Collaborative Leadership in Senate Democrats' Opposition to Affordable Care Act Repeal Efforts

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After the 2016 election, a narrative circulated suggesting that Democrats lacked leadership. In contrast to this narrative, I argue that Democrats used a collaborative form of leadership that enabled them to respond to the many challenges of their circumstance. Using the case of the 2017 Senate Democrats' floor protest of efforts to repeal the Affordable Care Act, this essay develops a theory of collaborative rhetorical leadership. The essay demonstrates how Senate Democrats' efforts, as an example of minority party rhetoric, flagged the deliberative process as inappropriate and hasty, challenged legislative mandates based on election results, and modeled collaborative argumentation. In doing so, I contend that minority parties, more broadly, can safeguard the deliberative process necessary for a thriving democracy by highlighting lack of debate, empowering constitute participation in the legislative process, and showcasing evidence-based public policy analysis as a critical cornerstone of governance. The analysis offers important lessons concerning minority party rhetoric and rhetorical leadership involving collaboration.

Keywords: Congressional Rhetoric, Minority Party Rhetoric, Accumulation, Profusion, Senate

When the 115th Congress returned to session in January 2017, efforts to repeal the Affordable Care Act (ACA) ensued. At the time, Republicans claimed that "the 2016 elections gave them a mandate to roll back the health care law."[1] Polling showed a majority of Americans disapproved of the ACA.[2] David Wiegel of the *Washington Post* reported that the Republicans made "no attempt to frame their agenda as bipartisan."[3] Senate Majority Leader Mitch McConnell and other Republican leaders announced their desire to "rapidly" draft and approve repeal legislation for President-elect Donald Trump to sign by the time he took his oath of office.[4] Efforts to repeal the ACA

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[1] Thomas Kaplan and Robert Pear, "Senate Takes Major Step toward Repealing Health Care Law," *New York Times*, January 12, 2017, <https://www.nytimes.com/2017/01/12/us/politics/health-care-congress-vote-a-rama.html?_r=2>.
[2] See Lauren Gambino, "Democrats Turn to American People to Protect Obamacare from Looming Repeal," *The Guardian*, January 16, 2017, <https://www.theguardian.com/us-news/2017/jan/16/democrats-obamacare-repeal-bernie-sanders-healthcare>.
[3] David Wiegel, "Claiming Mandate, GOP Congress Lays Plans to Propel Sweeping Conservative Agenda," *Chicago Tribune*, January 1, 2017, <http://www.chicagotribune.com/news/nationworld/politics/ct-gop-congress-conservative-agenda-20170101-story.html>.
[4] Laura Barrón-López, "Senate Democrats to Hold Late-Night Talkathon against Obamacare Repeal," *Huffington Post*, January 9, 2017, <http://www.huffingtonpost.com/entry/senate-democrats-obamacare-repeal-talkathon_us_5873013ce4b043ad97e41780>.

appeared unstoppable, because, according to one *Huffington Post* report, "Congressional Democrats [had] few tools at their disposal and [could not] actually stop the repeal."[5] Because Republicans controlled Congress and the presidency, Democrats had minimal formal authority.[6] The Republican leadership's move to take the first steps toward the ACA repeal through budget reconciliation processes—a procedural move that allows bills relating to taxes, spending, and the budget to pass with a simple majority in the Senate—further usurped Senate Democrats' formal authority, including their ability to filibuster repeal legislation.[7] As such, Democrats retained few options to stymie the ACA's repeal.

Despite the seemingly insurmountable odds, Democratic Senators protested Republican repeal efforts. In early January, they used two primary tactics. First, they held a talkathon—a filibuster-like tactic that could not formally prevent the advancement of the Republican's agenda—for five hours on the Senate floor the night before a vote to allow for the ACA's repeal under the budget reconciliation process. Second, they violated Senate rules to voice their objections to the repeal as they cast their votes against the measure.[8] Democrats engaged in an "hours-long act of protest [that] culminated in the early hours of Thursday when Democrats made a dramatic display of rising to speak out against the repeal measure as they cast their votes."[9] Some called the Democrats' tactic "an unprecedented move."[10]

At the time, a common discursive frame suggested that Democrats lacked leadership. Referring to the newly-elected Trump administration, Jeet Heer argued, "the Democratic Party is facing this national crisis leaderless."[11] Similarly, David Horsey reported, "the Democratic Party lacks a national leader."[12] Others, like Mara Liasson, suggested that Democrats had "no natural national leaders," but they should focus on developing their message before determining who constituted their leader.[13] Clare Foran framed the Democrats' predicament in more dire terms, suggesting that "Hillary Clinton's defeat has left the party without a unifying leader" and that Democrats needed to "hold together the diverse coalition of voters that propelled Obama to the presidency while

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[5] Philip Klein, "Here's how Republicans plan to repeal Obamacare within weeks of Trump taking office," *Washington Examiner*, December 15, 2016, <http://www.washingtonexaminer.com/heres-how-republicans-plan-to-repeal-obamacare-within-weeks-of-trump-taking-office/article/2609753>.

[6] Karoun Demirjian, "Republicans Keep Control of Congress after Decisive Senate Wins in Missouri, Pennsylvania, Indiana, Wisconsin and N.C.," *Washington Post*, November 9, 2016, <https://www.washingtonpost.com/news/powerpost/wp/2016/11/08/senate-house-majorities-hang-in-the-balance-on-election-day/?utm_term=.89d60b56273c>.

[7] Danielle Kurtzleben and Ailsa Change, "Senate Takes First Step To Repeal Obamacare — So What's Next?," *National Public Radio*, January 12, 2017, <http://www.npr.org/2017/01/12/509441874/senate-takes-first-step-towards-repeal-of-obamacare>.

