Presidential Rhetoric and Cybercrime: Tangible and Symbolic Policy Statements

Joshua B. Hill\textsuperscript{a} and Nancy E. Marion\textsuperscript{b}

\textsuperscript{a} University of Southern Mississippi
\textsuperscript{b} University of Akron

\textbf{ABSTRACT AND ARTICLE INFORMATION}

In today’s digital age, new kinds of crime are continually emerging. If cybercriminals attack businesses and individuals, the results can be devastating. Although most people take precautions to prevent becoming a victim of cybercrime (i.e. firewalls, complex passwords), they are still concerned about the potential of becoming a victim. They will often put pressure on government officials and demand that action be taken to lessen the possibility of another cybercrime attack. Elected officials, particularly presidents, have begun to more often speak about the dangers of cybercrime and suggest possible solutions. To date, there is relatively little analysis of what presidents are saying about cybercrime and how they are speaking about it. This paper aims to fill that gap that currently exists in the literature by looking at patterns and trends in presidential rhetoric on cybercrimes. Specifically, this study examines whether presidents talk about cybercrime in substantive or symbolic terms. Do they give precise and actionable options in their rhetoric or more “feel good” statements? It was predicted that, given the complexity of the topic, presidents will use more symbolic rhetoric to speak about cybercrime rather than tangible policy language. The findings suggest this to be true. We also attempt to draw some conclusions about why presidents may be drawn to symbolic rhetoric regarding cybercrime.

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In July, 2015, Ashley Madison, a website offering services for married individuals seeking to have an extramarital affair, was hacked by a group called “The Impact Team.” The hackers stole personal information about those who had signed up for the services offered through the website. The hacking group demanded that the website’s parent company, Avid Life Media, shut down the website along with a sister website called Established Men. Avid Life Media refused to do that. Instead, they claimed to have secured the site and the personal data held there and announced that they were cooperating with law enforcement to locate the hackers and hold them responsible. At the same time, they also offered to waive the fee required for participants to delete their accounts (Associated Press, 2015; Nobles, 2015).

In mid-August, the hacker group published the personal information of some of the site’s users. After an initial release of information (i.e., user’s email, phone numbers, address), the parent company still refused to shut down the site, and the hackers released more of the stolen data a few days later. This allowed the public to peruse the data, looking for the names of friends, relatives, or well-known people who had signed up for the website. There were many prominent individuals on the list of users, including government

\textbf{Corresponding author:} Joshua B. Hill, Assistant Professor, School of Criminal Justice, The University of Southern Mississippi, 118 College Drive, Hattiesburg, MS 39406-0001. Email: joshuabenjaminhill@gmail.com
officials, judges, military, law enforcement, teachers, and religious leaders. While it is assumed that there were many accounts that used fake information or another person’s stolen information to register for the site, the release of the information was devastating to some. There was a loss of privacy for those involved, and it also caused shame and embarrassment to family members. It is also alleged that there have been some suicides resulting from the hack, and because the leaked information included sexual preferences, some have brought up the issue of safety for those who were “outed” in places where different sexualities are targeted (Gibbons-Neff, 2015; Weise, 2015; Zetter, 2015).

Other companies have also felt the effects of cybercrimes. Companies such as Target and SONY Pictures have lost millions because of hacking or other forms of online criminal activity. Government websites, including the State Department, Department of Defense, the White House, and the Office of Personnel Management, are regularly hacked by cybercriminals (Clarke & Knake, 2012). Moreover, thousands of individuals have been impacted by crimes such as identity theft. Some of those victims have even been children. In November, 2015, VTech, a computer company that makes computer-based toys for children, was hacked and about five million customer accounts were compromised, along with children’s profiles connected to the accounts. The hacked information included information such as names, genders, and birth dates of the children (Eadicicco, 2015).

