee> because science, technology, and the government were at the root of the betrayal of hundreds of men over four decades of the Public Health Service Study at Tuskegee. The pursuit of medical advancement and knowledge led to preventable and curable morbidity and mortality for many of the participants of the Study, and that reality is hard to reconcile with the modernist appeal of technological progress. Even the establishment of Institutional Review Boards, research protocols, and ethics advisors have not necessarily weakened the power of <Tuskegee> for those

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<sup>37</sup> Ibid., 200.

<sup>38</sup> Ibid., 215.

<sup>39</sup> Ibid., 192-193.

<sup>40</sup> For example, African American minister Melvin Tuggle, who grew up near the hospital at Johns Hopkins University, attests, “When I was a child,” distrust of the hospital, with its history of segregation, “was passed down from parents and community people.” Christopher Windham, “How a Hospital Works to Gain Trust of Blacks,” *Wall Street Journal*, August 9, 2004, B1.

<sup>41</sup> McGee, “Ideograph,” 15.

potential research subjects who continue to be skeptical of medical professionals' ethics.<sup>42</sup>

Regarding the relationship between the historical event of the Tuskegee Study and the power of its memory, Reverby writes:

We cannot look at the Study as if the symbolic "Tuskegee" does not exist. The symbolism informs how we understand the facts, what questions we ask, what explanations we offer. In turn, as with any historical event that becomes mythic, examination of the "facts" often does little to undermine a powerful and useful story. There is a truth to what actually happened, and trying to understand it does matter. In this sense, the counter-narratives should be read, their facts should be measured, and the arguments should be considered, if for no other reason than to understand why they are being made.<sup>43</sup>

By this account, the transcendence and recalcitrance of <Tuskegee> poses a significant rhetorical challenge. In the next section, I examine a body of empirical research designed to interrogate the extent of the influence of <Tuskegee> over Americans' attitudes and behaviors regarding biomedical research and whether Clinton's speech of apology has inflected <Tuskegee>'s influence.

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<sup>42</sup> For example, the focus group research by Corbie-Smith and others reveals that many laypeople do not understand the purpose of informed consent and believe that ethical guidelines for researchers can easily be ignored by unscrupulous professionals as they were during the Tuskegee Study. Furthermore, some focus group participants were nervous about not being able to understand the technical terminology in an informed consent document. "Attitudes and Beliefs," 540-541.

<sup>43</sup> Reverby, *Examining*, 233.

## 5.2 TUSKEGEE LEGACY PROJECT

The analyses in previous chapters have raised questions about the importance and lingering influence of the Tuskegee Syphilis Study and Clinton's speech of apology within the context of the Tuskegee "legacy." What is the recurrent rhetorical situation that medical researchers face during recruitment for studies? How does Clinton's apology serve as a rhetorical resource (or constraint) for researchers seeking to address the recurrent rhetorical situation of recruiting and retaining minorities in medical research? These questions are closely related to those addressed through empirical research conducted by public health researcher Ralph V. Katz and his colleagues over the course of the past decade or so. The conclusions reached by Katz and colleagues are now becoming part of the contemporary understanding of how the Tuskegee legacy circulates among both researchers and the lay public. The researchers' findings also present opportunities to explore the effects of Clinton's speech on audiences, while maintaining a reflexive critical stance regarding ways in which the survey research itself may shape those effects.

Dr. Ralph Katz, the principal investigator of the Tuskegee Legacy Project, was prompted to undertake this research program as a direct result of his participation in the 1994 University of Virginia symposium on the Tuskegee legacy.<sup>44</sup> Then a dentist and public health professor at the University of Connecticut Health Center's School of Dental Medicine, Katz was interested in issues of minority health disparities and participation in medical research and so he attended the

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<sup>44</sup> Katz and others, "Tuskegee Legacy Project," 3.

symposium as an audience member.<sup>45</sup> According to Katz, when his wife came across the announcement about the event, he was immediately interested due to the slate of speakers (especially James Jones, whose book Katz had used in his own classrooms), his own research interests in minority health and racial health disparities, and his role as director of the Northeastern Minority Oral Health Research Center (NMOHRC), which had a clear need to successfully recruit participants into its studies about oral health conditions disproportionately affecting African Americans.<sup>46</sup> Following the symposium, Katz reflected upon the presenters' discussion of the "legacy" of the Tuskegee Syphilis Study and their central presumption that African Americans were reluctant to participate in medical research due to the abuses of that Study. He remarked, "[T]his array of highly qualified speakers had achieved the academically impossible. They had collectively talked for over 8 hours and had provided no references on which to base, much less judge, the central hypothesis... [that] the USPHS [United States Public Health Service]-Tuskegee experiment was at the heart of this reluctance to become a research participant."<sup>47</sup> Katz conducted a literature search to find any empirical support for this "legacy" that "appeared to be known more in the gut than in the head" of the speakers and came up empty, so he initiated the development of an empirical study called the Tuskegee Legacy Project (TLP) that aimed to "document, directly address, and hopefully mollify the specific concerns harbored by African Americans as they were invited to participate in future studies focused on minority health issues."<sup>48</sup> The tool at the heart of the TLP is the Tuskegee Legacy Project (TLP) Questionnaire, a 60-item survey instrument developed through several pilot studies between

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<sup>45</sup> Ibid., 2. Katz is a professor of Epidemiology and Health Promotion at the New York University College of Dentistry. New York University College of Dentistry, "Faculty Information," New York University, <http://www.nyu.edu/dental/faculty/bios/ft/RVK1>.

<sup>46</sup> Katz and others, "Tuskegee Legacy Project," 2.

<sup>47</sup> Ibid., 2-3.

<sup>48</sup> Ibid., 3.

1994-1998 and reviewed by panels of relevant scholars and experts, including those gathered in 1996 to form the Tuskegee Syphilis Study Legacy Committee.<sup>49</sup>

As discussed earlier in this chapter, several qualitative and quantitative studies have been conducted to determine the degree of influence the Tuskegee legacy exerts over contemporary biomedical research. There are several reasons, however, to focus specifically on the work done by Katz and his research team. First, Katz's interest in the legacy of the Tuskegee Study dates back over 15 years, and the Tuskegee Legacy Project he pioneered has been active for almost as long, starting with pilot studies in the summer of 1994 and generating published articles as recently as December 2009. In addition to the longevity of the Tuskegee Legacy Project, this research program differs from prior studies in several ways. While developing the TLP and its Questionnaire, the TLP researchers conducted literature reviews<sup>50</sup> of other research assessing the impact of the Tuskegee Syphilis Study and identified what they considered shortcomings of the other studies, including their limitation to single cities, limited reporting of findings, and use of a single prompt about respondents' willingness to participate in research.<sup>51</sup> By contrast, the TLP researchers designed their survey instrument to be the first to assess quantitatively the "community impact [...] of President Clinton's 1997 apology for the Tuskegee Syphilis Study" and to do so with the "largest and most geographically diverse study sample to date."<sup>52</sup> Additionally, the TLP Questionnaire used multiple and varying probes to assess respondents'

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<sup>49</sup> Ibid., 9-10.

<sup>50</sup> Years later, reviews of eight published studies—both qualitative and quantitative—were published as a separate article by members of the Tuskegee Legacy Project team. See Jan M. McCallum and others, "Awareness and Knowledge of the U.S. Public Health Service Syphilis Study at Tuskegee: Implications for Biomedical Research," *Journal of Health Care for the Poor and Underserved* 17, no. 4 (November 2006): 716-733.

<sup>51</sup> Ralph V. Katz and others, "Willingness of Minorities to Participate in Biomedical Studies: Confirmatory Findings from a Follow-Up Study Using the Tuskegee Legacy Project Questionnaire," *Journal of the National Medical Association* 99, no. 9 (September 2007): 1052-1053.

<sup>52</sup> Katz and others, "Awareness of the Tuskegee Syphilis Study," 1141.



awareness and knowledge of the Tuskegee Study, and the specific wording of these probes is provided in the articles published about the TLP research.

In the subsections that follow, I provide a description of several analyses conducted by the TLP research team based on data gathered with the TLP Questionnaire. I then discuss the “face value” findings of the TLP researchers with regard to the durability of the Tuskegee legacy and the efficacy of Clinton’s speech in lifting “the long shadow” of <Tuskegee>. I conclude the analysis of the TLP research with a rhetorical assessment of how the TLP research itself functions within the Tuskegee legacy and its ideograph. Such analysis promises to shed light on the initial questions driving this chapter, especially regarding the rhetorical critic’s opportunity to consider audience effects while keeping a broader perspective of the rhetorical artifacts under examination. A rhetorical perspective also foregrounds ways that Katz and colleagues’ study design is itself constitutive of social meaning.

### **5.2.1 Research by Katz and Colleagues**

The Tuskegee Legacy Project Questionnaire has been deployed in a total of seven cities (to date).<sup>53</sup> The various elements of the gathered data that are presently relevant include respondents’ recognition of the Tuskegee Syphilis Study (TSS); knowledge and/or recall of the TSS—both its facts and its enduring myths; awareness of the presidential apology; knowledge of who gave the presidential apology; and the relationship among respondents’ knowledge of the TSS and presidential apology, attitudes about biomedical research, and willingness to participate

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<sup>53</sup> For example, in 2001 the TLP research team began follow-on research using two instruments derived from the TLP Questionnaire: “[O]ne focuses on willingness to participate and factors that affect participation in cancer screenings, and the other is being used to continue to gather data on the reasons why individuals do or do not volunteer to be research participants.” Katz and others, “Tuskegee Legacy Project,” 15.

in biomedical research. In this section, I summarize four articles published by the Tuskegee Legacy Project research team that focus on the possible enduring effects of the Tuskegee “legacy” for biomedical researchers.<sup>54</sup> Here, I take the researchers’ methods and findings at face value and save my own analysis for a later section.

In a random-digit-dialed telephone survey conducted between March 1999 and 2000, Katz and colleagues administered the TLP Questionnaire to 1,133 adults in four city/county areas: Birmingham (Jefferson County), Alabama; Tuskegee (Macon County), Alabama; Hartford (Hartford County), Connecticut; and San Antonio (Bexar County), Texas.<sup>55</sup> One particular focus of this survey was to determine any differences among Hispanics, Whites, and Blacks with regard to “the level of awareness of the Tuskegee Syphilis Study and the U.S. presidential apology made to the Black community,” as well as how awareness of either or both might influence respondents’ “willingness to participate in biomedical studies.”<sup>56</sup> Subjects were asked directly, “Have you ever heard of the Tuskegee Syphilis Study?” and, if they responded in the affirmative, were asked, “As a result of what you have heard about the Tuskegee Syphilis Study, how likely are you to participate in a medical research study?”<sup>57</sup> Regarding Clinton’s speech, subjects were asked, “Has any US President ever apologized for the Tuskegee Syphilis Study?”<sup>58</sup> Follow-up questions to affirmative responses included: “Which US President? Based upon what

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<sup>54</sup> As my goals are rhetorical rather than statistical analysis, many details about the TLP data are omitted from my descriptions, though full citations are provided for readers wishing to learn more about the TLP.

<sup>55</sup> Katz and others, “Awareness of the Tuskegee Syphilis Study,” 1137.

<sup>56</sup> *Ibid.*

<sup>57</sup> *Ibid.*, 1139. Respondents were given a 5-point Likert scale with which to rate their likeliness to participate from “much more likely” to “much less likely.”

<sup>58</sup> *Ibid.*

you heard about the apology, would it influence your decision to join a biomedical research study today? Did that apology make you more or less likely to join a study?”<sup>59</sup>

Three probes were analyzed by the researchers as “key” questions (Have you ever heard of the Tuskegee Syphilis Study? Has any US President ever apologized for the Tuskegee Syphilis Study? Which US President made the apology?).<sup>60</sup> Based on the results, the researchers concluded that Blacks showed a much higher awareness of both the Tuskegee Syphilis Study and the fact that Clinton had offered an apology than either Whites or Hispanics.<sup>61</sup> However, Blacks and Whites were about the same in their knowledge that there had been a presidential apology.<sup>62</sup>

The researchers also investigated respondents’ awareness of the Tuskegee Syphilis Study and the apology with regard to their willingness to participate in biomedical studies. They report, “Blacks who had heard of the Tuskegee Syphilis Study were much less negatively affected by that awareness than were Whites. This was true regardless of whether it was the impact of having heard about the Tuskegee Syphilis Study or of having heard of the presidential apology for the study.”<sup>63</sup> Still, the plurality of Blacks and Whites who knew about the Tuskegee Syphilis Study indicated that they were less likely to participate in biomedical research studies.<sup>64</sup>

A follow-up analysis of data gathered through the TLP Questionnaire delved more deeply into the differences between Blacks and non-Hispanic Whites to answer the question “Does awareness and/or detailed knowledge of the Tuskegee Syphilis Study influence one’s willingness

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<sup>59</sup> Ibid. Respondents were given a 5-point Likert scale with which to rate their likeliness to join a study from “much more likely” to “much less likely.”

<sup>60</sup> Ibid., 1139-1140.

<sup>61</sup> Ibid., 1140. But, according to the researchers, too few Hispanics knew about the apology to make comparisons among the racial/ethnic groups regarding the chances that respondents knew Clinton had made the apology.

<sup>62</sup> Ibid.

<sup>63</sup> Ibid.

<sup>64</sup> Ibid. Later research by the TLP, discussed in this section, disconfirms this finding.

to participate in biomedical studies in 1999-2000?”<sup>65</sup> This study summarized the findings of the “Awareness” study (discussed above) that “Blacks were 2-3 times *more* likely than Whites to be willing to participate in biomedical studies despite having heard of the Tuskegee Syphilis Study or the Presidential Apology.”<sup>66</sup> The analysis for this “Assessing” study excluded respondents from the San Antonio area and specifically employed two scales derived from the TLP Questionnaire, the 17-question Likelihood of Participation (LOP) Scale and the 5-question Guinea Pig Fear Factor (GPFF) Scale, as well as a Tuskegee Syphilis Study Facts & Myths Quiz of seven true/false questions integrated into the Questionnaire.<sup>67</sup>

The 68.4% of subjects who said they had heard of the Tuskegee Syphilis Study were given the following Facts & Myth Quiz to assess the level of their knowledge of the Study (the correct answer is included here in parentheses):

Introduction: I would like to know what specific facts you remember about the Tuskegee Syphilis Study. Would you tell me whether the following statements are True or False. If you don't know, please tell me that.

1. Black men and women were subjects in the study (F)
2. The subjects were injected with syphilis (F)
3. The nurse who recruited them was Black (T)
4. The study lasted 40 years (T)
5. The subjects were told they had syphilis (F)
6. The study was run by U.S. government doctors (T)

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<sup>65</sup> Katz and others, “Legacy: Assessing its Impact,” 1169.

