

Logical topoi in the Court Case of *The United States of America Vs Timothy McVeigh*

Abigail Ayres

Created in Kevin Roozen's ENC 3315 Argumentative Writing

Abstract

The Court Case of Timothy McVeigh is notorious as one of the first large-scale terrorist attacks on U.S. soil. While we, unfortunately, are much more familiar with these acts today, Lawyer Joseph Hartzler had a difficult time convincing the jury that such an act of brutality was even possible. In *Rhetoric*, Aristotle outlines possible ways orators can make their listeners feel to make them believe their argument is better. Hartzler intelligently used many of these tactics to convince the jury that McVeigh was a terrible person capable of the horrendous crime. However, the most prominent *logical topoi* used by Hartzler would be anger. Or, in other words, he made the jury angry at Hartzler to make them believe he was capable of such a horrible action. Analyzing this case through the eyes of Aristotle's *logical topoi*, we can better understand what made his argument so effective and ultimately successful.

The Oklahoma City bombing was one of America's deadliest acts of terrorism before 9/11. As people struggled to understand what kind of person could bomb a building filled with innocent children and workers, prosecutor Joseph Hartzler faced the difficult task of convincing a jury that an unknown veteran, named Timothy McVeigh, was responsible for the tragedy. In a case such as this, it was essential that Hartzler argue effectively to sway the jury onto his side. Aristotle lived over 2400 years ago, so it is hard to imagine that his teachings are still relevant to this day. However, Aristotle's *logical topoi* were frequently used by modern lawyers and throughout this case. In this case, Hartzler used anger to persuade the jury that Timothy McVeigh is guilty of the Oklahoma City bombing and deserved to be punished for it. Aristotle defines anger as, "An impulse, accompanied by pain, to a conspicuous revenge for a conspicuous slight directed without justification towards what concerns oneself or towards what concern's one's friends" (Aristotle 60). Therefore, throughout his opening statement, Hartzler needed to prove to the jury that McVeigh's actions were a

slight against them or those they care about, and he needs to be brought to justice for it. We see this in how Hartzler establishes the insolent character of McVeigh.

Firstly, we see him use anger when he explains that McVeigh has hurt those we generally feel should be protected. For example, how he describes Tevin playing with his mother's curling iron in the morning would emphasize his childhood innocence and naivety (Hartzler 258). He was too young to understand the danger a curling iron posed to him and thus should be protected from it. According to Aristotle, "We feel angry with those who slight us in connexion with what we are as honorable men bound to champion – our parents, children, wives, or subjects" (64). By emphasizing this specific behavior of Tevin, a boy killed in the attack, Hartzler is emphasizing the innocence of the victim and furthering this idea that they should have been protected, thus fomenting the jury's anger towards McVeigh for committing such a vicious act. He continues to do this as he explains how Tevin's mother dressed him and took him to daycare and names six other specific children who were killed (Hartzler 258-259). This emphasizes how each of these children had parents hurt by McVeigh's act and personalizes the victims as more than just statistics for the jury. By furthering this emotion and desire to protect, he is increasing the anger felt by the jury for the terror attack.

After emphasizing that the people killed in the bombing were innocent and should have been protected, Hartzler continues to describe how McVeigh felt no remorse for his actions. In his opening statement, Hartzler names a passage that McVeigh had highlighted in *The Turner Diaries*, a book that inspired him to commit the attack, "The real value of our attacks today lies in the psychological impact, not in the immediate casualties" (Hartzler 262). This statement would anger the jury because, according to Aristotle, "[We feel anger] with those who are indifferent to the pain they give us" (63). This comes from the idea that a person that has been slighted is seen with little importance to the other person, and they do not care to think of it too much. To McVeigh, the lives lost in the Oklahoma City Bombing were of little importance compared to his bigger goal of starting a coup against the "tyrannical government" (Hartzler 266). This is a slight to the jury because they feel they had an honor-bound duty to protect those hurt in the explosion, so seeing him react so callously to his damage would cause them to feel anger.

This feeling would be intensified as Hartzler emphasizes McVeigh's insolence. Throughout the statement, Hartzler emphasizes how McVeigh longed to be a hero like that in *The Turner Diaries*, "He said it was time to take action... just like *The Turner Diaries*; and, of course, just like the main character in the book, he would become the hero" (265). Of course, the event that pushed him toward this line of thinking was Waco, an event that already had many Americans angry. However, they did not all act so violently to their anger. According to Aristotle, we feel a person has been insolent when "he thinks himself greatly

superior to others when ill-treating them” (61). The jury may see McVeigh as viewing himself superior over them because he acted upon that anger, which we can presume, they did not. And because of that he acted in a way that had him decide the value of innocent lives, thus acting like a God-like figure. So, by him acting upon this common anger in such a presumptuous way, the jury may feel slighted and feel angry.