Cybercrimes are becoming common as the use of networked computer technology increases and businesses and individuals both rely on computers for daily activities. Likewise, the public’s fear of becoming the victim of a cybercrime is also increasing (Henson, Bradford, & Fisher, 2013; Roberts, Indermaur, & Spiranovic, 2013; Waller, Johnson, & Bailey, 2015) causing a “technopanic” amongst users (Thierer, 2013). Both users and professionals seek greater public awareness of the problem and more action geared toward fixing it. People want to see that the government is considering actions that will prevent or lessen the impact of cybercrime on their lives.

Presidents have responded to this fear and to the associated technopanic by discussing the issue of cybercrime in their various speeches. Recent presidents (Clinton, G.W. Bush, and Obama) have each discussed the problems of cybercrime and possible solutions. For example, President Clinton sought to make the internet more “child friendly” by blocking inappropriate material (Clinton, 1997), President Bush sought increase cooperation between the Federal Government and the private sector to improve cybersecurity (Bush, 2008), and President Obama sought to protect the nation’s digital infrastructure to keep it “secure, trustworthy, and resilient” (Obama, 2009, para. 20).

In their speeches, presidents want to appear as if they are addressing the increasing fear and technopanic amongst the public and taking action to solve the problem of cybercrime. While some of their speeches contain serious policy proposals, many of them contain no specific policy proposals at all, but rather are geared towards generating the appearance of action. This type of speech, called symbolic rhetoric, has been a regular component of presidential rhetoric on the topic of crime and criminal justice since President Johnson (Marion, 1994a; Oliver, 2003).

However, since cybercrime is a new phenomenon and constantly changing, it is uncertain if presidents are talking about cybercrime the same way they have talked about crime in the past. This study is an analysis of presidential rhetoric on cybercrime to decipher patterns and trends on speeches regarding cybercrimes.

Presidential Rhetoric and Crime Control Policies

One of the ways presidents can respond to public concerns such as crime is by giving speeches in which they discuss proposals to resolve those issues. Presidential speeches on crime and criminal justice are not new. Crime first became a serious topic for presidential debate in the 1964 Johnson/Goldwater debates for the presidency. During that campaign, Goldwater blamed weak democratic policies from the Johnson administration as the basis for an increase in crime and promised the American voters that he would implement tough anticrime policies that would reduce violence. Since then, crime control has been on the agenda of every recent president to some extent (Calder, 1993; Marion, 1994a, 1997). Research clearly shows that modern presidents are becoming increasingly involved in policy conversations regarding the criminal justice system, suggesting plans to reduce crime and violence (Beckett & Sasson, 2000; Calder, 1993; Caplan, 1973; Cronin, Cronin, & Milakovich, 1981; Dilulio, Smith, & Saiger, 1995; Felkenes, 1992; Finckenauer, 1978; Marion 1994a; Oliver, 1998, 2001; Potter, 1998; Scheingold, 1991, 1995). In fact, every president since Johnson has spent some time talking about crime (Marion 1994a; Stolz, 1999).

Presidents either give speeches solely about a particular crime concern (Hawdon, 2001) or choose to include crime concerns as part of a larger speech (Marion 1994a; Oliver 1998, 2003). They often discuss the extent of violence in society or suggest proposals for solving crime as a way to make the
nation safer for citizens (Fairchild & Webb, 1985; Jacob et al., 1982; Marion, 1994a; Marion & Oliver, 2012; Scheingold, 1991, 1995). While modern presidents have each spoken about crime issues, they focus on different problems and vary in the extent to which they take substantive action to fight crime and the approach to solving the problem (Marion 1994a). Some take a conservative approach to fighting crime (i.e., longer and tougher sentences) whereas others focus on a more liberal approach (due process and rehabilitation programs).

Many studies on presidential communication have focused on the annual State of the Union address since this is typically when the president communicates his issue agenda to the nation, which is his list of things he wants to accomplish in the upcoming year and the proposals for completing those tasks. As Lempert and Silverstein (2012) note, these have become “an oratorical performance designed to persuade, delivered by the president directly to the people via broadcast media over the heads, as it were, of Congress” (p. 54). However, presidents can also communicate and announce their policy preferences in other ways, such as presidential signing statements (Oliver, Marion, & Hill, 2012), executive orders (Oliver, 2001), or budgetary requests (Caldeira, 1983; Caldeira & Cowart, 1980; Oliver & Marion, 2006, 2009). They can also use press conferences or the news (Perloff, 1998).