<sup>66</sup> Ibid. My analysis of how the researchers framed this finding will be discussed in a later section.

<sup>67</sup> Ibid., 1170.

7. The study ended when penicillin was discovered as a cure for syphilis<sup>68</sup> (F)<sup>69</sup>

The results of this quiz were noteworthy: 90% of respondents correctly answered 3 or fewer questions and the top scores achieved were 5 (Blacks) and 6 (Whites).<sup>70</sup> For example, 65-85% of respondents (depending on race and city) incorrectly believed that the subjects of the Tuskegee Syphilis Study had been injected with syphilis, though it was statistically significant that more Blacks held this belief than did Whites.<sup>71</sup>

The results of the Facts & Myth quiz were analyzed along with the results of the LOP and GPF Scales. The researchers determined that, overall, awareness of the Tuskegee Syphilis Study did not affect the willingness to participate nor the fear about participating in biomedical research.<sup>72</sup> Detailed knowledge of the Tuskegee Syphilis Study showed only a “weak, albeit statistically significant inverse relationship” with the GPF Scale, indicating an increased fear about participating in biomedical research.<sup>73</sup> However, a “significant relationship was observed among Blacks between awareness of the TSS and willingness to participate but only in the small city of Tuskegee, the epicenter of this infamous event.”<sup>74</sup> The researchers nonetheless concluded that the Tuskegee Syphilis Study is “neither the sole nor primary reason—nor after three decades even a distinctly identifiable reason—for poor levels of participation” in biomedical research

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<sup>68</sup> Later, the researchers realized this statement would have been “more precisely worded as ‘The study ended once penicillin became widely available as a treatment for syphilis’” (ibid., 1178).

<sup>69</sup> Ibid., 1171.

<sup>70</sup> Ibid., 1172.

<sup>71</sup> Ibid., 1172, 1174.

<sup>72</sup> Ibid., 1172, 1175.

<sup>73</sup> Ibid., 1175.

<sup>74</sup> Ibid., 1177.

and, therefore, study designers and recruiters need to develop strategies to ensure that minorities will enroll in biomedical studies.<sup>75</sup>

In 2003, the Tuskegee Legacy Project researchers sought to retest their findings about awareness of the Tuskegee Study and willingness to participate in biomedical research. This time, they administered the TLP Questionnaire from September to December 2003 to 1,162 adults living in New York City; Baltimore, Maryland; and San Juan, Puerto Rico.<sup>76</sup> The findings supported their earlier research: there was no relationship between awareness of the Tuskegee Study and self-reported willingness to participate in biomedical research.<sup>77</sup> Considering these confirmed findings, the research team suggests five categories of reasons why there may exist low participation by minorities in biomedical studies:

[L]ack of concrete knowledge of how biomedical research has benefited African Americans, as well as other groups, in the past; the lack of African Americans in visible leadership roles in biomedical studies; distrust of specific research institutions based upon the latter's historical relationship with their local African American communities; lack of "endorsement" of the proposed research by trusted, grass roots leaders in the community; and lack of time and energy to participate in research studies owing to demanding family or job responsibilities.<sup>78</sup>

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<sup>75</sup> Ibid., 1178.

<sup>76</sup> Ralph V. Katz and others, "Exploring the 'Legacy' of the Tuskegee Syphilis Study: A Follow-up Study from the Tuskegee Legacy Project," *Journal of the National Medical Association* 101, no. 2 (February 2009): 180.

<sup>77</sup> Ibid., 181. While the relationship between awareness and likelihood of participation was found to exist for Whites living in Baltimore, the researchers believe it likely to be a "spurious finding due to the direction of the finding as well as the high number of analyses conducted" (ibid.).

<sup>78</sup> Ibid., 182.

The researchers note, however, that each of these reasons is subject to confirmation through focus group discussions in local communities or more specifically targeted survey research of African Americans.<sup>79</sup>

The most recent publication from the Tuskegee Legacy Project researchers regarding awareness and knowledge of the Tuskegee Syphilis Study was released in December 2009.<sup>80</sup> In this analysis, 1,162 respondents in New York City, Baltimore, and San Juan were asked both recall and recognition questions about their knowledge of any research studies, including the Tuskegee Syphilis Study specifically, that had influenced their opinion of biomedical research.<sup>81</sup> The first probe to assess respondents' recall asked, "Have you ever read about, or ever heard of, any incidents or events related to medical studies or diseases that have ever affected your trust in medical research?"<sup>82</sup> The open-ended follow-up question for affirmative responses was: "What were the specific events, studies or diseases?"<sup>83</sup> The responses were coded hierarchically, based on descriptions given by the survey participants, as "definitely" identifying the TSS (by name or by clear description), "most likely" identifying the TSS (no name given but some descriptions likely linked to the Study), "questionable" identification of the TSS (descriptions given *might* be linked to the Study), and "did not identify" the TSS (no descriptions with reasonable links to the Study).<sup>84</sup> Ten questions later, respondents were asked a direct recognition probe and an open-ended follow-up question: "Have you ever heard anything about the Tuskegee Syphilis Study?"

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<sup>79</sup> Ibid..

<sup>80</sup> Ralph V. Katz and others, "Identifying the Tuskegee Syphilis Study: Implications of Results From Recall and Recognition Questions," *BMC Public Health* 9 (2009), <http://www.biomedcentral.com/1471-2458/9/468>.

<sup>81</sup> Ibid. This analysis did not reference participants' awareness of Clinton's apology.

<sup>82</sup> Katz and others, "Identifying the Tuskegee Syphilis Study;" Katz and others, "Identifying the Tuskegee Syphilis Study," Additional File 1, <http://www.biomedcentral.com/1471-2458/9/468/additional/>.

<sup>83</sup> Katz and others, "Identifying the Tuskegee Syphilis Study," Additional File 1.

<sup>84</sup> Katz and others, "Identifying the Tuskegee Syphilis Study."

and, if the response was affirmative, “What have you heard about the Tuskegee Syphilis Study?”<sup>85</sup> Responses to the follow-up question were categorized as “Factually Correct TSS Details,” “Myth (i.e., factually incorrect) TSS Details,” and “No TSS Details” (those that pertained only to syphilis as a disease or that had no relevance to the TSS at all).<sup>86</sup>

Less than 12% of those surveyed could either “definitely” or “most likely” identify the Tuskegee Syphilis Study in response to the recall probe (“What were the specific events, studies or diseases?” that affected one’s trust in medical research).<sup>87</sup> While the rates of awareness were much higher in response to the recognition question (“Have you ever heard anything about the Tuskegee Syphilis Study?”), the results of this probe with its follow-up solicitation of details about the TSS confirmed the TSS Facts and Myth Quiz results from the 1999-2000 TLP Questionnaire survey—respondents demonstrated a low degree of detailed knowledge of the TSS, whether asked open-ended or direct questions about the Study’s attributes.<sup>88</sup>

The researchers identify three major implications of their most recent analysis. First, they caution against assuming what populations “know” about events like the Tuskegee Study, even if community leaders seem to be influenced by particular “knowledge” of those events. They write, “[I]t appears that more individuals hold a vague impression of having heard of this negative medical event which would affect their trust in research, than can actually name or give details about that specific event.”<sup>89</sup> Second, Blacks’ and other minorities’ awareness or detailed knowledge of the TSS is unlikely to have any impact on their willingness to participate in biomedical research, “given the extremely low level” of awareness and detailed knowledge

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<sup>85</sup> Katz and others, “Identifying the Tuskegee Syphilis Study,” Additional File 1.

<sup>86</sup> Katz and others, “Identifying the Tuskegee Syphilis Study.”

<sup>87</sup> Ibid.

<sup>88</sup> Ibid.

<sup>89</sup> Ibid.



recorded in the TLP Questionnaire results. This result was acknowledged to be in contrast to an earlier TLP finding that awareness of the Study increased respondents' fear of participation. Third, the researchers reached a conclusion about methodology: recognition questions are "more likely to trigger memory" than are recall questions because, in recognition questions, some information is given as a cue and the questions are less mentally taxing.<sup>90</sup>

Katz and colleagues have generated several other publications analyzing and explicating the data gathered from the TLP Questionnaire, but those described above are most relevant to public attitudes about the Tuskegee Study and Clinton's speech. In the next sections, I discuss how these data relate to this chapter's central research questions about the Tuskegee legacy and the role of Clinton's speech within that legacy.

#### **5.2.1.1 TLP Findings About the Tuskegee Legacy**

The findings of the Tuskegee Legacy Project research and analyses indicate that the influence of the Tuskegee legacy is not as strong as many might have believed, particularly with regard to biomedical recruitment efforts. As Katz reported from his experience at the University of Virginia symposium, there had been a prevalent assumption among Tuskegee Study scholars and experts that the Study was largely responsible for African Americans' reluctance to volunteer as research subjects.<sup>91</sup> The empirical research conducted via the TLP Questionnaire contradicted those assumptions.

The TLP results also seem to indicate that the ideograph <Tuskegee> is fading. If the memory of the Study is not sufficient to deter minorities from volunteering as research participants, the power of the term 'Tuskegee' to evoke feelings of anxiety and fear must be

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<sup>90</sup> Ibid.

<sup>91</sup> Katz and others, "Tuskegee Legacy Project," 2-3.

losing motivational force, at least for the laypeople who were the focus of the TLP research. If, as McGee asserts, ideographs work to teach and train our social behaviors, <Tuskegee> no longer appears to be “teaching” Americans to fear and reject participation in medical research. The beliefs associated with the Tuskegee Study, as assessed by the TLP, concern the facts and motivations of the Study but do not seem to translate into behavior-constraining beliefs or ideologies about the scrupulousness of present-day physicians and clinical researchers. Furthermore, the power of <Tuskegee> and the awareness of the Study were shown not to follow race lines—Whites were, in some cases, *more* negatively affected by their knowledge of the Study than Blacks and residents of Tuskegee, Alabama were affected differently than people from other regions. This finding seems to indicate that the circulation of <Tuskegee> may vary among different communities, which is consistent with McGee’s description of ideographs as culturally and socially situated.

Katz and colleagues concluded that investigators preparing to recruit minorities in their research studies should be sensitive to a broader range of constraints that limit minorities’ enrollment and not presume that <Tuskegee> is the primary or even a notable influence. Researchers should strive to address the real rather than the *perceived* reasons why minorities do not or cannot enroll in biomedical studies. This conclusion points to the power of <Tuskegee> over researchers as compared to laypeople; many researchers may believe that the term and the memory are more pervasive and harmful than empirical research shows them to be.

However, the prevalence and persistence of many myths about the Tuskegee Study, as revealed in the TLP research, indicate that <Tuskegee> continues to carry powerful connotations that influence social judgments. One’s understanding of the government doctors’ motives, for example, is certainly affected by the belief that the Tuskegee Study participants were deliberately

infected or by the belief that *all* those involved with conducting the Tuskegee Study were White. Ideographs build and support our interpretations of the social world around us, and the particular associations that individuals make with <Tuskegee> surely inflect their perceptions of history and the present, whether or not they are aware of the influence of the ideograph.

### **5.2.1.2 TLP Findings About the Efficacy of Clinton’s Speech**

Although the Tuskegee Legacy Project was the first empirical study to specifically explore the effects of Clinton’s speech on people’s attitudes about biomedical research, the findings did not indicate that Clinton had an appreciable effect on the perceived Tuskegee legacy. His apology was not shown to cure existing fear or distrust in biomedical research nor was it shown to be, by itself, a significant reason why people are less likely to participate in such research. Rather, the influence of knowing about the presidential apology was in line with the influence of knowing about the Tuskegee Study, as indicated by the TLP findings—namely, negative effects on respondents’ willingness to participate in biomedical studies were more marked among White respondents than Black respondents.

These findings are curious in light of the claims in the Tuskegee Legacy Committee request and those of Study survivors that a presidential apology was important and necessary to heal the damage of the Tuskegee Study. Perhaps the apology was more necessary and important to those directly involved with the Study than to African Americans in general or to the nation as a whole. The question of whether Clinton’s speech effectively lifted “the long shadow” of the Tuskegee legacy is not sufficiently answered by the TLP research because the legacy was not shown to be a persuasive factor in terms of medical research recruitment in the first place. The TLP Questionnaire did not include in-depth questions about respondents’ reactions to Clinton’s speech and its content, so we do not have data about whether respondents’ beliefs about the

Tuskegee Study shifted at all after hearing Clinton's account. As discussed in the previous section, the common myths and beliefs about the Tuskegee Study that attach to respondents' memories and the ideograph of <Tuskegee> itself persist and Clinton's address seems to have been ineffective in "fixing" others' misconceptions about the Study. However, the TLP data are not sufficiently nuanced to provide information about whether those who knew about Clinton's speech also had detailed knowledge about the speech and whether their exposure to Clinton's speech changed their thoughts about the Tuskegee Study.

### **5.2.2 Additional Considerations of the Research by Katz and Colleagues**

Certainly, the research conducted by Katz and colleagues has importance for biomedical researchers (including designers, recruiters, and investigators), public health workers, medical sociologists, and others, but it is interesting from a rhetorical standpoint, as well. Specifically, the wording of the TLP Questionnaire prompts and the manner in which the results are framed are ripe artifacts for rhetorical analysis. In this section, I will address the rhetorical dimensions of the survey and reports as well as the researchers' decision to include myths about the TSS in their survey. My analysis illuminates the significant ways in which audiences continue to construct meaning from the TSS and Clinton's speech. At face value, the findings by Katz and colleagues seem to indicate that the <Tuskegee> ideograph is fading, and Clinton's apology had a minimal effect in contributing to this outcome. Yet, these conclusions are also subject to interpretation. Closer analysis of Katz and colleagues' approach shows alternate interpretations of their data and reveals how their study design inflects meaning in their findings.

Based on the initial four-city study in 1999-2000, the Tuskegee Legacy Project researchers concluded that the plurality of those who were aware of the Tuskegee Syphilis Study

or the apology was less likely to participate in biomedical research but that this negative influence was more significant among Whites than Blacks.<sup>92</sup> The researchers hypothesize that this “may reflect the daily cultural reality in the Black community, which has for a long time been accustomed to increased risks for Blacks in many activities,” whereas Whites may have found the TSS “more shocking and at odds with their daily expectations.”<sup>93</sup> These findings and their discussion in the published research article indicate that the researchers interpreted awareness of Clinton’s speech as a factor that *negatively* affected attitudes about participating in research. The researchers’ write-ups treat knowledge of the TSS and knowledge of Clinton’s speech as nearly interchangeable influences, as when they summarize that “Whites who had heard either of the study or of the presidential apology were more negatively influenced toward participation in biomedical research than were Blacks who had heard of either event.”<sup>94</sup> Likewise, in the introduction to an article about a follow-up study comparing Blacks’ and Whites’ knowledge of the TSS, the researchers summarized the “Awareness” article’s findings as: “Blacks were 2-3 times *more* likely than Whites to be willing to participate in biomedical studies *despite* having heard of the Tuskegee Syphilis Study or the Presidential Apology” (emphasis added).<sup>95</sup>

In this construction, the researchers frame awareness of the apology negatively—a factor that failed to have the TLP researchers’ expected negative impact upon the Blacks surveyed. Once again, the apology is treated as comparable to the TSS itself as a reason why Americans may be wary of participating as biomedical research subjects, as though awareness of the

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<sup>92</sup> Katz and others, “Awareness of the Tuskegee Syphilis Study,” 1140-1141.