[8] Jordain Carney, "Senate Dems End ObamaCare Repeal Protest after 5 Hours," *The Hill*, January 10, 2017, <http://thehill.com/homenews/senate/313451-senate-dems-end-obamacare-repeal-protest-after-5-hours>.

[9] Kelsey Snell and Mike DeBonis, "Obamacare is One Step Closer to Repeal after Senate Advances Budget Resolution," *The Washington Post*, January 12, 2017, <https://www.washingtonpost.com/powerpost/democrats-to-force-tough-votes-in-obamacare-vote-a-rama/2017/01/11/99e3c854-d7fa-11e6-b8b2-cb5164beba6b_story.html?utm_term=.f9232ff0bff1>.

[10] Alex Gangitano and Simone Pathé, "Vote-A-Rama: Democrats State Their Case, But Resolution Passes," *Rollcall*, January 11, 2017, <http://www.rollcall.com/news/hoh/vote-rama-watch-young-brings-reporters-snacks>.

[11] Jeet Heer, "Democrats Need To Pick a Leader. Now," *The New Republic*, December 5, 2016, <https://newrepublic.com/article/139107/democrats-need-pick-leader-now>.

[12] David Horsey, "Bernie Sanders is the Leaderless Democrats' Anti-Trump Evangelist," *Los Angeles Times*, February 23, 2017, <http://www.latimes.com/opinion/topoftheticket/la-na-tt-bernie-evangelist-20170222-story.html>.

[13] Mara Liasson, "4 Things Democrats Need To Do (Plus 1 They Shouldn't) To Rebuild In 2017," *NPR*, December 26, 2016, <https://www.npr.org/2016/12/26/506073668/4-things-democrats-need-to-do-plus-1-they-shouldnt-to-rebuild-in-2017>.

making inroads with the white working-class voters who turned out in support of Trump."[14] These commentators suggested that, without a unifying leader, Democrats might struggle to accomplish this needed task. Yet, these contentions about the precarity of Democratic leadership applied an understanding of leadership based on the presence of a single figure that would rally the masses and perform all the tasks leadership requires of the Democrats.

This essay offers a different view of leadership, arguing that Senate Democrats used a collaborative model of leadership that enabled them to challenge the belief that election results created legislative mandates, flag the current legislative process as inappropriate and hasty, and create nuanced appeals to invite and warrant the unification and activism of a diverse group of stakeholders. Although media reports framed the Democrats' tactics as unprecedented, efforts by the minority parties to challenge or obstruct the majority party's agenda are not novel nor confined to the 2017 healthcare debate.[15] As such, the insight provided by analyzing these Democratic efforts remains portable for future conceptualizations of minority party rhetoric and collaborative advocacy efforts. Given the enduring explanation that minority parties on obstruction and delay, rhetorical critics should analyze this form of rhetoric to more fully comprehend its functions and significance.

In contrast to a unitary or "command and control" model of leadership, Democrats shared the many burdens of leadership: framing potential harms, justifying solutions, empowering constituent action, representing all stakeholder interests, and unifying people around a shared goal. Distributing these leadership tasks amongst distinct collaborators, the Democrats lessened the burden of each individual advocate, producing the conditions for well-reasoned deliberation, and nuanced appeals to invite the unification of diverse stakeholders. To develop this thesis, I first unpack a theory of collaborative leadership. Then, I closely inspect the Democrats' "talk-a-thon" and floor protest to illustrate how Democrats shared the burdens of leadership. I conclude with a reflection of the portable lessons gleaned from the analysis of the Democrats' protest.

Collaborative Rhetorical Leadership

Rhetoric and argumentation scholars highlight that leadership retains specific discursive dimensions. Specifically, leadership relies on symbol use to cultivate shared understandings of the world, justify potential courses of action, reinforce the bonds of community, and motivate shared action.[16] Proving models for action, empowering, and persuading remain crucial tasks for leaders to accomplish as they attempt to galvanize action.[17] The following analysis of the Senate Democrats' efforts to prevent the ACA repeal enhances understanding of rhetorical leadership, highlighting both its oppositional and collaborative nature. When faced with a disadvantage in terms of a shortage of

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[14] Clare Foran, "The Democratic Party Faces a Daunting Future," *The Atlantic*, January 5, 2017, <https://www.theatlantic.com/politics/archive/2017/01/democrats-senate-2018-2020/511859/>.

[15] See Michael Grunwald, *The New New Deal: The Hidden Story of Change in the Obama Era*, (New York: Simon & Schuster, 2012), 403; Steven S. Smith, "The Senate Syndrome," *Issues in Governance Studies 35* (2010): 1, accessed July 15, 2017, https://www.brookings.edu/wp-content/uploads/2016/06/06_cloture_smith.pdf.

[16] For scholarship that details these rhetorical dimensions of leadership, see David Zarefsky, "Lincoln's 1862 Annual Message: A Paradigm of Rhetorical Leadership," *Rhetoric & Public Affairs 3* (2000): 5-14; Joshua H. Miller, "Empowering Communities: Ella Baker's Decentralized Leadership Style and Conversational Eloquence," *Southern Communication Journal 81* (2016): 156-167; Kathryn M. Olson, "Rhetorical Leadership and Transferable Lessons for Successful Social Advocacy in Al Gore's An Inconvenient Truth," *Argumentation and Advocacy 44* (2007): 90-109; Kathryn M. Olson, "The Practical Importance of Inherence Analysis for Public Advocates: Rhetorical Leadership in Framing a Supportive Social Climate for Education Reforms," *Journal of Applied Communication Research 36* (2008): 223-224.