Some of the research on these different forms of presidential rhetoric has attempted to discern their impact on public opinion (c.f. Cohen, 1997; Light, 1999). These studies have generally found that when the president speaks, people listen (Cohen, 1995; Denton & Hahn, 1986; Oliver et al., 2012). A study by Young and Perkins (2005) showed that after a president discussed economic, foreign policy, or civil rights issues in his State of the Union speeches, the public’s concern about those issues rose. These studies give credence to the idea that presidents are able to use their power of the “bully pulpit” to directly influence public opinion about an issue and what should be done about it. In other words, “a president’s policy rhetoric can help create a vision of reality that breeds widespread concern about an issue” (Hawdon, 2001, p. 422).

This means that presidents are able to define the problem as well as the solution. Consequently, presidents use their rhetoric to reach out to the public and build up support for their initiatives (Brace & Hinckley, 1992; Hinckley, 1990; Kernen, 2006; Ostrom & Simon, 1985, 1988, 1989; Ragsdale, 1984, 1987). However, it must be noted that some research shows that the president’s influence on public opinion through the State of the Union may be only short-term (Young & Perkins, 2005).

Because of their potential to influence on the public’s perception of an issue, presidents choose to discuss crime issues as a way to sway the public’s opinions about the best methods to control violence (Hill, Oliver, & Marion, 2010). Research on the actual effect that presidential rhetoric has on the public perception of crime policy has been mixed. Oliver (1998, 2003) conducted a longitudinal study of presidential influence in crime policy to determine if a president is able to influence public opinion specifically on crime issues. He found that presidents were able to exert a dramatic influence on what the public considers to be important, thus having a powerful influence public opinion about crime issues (Oliver, 1998, 2003). In other research, he found that presidents also successfully influenced public opinion about crime control policies through their State of the Union speeches. Further research by Oliver, Marion, and Hill (2012) questioned the ability of presidents to influence public opinion about federal drug policy. They found that presidential speeches had no impact on the public’s opinion on drugs, as indicated by the “most important problem” question from Gallup, contradicting previous research and implying that the president’s impact may be affected by the area of policy in which he is operating.

Beyond the impact on general public opinion, the president can also influence other policy makers. He can indirectly affect the behavior of Congress either through his impact on public opinion or by helping to define a problem (Hawdon, 2001). By putting an issue on the national agenda, a process termed “going public,” presidents can attempt to “rally public opinion to pressure Congress to support the president’s policies” (Cohen, 2010, p. 3). Thus, the president can use his speeches to spur Congressional action.

Presidential debate and action on crime serves several potential functions outside of agenda setting. First, action on crime may provide policy cover for intended targets (Oliver, 2003). Crime, for instance, often stands in for presidents who wish to deal with issues of poverty or other forms of social exclusion in an unpopular way. He can turn it into a crime issue and make it more palatable for the public. Second, debate and action on crime may be used to direct attention away from other social problems (Beckett & Sasson, 2000). In some cases, a president may not want to discuss another problem because it may be complicated or involve many different actors. He may instead discuss crime, which is a problem that people understand and, at least on the surface, seems easy to solve. The third function of crime-related discussions for presidents is that it can be used to advance a fear-based agenda (Altheide, 2006; Hill, Oliver, & Marion, 2010). Use of such rhetoric can lead “regular people” to support policies they normally would not (Hawdon
& Wood 2014). Presidents often couple crime with other issues that cause fear (most recently, terrorism), which allows the president to take steps that are often more drastic than otherwise would be supported by the public.

**Symbolic Rhetoric**

Oftentimes, presidential rhetoric on issues can be categorized as symbolic language. Symbolic speeches are statements made by presidents in order to appear as if they are taking action to address a problem, but, in effect, they are really not proposing any substantive changes (Hinckley, 1990; Marion, 1994b). Hinckley (1990) identified symbolic rhetoric as “the communication by political actors to others for a purpose, in which the specific object referred to conveys a larger meaning, typically with emotional, oral, or psychological impact (for which) this larger meaning need not be independently or factually true, but will tap ideas people want to believe in as true” (p. 7). As such, symbolic policies are designed to produce the illusion of action, when no actual action is undertaken.