The jury may also view him as insolent because of how Hartzler emphasizes McVeigh’s cowardice, “After he did so, he fled the scene, and he avoided even damaging his eardrums because he had earplugs with him” (263). In this action, McVeigh reveals his own safety and life were more important than those whom he killed with his explosion, people that Hartzler had already effectively established should be “championed.” This act of insolence would cause them to feel anger as they ask what made a man, one no different than us, feel this much importance about himself? What made him think he was like the protagonist in *The Turner Diaries* and act upon these feelings of anger toward the government? What made him believe that his life was worth so much more than the innocent men, women, and children he killed? This presumption that he had this superiority over the jury could easily be perceived against a slight, especially considering the innocence of his victims.

Now, it could be argued that the primary emotion Hartzler is appealing to is pity. Aristotle states, “Most piteous of all is it when, in such times of trial, the victims are persons of noble character...” (78). Given how much Hartzler emphasized the innocent nature of those killed in the bombing, it could be said that he was using pity to drive the jury to think that they had to bring justice to those who lost their lives by convicting McVeigh. However, this pity is all in service of increasing their anger. Hartzler needed them to pity the victims more than they could understand McVeigh’s actions. Many people were angry with what happened at Waco, and Aristotle says we feel “comparatively little anger” over those who commit actions in anger because we relate to them (63). By using pity simply as a supplement to his argument, it increases the strength of his point.

We also see him use anger against the jury to establish how careless McVeigh was about the act. “...he thought that the ATF agents... had their offices in that building. As it turns out, he was wrong, but that’s what he thought” (Hartzler 266). This effectively angers the jury because, according to Aristotle, we feel slighted when someone wrongs us with forgetfulness and thus negligence (Aristotle 64). The fact that he committed this terrible act and could not even be bothered to make sure he was bombing the right building demonstrates a type of carelessness that is guaranteed to increase the jury’s view of him as an insolent individual, thus increasing their feeling of anger towards him.

While it is clear that Hartzler uses anger in his opening statement to make his argument, it is uncertain which *logical topoi* he uses in his argument. Aristotle states there are seven different types of *logical topoi* used in arguments to

ensure that your audience understands you. The one I believe is most frequently used by Hartzler is the possible versus the impossible. Aristotle explains that possible and impossible is effective because, “that where the parts are possible, the hole is possible; and where the whole is possible, the parts are usually possible” (108). In other words, if something happened, then the actions that led to it were possible. This would be important for this case in particular because it was the first attack of its kind on American soil. After hearing about the tragedy and feeling attached to those hurt by the Oklahoma City Bombing, it may be difficult for the jury to understand how and why McVeigh would commit such an act. By carefully laying out how the plan was possible, he assuages these reservations by the jury, firmly allowing them to understand how very possible it was for Timothy McVeigh to have committed the bombing.

First, we see him establish McVeigh’s anger. Aristotle states we only feel angry if we believe it is possible to get revenge (64) and, “for people as a rule do what they long to do, if they can; bad people through lack of self-control; good people, because their hearts are set upon good things” (91). This means that if someone is angry enough, they can do anything they set their mind to, and Hartzler makes sure that the jury understands McVeigh’s anger. From the highlighted copy of *The Turner Diaries* to the “ATF read” file on his sister’s computer reading “Die, you spineless cowardice [sic] bastards,” Hartzler establishes this anger and, according to Aristotle, “the possibility that he could commit the crime” (270-273).

We then see him establish that McVeigh would have had the training and knowledge to build a bomb of the magnitude that was used in the Oklahoma City bombing. This uses the *logical topoi* of possibility because Aristotle states, “That if a man had the power and the wish to do a thing, he has done it; for everyone does do whatever he intends to do whenever he can do it, there being nothing to stop him” (91). Hartzler establishes how possible it was for McVeigh to acquire all the materials and tools required to make a bomb of the caliber which he desired, “McVeigh educated himself about how to build bombs, particularly truck bombs, using ammonium nitrate fertilizer and some sort of fuel oil,” (265). We even see him name the book which Hartzler used to learn all this information, *Homemade C4*, which “even provides helpful hints as to where to acquire the various ingredients... it shows how unbelievably simple it is to make a hugely powerful bomb” (265). These descriptions show how very possible it was for McVeigh, given his anger and determination to act on it, build the powerful bomb and obtain the materials required to make it, strengthening Hartzler’s argument.

It could also be argued that the main *logical topoi* used by Joseph Hartzler is division. According to Aristotle, division is “taking separately the parts of a subject” (105). Given the complex and unfamiliar nature of the crime, division would be an intelligent choice for Hartzler to break down the crime into sections

Ayres

that were easy to comprehend. We see him do this in his careful outlining of the acquisition of bomb materials; for example, when purchasing the chemicals, “McVeigh and Nichols picked up the phone book and let their fingers do the walking” (267). While division would make it easier to understand the crime, how such an event came about in the first place would still be confusing without the use of possibility and impossibility within his argument, making it the main *logical topoi* used within his opening statement.

Works Cited

Aristotle. *Rhetoric*. London: Oxford University Press, 2004.

Hartzler, Joseph. “Carnage in Oklahoma: *The United States of America v. Timothy McVeigh*.” In *In the Interest of Justice* (n.d.): 259-289.



Abigail Ayres is a Junior at UCF majoring in History while minoring in Pre-law in the Humanities, Writing and Rhetoric, and English Technical Writing.