[17] Olson, "Rhetorical Leadership and Transferable Lessons," 105.

formal authority, leaders may need to enact oppositional leadership styles to undermine claims to established and formal authority. Given the many challenges to successful leadership in these circumstances, advocates may share these numerous burdens with others.

Balancing the needs of a rhetorical leader remains a tricky task. Leaders generally need to find the proper place for their advocacy efforts, persuasively diagnose the causes of a problem, highlight the significance of that harm, propose a solution and demonstrate that the proposed course of action can remedy the harm, and justified the proposed solution as demonstratively better than other courses of action or doing nothing.[18] In doing so, the leader must also balance "the magnitude of the problem with good reasons to believe that one's personal efforts can make a difference."[19] To accomplish these tasks, leaders may need to cultivate authority based on their dedication to a specific issue and justify communal action,[20] as well as foster alliances between various stakeholders.[21] At the same time, Gail T. Fairhurst and Robert A. Sarr note that leadership involves the "ability to decipher and communicate meaning out of complex and confusing situations."[22] Combined, rhetorical leaderships requires a nuanced and complex rhetoric that can motivate, empower, justify, cultivate authority, navigate constraints, and invent new strategies to overcome those constraints.

In contrast to a unitary form of leadership, collaborative advocates may opt to share leadership's many burdens. This kind of collaborative leadership distributes the various components of productive advocacy among different members of a coalition or stakeholders. A collaborative leadership style underscores John M. Bryson and Barbara C. Crosby's point that "effective public leadership is a collective phenomenon, and a collective achievement."[23] Suzanne M. Morse further argues that people's diverse "skills, abilities, and circumstances [. . .] call on all to perform the leadership function"[24] and that "solutions to problems need a diversity of talents and experiences."[25] When engaging in collaborative leadership, advocates, using their many collective talents, divide and conquer the many tasks of leadership. To articulate why social advocates might benefit from a collaboration leadership model, the following analysis of the Senate Democrats' discourse highlights the potential benefits of this form of rhetorical leadership. Collaborative leadership can lessen the strain on each individual advocate, enable an advocacy group or coalition to cultivate and invent a plethora of strategies to promote change, and invite interaction and cooperation among establishment figures and emerging grassroots organizers and activists.

Although the case study focuses on a text of collaborative leadership from established caucuses, this essay reveals the potential portable importance of this form of leadership: highlighting how collaborative argumentative profusion and accumulation invites and enables persistent decentralized and grassroots mobilization. First, the collaborative approach to leadership allows for argumentative convergence, which provides an augmented rationale to participate and increases the burden of opposing forces to discredit the movement. Chaim Perelman and Lucie Olbrechts-Tyteca explain convergence, writing, "If several distinct arguments lead to a single conclusion [. . .]

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[18] See Olson, "The Practical Importance," 223-224.

[19] Olson, "Rhetorical Leadership and Transferable Lessons," 105.

[20] Miller, "Empowering Communities," 161-162.

[21] Olson, "Rhetorical Leadership and Transferable Lessons," 105-106.

[22] Gail T. Fairhurst and Robert A. Sarr, *The Art of Framing: Managing the Language of Leadership*, (San Francisco, CA: Jossey-Bass Publishers, 1996), 2.

[23] John M. Bryson and Barbara C. Crosby, *Leadership for the Common Good: Tackling Public Problems in a Shared-Power World*, (San Francisco, CA: Jossey-Bass Publishers, 1992), 55.

[24] Suzanne W. Morse, "Making Leadership Personal and Universal," *Innovative Higher Education 17* (1992): 72.

[25] Morse, "Making Leadership Personal and Universal," 76.

the value attributed to the conclusion and to each separate argument will be augmented, for the likelihood that several entirely erroneous arguments would reach the same result is very small."[26] Accordingly, as each collaborator produces an additional reason to join an oppositional effort, the accumulation of potential adherence to the conclusion likewise increases. As more collaborators participate and contribute, the rationale for joining the collaboration also enhances. Although each collaborator's appeal might provide some persuasive force to certain constituencies within the collaboration, together all the collaborators cultivate pleasing appeals to the many different constituencies uniting as one. Kenneth Burke describes the profusion of distinct forms, suggesting that each individual formal appeal's "effect partially depends upon their function in the whole, yet they manifest sufficient evidences of episodic distinctness to bear consideration apart from their context."[27] Even though each collaborator's appeal "contributes to the whole of which it is a part, it is also an independent curve of plot enclosed by its own beginning and end."[28] Thus, as each collaborator produces an appeal justifying entrance into or the continuation of a community fighting for change, each collaborator independently provides a rationale for certain constituents to participate which simultaneously bolsters the overall basis for having the collaboration. To further unpack the functions of this form of collaborative leadership, this essay now turns to analyze the Senate Democrats' protest chronologically—starting with the talkathon and then proceeding to the voting statements.

Senate Democrats' "Late-Night Talkathon"

On the night of January 11 and into the early hours of January 12, Senate Democrats held the Senate floor to protest Republican efforts to repeal the ACA. Dubbed the "late-night talkathon," by eleven o'clock and before the protest had completed, the Democratic efforts already had nearly 550,000 views on social media.[29] To provide context to the Democrats' Senate floor protest, I argue that the talkathon had the following functions: empowering continued constituent action and modeling collaborative argument development and flagging the legislative process as comparatively lacking evidence-based analysis and debate. Showcasing collaborative argument and evidence-based analysis remained significant as it allowed Democrats to model an alternative form of public policy formulation to the process Republicans were using. To justify their voting protest, this "talkathon" critically illustrated Democrats' ability to participate in a collaborative form of deliberation necessary for effective policy formulation as they objected to a hasty process that they deemed inappropriate.