Many crime policies have been identified as symbolic. An early study by Gusfield (1963) argues that Prohibition was symbolic because the law was not geared toward halting the use of alcohol, per se, but instead was a class-based way to “control the public affirmation of morality in drinking” (Gusfield, 1967, p. 178). Galliher and Cross (1982) show that marijuana laws in Nevada are largely symbolic as they portray a “law and order image” to the nation, but the laws are rarely enforced (p. 385). National laws that limited marijuana use, in particular the Marijuana Tax Act, were identified as symbolic because the law was not funded and therefore not enforced (Galliher & Walker, 1977). More recently, Stoltz has shown that many anti-crime policies have symbolic elements, including the federal death penalty (1983), the War on Drugs (1992), the Violence Against Women Act (1999), and laws prohibiting human trafficking (2007).

Just because a policy is symbolic, however, does not mean it plays an insignificant role in the political process. Edelman (1964, 1971) indicated that while symbolic policies do not create significant change in and of themselves, they still have a variety of functions within the political system. For instance, symbolic rhetoric can bring a feeling of well-being to those listening to it or reassure groups and citizens that the government is focused on a problem and is taking actions to address it (Lorinskas, Kalinich, & Banas, 1985). In the case of cybercrime, having the president talk about the topic can reassure them that he is aware of the issue and will be spending time fixing the problem.

The ability of symbolic policies to placate the public is predicated on the idea that most citizens do not understand the policy-making process well enough to know what is happening. In other words, as described by Edelman (1964), politics is a “parade of abstractions” (p. 16) that is confusing and ambiguous. Symbolic language can help people make sense of this process by simplifying it and making it more accessible (Marion, 1992; Shull, 1989). Issues like crime, which people seem to understand intuitively (or at least believe they do), are perhaps particularly amenable to symbolic rhetoric.

Aside from simplifying topics and placating groups, symbolic policies have a variety of other functions. Stoltz (1983, 1992, 1999, 2007) describes several functions, including a moral-educative function, a modeling function, and a deterrent function (see also Marion, 1994, 1997). The moral educative function helps to reinforce the public’s position on an issue—often one of moral indignation about a criminal act—or may represent the public’s norms by communicating the shared ideals behind the rejection of a crime (Galliher & Cross, 1982; Gusfield, 1967). Thus, the rhetoric reinforces behavior that adheres to the law.

The modeling function of symbolic politics primarily functions to give the states something to emulate. Symbolic policies, in this sense, are often actually passed by Congress and signed by the president but are not meant to be carried out by the federal government. Rather, they serve as a template for the states to emulate, with enforcement happening on that level of government. The final function of symbolic policies, at least in terms of crime, is to function as a deterrent to would-be criminals. By using language designed to create fear of capture or punishment, a president can attempt to stop criminals before they engage in criminal activity.

Importantly, this means that the content of the speech is much less important than the perception of the speech by those to whom it is directed (Stoltz, 1999). The actual impact a policy may have, or in the case of symbolic rhetoric, the lack of policy, is secondary to the audience reaction (Gusfield, 1967). In other words, in most cases, the most important aspect of symbolic action and rhetoric is the effect on the public rather than the act itself (Oliver et al., 2012).

There are several elements that make criminal justice issues particularly well suited to symbolic policy language (Marion, 1994b). There is a great deal of emotion wrapped up in criminal justice issues such as violence and drugs, and people require governmental solutions to those problems. In addition, there is often a sense of urgency to issues of crime and justice, requiring policy solutions to be offered immediately, rather than after a well-developed
process. This means that symbolic policies that offer the illusion of action are tools politicians can use to help calm people’s fears (Hagan, 1983). These issues are exacerbated, in some respects, by issues like technocrime or cybercrime. People are aware that they are a problem, but because of the complexity of the solutions required, there is often a lag-time between the expectation and the fulfillment in terms of policy (Innes, 2004). This can be filled with symbolic policies and rhetoric, offered by the president.