<sup>93</sup> *Ibid.*, 1140.

<sup>94</sup> *Ibid.*, 1141.

<sup>95</sup> Katz and others, “Legacy: Assessing its Impact,” 1169.

apology is a stand-in for awareness of the wrongdoing that necessitated an apology. This interpretation is not immediately intuitive, considering the various potentially transformative and healing powers of apology discussed in Chapter 4. However, the treatment of Clinton’s speech as a negative influence on Americans’ attitudes about biomedical research—and the TLP findings that indicate the same—illuminate the limitations of institutional apology to perform the same healing functions as genuine interpersonal apology. Clinton’s apology for the Tuskegee Study likely would have been much more transformative if he had a more direct connection to the Study, just as it is more relevant and meaningful to the victims directly affected by the Study than other witnesses.

The phrasing of the apology awareness prompts in the TLP Questionnaire does not appear to be slanted toward the negative, however. Questions such as “Based upon what you heard about the apology, would it influence your decision to join a biomedical research study today?” and “Did that apology make you more or less likely to join a study?” allow respondents to respond positively or negatively without feeling as though they are giving a “wrong” answer.<sup>96</sup> In the 2003 follow-up survey in New York City, Baltimore, and San Juan, the recognition prompts were similarly neutral: “Have you ever heard anything about the Tuskegee Syphilis Study?” and “What have you heard about the Tuskegee Syphilis Study?”<sup>97</sup>

Likewise, the statements about the TSS in the Facts & Myth Quiz were presumably constructed as non-leading prompts, but may have more complex psychological influence than is initially apparent. Of the seven statements that respondents were to identify as true, false, or “I don’t know,” four were false and three were true. However, all the statements were phrased as

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<sup>96</sup> Katz and others, “Awareness of the Tuskegee Syphilis Study,” 1139.

<sup>97</sup> Katz and others, “Identifying the Tuskegee Syphilis Study,” Additional File 1.

positive assertions (i.e., a total absence of “not,” “no,” and “none” in the phrases), which can be misinterpreted by those without confident knowledge as “true” assertions. For example, one false statement reads, “The subjects were injected with syphilis.”<sup>98</sup> A respondent who did not believe strongly that this was a false statement might interpret it, knowingly or not, as a statement of fact about the Study that can then circulate beyond the TLP Questionnaire as “truth” and inflect the ideograph of <Tuskegee>. In this way, the survey instrument has the potential to affect the beliefs and attitudes of the thousands of respondents who participated in the studies conducted by Katz and his research team. Since the influence of ideographs is largely subconscious, it is impossible to know just how much the respondents could be affected by hearing untrue statements professed as true assertions in the TLP Questionnaire.

Regardless of the particular phrasing of the Facts & Myth Quiz prompts, is important to recognize the TLP researchers’ inclusion of both factually correct statements and prominent myths about the TSS in their assessment of respondents’ awareness of the Study because both facts and myths circulate in salient ways as part of the contemporary cultural knowledge and understanding(s) of the TSS. McGee notes that ideographs are efficacious due to their usage rather than their specific “idea-content,” and the <Tuskegee> ideograph is an example of how the term still functions and circulates in predictable ways even though the connotations it carries may not be entirely factual or even consistent.<sup>99</sup> Additionally, trying to “correct” the ideograph’s associations to include only known facts about the Study is likely to meet with opposition by those who hold strongly their beliefs about what happened in the Study, as occurred during the

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<sup>98</sup> Katz and others, “Legacy: Assessing its Impact,” 1171.

<sup>99</sup> McGee, “Ideograph,” 10.

focus group research by Corbie-Smith and colleagues.<sup>100</sup> The “legacy” of the Tuskegee Study and <Tuskegee> are bound up in the complexities of these intertwining and recalcitrant beliefs; the myth-mixed-with-facts “knowledge” of the Tuskegee Study shapes how people think about <Tuskegee>, the Study, and its repercussions even if it does not affect their actual research participation rates.

The analyses of the Tuskegee Legacy Project also belie the researchers’ assumptions that there is an *objective truth* to be known about the Study. They measure respondents’ accuracy in identifying historically correct details and common myths, but they stop short of interrogating the less “knowable” features of the Study that bear on present attitudes. For example, the government doctors’ complex and shifting motives, the indispensable involvement of African American nurse Eunice Rivers, and the constraints faced by the Study designers and investigators are each difficult to definitively assess but still bear on how we understand and interpret the Tuskegee Study in hindsight. These factors may not be consciously contemplated by the TLP respondents or systematically measured by the TLP Questionnaire, but they are examples of how we can never fully settle what the Tuskegee Study and <Tuskegee> *mean*. Reverby cautions that the incomplete and conflicting records of the Study, the deaths of key figures, and the “what ifs” of alternative paths the Study trajectory could have taken all complicate how we are to understand the “facts” of the Study.<sup>101</sup> Moreover, she writes, “The symbolic ‘Tuskegee’ and the historical Study [...] feed on one another, as they did from the beginning. It is not possible to understand one without the other, to read the ‘facts’ without knowing the myths and tropes that shape them; nor is it possible to create the myths without

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<sup>100</sup> The focus group moderator gave “historically accurate information” about the Tuskegee Study during the discussion but was “aggressively challenged” by the participants who thought the moderator was perpetuating a biased and incorrect view of the Study. Corbie-Smith and others, “Attitudes and Beliefs,” 541.

<sup>101</sup> Reverby, *Examining*, 232.



ignoring some of the facts.”<sup>102</sup> Perhaps this is why, despite Clinton’s apology for the Study, <Tuskegee> remains and resists a redefinition. Individuals’ views about the Study and the government’s complicity may have changed but the complex cultural understandings of the Study persist.

It also bears mention that the TLP Questionnaire and TLP researchers uniformly refer to Clinton’s speech of May 1997 as an apology, which reinforces my claim in Chapter 4 that the speech is nearly always called an apology among academics and laypeople alike. The publications do not consider the implications of such a label for their Questionnaire, their respondents, or their analyses. Additionally, the researchers describe the apology in specific ways, asserting, for example, that the “apology was made to the Black community at large, as well as directly to surviving study participants and the families of the nonsurvivors.”<sup>103</sup> In another article, the researchers claim that the involvement of two of the research team (Drs. Katz and Green) in the Tuskegee Syphilis Study Legacy Committee and the apology compelled by that committee had “unanticipated societal benefits” which “included far-reaching outcomes to the African American community for research abuse by the federal government and the establishment of a government-mandated National Center for Bioethics in Research and Health Care at Tuskegee University.”<sup>104</sup> It is likely that the participation by Dr. Katz and Dr. Green in the Legacy Committee has shaped their perspective about the nature and value of Clinton’s speech and contributed to their commitment to viewing it as an influential, ethical apology.

The research programs of the Tuskegee Legacy Project remind us of the inescapable factor of *audience* in rhetorical analysis. The development and design of the TLP Questionnaire

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<sup>102</sup> Ibid., 233-234.

<sup>103</sup> Katz and others, “Awareness of the Tuskegee Syphilis Study,” 1141.

<sup>104</sup> Katz and others, “Tuskegee Legacy Project,” 11.

reveals the researchers' understanding that individuals have different reactions to the same rhetorical event and that individuals' attitudes about historical events are not shaped by facts alone. Each respondent to the TLP Questionnaire was and is part of the audience of media reports, educational institutions, family lore, cultural morality tales, and other communication sources that influence our perspective of our world and our experience in it. The TLP shows one way in which people have constructed meaning of Clinton's speech. In the next chapter, I explore additional public and scholarly reactions to his speech that, combined with my prior analyses of the speech as *apologia* and apology, shed light on the complexity of this artifact's relationship with the Tuskegee legacy.

### 5.3 CURING THE LEGACY

In the Tuskegee Syphilis Study Legacy Committee's request for an apology, the Committee communicated its desire to "transform the legacy of Tuskegee into a positive symbol for all Americans" from the present negative symbolism the term carries.<sup>105</sup> The Committee argued that, in addition to the presidential apology, a bioethics center at Tuskegee University could help to demonstrate "the importance of acknowledging past wrongs, rebuilding trust, and practicing ethical research."<sup>106</sup> The request specifically indicates the Committee's recognition that a single rhetorical event would be insufficient to shift the beliefs and attitudes of generations of Americans. The empirical research conducted by Katz and colleagues found that respondents' awareness of Clinton's apology was more akin to a reminder of the wrongdoing in the Tuskegee

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<sup>105</sup> Legacy Committee, "Legacy Committee Request," 562.

<sup>106</sup> Ibid.

Study than a rhetorical salve to cure the legacy. These observations may serve as evidence to support my argument in Chapter 4 that Clinton's speech was not so much an apology as a declaration of the values that Clinton hoped the U.S. government would support through future policies and practices. Such a declaration can still be reassuring to the American public, however, and ought not be immediately disregarded as political posturing.

If Clinton's speech did not "fix" the anxiety that some feel about being a biomedical research subject, nor correct the underlying causes for such anxiety, we may consider what lingering and recurrent rhetorical situation faces medical researchers during recruitment for studies. If <Tuskegee> circulates as an ideograph or a pervasive "devil term" at least for medical study designers and perhaps also for minority populations, the challenge for those who conduct research is to find ways of behaving and communicating that disconfirm the suspicions raised by the specter of <Tuskegee>. Since ideographs are culture-bound and tied to dominant cultural narratives, "to redefine a key term such as an ideograph thus requires the rhetorical reconstruction of substantial portions of the community's ideological substructure."<sup>107</sup> How might this take place? Katz and colleagues have demonstrated that Americans' factual knowledge about the Tuskegee Study is patchy but that facts and myths intertwine to shape respondents' perspectives about the historical event and, thus, the present legacy. Simply clearing up the knowable "facts" will not overcome people's deeply held beliefs about the Study, particularly because the facts themselves are ethically and scientifically troubling and we cannot know, definitively, everything about the Study. The Tuskegee Legacy Project research concludes that "awareness of, or detailed knowledge of, the TSS is unlikely to have even a moderate impact on recruitment among Blacks (in particular) or other minorities (in general) [...] given the

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<sup>107</sup> Lucaites and Condit, "Reconstructing <Equality>," 10.

extremely low level of both awareness and/or detailed knowledge of the TSS.”<sup>108</sup> This conclusion takes for granted that “low level” knowledge cannot be influential and presumes that myths, while not considered “knowledge” in some of the TLP analyses, cannot stand in for “facts” in shaping attitudes about research participation. On the contrary, the meanings that the respondents make out of their awareness of the Tuskegee Study may have a significant impact on their attitudes toward physicians, the government, and other mainstream authorities even if they do not appear to affect respondents’ hypothetical willingness to participate in biomedical research.

The researchers argue that biomedical studies that involve a careful, “genuine effort” at recruiting minorities have been able to reach their recruitment goals<sup>109</sup> and that the influence of the Tuskegee legacy does not extend to dissuading African Americans from enrolling in studies that are thoughtfully and ethically designed.<sup>110</sup> Since Katz and colleagues postulate that the reasons for lower involvement by African Americans in biomedical research stem not from Tuskegee specifically but “may be much more deeply rooted in the contemporary life circumstances of blacks in the United States, which continue to include instances of discrimination and mistreatment,”<sup>111</sup> they recommend that recruitment strategies for biomedical studies must take the present life experiences of their potential subjects into consideration. Potential research subjects may continue to face racial discrimination in other areas of their lives and may be unavailable to enroll in studies due to the constraints of family and work obligations.

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<sup>108</sup> Katz and others, “Identifying the Tuskegee Syphilis Study.”

<sup>109</sup> Katz and others, “Exploring the ‘Legacy,’” 182-3. On this point, see also: Mona N. Fouad and others, “Special Populations Recruitment for the Women’s Health Initiative: Successes and Limitations,” *Controlled Clinical Trials* 25 (2004): 335-352; David Wendler and others, “Are Racial and Ethnic Minorities Less Willing to Participate in Health Research?” *Public Library of Science Medicine* 3, no. 2 (February 2006): e19: 1-10.

<sup>110</sup> Katz and others, “Exploring the ‘Legacy,’” 182; Wendler and others, “Racial and Ethnic Minorities,” 7-8.

<sup>111</sup> Katz and others, “Exploring the ‘Legacy,’” 182.

Researchers who continue to attribute low minority enrollment in studies to a vague understanding of the “Tuskegee legacy” are unlikely to look beyond this potential red herring to the other influential factors that dissuade or prevent minorities from participating.<sup>112</sup> Katz and colleagues recommend, “[I]nvestigators who conduct clinical and community-based studies in the future need to recognize and incorporate these racial/ethnic, geographical, and cultural differences [as indicated by the TLP data] into their recruitment and retention plans.”<sup>113</sup> Similarly, public health scholars Vickie L. Shavers, Charles F. Lynch, and Leon F. Burmeister suggest, “Researchers should encourage open discourse on the past misuse of minority participants that generated the overall distrust of researchers and describe provisions that they have made to protect participants in their particular studies.”<sup>114</sup> Minority health researcher Mona N. Fouad argues, however, that “efforts and interventions addressing the problem [of low minority enrollment] remain limited, sporadic, and inconsistent” across clinical trials.<sup>115</sup> In order to benefit from the research already conducted on barriers to minority participation and strategies to overcome those barriers, Fouad advocates a “comprehensive strategy” that includes a broad range of policies coordinated and instituted from individual to national levels of intervention.<sup>116</sup> Regardless of the mechanism for enacting new strategies, the actions of study recruiters and investigators in the present may make the difference for minority enrollment and retention in the future if, as Reverby claims, “the continued existence of ‘Tuskegee’ ultimately depends more on

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<sup>112</sup> For example, Wendler and colleagues argue that increasing minority participation is a matter of increasing *access* to research opportunities and not of changing minorities’ *attitudes*. “Racial and Ethnic Minorities,” 8.

<sup>113</sup> Katz and others, “Awareness,” 1141.

<sup>114</sup> Shavers, Lynch, and Burmeister, “Racial Differences,” 255.