First, Democratic Senators showcased collaborative argument development and modeled cooperative rhetoric as a strategy for resistance by reading constituent letters. They highlighted the importance of publicly demonstrating that Senators listened to and deliberated about stakeholder and constituent concerns. The process of constructing collaborative arguments emphasized that active citizen engagement had a necessary role in preventing the ACA's repeal and in debates over public policy. This appeal encouraged ordinary constituents to continue their actions as an indispensable component of the resistance, showing that the voices of ordinary individuals' matter.

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[26] Chaim Perelman and Lucie Olbrechts-Tyteca, *The New Rhetoric: A Treatise on Argumentation*, (Notre Dame, IN: University of Notre Dame Press, 1969), 471.

[27] Kenneth Burke, *Counter-Statement*, (Los Angeles, CA: University of California Press, 1968), 127.

[28] Burke, *Counter-Statement*, 127.

[29] See Jordain Carney, "Senate Dems end ObamaCare repeal protest after 5 hours," *The Hill*, January 10, 2017, <http://thehill.com/homenews/senate/313451-senate-dems-end-obamacare-repeal-protest-after-5-hours>.

Senator Tim Kaine displayed this collaborative argument development when he read a letter from Sarah Harris of Crozet, Virginia. In the middle of reading this letter, Kaine stated, in Harris' words, "In addition to well checkups, sick visits, prescriptions for antibiotics, and vaccinations, we rely on our health insurance made affordable through 'ObamaCare' to, quite literally, save our children's lives."[30] After reading Harris' letter, Kaine referred to it, stating, "So what the Affordable Care Act is about is, as Sarah Harris said, peace of mind. It is about coverage, but it is also about the peace of mind that you need as a parent to know that your child will be protected if you are ill or if your child is injured."[31] By reading Harris' letter and later referencing it, Kaine cultivated a collaborative argument. Harris' actions provided the essential evidence for Kaine's claim about how saving the ACA would benefit Americans by providing them with "peace of mind." By using a claim that emerged inductively from Harris' letter, Kaine constructed an argument that used evidence and reasoning through the voice of an ordinary constitute. In other words, Kaine's use of the letter fostered a model for cooperative argumentative development in which one advocate utilizes evidence, examples, and rationales provided by another individual to support a shared position statement or claim. This strategy articulated a rationale for constituent action—that it remained necessary to provide Senators with evidence to craft effective argumentation.

As Senators continued to share Americans' stories through constituents' own words, lawmakers also enacted the dissemination of those letters. This act illustrated how small actions from constituents might spread and have unanticipated larger effects. The personal stories contained in the letters provided a sense of national authenticity and personal concreteness to an abstract and highly-partisan public policy debate. Moreover, these letters provided a concrete point of identification for other lawmakers and advocates. For example, after Kaine spoke about his constituent, Senator Amy Klobuchar further circulated the letter's discourse by referencing it in her speech, "As my colleague from Virginia reminded us with a touching letter that he read from his constituent, let's remember what health care reform means to families across this country, why we have this bill in the first place."[32] By referencing Harris' letter, Klobuchar demonstrated that elected officials can and should listen to non-constituents' concerns. Doing so invited a larger sense of community based on more than a representatives' electoral fate as well as the states and voting districts in which stakeholder lived. Because Klobuchar did not represent Harris, by identifying Harris' letter as "touching," Klobuchar cultivated an expanded understanding of constituent influence. Klobuchar's example showed that constituent rhetoric and action might have a larger impact than what one might initially expect. Although Harris addressed her letter to Kaine, it influenced others.[33] Thus, Klobuchar denied the assumption that citizen letters, and more broadly citizen action, cannot influence representatives and promoted the belief that citizen activism can have unexpected and positive effects, showing that they can.

Klobuchar's reaction to Harris' letter highlighted the need for Senators to listen to all Americans when deciding on the proper course of action, even when doing so carried no electoral reward for them personally. Klobuchar's act of listening to other Senators' constituents enacted a form of representation and deliberation focused on ensuring all relevant stakeholders could participate and be heard, which countered the winner-take-all view concerning the relationship between election results and policy implementation.[34] Providing a model for listening across state lines and hearing

[30] 115 Cong. Rec. S163 (2017) (Statement of Mr. Kaine).
[31] 115 Cong. Rec. S164 (2017) (Statement of Mr. Kaine).
[32] 115 Cong. Rec. S164 (2017) (Statement of Ms. Klobuchar).
[33] 115 Cong. Rec. S163 (2017) (Statement of Mr. Kaine).
[34] Kaplan and Pear, "Senate Takes Major Step"; Wiegel, "Claiming Mandate."

minority and oppositional voices eroded the justification for passing legislation based on ballot count, which, unlike citizen influence, could not cross state lines.

Moreover, Democratic Senators demonstrated evidence-based public policy analysis, which reaffirmed the importance of and modeled the processes of careful and warranted policy development and discussion. Doing so centered the legislative process around an ideal of rigorous analysis and evidence-use instead of decision-making based on raw electoral advantage. Enacting this ideal model of deliberation enabled Democrats to justify their future floor protest, which flagged the Republican's process as insufficient, especially in comparison to the careful argumentative development of the Democrats. Highlighting a contrast between how Democrats argued during the "talkathon" and the comparatively little debate that occurred in committee and on the Senate floor, Democrats portrayed detailed and lengthy deliberation as an ideal of good governance. This enactment worked to undermine the justification for quick or hasty policy implementation based on election results. Rather than thinking of public policy making as a winner-take-all approach based on election results, the Democrats showcased a model of leadership that sought to widen political debate by listening to all constituents and using evidence-based arguments, not partisan gamesmanship.

In the Democrats' collaborative model of deliberation, those who dissented during the election and could forward an evidenced argument had the right to participate and have their interests considered by their representatives in the formulation of policy. Senators, likewise, had the responsibility to consider constituent arguments, even if they ultimately disagreed with them, and cite evidence to support their position. Kaine modeled evidence use and cited The Urban Institute, a think tank, to argue that repeal without replace "could cause 30 million Americans to lose their health insurance."[35] Senator Chris Murphy used an Associated Press article to "fact-check" claims made by Republicans in the debate, showcasing the importance of proper fact-centered deliberation.[36] Senator Angus King used "the American Journal of Public Health" to develop an argument about how a repeal could result in an increase in "premature unnecessary deaths."[37] Senator Bob Casey cited the Brookings Institute to argue that "the number of uninsured Americans would double if the act is repealed," the Congressional Budget Office to conclude that "insurance premiums would rise by 20 percent if the act is repealed without a replacement," and the *Fiscal Times* to contend that rural hospitals would suffer with a repeal and no replace.[38] Emphasizing evidence to construct their arguments, Democrats distinguished their policy knowledge from Republicans. Even though the Republican Party controlled both the executive and legislative branches, the Democrats cultivated their own right to participate in policy formulation and legislative outcomes, by arguing in a careful, developed, and warranted manner. Through the development of their evidenced claims, these Senators framed ideal of governance as not based on solely election results but instead careful and thoughtful argumentation and deliberation. By avoiding the image of partisan gamesmanship and using evidence-based arguments, the Senators flagged the deliberation process of the ACA repeal as lacking nuance.

During the talkathon, Democrats enacted a model of deliberation and provided the rationale and motivation that might encourage civilian stakeholder engagement in the healthcare debate. The choice to read letters from constituents highlighted the important role that minority party rhetoric performs in representing the ideas, beliefs, and interests of stakeholders who disagree with the

[35] 115 Cong. Rec. S164 (2017) (Statement of Mr. Kaine).
[36] 115 Cong. Rec. S176 (2017) (Statement of Mr. Murphy).
[37] 115 Cong. Rec. S174 (2017) (Statement of Mr. King).
[38] 115 Cong. Rec. S166 (2017) (Statement of Mr. Casey).

majority party's policy positions and process of policy enactment. In addition to justifying stakeholder participation and ensuring representation, minority party rhetoric can invite the unification of stakeholders from around the country and flag inappropriate processes for policy enactment. To illustrate these potential functions of minority party rhetoric, the next section analyzes how Democratic Senators violated rules for voting to provide rationales for their "no" votes.

Democratic Senators' Voting Statements

After the Democratic Senators held their "talkathon," the Republican leadership immediately advanced the ACA repeal to a floor vote without sustained deliberation and a plan for replacement legislation. Modeling constituent-centered deliberation was insufficient to persuade them against using the power of their structural advantage. In the early hours of January 12, 2017, the voting occurred. According to one *New York Times* report, "During the roll call, Democrats staged a highly unusual protest on the Senate floor to express their dismay and anger at the prospect that millions of Americans could lose health insurance coverage. One by one, Democrats rose to voice their objections."[39] The report further indicated, "The presiding officer, Senator Cory Gardner, Republican of Colorado, repeatedly pounded his gavel and said the Democrats were out of order because 'debate is not allowed during a vote.'"[40] Because their votes included brief statements protesting the ACA repeal, these Democratic Senators violated the rules of the Senate, flagging a need for normal order and further debate. By violating Senate rules, these Senators provisionally challenged the legitimacy of those rules and the way that Republicans planned on using them as a part of their ACA repeal effort. The following analysis shows how these Senators' voting statements functioned in three crucial ways: they cultivated moral authority to challenge institutional authority and motivate resistance, referenced children as important, non-voting stakeholders to deny that election results produced legislative mandates, and united and constituted a group of diverse stakeholders opposed to repeal without replace.

Several Democratic Senators worked to foster moral authority, which could undermine the institutional power granted to the Republican Party by holding more seats in the Senate. Cultivating moral authority could also justify resistance based on their challenges to the process of the repeal. These objections did not rest on the assumption that people should resist only if they can succeed in their efforts. Instead, these statements of morality foreclosed choice about whether one should protest, portraying dissent as the only justifiable and moral action. For example, Senator Maria Cantwell framed her voting statement as an objection to a crime: "How am I recorded? This is not business as usual [. . .] You are stealing health care from Americans. I vote no."[41] Cantwell's statement framed Democrats as having both legal and moral authority to protest the repeal. By identifying the Republican effort to repeal the ACA as "not business as usual," she justified abnormal tactics to respond to the immoral and illegal act of "stealing." Claiming that the Republican actions constituted the crime and sin of "stealing," Cantwell portrayed the Democrats as having both the moral and legal authority and duty to challenge the Republican efforts even if it meant violating the rules for voting to do so. This framing echoed in Murphy's voting statement: "This is cruel and inhumane [. . .] I vote no."[42] As Cantwell denied the legitimacy of the Republicans' actions and process as "not business as usual," Murphy's framing of the Republican decision to

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[39] Kaplan and Pear, "Senate Takes Major Step."
[40] Kaplan and Pear, "Senate Takes Major Step."
[41] 115 Cong. Rec. S266 (2017) (Statement of Ms. Cantwell).
[42] 115 Cong. Rec. S266 (2017) (Statement of Mr. Murphy).

repeal the ACA as inhumane positioned Democratic action as claiming the moral authority and high ground, justifying continued action on the part of Democratic Senators and their constituents. In these cases, upholding moral standards constituted sufficient reason to protest the repeal vote.