<sup>115</sup> Mona N. Fouad, “Enrollment of Minorities in Clinical Trials: Did We Overcome the Barriers?” *Contemporary Clinical Trials* 30 (2009): 103.

<sup>116</sup> *Ibid.*, 104.

what happens every day in medical encounters than on what occurred during those forty years.”<sup>117</sup>

## 5.4 CONCLUSION

The high-profile nature of President Clinton’s address about the Tuskegee Study invites rhetorical critics to acknowledge and explore the interactions of suasive texts and audiences as reported in newspaper and other published accounts. Additionally, a critic can find analytical balance by deploying other expository methods that illuminate the texts themselves. The analysis of a rhetorical artifact should not be limited to audience effects, nor should possible effects be ignored. This analytical balance is particularly relevant in the case of a text like Clinton’s speech, which was requested *specifically* to bring about some effect—lifting “the long shadow” of the Tuskegee legacy.

In earlier chapters, I focused my analysis on the form and content of the speech. In this chapter, I have turned to the effects of the speech on the Tuskegee legacy and the ideograph of <Tuskegee>. Rather than rely on newspaper accounts, however, I analyzed the empirical research of the Tuskegee Legacy Project conducted by Katz and colleagues. By integrating McGee’s conceptual tool of the ideograph, I was able to enrich my report of the TLP findings with a rhetorical analysis of the TLP methods and analyses. Considering the rhetorical power of the Tuskegee legacy in terms of the ideograph allows this investigation to take seriously the role of untidy features like myths and the unknowable within the broader Tuskegee legacy.

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<sup>117</sup> Reverby, *Examining*, 240.

The Tuskegee Syphilis Study resists a universal definition, let alone a radical *redefinition*. The variety of ways that people “know” about the Study and what that knowledge signifies has been explored by researchers including Katz and his colleagues, but it is still unclear to what degree the Tuskegee legacy influences our beliefs about government, race, medicine and science technology, research initiatives (aside from one’s own participation), and the relative importance or effect of formal apologies such as Clinton’s. For the Tuskegee legacy and <Tuskegee>, the influence of Clinton’s apology is as complicated as the number and variety of audiences his address reached. Clinton’s speech garnered widely divergent reactions, from tearful forgiveness to “too little, too late” dismissals. Additionally, the meanings made of his speech likely vary among his audiences: an apology to the victims, a sign of presidential responsiveness to the motivated constituency of the Legacy committee, a declaration of federal values and priorities for the broader American public. Multiple audiences, a multi-faceted ideograph, and multiple presidential motivations combine to complicate an analysis of the rhetorical effect of Clinton’s speech on the Tuskegee legacy.

What is clear, however, is that the Tuskegee Study and its legacy continue to pique scholarly interest, public memory, and historical imaginations for any number of personal and political reasons. In the final chapter, I pick up these themes once more and consider where the Tuskegee legacy and our rhetorical and cultural uses of that legacy can go from here.

## 6.0 CONCLUSION: THE FUTURE OF THE TUSKEGEE LEGACY

Nations are built on the myths and stories they tell themselves. “Tuskegee” is one of the foundational stories of American racism in the twentieth century, and it anchors our beliefs about race, medicine, and science. [...M]ay the Study be remembered but may “Tuskegee” be forgotten—because we no longer need it to interpret injustice.<sup>1</sup>

~Susan M. Reverby

The Tuskegee Syphilis Study has captured the interest and imaginations of playwrights and filmmakers, bioethicists and historians, physicians and researchers, but it has garnered much less attention from rhetoricians by comparison. This project provides a unique addition to extant scholarship by featuring analyses of two key rhetorical artifacts that were crafted to alter the way in which the Study is remembered and to improve materially the health and condition of Americans belonging to racial minorities.

In this final chapter, I return to a discussion of several thematic strands that have woven through the earlier chapters. Here, my aim is not to tie up the legacy’s loose ends but to explore how those strands may be teased and extended in future scholarship as well as to reflect on how

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<sup>1</sup> Susan M. Reverby, *Examining Tuskegee: The Infamous Syphilis Study and Its Legacy* (Chapel Hill: University of North Carolina Press, 2009), 239-240.



my findings in the middle chapters contribute to the practice of rhetorical criticism. Specifically, I reflect on the value of paired speech-set analysis for rhetorical critics, the opportunities and limits of genre analyses, and the power of rhetoric to shape perception about historical events and present conditions. I began the dissertation by observing that a speech-set approach was worth pursuing in the case of Clinton's apology for the Tuskegee Syphilis Study in response to a specific call for him to apologize. Here, I summarize the findings that emerged as a result of taking that analytical path and the implications of my findings for rhetorical criticism and study of the Tuskegee legacy. Several questions and critical approaches remain unaddressed, however, and I discuss several of these as opportunities for further research.

## **6.1 THEORY-BUILDING WITH THE *KATEGORIA* AND *APOLOGIA***

This dissertation has explored the legacy of the Tuskegee Syphilis Study by focusing on key rhetorical events that have occurred in the 38 years since the Study was terminated. My analysis of the Tuskegee Syphilis Study Legacy Committee's request for a presidential apology and the subsequent speech by President Clinton as a paired speech set forms the centerpiece of the broader exploration that began with the genesis of the Legacy Committee and concluded with recent empirical research on the effects of Clinton's speech on the lingering Tuskegee legacy.

### **6.1.1 The Relationship of *Kategoria* and *Apologia***

In Chapter 2, I explored the genre of *kategoria*—rhetoric of accusation. After tracing its history in judicial contexts and its relationship to *stasis* theory, I adopted several analytical frames with

which to explore and understand *kategoria* occurring in non-judicial settings. These frames were used to analyze the request document crafted by the fourteen members of the Legacy Committee, who had organized the group out of a shared passion to bring about a federal apology to the victims of the Tuskegee Study. My analysis of the request and its context shows that the perspectives of both Lloyd Bitzer and Richard Vatz have merit with regard to the rhetorical situation: an exigence left unsatisfied became stale over time but was reinvigorated and made viable through rhetorical invention. The situation was neither independently sufficient to compel a response nor entirely manufactured by the Legacy Committee's actions. Though an imperfection had been identified (the absence of an apology), the urgency in 1996 was apparently lacking. The Legacy Committee's request was designed to boost the exigence, identify the audience for their request (President Clinton), and provide constraints for what they considered to be a fitting response. The rhetorical action initiated by the Legacy Committee was then taken up and lobbied by other advocates for a presidential apology for the Tuskegee Study, including key figures at the Centers for Disease Control and Prevention and the Congressional Black Caucus, until President Clinton agreed to speak.

The *kategoria* functions as a resource for invention of the subsequent *apologia* by the responding rhetor (Clinton), but it is a resource for the rhetorical critic as well: the *kategoria* establishes a reference point and a standard of judgment by which we may assess President Clinton's response. My approach in Chapters 2 and 3 highlights the benefits of speech set criticism: by examining the paired provocative/responsive texts in tandem, I have been able to compare Clinton's *apologia* to the relevant opportunities and constraints identified by the Committee in its *kategoria* rather than assessing the text according to *a priori* ideals (which may be difficult for the critic to defend) or according to audience responses alone. I have considered

Clinton's 1997 Tuskegee speech from a grounded and longitudinal perspective rather than as a contextually and temporally isolated artifact.

As detailed in Chapter 3, my analysis of Clinton's speech reveals that the President was quite responsive to the expectations and goals set by the Legacy Committee. He unequivocally identified how the government-run Study was harmful and unethical (accepting each of the points of *stasis* as described by the Committee's *kategoria*) and offered words of apology to victims ranging from the men in the Study to all African Americans. As revealed through paired analysis, the points of convergence and divergence between the *kategoria* and *apologia* highlight the motives and concerns of the apologist. The fact that Clinton "stuck to the script" of the *kategoria* so closely seems to indicate his interest in being perceived as cooperative and concerned with righting a longstanding wrong.<sup>2</sup> Certainly, there were political benefits to adopting such a stance and I have argued that any implicit defense Clinton offered was a defense of his political and personal *ethos* regarding his present commitments rather than a defense of those who actually conducted the Tuskegee Study.

However, Clinton did deviate from the Committee's prescription in a particularly controversial way. Although the Legacy Committee recommended that Clinton come to Tuskegee, Alabama to offer an apology (and Tuskegee University president Benjamin F. Payton offered his campus as the setting<sup>3</sup>), the President opted to speak from the White House instead. This choice, while logistically simpler for the President and the press corps, inconvenienced or

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<sup>2</sup> This perception may, in fact, correspond to the President's true sentiments, though I cannot claim to know those sentiments.

<sup>3</sup> Benjamin F. Payton, letter to the editor, *New Pittsburgh Courier*, March 22, 1997.

excluded the elderly Study survivors by requiring them to travel<sup>4</sup> and was interpreted by some—including Legacy Committee co-chair John Fletcher—as a sign that Clinton was only giving a “half-hearted effort” in the event.<sup>5</sup> Fletcher even boycotted the event to demonstrate his dissatisfaction. Roy Innis, head of the Congress of Racial Equality, was similarly disappointed in the choice of venue that made attendance difficult or impossible for the honored guests and noted, “It would not have been much of a burden for the president to modify his schedule to make that trip for a personal face-to-face apology.”<sup>6</sup> Fletcher (and, presumably, Innis) knew the details of the Legacy Committee’s request and knew that the setting was a notable discrepancy from the recommendations in that document. Perhaps those less familiar with the *kategoria* were not as dissatisfied with the White House setting because they did not have the background knowledge to interpret the choice as an overt rejection of the Legacy Committee’s suggestion. If this is true, it provides more support for the methodology of speech set criticism: even casual assessments by lay audiences can benefit from a more holistic understanding of the events and rhetoric that gave rise to the sequel. Without knowing about the particular suggestions in the *kategoria*, it is difficult to determine the extent to which the final product of Clinton’s speech may be considered a fitting response to the situated exigence that prevailed in this case.

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<sup>4</sup> The Centers for Disease Control and Prevention paid for the survivors’ travel expenses, which is reportedly uncommon for White House events. Sonya Ross, “Clinton Will Apologize to Tuskegee Study Survivors,” *New Pittsburgh Courier*, May 24, 1997.

<sup>5</sup> Mark I. Evans, “In Memoriam: John C. Fletcher, PhD, The Conscience of Our Field,” *Fetal Diagnosis and Therapy* 20 (2005): 80.

<sup>6</sup> J. Zamgba Browne, “Mixed Reception Greets Clinton Public Apology,” *New York Amsterdam News*, May 31, 1997.

### 6.1.2 Tuskegee as Metaphor and Symbol

At several points in this project I have noted that the Tuskegee Study sometimes serves as a metaphor—in both academic and lay discourses—for bioethics failings and institutionalized racism. Other scholars have identified this phenomenon,<sup>7</sup> and the Tuskegee Syphilis Study Legacy Committee even incorporated a description of the metaphor in its request for a presidential apology: “In the almost twenty-five years since its disclosure, the Study has moved from a singular historical event to a powerful metaphor. It has come to symbolize racism in medicine, ethical misconduct in human research, paternalism by physicians, and government abuse of vulnerable people.”<sup>8</sup> For the Legacy Committee, the apparent pervasiveness of the connotations and symbolism of the Tuskegee Study (or, as I describe it, the ideograph of <Tuskegee>) constituted a significant exigence that called for remediation through a formal, public apology. If the Tuskegee Study had remained a “singular historical event,” free from the contingencies and complications that plague analysis of the Study even in hindsight, the Legacy Committee never would have formed, let alone crafted a report to advocate the apology.

As a feature of the *kategoria*, the Study’s symbolism was used as an argument for immediate rhetorical action. The Legacy Committee tied the Study to contemporary health disparities, arguing, “the Study has become a powerful symbol for the fear of exploitation in research and the deprivation of adequate medical care that is widespread in the African-

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<sup>7</sup> Susan M. Reverby argues that the Tuskegee Study functions metaphorically in several of her works, particularly “More than Fact and Fiction: Cultural Memory and the Tuskegee Syphilis Study,” *Hastings Center Report* 31, no. 5 (September/October 2001): 22-28, and *Examining Tuskegee*. Also see, for example: Darlene Clark Hine, “Reflections on Nurse Rivers,” in *Tuskegee’s Truths: Rethinking the Tuskegee Syphilis Study*, ed. Susan M. Reverby (Chapel Hill: University of North Carolina Press, 2000), 386-95.

<sup>8</sup> Tuskegee Syphilis Study Legacy Committee, “Legacy Committee Request,” in Reverby, *Tuskegee’s Truths*, 559.

American community.”<sup>9</sup> The Committee members did not perceive this negative association to be irrevocable. If they had, the rhetorical situation would have collapsed due to the impotence of rhetoric to bring about change. Instead, the Committee exhorted President Clinton to speak out and to fund a memorial center to “transform the legacy of Tuskegee into a positive symbol for all Americans by demonstrating the importance of acknowledging past wrongs, rebuilding trust, and practicing ethical research.”<sup>10</sup> The *kategoria* was set up to be satisfied by subsequent rhetorical action.

Susan Reverby describes the development of Tuskegee’s symbolic power as accruing through multiple means: “The Study’s metaphorical status came about not just through memory but also through the written histories, the bioethics textbooks that pick up some of the facts, the films and plays that are part imagination, and the rumors that got spread.”<sup>11</sup> These sources of cultural and symbolic significance operate rhetorically, so it makes sense that the Legacy Committee was optimistic that pointed, purposeful rhetorical action by President Clinton could remedy the legacy. Still, the symbolism that attaches to <Tuskegee> is not fickle—it has not been radically transformed after one speech by one president, nor by federal policy initiatives or local memorials. As I describe in Chapters 3 and 4, as well in this concluding chapter, Clinton’s speech generated some controversy of its own and has been added to the Tuskegee legacy as more fodder for (re)interpretation and misinterpretations of the historical event of the Tuskegee Study. Thus, the metaphorical power of <Tuskegee> remains, though perhaps with subtle variations, to help us see the relevance of a historical event to our contemporary lives.

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<sup>9</sup> Ibid., 561.

<sup>10</sup> Ibid., 562.

<sup>11</sup> Reverby, *Examining Tuskegee*, 235.

### 6.1.3 The Uses and Limits of Genre Analysis

Genre has been a significant feature of my rhetorical criticism of Clinton's speech, but there are notable limitations to genre analysis in this case. As discussed in Chapter 2, the Legacy Committee specifically indicated that the response it sought was an apology from President Clinton. Correspondingly, the critic may judge Clinton's speech according to the characteristics of apology. On the other hand, self-defense is a typical response to accusation in the forensic applications of the *kategoria/apologia* speech set. So, we might judge Clinton's speech by how well it performs a defense of the rhetor. But this speech did not occur within an adversarial or forensic context—so which is the appropriate genre for the purposes of normative evaluation?