These moral objections defined the situation in terms of limited choice, compelling action. King stated, "My conscience compels me to vote no."[43] Soothing one's conscience became reason enough to continue fighting against the ACA repeal. King's use of the word "compels" defined the situation in terms of lack of choice. King did not choose to protest; the wrong being committed was so extraordinary that he had to act. His framing challenged the assumption that one should protest if only if one believes the protest will succeed or the energy expended will be worth it. No matter whether they would succeed or fail, the Senators had the duty to resist the ACA repeal. When duty compels action, justifying that action's efficacy becomes far less relevant.

Furthermore, Democratic Senators referenced biblical passages to cultivate moral authority for their legislative stance, which denied the logic of governing based on election results and promoted governing based on answering a higher call. Both Senator Tom Carper and Kaine used Matthew 25 as evidence that the Democratic Senators had the moral duty to oppose the ACA repeal. In short, the passage contains the proclamation that what people do to the least fortunate and most vulnerable in society they also do to Jesus.[44] Kaine referenced the passage, stating "Madam Clerk, when I was sick, you visited me. I vote no."[45] Alluding to the same passage, Carper voted "on behalf of the least of these in Delaware and America."[46] Using this passage as relevant evidence for deciding how to vote on an issue framed the ACA debate not as merely a public policy question, but a question of morality and of Christian duty. Scripture, situated in this manner, proclaimed a Christian duty to challenge Republican repeal efforts. By appealing to scripture as the authority to enact their policy stance, these Senators invited Christians, including those who voted Republican, to support their cause. In addition, these Senators provided an alternative justification for policy implementation than election results—responding to a higher moral call.

Moreover, framing children as stakeholders in the ACA debate worked to undercut the logic of viewing election results as providing authority for policy change. Children cannot vote. By articulating ways in which the ACA repeal would impact children, the Democratic Senators positioned children as stakeholders and crafted authority for their legislative stance speaking on behalf of and with concern for all stakeholders, not just voting constituents in their states. Senator Sheldon Whitehouse's voting statement went as follows: "On behalf of 14-year-old Charlie, in Woonsocket, RI, who suffers from neurofibromatosis and can stay on his parents' policy until he is 26 [. . .] and cannot be denied health care for his preexisting condition, I vote no."[47] Senators Michael Bennet, Martin Heinrich, Bob Casey, and Mark Warner all voted on behalf of the children in their states.[48] Voting on behalf of children highlighted how the legislative decision to repeal the ACA would impact these individuals now and into the future, positioning children as relevant, non-

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[43] 115 Cong. Rec. S267 (2017) (Statement of Mr. King).

[44] Matthew 25:31-46, New International Version.

[45] 115 Cong. Rec. S266 (2017) (Statement of Mr. Kaine).

[46] The Congressional Record for Mr. Carper's vote shows that he voted for the people of Delaware. However, the video recording of the protest demonstrates that he voted for "the least of these in Delaware." See 115 Cong. Rec. S267 (2017) (Statement of Mr. Carper), and Samuel Ezerzer, "Enraged Senate Democrats Vote NO on repeal of Obamacare 51-48," Filmed [January 2017]. YouTube video, 14:11. Posted [January 2017]. <https://www.youtube.com/watch?v=NZp4MzYqN9c&t=263s>.

[47] 115 Cong. Rec. S267 (2017) (Statement of Mr. Whitehouse).

[48] 115 Cong. Rec. S267 (2017) (Statement of Mr. Bennet); 115 Cong. Rec. S266 (2017) (Statement of Mr. Casey); 115 Cong. Rec. S266 (2017) (Statement of Mr. Heinrich); 115 Cong. Rec. S267 (2017) (Statement of Mr. Warner).

voting constituents and stakeholders who should have representation in the Senate. The Democratic Senators' rhetoric illustrated that election results failed to represent the interests of children and used their dissenting vote to provide them a voice in the Senate chamber. This rhetorical act denied one central presumption in favor of Republican policy enactment—that the results of the 2016 election provided an undebatable legislative mandate.

Another significant function of the Democrats' joint voting statements was how they enacted and constituted a unified opposition to the ACA repeal and defined this group as a broad and diverse network of stakeholders. By referencing the number of people who would lose insurance in their states and by naming specific groups of people who would suffer under the ACA repeal, the Senate Democrats invited the formation of cooperative resistance by highlighting potential connections among the plethora of groups at risk. Senators named groups who had large stakes in the debate, positioning those individuals as members of a large and at-risk community. Even though each group claimed a different potential harm from the ACA repeal, they could join in the overarching belief that they would share possible injury. By identifying many at-risk groups in one protest, Senate Democrats showed that their leadership model could hold the interests of a diverse group and cultivated authority based on their ability to do so. For example, Senator Tammy Duckworth included persons with pre-existing conditions as a part of the constituted group of stakeholders: "On behalf of the 1.2 million Illinoisans [. . .] who will lose health insurance with this repeal of the ACA and for all those with preexisting conditions, I stand on prosthetic legs to vote no."[49] In addition to naming those with preexisting conditions, Senators fused seniors into the group of those with vested interest in the question of ACA's repeal. Senator Mazie Hirono's voting statement proclaimed, "On behalf of the 200,000 seniors in Hawaii on Medicare [. . .] I vote no."[50] Senators Maggie Hassan and Jeff Markley suggested that the ACA might place those undergoing treatment for addiction in harm's way, defining this group of people as stakeholders in the debate. Hassan declared, "On behalf of the thousands of New Hampshire residents suffering from addiction who will lose treatment, I vote no."[51] Senator Markley concurred, voting for those "who will lose opioid coverage for their addiction."[52] By pointing out that those with addictions, the elderly, and those with pre-existing conditions all remained significant and valued stakeholders, the Senators constituted varied community members facing unique potential harm as a group of connected people worth protecting. The voting statements positioned the Senate Democrats as fighting for each of these constituent groups, demonstrating that their collaborative leadership style enabled them to a broad array of constituents who were not defined by their political party. In demonstrating their ability to track and represent these various stakeholders, these Senators established authority based on their demonstrated awareness of constituent concerns rather than authority based on the ballot box or divided by state lines.

In some cases, the quick succession of a voting statements about diverse and relevant stakeholders enacted a cooperative leadership approach, illustrating how those with different concerns about the ACA can still work together for the betterment of all people whom the decision may impact. For instance, Senators Brian Schatz and Kirsten Gillibrand showcased this collaborative spirit when voting for those with mental health needs and women. Schatz started, "I vote no on behalf of the people who need mental health care" as the presiding officer bagged the gavel and

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[49] 115 Cong. Rec. S266 (2017) (Statement of Ms. Duckworth).
[50] 115 Cong. Rec. S267 (2017) (Statement of Ms. Hirono).
[51] See "Ezerzer, "Enraged Senate Democrats Vote NO on repeal of Obamacare 51-48."
[52] 115 Cong. Rec. S267 (2017) (Statement of Mr. Markey).

exclaimed "debate is not allowed during a vote."[53] Immediately following Schatz's statement, Gillibrand stated, "Madam Clerk, how am I recorded?" and continued "I vote no—[. . .] on behalf of all the women who need health care."[54] The rapid manner in which Schatz and Gillibrand voiced these two populations as both relevant to the discussion of the ACA repeal rhetorically tied these groups together as united stakeholders. The combined efforts of these two Senators showed that those concerned about women or those who need mental health care could work together to advocate for both. In times when members of individual communities might feel isolated, defining them as a part of a broader coalition can empower those people to act because they might feel that their actions would have more significance in combination with the actions of others.[55] Schatz and Gillibrand's joint action enacted the coming together of diverse stakeholders into one united oppositional front.

Senate Democrats also cast typical Donald Trump voters as a part of this diverse and united opposition, inviting broad participation that defied party identification. Despite rural communities largely voting Republican in 2016,[56] Democrats portrayed themselves as providing representation for rural communities. In doing so, these voting statements cultivated an understanding of legislative authority based on displaying concern for and understanding of the problems facing all voters, including rural voters, not based on the previous elections results or who voted for one's party. For example, Senator Heidi Heitkamp of North Dakota stated, "On behalf of the thousands of people [. . .] who receive health care in my State in rural hospitals who do not know how they are going to get health care if this passes without a replacement, I vote no."[57] Similarly, Senator Jon Tester, of Montana, voted "on behalf of the 69 hospitals in Montana,"[58] and Senator Dick Durbin voted "on behalf of the downstate hospitals of Illinois."[59] These Senators comments worked to broaden the base of their support to include individuals who largely did not vote for their party in 2016. This positioned the duty of Senators to represent and fight for all people in their states, not just the people who put them in office. Thus, the Senators invited those who rely on rural hospitals to join in a broad coalition of people including those who live in typical Democratic strongholds. By referencing how the repeal might short-circuit access to rural hospitals and harm rural voters, these Senators also undermined the electoral mandate for passing the ACA repeal. That is, they framed the Republican action as potentially harming the people who voted for them, denying the electoral rationale for repealing and encouraging the process to consider rural constituents before implementing change.

Conclusion

More than six months after the Democratic Senators protested ACA repeal efforts with their talkathon and voting statements, the Senate failed to repeal the ACA by a razor-thin margin. Three Republicans, Senators Susan Collins, Lisa Murkowski, and John McCain, voted against the repeal,

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[53] 115 Cong. Rec. S266 (2017) (Statement of Mr. Schatz).

[54] 115 Cong. Rec. S266 (2017) (Statement of Mrs. Gillibrand).

[55] For a discussion of the importance of stakeholders feeling their actions are significant, see Olson, "Rhetorical Leadership and Transferable Lessons," 95-97.

[56] Helena Bottemiller Evich, "Revenge of the Rural Voter," *Politico*, November 13, 2016, <http://politico.com/story/2016/11/hillary-clinton-rural-voters-trump-231266>.

[57] 115 Cong. Rec. S266 (2017) (Statement of Ms. Heitkamp).

[58] 115 Cong. Rec. S266 (2017) (Statement of Mr. Tester).

[59] 115 Cong. Rec. S266 (2017) (Statement of Mr. Durbin).

ensuring the repeal legislation did not pass. All three Republican "no" voters described inadequacies with the process of the repeal as a part of the reason they voted no. McCain stated, "We must now return to the correct way of legislating and send the bill back to committee, hold hearings, receive input from both sides of aisle."[60] These criticisms of the legislative process echoed the Democrats' arguments that the Senate failed to abide by normal legislative process to advance a highly-partisan piece of legislation. The function of drawing attention to the process in the minority party's rhetoric offers a partial explanation of why the Republican Senators may have failed to repeal the ACA during the summer of 2017. As Senate Democrats protested the ACA repeal efforts, they simultaneously flagged the process as inappropriate and empowered grassroots activists and communities to connect with one another and protest the ACA repeal efforts. As such, this essay reveals the complicated dynamics of leadership and how sharing the tasks of leadership might lessen the burden of advocacy, offering an easier entry-point of relevant stakeholders. The case of the Senate Democrats' protest of the ACA repeal efforts further provides specific lessons about leadership styles, argumentation, and the connection between grassroots organization and establishment figures.