My analysis has demonstrated that Clinton's Tuskegee speech has more relevance and significance as a *response to kategoria* than to a set of *a priori* generic standards. I have performed rhetorical criticism of a speech, prompted by a call, according to multiple features of the rhetorical situation. While I do consider the speech on its own terms, I first needed to contextualize it with the rhetorical appeal that called Clinton to respond. What we discover, when taking this paired approach, is that the Legacy Committee request prompted a sequel that followed closely from the specific perlocutionary demands in the *kategoria*—even though the sequel it called for diverged from the generic features of *apologia*. Again, a critic might wonder whether this finding renders Clinton's speech a “fitting” response or not but my analysis moves beyond this polarized assessment.

While using genres of *apologia* and apology to examine and conditionally categorize Clinton's speech, I revealed the complicated entailments of genre labels. Our expectations of “defense” or “apology” color the way we interpret the rhetorical act and the rhetor who performed it. Furthermore, Clinton's speech defies easy categorization. Nevertheless, criticism of

*apologia* that is preoccupied with whether a speech strictly adheres to a formal genre is ultimately less illuminating than paired criticism that takes *interaction* between *kategoria* and *apologia* as the main point of analytical departure. Genre, by this method, is a critical heuristic rather than a definitive conclusion. Paired analysis using the complete speech set allows the critic to proceed with a fair and robust assessment of the rhetorical artifacts, as Halford Ryan claimed, and frees the critic from the limits of a simple genre analysis.

#### **6.1.4 History and Future in the (Rhetorical) Making**

Analyses in Chapters 3 and 4 reveal that Clinton's speech featured specific rhetorical choices that seem to have been designed to shift the way in which the Tuskegee Study is remembered. As introduced in Chapter 3, Clinton focused almost exclusively on the problems of racism that made the Tuskegee Study possible and avoided addressing head-on the problematic norms of science and medical research, the economic challenges in Macon County, and hierarchical pressure for the Tuskegee Institute to cooperate with the government-run project, all of which make the Study a more nuanced constellation of concerns than Clinton portrayed. The Legacy Committee set an example for treating the bioethical abuses largely as a matter of racial discrimination in their recommendations for the requested apology, but the Committee may not have foreseen how narrowing the focus away from other troubling factors can impede the subsequent efforts to foster appropriate levels of trust between the public and mainstream medical institutions. A focus on the Tuskegee Study as a race issue did not originate with the Legacy Committee, however. Attorney Fred Gray, who represented the Tuskegee survivors in a class-action lawsuit in 1973, did not name *any* Black individuals or predominantly Black



institutions as defendants in the suit,<sup>12</sup> even though African American doctors and, notably, nurse Eunice Rivers were pivotal to the Study's continuation. Historian James Jones comments, "Gray obviously preferred to deal with black and white issues, and he hit the issue of race hard in the lawsuit."<sup>13</sup> It seems Clinton, like Gray, helped focus public discourse and criticism of the Tuskegee Study on the topics with which he was most comfortable.

Why might Clinton have framed the problems of the Tuskegee Study so narrowly? One explanation might be, as indicated above, that he had developed an *ethos* to speak credibly about the problems of racism in the American South, being a Southerner himself and maintaining a political platform involving issues of race. It might also be the case that calling out the historical and present bioethical issues in medical research and practice was not only beyond his area of expertise but also a sticky wicket from political and rhetorical perspectives. Clinton would have been ill-advised to assign specific blame to the institutions for which he attempted to drum up support later in his speech. Furthermore, had Clinton distributed blame too broadly among situational factors in the Depression-Era South (scarce economic and health resources, the pressure government doctors could exert over local practitioners, and so forth), he might have come across as defending the designers and investigators of the Tuskegee Study. Instead, he needed to take a position unequivocally opposed to the Study, which is easiest to do politically and rhetorically if the Study is specified as a problem of racism. The other contributing factors to the Tuskegee Study leave room for argument and contingency but racism is never a publicly defensible position, particularly when such a large and diverse audience stands as witness.

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<sup>12</sup> James H. Jones, *Bad Blood: The Tuskegee Syphilis Experiment*, new and exp. ed. (New York: Free Press, 1993), 216.

<sup>13</sup> *Ibid.*

The President did not limit his rhetoric exclusively to racial *topoi*, however. Clinton hailed developments in science and medicine as the solution to racial health disparities but, in doing so, turned a blind eye to the fact that prioritizing scientific advancement can lead to the dehumanizing treatment and abuses of human subjects, as happened in the human radiation experiments and the Tuskegee Study. Furthermore, as Clinton pushed for greater participation in clinical trials and organ donation by African Americans, he failed to acknowledge the significant psychological barriers built by generations of discrimination, neglect, and abuse suffered by African Americans at the hands of the federal government and local institutions. Communication scholars Lynn M. Harter, Ronald J. Stephens, and Phyllis M. Japp describe Clinton's strategy as serving to "[reinforce] the metanarrative of science, power, and knowledge that characterizes the U.S. medical establishment."<sup>14</sup>

Harter and colleagues also criticize Clinton for confusing the issue of who has standing to apologize: "Clinton's speech selectively interprets events surrounding the study and then reconstitutes those events in his effort to apologize on behalf of the American people."<sup>15</sup> For example, the authors aptly note that Clinton placed blame squarely with the U.S. Public Health Service and the U.S. government, generally, but then apologized not on behalf of the government but *for the American people*.<sup>16</sup> Clinton said, "[O]n behalf of the American people, what the

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<sup>14</sup> Lynn M. Harter, Ronald J. Stephens, and Phyllis M. Japp, "President Clinton's Apology for the Tuskegee Syphilis Experiment: A Narrative of Remembrance, Redefinition, and Reconciliation," *Howard Journal of Communications* 11 (2000): 26.

<sup>15</sup> *Ibid.*, 24.

<sup>16</sup> One *New Pittsburgh Courier* columnist asks rhetorically, "When President Clinton apologized to Black people victimized by the Tuskegee 'bad blood' medical experiment, was he speaking for only himself or for the nation? Without congressional approval, could he apologize on behalf of the nation?" James E. Alsbrook, "Clinton's Apology to Tuskegee Victims," *Minority Report*, *New Pittsburgh Courier*, June 14, 1997.

United States Government did was shameful, and I am sorry.”<sup>17</sup> Harter and colleagues observe, “The act of apologizing for the people implicitly obscures the villains in the drama.”<sup>18</sup> Indeed, Clinton did not dwell on the past sins of public health officials nor the medical professionals, perhaps because doing so would hamper his own advocacy in the speech for increased participation by African Americans in these institutions. President Clinton’s efforts to restore minorities’ trust in researchers and optimism about scientific progress were explicitly forward-looking as persuasive appeals.

To what degree does Clinton’s Tuskegee speech shift American’s attitudes about clinical research? The Tuskegee Legacy Project’s findings shed light on the limited influence of both the Tuskegee legacy and Clinton’s speech over biomedical research recruitment. Yet, the manner in which the Tuskegee legacy influences our beliefs and constrains the potential efficacy of formal institutional apologies such as Clinton’s are still unclear. Both must certainly be more complicated than they appear at first blush.

## 6.2 FURTHER EXPLORATIONS

As with any project concerning a subject as complex as the legacy of the Tuskegee Syphilis Study, this dissertation can take only some of the many possible avenues for analysis. In this section, then, I introduce a few of the “roads not taken” that may be promising directions for future research about the Tuskegee Study and related topics.

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<sup>17</sup> William J. Clinton, “Remarks in Apology to African-Americans on the Tuskegee Experiment,” *Weekly Compilation of Presidential Documents* 33 (1997): 719.

<sup>18</sup> Harter, Stephens, and Japp, “President Clinton’s Apology,” 25.

### 6.2.1 Silence in the Tuskegee Legacy

It may seem at first that a rhetorical analysis of silence might stall before it even begins. How can rhetorical tools help us understand what was *not* said, to whom, and when?<sup>19</sup> Preliminary answers to this question begin to emerge when one considers that it was the U.S. government's *silence* following the Tuskegee Syphilis Study that drove the formation of the Legacy Committee and fueled its formal request for a long-awaited apology from the President. In the case of the Tuskegee legacy, the absence of particular rhetoric might be treated as a precipitating "text" to the subsequent *kategoria/apologia* speech set. The Legacy Committee noted in their request that "no public apology has ever been offered for the moral wrongdoing that occurred in the name of government medical research. No public official has ever stated clearly to the nation that the Tuskegee Syphilis Study was morally wrong from its inception, and no public official has ever apologized to the survivors and their families. Yet, an apology is sorely needed."<sup>20</sup> The Committee's request for an apology clearly indicates its perception that, in spite of legal actions settled in the early 1970s that acknowledged harm to the men in the Study, there remained a need for *spoken* action. The Committee and many members of the Tuskegee community understood the government's silence as a poignant imperfection in need of a remedy.

English professor Cheryl Glenn's exploration of silence as a strategic rhetoric provides inroads for such an examination. She employs Bitzerian language as she notes that "whether to speak or remain silent (who gets to speak; who should remain silent) always depends on the

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<sup>19</sup> Rhetorician Lester C. Olson puts the question this way: "In critical practice, how do we study moments when speech might have made a meaningful difference, but there are only voids, gaps, or chasms, where words might have been uttered?" Lester C. Olson, "A Cartography of Silence: Bias Crimes and Public Speechlessness," *Journal of Intergroup Relations* 31, no. 4 (Winter 2004/2005): 77.

<sup>20</sup> Legacy Committee, "Legacy Committee Request," 561.

rhetorical situation.”<sup>21</sup> Clinton referred to the 25-year delay in apology in such terms as he declared, “[W]e can end the silence. We can stop turning our heads away. We can look at you in the eye and finally say [...] I am sorry.”<sup>22</sup> Here, Clinton rhetorically pairs silence with non-verbal gestures (e.g., avoiding eye contact) that we associate with one’s denial, shame, or disregard of others. He also perceives the locus of control as resting squarely with government authority—the silence and lack of acknowledgement can be ended *by him*. Glenn notes, “Whether choice or im/position, silence can reveal positive or negative abilities, fulfilling or withholding traits, harmony or disharmony, success or failure. Silence can deploy power; it can defer to power. It all depends.”<sup>23</sup> From this perspective, silence is not merely a void or an absence, but can also be a manifestation of power relationships and a placeholder for potential (a)rhetorical action. Put another way: “Like the zero in mathematics, silence is an absence with a function, and a rhetorical one at that.”<sup>24</sup> This is not to say, however, that all silence is purposeful: a study of silence as a rhetoric must attend to the distinction between incidental silence and silence deployed as action.

A study of the silence(s) in the Tuskegee Study and its legacy might consider more fully how the silence between the end of the Study and the eventual apology may have affected how the apology was received. If Clinton’s apology was “late,” what was the ideal, hypothetical *kairotic* moment? How much silence is too much?

Silence was not just a phenomenon of and for the government, however. The men, families, and communities affected by the Tuskegee Study arguably lacked a “voice” due to their

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<sup>21</sup> Cheryl Glenn, *Unspoken: A Rhetoric of Silence*, (Carbondale, IL: Southern Illinois University Press, 2004): 5.

<sup>22</sup> Clinton, “Remarks in Apology,” 719.

<sup>23</sup> Glenn, *Unspoken*, 18.

<sup>24</sup> *Ibid.*, 4.

powerlessness during and following the Study. We might pursue an investigation of the various forms of silence that were imposed on or experienced by these individuals and groups. In what ways does silence and silencing affect perceived self-efficacy and group identity (e.g., as victims)?<sup>25</sup>

### **6.2.2 The Contested Value of Clinton’s ‘Apology’**

Although rhetorical critics have a history of swinging too far on the “pendulum” of rhetorical effects analysis—either focusing exclusively on audience reactions or neglecting them entirely—we must remember that rhetoric is profoundly audience-oriented and that an examination of the suasive effects of texts on audiences is one of many valuable methods for assessing those texts. This approach is significant to the Tuskegee Study speech set because the Legacy Committee specifically articulated its expectation that a presidential apology was necessary to restore African Americans’ trust in government and mainstream medical practice as well as heal the psychological wounds left in the wake of the Study. Whether Clinton’s speech had such effects, then, is an important question to explore. Chapter 5 takes on this question to some extent, using the findings of the Tuskegee Legacy Project, but the dynamics of audience uptake cannot be fully explored by a handful of quantitative research prompts. A look through public reaction in newspapers and magazines—particularly those with predominantly African American readership—reveals conflicting sentiments about the value of the President’s address and

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<sup>25</sup> Olson’s work provides a theoretical base for such an inquiry. See, for example: “On the Margins of Rhetoric: Audre Lorde Transforming Silence into Language and Action,” *Quarterly Journal of Speech* 83, no. 1 (February 1997): 49-70; “A Cartography of Silence,” 76-102.

reminds the rhetorical critic that drawing monolithic conclusions about *the* effect of a text is unlikely to be a sufficiently rich perspective.

Many of the critical or skeptical reactions to Clinton's apology, sampled below, refer to persistent racial discrimination in the United States and the legacy of this country's history of slavery. For example, in an editorial entitled "America: Apologies are in Order for Everything," Akbar Muhammad lays out an argument indicting the U.S. government for consistently racist agendas (public or not) and challenges the President's description of the Tuskegee Study as having been orchestrated by only a handful of doctors with racist notions:

If he was offering a sincere apology, not only to those families, but to the Black community of America, why would he make it appear as if white [*sic*] folks did not really mean to do this to us and we accept your apology? [...]

Mr. President, if this is the season for apologies, you need to re-assess offering just this one apology for the terrible Tuskegee experiment! I believe that the pope led the way when he said that the Western world needs to apologize for participating in the horrors of the slave trade. Behind the apology, there needs to be an action to show [that] he is really sincere in the apology. This means more than building a \$200,000 facility in Tuskegee, Alabama. It goes far beyond that, if this is really the season for apologies.<sup>26</sup>

Similarly, Richard M. Cooper, a professor of social work and African American History, offers a scathing response to the President in an editorial entitled, "Be Wary, Black America: Apology Not Accepted":

[I]n a post-slavery, post-emancipation, post-industrial, post-modern, post-

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<sup>26</sup> Akbar Muhammad, "America: Apologies are in Order for Everything," *New York Amsterdam News* 88, no. 29 (July 17, 1997): 12-13. <http://www.ebscohost.com/>.

affirmative action, post-Black Power, post-Million Man March and still pro-racist society, we African Americans are expected to jubilantly discuss an outdated and economically worthless, potential apology as payment for all of the ongoing oppression that we continue to combat daily from the bloody hands of Uncle Sam. These apologetic sentiments were encapsulated in a recent speech from a good ole Southern fox named President William Jefferson Clinton. Apparently, he actually believes that all white [*sic*] America needs is a constructive conversation on race to change her racist ways.

With all due respect Mr. President, unless you are ready to deal with mean-spirited welfare reform, reparations for African Americans, or revamping a soon to be dismantled set of federal and state affirmative action programs, there is nothing else that you can say that will matter. [...]

Is this the new politics of “I’m sorry” or simply a sorry politician[?] Well, now that the United States has received atonement for the Tuskegee Syphilis Experiment, there’s just this thing called slavery to deal with. Only then can Blacks hang Uncle Bill’s picture on the wall right along with Martin’s, Malcolm’s and JFK’s for a little multi-cultural decorum.<sup>27</sup>

Both Muhammad and Cooper adopt a “too little, too late” perspective of Clinton’s apology and perceive the President as failing to address the larger issues of slavery and reparations. Both are also skeptical (to put it lightly) that Clinton could have been sincere in his remarks, which the authors castigate for being politically expedient.

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<sup>27</sup> Richard M. Cooper, “Be Wary, Black America: Apology Not Accepted,” *New York Amsterdam News* 88, no. 32 (August 7, 1997): 12-13. <http://www.ebscohost.com/>.



Physician Robert M. White opposed Clinton's apology not because of any particular criticism of the President or his politics but because he finds fault with the general framing of the Tuskegee Study in contemporary scholarship, which he describes as "confusing, contradictory, and condescending in a multitude of ways."<sup>28</sup> White, an African American physician, believes that treating the Tuskegee Study as a racial and racist issue (an incorrect interpretation, according to White<sup>29</sup>) serves only to perpetuate fear among African Americans. Just a few months after Clinton's apology, White argued that "the current paradigm about the Tuskegee Study has not helped" reduce health disparities between Blacks and Whites and that a Presidential apology that follows this common framing of the Study as racist is unlikely to help, either.<sup>30</sup> Nearly three years after the event, White's pessimism persisted:

Let us hope the apology does not backfire by generating desperation and fear. Unfortunately, there is evidence that when real or perceived racist events occur in America or internationally, the TSUS [Tuskegee Study of Untreated Syphilis] is still thought of as an example of racism, deception, exploitation, and/or active denial of effective therapy in medical research. Let us hope that the heated rhetoric associated with discussions about the TSUS does not continue to replace

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<sup>28</sup> Robert M. White, "Grand Dragon or Windmill: Why I Opposed the Presidential Apology for the Tuskegee Study," *Journal of the National Medical Association* 89, no. 11 (November 1997): 720. It is worth noting that White disagrees on several points with Susan M. Reverby, whose scholarship on the Tuskegee Study has generated two books and several journal articles and who is cited frequently in this dissertation. An example of the analytical clash between White and Reverby can be observed, for example, in: Robert M. White, "Misrepresentations of the Tuskegee Study of Untreated Syphilis," *Journal of the National Medical Association* 97, no. 4 (April 2005): 564-581; Susan M. Reverby, "'Misrepresentations of the Tuskegee Study'—Distortion of Analysis and Facts?" letter to the editor, *Journal of the National Medical Association* 97, no 8 (August 2005): 1180-1181.

<sup>29</sup> Robert M. White, "Unraveling the Tuskegee Study of Untreated Syphilis," *Archives of Internal Medicine* 190 (March 13, 2000): 585-598.

<sup>30</sup> White, "Why I Opposed the Presidential Apology," 720.

reason with outrage.<sup>31</sup>

A somewhat more moderate reaction comes from James E. Alsbrook in the *New Pittsburgh Courier*. Like Muhammad and Cooper, Alsbrook ponders Clinton's political incentives to offer an apologetic statement to the Tuskegee victims but he takes a more charitable perspective when describes the speech as "a well-intentioned expression, even if it is late and should have been made long ago by Nixon, Ford, Carter, Reagan, or Bush."<sup>32</sup> Furthermore, Alsbrook argues that the government's provision of \$10 million in compensation to the Tuskegee victims and their families is analogous to the financial reparations due for the "legally valid damages [the U.S. government] permitted to be inflicted on millions of Black people since slavery was abolished."<sup>33</sup> He opines, "If Clinton could get this job done, he certainly would be ranked among the few best presidents of the United States and best of world leaders."<sup>34</sup>

One might contend that Clinton's apology was primarily to the victims of the Tuskegee Study and that the reactions from the broader public are therefore irrelevant. However, as Harter and colleagues recognize, Clinton's stated "commitment to rebuilding broken trust is not just to the immediate victims of the Tuskegee Syphilis Experiment. Rather, Clinton's dialogue seems to make a request for forgiveness from all African Americans."<sup>35</sup> In fact, Clinton explicitly addressed part of his apology "to our African-American citizens,"<sup>36</sup> and a handful of those citizens have expressed publicly their continued distrust of the government in spite of Clinton's rhetoric. Philosopher Kathleen Gill notes, "In an official apology, the highest political authorities

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<sup>31</sup> White, "Unraveling the Tuskegee Study," 596-597.

<sup>32</sup> Alsbrook, "Clinton's Apology."

<sup>33</sup> Ibid.

<sup>34</sup> Ibid.

<sup>35</sup> Harter, Stephens, and Japp, "President Clinton's Apology," 25.

<sup>36</sup> Clinton, "Remarks in Apology," 719.

acknowledge that the culture of the victim group is not now, and never was, morally inferior to that of the offender group.”<sup>37</sup> A problem with Clinton’s apology—for those who sympathize with Cooper and Muhammad—is that the government’s policies and practices have not reinforced consistently the rhetoric about the moral equality of Blacks and Whites.

Criticism of the apology was not strictly race-oriented, however. A 1997 article in *The Economist* considers Clinton’s apologies for the radiation experiments and the Tuskegee Study: “Both apologies are long overdue. But they may also mislead. They seem to imply that such unethical experiments will never be repeated.”<sup>38</sup> This criticism is explained as the author takes issue with the history of unethical medical research funded by the U.S. government and describes limitations of institutional review boards (IRBs) and contemporary federal regulations to protect vulnerable populations involved in clinical research.<sup>39</sup> The author wonders—and we should, too: “[I]s there research on humans going on today that the president might have to apologise for in 2022?”<sup>40</sup> For those who discern a discrepancy between the words and deeds of the U.S. government, reform rhetoric has no value without widespread, corresponding action.

These reactions to Clinton’s speech and my analyses in this dissertation shed light on the limits of apology—Clinton’s, and probably other public apologies—to satisfy multiple audiences to the fullest extent. The broader and more diverse the audience(s), the bigger the challenge for rhetors to accommodate audience motivations and expectations. Those who reject the apology (including Legacy Committee co-chair John Fletcher) see Clinton’s apology as failing to respond to their wishes, needs, and goals. Their reactions constitute a reactive, multi-faceted accusation

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<sup>37</sup> Kathleen Gill, “The Moral Functions of an Apology,” *Philosophical Forum* 31, no. 1 (Spring 2000): 23.

<sup>38</sup> “Don’t Let it Happen Again,” *Economist* 43, no. 8017 (May 17, 1997): 27-28. <http://www.ebscohost.com/>

<sup>39</sup> Ibid.

<sup>40</sup> Ibid.

against the President—another *kategoria* and exigence in the Tuskegee Study’s legacy and another opportunity for paired analysis to help us understand the power and limits of rhetoric.

### 6.2.3 Contexts Beyond Tuskegee

This dissertation has employed several analytical tools and approaches in order to explore the interrelatedness of paired rhetorical texts, the factors that compel and constrain speech, how historical events persist in the public sphere in the form of myth and metaphor, and the exigence for public moral order and ethical rhetoric. These approaches and the lessons gleaned from these explorations have the potential to inform and inspire (or, perhaps, instigate) future scholarship on the rhetoric of race and reconciliation, public remembering or forgetting of institutional wrongdoing, personal features of the representatives involved in apology by proxy, and the ethical and rhetorical dimensions of racial discourse in the burgeoning field of genetics.

As highlighted by some critics of Clinton’s apology, achieving racial reconciliation in the United States without specifically addressing the legacy of slavery is problematic. However, attempts to secure or deliver an apology and reparations by the nation for slavery have been fraught with political turmoil and controversy, as well. Literature in the field of rhetoric that attends specifically to race and racial reconciliation may be more attuned to the rhetorical constraints and opportunities for those who speak publicly about slavery in order to achieve improved conditions for minorities and greater racial harmony in general. John B. Hatch, for example, asserts that “rhetoricians would be remiss to continue resorting to traditional *apologia*

for the standards by which to judge apologies offered in the name of reconciliation.”<sup>41</sup> He views apology as a critical part of a larger program for reconciliation rhetoric and restorative justice<sup>42</sup> and argues that the challenge for the ethical and rhetorically savvy speaker is to authentically manage three dialectics: “individual and collective (even cross-generational) responsibility, speaking-for and not-for, and personal regret and official pronouncement.”<sup>43</sup> Dexter B. Gordon and Carrie Crenshaw are also attentive to the particular challenges of racial apologies for abuses like Tuskegee and slavery and contend that “racial apologies that advocate no real material change in White privilege and construct racism as a past event [...] are inherently limited in their ability to contribute to antiracist progress.”<sup>44</sup> Gordon and Crenshaw, as well as Hatch, are concerned with how racial rhetoric, particularly in the name of reconciliation, attends to the Other and how self-reflexive rhetors are with respect to their own positions of relative power and privilege.

Similarly, the South African Truth and Reconciliation Commission (TRC), founded by the Promotion of National Unity and Reconciliation Act in 1995<sup>45</sup>, had to navigate such tensions of relative privilege and power in its attempts to bring about harmony and racial reconciliation in the post-apartheid era. The TRC’s three committees divided the work of investigating human rights violations, providing reparations to victims, and granting amnesty for politically motivated

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<sup>41</sup> John B. Hatch, “Beyond *Apologia*: Racial Reconciliation and Apologies for Slavery,” *Western Journal of Communication* 70, no. 3 (July 2006): 206.

<sup>42</sup> *Ibid.*, 189.

<sup>43</sup> *Ibid.*, 206.

<sup>44</sup> Dexter B. Gordon and Carrie Crenshaw, “Racial Apologies,” in *New Approaches to Rhetoric*, edited by Patricia A. Sullivan and Steven R. Goldzwig, (Thousand Oaks, CA: Sage Publications, 2004), 263.

<sup>45</sup> Department of Justice and Constitutional Development [South Africa], “Legal Background to the TRC,” Truth and Reconciliation Commission, <http://www.justice.gov.za/trc/legal/index.htm>.

crimes in exchange for full testimony of the crimes by the perpetrator.<sup>46</sup> Political science scholar Robert I. Rotberg argues that apology may be a necessary element in such structured reconciliation efforts: “Depending on the quality of a commission’s research and hearings, and their integrity, such reports provide a morally defensible basis for apology. The reports may also make apologies (and/or prosecutions) imperative.”<sup>47</sup> However, Archbishop Desmond Tutu, Chair of the TRC, was unsuccessful in his direct appeal for apologies from White leaders.<sup>48</sup> As I discussed in Chapter 4, genuine and ethical apologies may be invited but certainly cannot be compelled or coerced. Rotberg argues, additionally, that apologies in the context of truth commissions must be closely tied to the commission’s findings of abuse because “apologies deeply founded on exhaustive analyses of the old hurts—of the causes of deep fissures in divided societies—carry more moral and depositive weight even as they doubtless risk reopening national wounds long plastered over.”<sup>49</sup> For historians Elazar Barkan and Alexander Karn, apology is only part of the equation. They contend, “Those who wish to take wrongs seriously will need to represent and depict historical injustice in a manner that evinces both moral indignation and the political will to undertake corrective action.”<sup>50</sup> These challenges certainly involve rhetorical intentionality and sensitivity. Rotberg’s observations and Elazar and Barkan’s

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<sup>46</sup> Department of Justice and Constitutional Development [South Africa], “The Committees of the TRC,” Truth and Reconciliation Commission, <http://www.justice.gov.za/trc/trccom.html>; Robert I. Rotberg, “Apology, Truth Commissions, and Intrastate Conflict,” in *Taking Wrongs Seriously: Apologies and Reconciliation*, ed. Elazar Barkan and Alexander Karn (Stanford, CA: Stanford University Press, 2006), 43.

<sup>47</sup> Rotberg, “Apology, Truth Commissions, and Intrastate Conflict,” 40.

<sup>48</sup> *Ibid.*, 45. Rotberg describes, “At the center of the TRC’s *raison d’etre*, at least in the mind of Archbishop Desmond Tutu, its Nobel laureate and charismatic Chair, was the massing of material sufficient to elicit or demand apology from the former regime. He shared with others on the commission the strong sense that a society could only move forward after it came to terms with its collective angst. [...] Tutu directly asked whites to apologize—to take responsibility for their actions during the apartheid era. Is there no leader of ‘some stature and some integrity in the white community,’ he pleaded, who will admit that whites ‘had a bad policy that had evil consequences?’ No one embraced Tutu’s challenge” (*ibid.*).

<sup>49</sup> *Ibid.*, 36.

<sup>50</sup> Elazar Barkan and Alexander Karn, “Group Apology as an Ethical Imperative,” in Barkan and Karn, *Taking Wrongs Seriously*, 22.

call for reconciliatory apology point to an opportunity for rhetoricians to take on an expanded study of the arguments for offering and withholding amnesty and apology in formal, national reconciliation efforts such as the South African TRC.

As Rotberg describes, apologies for intrastate conflict must be embraced by “victor and defeated alike” in order to “possess a transcendent power to promote reconciliation.”<sup>51</sup> This is particularly important in cases where interaction among former antagonists is expected.<sup>52</sup> The challenge is developing reconciliation discourse that is mutually satisfactory and meaningful when the two sides affiliate with different religions or cultures. In South Africa, Tutu has promoted *ubuntu* as a concept that is morally relevant to both White and Black South Africans because each can relate *ubuntu* to their religious and cultural traditions. Barkan and Karn describe *ubuntu* as it is used in TRC proceedings as “a deeply spiritual appeal to the shared humanity and essential unity of all peoples.”<sup>53</sup> They note that the development of a shared, “bridging” discourse allows apology to be meaningful despite cultural differences and “helps to smooth over markers which might otherwise be viewed as partial and one-sided.”<sup>54</sup> This attention to the rhetorical choices that frame reconciliation efforts of truth commissions is another opportunity for rhetorical critics to contribute to scholarship and practice, especially as various conceptualizations of apology are mobilized in these efforts.

Another context of political apology that could benefit from an analytical approach like the one in this dissertation is highlighted by the Legacy Committee as evidence of Clinton’s willingness to apologize for past governmental wrongdoing: the Cold War-era human radiation

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<sup>51</sup> Rotberg, “Apology, Truth Commissions, and Intrastate Conflict,” 36-37.