First, this study provides insight into how symbolic connections between members of Congress and grassroots supporters can be fostered and sustained; these symbolic connections can also help explain how minority parties can energize public support to oppose the majority parties' legislative agenda. Prior to the Senate Democrats protests against ACA repeal efforts, grassroots resistance groups, typically naming themselves "Indivisible" groups after a guide published by former Congressional staffers, sprouted across the country to challenge the newly-elected administration's legitimacy and governing priorities through continued engagement, debate, and protest.[61] Following a similar logic, Senate Democrats enacted a justification for governance based on the necessity of debate, engagement, and continued stakeholder buy-in. This was in stark opposition to the Republican's justification for governance based on election results. In the winner-take-all-frame, election results create mandates for the majority's enactment of any policy it prefers without extended consultation or attempts to build consensus and improve the original idea in the crucible of deliberation. Therefore, the Senate Democratic protest highlights how establishment figures might simultaneously empower grassroots organization, providing argumentative frames, modeling organizational structures, and justifying action, as well as critique and disrupt seemingly accepted means and rationale for deliberation or lack thereof. In elucidating argumentative cooperation and formal connections between establishment figures and non-establishment resistance, this essay contributes to scholarship's conceptualization concerning the relationship between the two. As David Zarefsky argues, the actions of establishment figures and caucuses can resemble the "persuasive campaigns mounted by uninstitutionalized collectivities."[62] As elements in the establishment challenge and critique the functioning of the establishment itself, establishment figures might also connect with, model to, and encourage grassroots activism. Even though the establishment

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[60] Lydia Ramsey, "Here's why 3 Republican senators voted against the GOP healthcare plan," *Business Insider*, July 28, 2017, <http://www.businessinsider.com/why-mccain-collins-murkowski-voted-against-gop-health-care-bill-2017-7>.

[61] Ezra Levin, Leah Greenberg, and Angel Padilla, "To Stop Trump, Democrats Can Learn From the Tea Party," *The New York Times*, January 2, 2017, <https://www.nytimes.com/2017/01/02/opinion/to-stop-trump-democrats-can-learn-from-the-tea-party.html?_r=0>.

[62] David Zarefsky, "President Johnson's War on Poverty: The Rhetoric of Three 'Establishment' Movements," *Communication Monographs 44* (1977): 368.

might squash or domesticate dissent,[63] establishment figures might also authorize and energize dissent, encouraging stakeholders around the country to resist in the manners they determine appropriate.[64]

Furthermore, this case study illustrates how minority party rhetoric can invite and encourage connection between establishment leaders and grassroots supports to cultivate shared interests, induce action, and resist status quo modes of deliberation and policy enactment. In this manner, this essay provides insight into how minority parties might use symbols to check the majority party's symbolic authority and model to constituents how to do the same. Minority parties importantly can flag the lack of open deliberation when the majority party's process fails to account for stakeholder viewpoints and to engage critically and reflexively on critical on questions of public policy. Because "democracy inherently values the opportunity to debate freely a range of positions and evidence on an issue,"[65] the role of the minority party's rhetoric can be more fully appreciated as safeguarding the open deliberation necessary for a functioning democratic process as opposed to solely efforts to obstruct legislative changes.

This essay also articulated the significance and functions of collaborative leadership. This leadership style can encourage stakeholder participation through profusion and accumulation—strategies that compile reasons for citizen action in ways that appeal to many, diverse stakeholders. The accumulation of reasons to remain active and resist manifests in a rationale for long-term resistance and diverse argumentative strategies among a multitude of grassroots organizations, activists, and establishment agents. As the Democratic Senators invited the unification a group of dispersed and diverse stakeholders into a national coalition, they demonstrated that working together and modeling a cooperative spirit allows for a plethora of complicated and nuanced appeals. Independently, each one of these appeals provides a justification or motive to stakeholders to participate in the debate. These appeals accumulate into a multifaceted and layered justification for broad and diverse engagement. The layered nature of these justifications encourages long-term resistance as each new addition to the accumulation invites added participation.

In addition to providing a multi-layer justification for resistance, argumentative convergence, in a collaborative model, makes it more difficult for the opposition to discredit an individual or an argument to delegitimize the entire movement. If one individual converged many different reasons to support one conclusion, the opposition could deliver a significant setback to the conclusion by discrediting the single leader. In the case of collaborative leadership, no single leader exists which represents the entirety of the rationale to participate in resistance or challenge and change the status quo, decreasing the ability for the opposition to discredit and respond to all of the rationales reinforcing the resistance.[66] Both the proliferation of justification to enter into the collaborative effort to resist the status quo and the diminishment of the opposition's ability to contain resistance demonstrate how collaborative leadership can invite and enable persistent resistance. The way in which Senate Democrats together invited broad citizen participation and flagged a lack of open deliberation furthermore underscores the critical functions of minority party rhetoric to maintaining the debate and engagement necessary for a thriving democratic process.

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[63] See, for example, John M. Murphy, "Domesticating Dissent: The Kennedys and the Freedom Rides," *Communication Monographs 59* (1992): 61-78.
[64] Miller, "Empowering Communities," 157.
[65] Olson, "Constraining Open Deliberation," 78.
[66] Joshua H. Miller similarly argues that decentralized forms of leadership, which collaborative leadership styles enable, prevent external violence from threatening to undermine resistance to the current social order. See Miller, "Empowering Communities," 164-65.