<sup>52</sup> *Ibid.*, 45.

<sup>53</sup> Barkan and Karn, “Group Apology,” 15.

<sup>54</sup> *Ibid.*

experiments. There are clear similarities between Clinton's remarks in acceptance of the final report on the Cold War human radiation experiments and his remarks in response to the Legacy Committee's report. In both form and content, these two speeches about past governmental wrongdoing demonstrate Clinton's familiarity and, possibly, comfort with a particular form of institutional rhetoric. However, in the Tuskegee speech, Clinton ups the ante with regard to apologetic discourse as compared to the more subtle claims of apology made in the radiation speech, where the closest he gets is an expression of personal hope and a statement of a national apology. Clinton said, "[T]o all those who represent the families who have been involved in these incidents, let me say to you, I hope you feel that your Government has kept its commitment to the American people to tell the truth and to do the right thing."<sup>55</sup> The apologetic expression followed several paragraphs later, after a direct explanation that those responsible for the wrongdoing were no longer available to apologize: "So today, on behalf of another generation of American leaders and another generation of American citizens, the United States of America offers a sincere apology to those of our citizens who were subjected to these experiments, to their families, and to their communities."<sup>56</sup>

The analytical tools described, developed, and employed in this dissertation can be used in future analyses of speeches like Clinton's remarks about the human radiation experiments. We can interrogate Clinton's use of all three species of rhetoric within this speech to establish his own *ethos* as an ethical leader, distance himself from the wrongdoing, and advocate for continued progress in scientific research, just as he did in the Tuskegee speech.

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<sup>55</sup> William J. Clinton, "Remarks on Accepting the Report of the Advisory Committee on Human Radiation Experiments," *Weekly Compilation of Presidential Documents* 31, no. 40 (Oct 9, 1995): 1757.

<sup>56</sup> *Ibid.*, 1758.



In the discussion in Chapter 4 of the features of ethical apology I introduced the concept of standing—whether one has the “place” to apologize—because not just anyone can apologize for any wrongdoing. The apologizer must have some direct or vicarious responsibility for the harm done. A form of apology that complicates and sometimes contradicts this model, however, is institutional apology, where apologies (such as they are) are offered by spokespersons or representatives rather than the persons responsible for the wrongdoing.<sup>57</sup> When assessing the ethical value of apologies offered by institutional representatives in their official capacity, we must attend carefully to the rhetorical situation(s) facing and created by such rhetors, distinguishing these kinds of statements from what we understand as interpersonal, ethical apologies. On a theoretical level, we might ask whether there is a difference between how voluntary apologies are received and how compelled or invited (or forced) apologies are received. Psychologist Aaron Lazare claims that even insincere apologies can have the appropriate effect of restoring relationships and easing hurt.<sup>58</sup> While these compelled apologies may be effective in some senses, are they as effective as they *could* be?

In this vein, additional research needs to focus on apologies offered by the president-as-spokesperson. Harter and colleagues describe presidential addresses as “symbolic rituals occurring in response to specific cultural conditions calling for official attention,”<sup>59</sup> and official apologies fit well within this genre. Human rights and law professor Ruti Teitel says that “presidential apology, building upon the pardon power, reflects the idea of perfecting justice.”<sup>60</sup> But what does it mean when a *specific* president apologizes? While I have discussed some of

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<sup>57</sup> Jason A. Edwards’s conception of collective apology shares this trait with institutional apology. See “Apologizing for the Past for a Better Future: Collective Apologies in the United States, Australia, and Canada,” *Southern Communication Journal* 75, no. 1 (January-March 2010): 57-75.

<sup>58</sup> Aaron Lazare, *On Apology* (New York: Oxford University Press, 2004): 117-19.

<sup>59</sup> Harter, Stephens, and Japp, “President Clinton’s Apology,” 22.

<sup>60</sup> Ruti Teitel, “The Transitional Apology,” in Barkan and Karn, *Taking Wrongs Seriously*, 102.

Clinton's political pledges and possible motivations for apologizing for the Tuskegee Study, the "Clinton mode" of apology deserves more attention. Further work can provide broader comparisons and contrasts between Clinton's official, presidential apologies (such as those for the human radiation experiments and the Tuskegee Study) and his personal apologies (particularly those concerning his affair with Monica Lewinsky). Teitel, for one, says of Clinton, "Despite his general reluctance to apologize for private behavior, there was a contrasting willingness to apologize in the political realm."<sup>61</sup> His rhetorical postures in these differing contexts may shed light on what apology means to him, personally, as an apologizer. Are these rhetorical situations humbling or humiliating? Which apologies were defensive? How did he include and/or evade mortification? What goals did he seek in his various apologies? Was Clinton a "tainted vessel" for the institutional apologies he offered on behalf of the United States? And if there are features of a specific rhetor that bear on the rhetorical situation (as I believe there are), how do they constrain *which* presidents should be called upon to offer institutional apologies? More than a year after Clinton's Tuskegee speech, author Toni Morrison famously described Clinton, a White Southerner, as "our first black [*sic*] President" because he "display[ed] almost every trope of blackness" from his working-class upbringing to his love of McDonald's.<sup>62</sup> Now that Barack Obama has been elected our real first Black president, how does his racial identity shift the pressure for federal apologies for slavery and racist laws and policies? Would anyone suggest that *he* offer a long-awaited official apology for slavery? Could President Obama have been called to apologize for the Tuskegee Study had he been in office in 1996-1997? I suspect not, on both counts. Perhaps an apology from an African American president for

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<sup>61</sup> Ibid., 105.

<sup>62</sup> Toni Morrison, The Talk of the Town, *New Yorker*, October 5, 1998, [http://www.newyorker.com/archive/1998/10/05/1998\\_10\\_05\\_031\\_TNY\\_LIBRY\\_000016504](http://www.newyorker.com/archive/1998/10/05/1998_10_05_031_TNY_LIBRY_000016504)

the Tuskegee Study may have shifted the crux of the episode from race back to medical ethics or governmental abuse. The answers to these questions about the personal factors of institutional spokespersons have implications for other representatives in institutional apology as well as for audiences as we attempt to clarify the relative conceptual fogginess of some apologies and consider the opportunities and limits of institutional apology.

### **6.3 THE LEGACY'S ONGOING CHALLENGE**

The insights generated from this dissertation have implications for the study of institutional apologies (and the closely related forms of public, official, or collective apologies) as well as both lay and expert discourse on race and medicine. The study of rhetoric is concerned with suasive appeals and audience response but rhetoricians should also be attentive to the rhetor's argumentative position (e.g., standing) and selected interpretive frames, particularly when the rhetor purports to speak on behalf of others. General audiences and rhetorical critics alike ought to be sensitive to the morally weighty requirements of genuine apology, yet allow for the possibility that apologetic meaning may be found in institutional statements that admittedly require some conceptual compromise to be considered 'apologies' of sorts. We should continue to ask ourselves what degree of compromise we will accept while still giving institutional representatives "credit" for offering apologies for historical wrongdoing.

The Tuskegee Syphilis Study and its legacy have generated significant controversy about the norms of medical research, the science and politics of race, and the moral significance of institutional apology. Emerging scientific developments and technologies, such as the Human Genome Project, will continue to pose challenges to application of bioethical principles, the

scope of science policy, and lay understandings of science and medicine. Critical attention to official rhetoric on these topics is warranted as we navigate paradoxically new and all-too-familiar territory.

## APPENDIX A

### THE TUSKEGEE SYPHILIS STUDY LEGACY COMMITTEE<sup>1</sup> FINAL REPORT

MAY 20, 1996<sup>2</sup>

In 1932, the United States Public Health Service (USPHS) initiated the Tuskegee Syphilis Study to document the natural history of syphilis. The subjects of the investigation were 399 poor black sharecroppers from Macon County, Alabama, with latent syphilis and 201 men without the disease who served as controls. The physicians conducting the Study deceived the men, telling them that they were being treated for “bad blood.”<sup>3</sup> However, they deliberately denied treatment to the men with syphilis and they went to extreme lengths to ensure that they would not receive therapy from any other sources. In exchange for their participation, the men

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<sup>1</sup> The Committee was established at a meeting at Tuskegee University, January 18-19, 1996. All communications with the Committee should be addressed to the Chair of the Committee, Vanessa Gamble, M.D., PhD, History of Medicine Department, 1400 University Ave., Madison, WI 53706 (608) 262-5319. FAX: (608) 262-2317; email: vngamble@facstaff.wisc.edu. A list of the Committee members is attached. The Committee wishes to thank Judith A. Houck for her assistance in the preparation of this report.

<sup>2</sup> The full text of this report is reprinted here with permission of Legacy Committee Chair Vanessa Northington Gamble. All original footnotes and their formatting have been preserved from the printing in *Tuskegee's Truths: Rethinking the Tuskegee Syphilis Study*, ed. Susan M. Reverby (Chapel Hill: University of North Carolina Press, 2000), 559-566. Additionally, the report's two appendices (“Appendix 1” and “Appendix 2”) are reprinted here following the text of the report. This footnote and the two bracketed descriptions in the titles of the report's appendices are the only additions to the original text.

<sup>3</sup> The term “bad blood” encompassed several conditions including syphilis, anemia, and fatigue.

received free meals, free medical examinations, and burial insurance.<sup>4</sup> On 26 July 1972, a front-page headline in the *New York Times* read, “Syphilis Victims in U.S. Study Went Untreated for 40 Years.”<sup>5</sup> The accompanying article publicly revealed the details of the Tuskegee Syphilis Study—“the longest non-therapeutic experiment on human beings in medical history.”<sup>6</sup> In the almost 25 years since its disclosure, the Study has moved from a singular historical event to a powerful metaphor. It has come to symbolize racism in medicine, ethical misconduct in human research, paternalism by physicians, and government abuse of vulnerable people.

The Tuskegee Syphilis Study continues to cast its long shadow on the contemporary relationship between African Americans and the biomedical community. Several recent articles have argued that the Tuskegee Syphilis Study has predisposed many African Americans to distrust medical and public health authorities.<sup>7</sup> The authors point to the Study as a significant factor in the low participation of African Americans in clinical trials and organ donation efforts and in the reluctance of many black people in seeking routine preventive care. As one AIDS educator put it, “so many African-American people that I work with do not trust hospitals or any of the other community health care service providers because of that Tuskegee experiment. It is like ... if they did it then they will do it again.”<sup>8</sup>

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<sup>4</sup> For a complete history, see Jones, James H., *Bad Blood: The Tuskegee Syphilis Experiment*, new and expanded ed., New York: Free Press, 1993.

<sup>5</sup> Jean Heller, “Syphilis Victims in the U.S. Study Went Untreated for 40 Years,” *New York Times*, 26 July 1972: 1, 8. The story first broke the previous day in the *Washington Star*.

<sup>6</sup> Jones, *Bad Blood*, 91.

<sup>7</sup> See, for example, Asim, Jabari, “Black paranoia far-fetched? Maybe, but understandable,” *The Phoenix Gazette* February 23, 1993 Op-Ed: A13; Karkabi, Barbara, “Blacks’ health problems addressed,” *The Houston Chronicle* April 10, 1994 Lifestyle: 3; “Knowledge, attitudes and behavior; conspiracy theories about HIV puts individuals at risk,” *AIDS Weekly*, November 13, 1995.

<sup>8</sup> Thomas, Stephen B. and Quinn, Sandra Crouse, “The Tuskegee Syphilis Study, 1932-1972: Implications for HIV Education and AIDS Risk Programs in the Black Community,” *Am J. of Pub Health*. 1991; 81: 1503.

The Tuskegee Syphilis Study Legacy Committee is dedicated to preserving the memory of the Study while moving beyond it, transforming the legacy into renewed efforts to bridge the chasm between the health conditions of black and white Americans. To this end, the Committee is pursuing two inseparable goals: 1) to persuade President Clinton to publicly apologize for past government wrongdoing to the Study's living survivors, their families, and to the Tuskegee community, and 2) to develop a strategy to redress the damages caused by the Study and to transform its damaging legacy.

In his recent apology for the government's role in human radiation experiments (1944-1974), President William J. Clinton claimed that "the American people ... must be able to rely upon the United States to keep its word, to tell the truth, and to do the right thing," and that "when the government does wrong, we have a moral responsibility to admit it."<sup>9</sup> President Clinton is not alone in his belief that an apology for past wrongs is "doing the right thing." Recently, the Southern Baptist Church apologized to all African Americans for its stand on slavery during the Civil War and the Prime Minister of Japan similarly apologized to all the people of the United States for the attack on Pearl Harbor.<sup>10</sup>

And yet, these apologies do not merely acknowledge wrongdoing: they act as a first step toward healing the wounds inflicted. President Clinton, for example, saw his apology as "laying the foundation stone for a new era" in trying to regain the trust of the country.<sup>11</sup>

It is within the context of doing the right thing that, redressing past injuries, and regaining trust, that the Committee adamantly believes that a Presidential apology to the victims of

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<sup>9</sup> President William J. Clinton, "In Acceptance of Human Radiation Final Report," Washington D.C., October 3, 1995.

<sup>10</sup> See, for example, Niebuhr, Gustav, "Baptist group votes to repent stand on slaves," *New York Times* 21 June, 1995: A2; and Watanabe, Teresa and David Holley, "Japan Premier offers apology for WWII role," *Chicago Tribune* 15 August 1995: A10.

<sup>11</sup> Clinton, 3 October, 1995.

Tuskegee is critical to heal the devastating wounds that remain from this shameful episode in the history of medical research.

1. *A Presidential Apology for the Tuskegee Syphilis Study*

a) *Moral and physical harms to the community of Macon County*

It is clear that the U.S. government scientists irreparably harmed hundreds of socially and economically vulnerable African-American men in Macon County, their family members, and their descendants by deliberately deceiving them and withholding from them state of the art treatment. When the Tuskegee Study began, the standard therapy for syphilis consisted of painful injections of arsenical compounds, supplemented by topical applications of mercury or bismuth ointments. Although this therapy was less effective than penicillin would prove to be, in the 1930s every major textbook on syphilis recommended it for the treatment of the disease. After penicillin became available, the researchers withheld its use as well. Published medical reports have estimated that between 28 and 100 men died as a result of their syphilis.<sup>12</sup> Due to a lax study protocol, we cannot be sure that all the men had latent syphilis. It is therefore entirely possible that the infected men passed syphilis to their sexual partners and to their children in utero.<sup>13</sup> Thus the physical harm may not be limited just to the men enrolled in the Study.

b) *No public apology has ever been made*

In the aftermath of a Health, Education and Welfare task force report, a Senate hearing, and an out of court legal settlement, the U.S. government provided economic compensation and continues to give free health benefits to the surviving subjects and their families. However, no public apology has ever been offered for the moral wrongdoing that occurred in the name of

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<sup>12</sup> Jones, *Bad Blood*, 2.

<sup>13</sup> Hammonds, Evelyn M., "Your silence will not protect you: Nurse Eunice Rivers and the Tuskegee Syphilis Study," in *The Black Women's Health Book: Speaking for Ourselves* ed. Evelyn C. White, 2nd ed., Seattle: Seal Press, 1994: 323-331.



government medical research. No public official has ever stated clearly to the nation that the Tuskegee Syphilis Study was morally wrong from its inception, and no public official has ever apologized to the survivors and their families. Yet, an apology is sorely needed. The Committee believes that an apology from the President could facilitate the healing of the victims and the nation.

c) *The harmful legacy of the Study*

The historical record makes plain that African American's distrust of the medical profession predates the revelations of the Tuskegee Syphilis Study and involves a myriad of other social and political factors. Nevertheless, the Study has become a powerful symbol for the fear of exploitation in research and the deprivation of adequate medical care that is widespread in the African-American community. Recent articles argue that Tuskegee has created a climate of suspicion that taints the relationship between many African Americans and the medical profession. The Tuskegee Study is offered as the reason why few blacks participate in research trials,<sup>14</sup> why the need for transplant organs by African Americans widely surpasses the supply,<sup>15</sup> and why African Americans often avoid medical treatment.<sup>16</sup> It is also offered as an explanation as to why rumors about genocide persist in the African-American community, ranging from the notion that AIDS is a plot to exterminate black people to the idea that needle exchange programs fuel a drug epidemic that disproportionately affects black neighborhoods.<sup>17</sup> For many African

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<sup>14</sup> Gamble, Vanessa, "A Legacy of Distrust: African Americans and Medical Research," *Am J. of Preventive Medicine*, November/ December 1993: 35-38.

<sup>15</sup> "Fear Creates Lack of Donor Organs Among Blacks," Weekend Edition, National Public Radio, 13 March 1994.

<sup>16</sup> See, for example, Voas, Sharon, "Aging black sick, scared; past abuses, tradition keep them from clinic," *Pittsburgh Post-Gazette*, August 27, 1995: B1.

<sup>17</sup> Bates, K.G., "Is it Genocide?" *Essence*, September 1990: 76; Thomas, Stephen, and Quinn, Sandra, "Understanding the Attitudes of Black Americans," in Stryker, J. and Smith, M.D., eds. *Dimensions of HIV*

Americans, the fact that the Tuskegee Study occurred at all proves that black life is not valued. The Committee believes that an apology combined with a strategy for addressing the damages of the Tuskegee legacy would begin the process of regaining the trust of people of color.

d) *The harm done to the community and the University*

Because the name of the study points to Tuskegee Institute (now Tuskegee University) rather than the United States Public Health Service, it clouds the funding and responsibility for the Study. Although facilities and staff of the Tuskegee Institute were involved, primary direction came from the government under the auspices of the US PHS. The notoriety of the Study obscures the achievements of the Tuskegee Institute in improving the health care of African Americans. These achievements include initiating National Negro Health Week, building the John A. Andrew Hospital, creating the John A. Andrew Clinical Society, establishing a nurse training school, and organizing a school for midwives.

**The Apology: Context and Opportunity**

The Committee urges President Clinton to apologize on behalf of the American government for the harms inflicted at Tuskegee. The apology should be directed to those most directly harmed: to the elderly survivors of the Study, to their families, and to the wider community of Tuskegee and its university. Also included within the apology should be all people of color whose lives reverberate with the consequences of the Study.

As the highest elected official of the United States, the President should offer the apology for the Study which was conducted under the auspices of the United States government. The significance of a presidential apology was recognized recently when the President apologized to those harmed by Cold War radiation experiments as a way to regain confidence of the American

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*Preventions: Needle Exchange*, Menlo Park: The Henry J. Kaiser Family Foundation; 1993: 99-128; Kirp, David and Bayer, Ronald, "Needles and Race," *Atlantic* July 1993: 38-42.

people. In the context of President Clinton's stated desire to bridge the racial divide, this apology provides the opportunity to begin to heal the racial wounds that persist in this country.

Given the ages of the living participants and the period of time since the Study was disclosed, we believe that the apology should be offered swiftly. There are only eleven survivors; a twelfth died as recently as March 3, 1996. We recommend that the government issue the apology from Tuskegee University, perhaps linked with an early meeting of the new National Bioethics Advisory Commission (NBEAC). Because the Tuskegee study is a starting point for all modern moral reflection on research ethics, a meeting of the NBEAC at Tuskegee in conjunction with a Presidential apology would be an ideal new beginning.

### **Transforming the Legacy**

Although a public apology is necessary to heal the wounds of Tuskegee, it alone would not be sufficient to assure the nation that research like the Tuskegee Syphilis Study will not be duplicated. Despite the significance of a Presidential apology, it must not be an isolated event. Consequently, the Committee also recommends the development of a mechanism to move beyond Tuskegee and to address the effects of its legacy. The Committee strongly urges the development of a professionally staffed center at Tuskegee University, focused on preserving the national memory of the Study and transforming its legacy.

Regret for past mistakes must be accompanied by a determination to prevent future wrongs. Until now for black Americans the legacy of the Tuskegee Syphilis Study has been a negative one--a symbol of their mistreatment within American society. The proposed Center could help transform the legacy of Tuskegee into a positive symbol for all Americans by demonstrating the importance of acknowledging past wrongs, rebuilding trust, and practicing ethical research.

The new center's mission would be to preserve the national memory of the Syphilis Study for public education and scholarly research, and to analyze and disseminate findings on effective and ethically acceptable ways to address the profound mistrust that is the tragic and enduring legacy of this Study, especially among African Americans and other persons of color. (See Appendix 1.)

Although the Committee sees the creation of a Center as the most valuable attempt to redress the damages of Tuskegee, we envision several possible concurrent programs. These include:

- 1) a Minority Health Initiative, similar in scope to the newly established Women's Health Initiative;
- 2) training programs for health care providers to better understand the social and cultural issues of providing health care and of conducting research in communities of color;
- 3) a clearinghouse to help investigators conduct ethically responsible research.

The Committee recommends that funding for the Center must combine government and private funding. The announcement of a federal challenge grant would be very useful as a catalyst for future fundraising efforts.

It is undeniable that the Tuskegee Syphilis Study has adversely affected the attitudes that many African Americans hold toward the biomedical community and the United States government. But despite the long shadow that it casts, we now have an opportunity to challenge this legacy and create a more beneficial one.

#### Appendix 1 [First Appendix to the Legacy Committee Report]

Possible functions for a Tuskegee research center:

- a) to create and maintain a public museum in Tuskegee, Alabama, to preserve the memory of the Study and to provide a focal point for efforts to transform its negative legacy;

- b) to provide a place for scholars to examine the ethical, legal, and social significance of the Study and other issues in bioethics;
- c) to conduct public education on the Study and its legacy in schools, community organizations, and medical institutions;
- d) to aid in the production of audiovisual aids for public education that will place the Study within its broadest social and historical context and provide suggestions for transforming its past legacy;
- e) to assure the rigorous preservation of presently endangered documents and other records to further encourage studies of race, ethnicity, and medicine;
- f) to offer support for medical researchers seeking ways to conduct research in diverse populations that is both scientifically sound and ethically responsible.

Appendix 2 [Second Appendix to the Legacy Committee Report]  
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## APPENDIX B

### REMARKS IN APOLOGY TO AFRICAN-AMERICANS ON THE TUSKEGEE EXPERIMENT<sup>1</sup>

May 16, 1997

THE PRESIDENT: Ladies and gentlemen, on Sunday, Mr. Shaw will celebrate his 95th birthday. I would like to recognize the other survivors who are here today and their families: Mr. Charlie Pollard is here. Mr. Carter Howard. Mr. Fred Simmons. Mr. Simmons just took his first airplane ride, and he reckons he's about 110 years old, so I think it's time for him to take a chance or two. [*Laughter*] I'm glad he did. And Mr. Frederick Moss, thank you, sir. I would also like to ask three family representatives who are here—Sam Doner is represented by his daughter, Gwendolyn Cox. Thank you, Gwendolyn. Ernest Hendon, who is watching in Tuskegee, is represented by his brother, North Hendon. Thank you, sir, for being here. And George Key is represented by his grandson, Christopher Monroe. Thank you, Chris.

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<sup>1</sup> Clinton, William J. "Remarks in Apology to African-Americans on the Tuskegee Experiment." Weekly Compilation of Presidential Documents 33 (1997): 718-720.

I also acknowledge the families, community leaders, teachers and students watching today by satellite from Tuskegee. The White House is the people's house; we are glad to have all of you here today. I thank Dr. David Satcher for his role in this. I thank Congresswoman Waters and Congressman Hilliard, Congressman Stokes, the entire Congressional Black Caucus; Dr. Satcher; members of the cabinet who are here, Secretary Herman, Secretary Slater; a great friend of freedom, Fred Gray, thank you for fighting this long battle all these long years.

The eight men who are survivors of the syphilis study at Tuskegee are a living link to a time not so very long ago that many Americans would prefer not to remember but we dare not forget. It was a time when our Nation failed to live up to its ideals, when our Nation broke the trust with our people that is the very foundation of our democracy. It is not only in remembering that shameful past that we can make amends and repair our Nation, but it is in remembering that past that we can build a better present and a better future. And without remembering it, we cannot make amends and we cannot go forward.

So today America does remember the hundreds of men used in research without their knowledge and consent. We remember them and their family members. Men who were poor and African-American, without resources and with few alternatives, they believed they had found hope when they were offered free medical care by the United States Public Health Service. They were betrayed.

Medical people are supposed to help when we need care, but even once a cure was discovered, they were denied help, and they were lied to by their Government. Our Government is supposed to protect the rights of its citizens; their rights were trampled upon—40 years, hundreds of men betrayed, along with their wives and children, along with the community in Macon County, Alabama, the City of Tuskegee, the fine university there, and the larger African-



American community. The United States Government did something that was wrong, deeply, profoundly, morally wrong. It was an outrage to our commitment to integrity and equality for all our citizens.

To the survivors, to the wives and family members, the children, and the grandchildren, I say what you know: No power on Earth can give you back the lives lost, the pain suffered, the years of internal torment and anguish. What was done cannot be undone. But we can end the silence. We can stop turning our heads away. We can look at you in the eye and finally say on behalf of the American people, what the United States Government did was shameful, and I am sorry.

The American people are sorry—for the loss, for the years of hurt. You did nothing wrong, but you were grievously wronged. I apologize, and I am sorry that this apology has been so long in coming.

To Macon County, to Tuskegee, to the doctors who have been wrongly associated with the events there, you have our apology, as well. To our African-American citizens, I am sorry that your Federal Government orchestrated a study so clearly racist. That can never be allowed to happen again. It is against everything our country stands for and what we must stand against is what it was.

So let us resolve to hold forever in our hearts and minds the memory of a time not long ago in Macon County, Alabama, so that we can always see how adrift we can become when the rights of any citizens are neglected, ignored, and betrayed. And let us resolve here and now to move forward together.

The legacy of the study at Tuskegee has reached far and deep, in ways that hurt our progress and divide our Nation. We cannot be one America when a whole segment of our Nation

has no trust in America. An apology is the first step, and we take it with a commitment to rebuild that broken trust. We can begin by making sure there is never again another episode like this one. We need to do more to ensure that medical research practices are sound and ethical and that researchers work more closely with communities.

Today I would like to announce several steps to help us achieve these goals. First, we will help to build that lasting memorial at Tuskegee. The school founded by Booker T. Washington, distinguished by the renowned scientist George Washington Carver and so many others who advanced the health and well-being of African-Americans and all Americans, is a fitting site. The Department of Health and Human Services will award a planning grant so the school can pursue establishing a center for bioethics in research and health care. The center will serve as a museum of the study and support efforts to address its legacy and strengthen bioethics training.

Second, we commit to increase our community involvement so that we may begin restoring lost trust. The study at Tuskegee served to sow distrust of our medical institutions, especially where research is involved. Since the study was halted, abuses have been checked by making informed consent and local review mandatory in federally funded and mandated research.

Still, 25 years later, many medical studies have little African-American participation and African-American organ donors are few. This impedes efforts to conduct promising research and to provide the best health care to all our people, including African-Americans. So today, I'm directing the Secretary of Health and Human Services, Donna Shalala, to issue a report in 180 days about how we can best involve communities, especially minority communities, in research and health care. You must—every American group must be involved in medical research in ways

that are positive. We have put the curse behind us; now we must bring the benefits to all Americans.

Third, we commit to strengthen researchers' training in bioethics. We are constantly working on making breakthroughs in protecting the health of our people and in vanquishing diseases. But all our people must be assured that their rights and dignity will be respected as new drugs, treatments and therapies are tested and used. So I am directing Secretary Shalala to work in partnership with higher education to prepare training materials for medical researchers. They will be available in a year. They will help researchers build on core ethical principles of respect for individuals, justice, and informed consent, and advise them on how to use these principles effectively in diverse populations.

Fourth, to increase and broaden our understanding of ethical issues and clinical research, we commit to providing postgraduate fellowships to train bioethicists especially among African-Americans and other minority groups. HHS will offer these fellowships beginning in September of 1998 to promising students enrolled in bioethics graduate programs.

And, finally, by Executive order I am also today extending the charter of the National Bioethics Advisory Commission to October of 1999. The need for this commission is clear. We must be able to call on the thoughtful, collective wisdom of experts and community representatives to find ways to further strengthen our protections for subjects in human research.

We face a challenge in our time. Science and technology are rapidly changing our lives with the promise of making us much healthier, much more productive and more prosperous. But with these changes we must work harder to see that as we advance we don't leave behind our conscience. No ground is gained and, indeed, much is lost if we lose our moral bearings in the name of progress.

The people who ran the study at Tuskegee diminished the stature of man by abandoning the most basic ethical precepts. They forgot their pledge to heal and repair. They had the power to heal the survivors and all the others and they did not. Today, all we can do is apologize. But you have the power, for only you, Mr. Shaw, the others who are here, the family members who are with us in Tuskegee—only you have the power to forgive. Your presence here shows us that you have chosen a better path than your Government did so long ago. You have not withheld the power to forgive. I hope today and tomorrow every American will remember your lesson and live by it.

Thank you, and God bless you.

NOTE: The President spoke at 2:26 p.m. in the East Room at the White House. In his remarks, he referred to Tuskegee Experiment survivors Herman Shaw, who introduced the President, and Frederick Moss; and Fred D. Gray, attorney for the Tuskegee Experiment participants. The study was the “Tuskegee Study of Untreated Syphilis in the Negro Male.”

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