Moreover, presidents are actually limited in terms of what they can substantively do regarding crime as a public issue. The vast majority of criminal justice policies have to be developed and enforced at the state and local levels, sometimes in partnership with the federal government, but oftentimes independently. This means that crime policy seems straightforward to members of the public but is recognized by politicians as a complex problem. Symbolic language allows presidents to simplify the problem for the public and to reassure them that a simple solution is available (Edelman, 1964; Marion, 1997; Marion & Oliver, 2012). They can also reassure the public that they are working to solve the problem, even in cases where the problem cannot be solved at the presidential level (Elder & Cobb, 1983; Marion & Farmer, 2003; Stolz, 1983).

For these reasons, all modern presidents have relied on symbolic rhetoric to some extent when dealing with criminal justice issues (Marion, 1992), with some presidents using symbolic rhetoric more than others (Marion, 1994a). Research shows that presidents use symbolic policy rhetoric in about half their speeches regarding criminal justice (Marion, 1994b).

Presidential Rhetoric on Cybercrime

A relatively new type of crime that has been discussed by presidents in the past few years is cybercrime. As technology improves, cybercriminals have found new ways to commit crimes via the internet. Computer crimes are advancing rapidly and pose serious threats to individuals, businesses, and governments. Crimes on the Internet receive a lot of coverage in the media, especially when they involve high-profile individuals or companies such as Target or Sony (Wall, 2011). This repeated media coverage can, if prolonged, result in a moral panic, which occurs when a social problem such as a crime becomes magnified. On occasion, the media may distort or exaggerate a crime or act of violence and turn the issue into a perceived threat to societal values and interests (Bonn, 2010; Cohen, 1972; Hunt, 1997; Sindall, 1990; Waddington, 1986).

When the public hears that the private information of 40 million Target customers was breached, or that the personal data on four million federal employees was hacked on the federal government’s Office of Personnel Management website, they are immediately afraid of becoming a victim themselves and demand government action to protect their personal data. Even though cybercrime is not well understood by the public (Wall, 2008), they still want to know that the government is working to keep them and their private information safe and out of the hands of hackers.

Presidents have responded to the public’s fear in their speeches by proposing new policies to address the harms done by cybercrime. In fact, the issue has become a topic of increasing public importance, and some have argued that it is part of a moral panic focused on technocrime (Levi, 2009; Thierer, 2013). When the president talks about cybercrime, he is indicating that he shares that concern and is putting it on the national agenda for action (Hawdon, 2001; Kingdon, 1995). Past research indicates that presidents are able to create and sustain a moral panic through their rhetoric (Bonn, 2011; Hawdon, 2001). Nevertheless, because cybercrime is a very complex, if not impossible, problem to solve, the president relies on symbolic politics to appear as if he is addressing the public’s fears, making them feel satisfied that the government is protecting them.

To date, there has been no scholarly analysis of the role of presidential rhetoric on the issue of cybercrime, and in particular whether presidents are using substantive or symbolic rhetoric to address the issue. In order to fill this gap in the literature, this paper examines presidential speeches about cybercrime to determine how presidents frame the issue in their rhetoric and whether they engage in symbolic politics. Given the importance of presidents in developing moral panics (Bonn, 2010; Hawdon, 2001; Hawdon & Wood, 2014) and the fact that many issues within cybercrime have become part of a larger technopanic (Wall, 2011), examination of presidential response to specific areas within the scope of cybercrime can be helpful to understand more fully how symbolic politics is used by presidents within the area of criminal justice. The goal is to provide a description of the contexts in which presidents have used the topic, as well as to provide an assessment of the rhetoric presidents have associated with cybercrime in relation to symbolic language.

Methodology

Data

The primary source for the speeches made by presidents regarding cybercrime was the American Presidency Project (2015), which maintains an online, searchable database of presidential papers, including
speeches. As the goal of the project was to assess whether presidents are engaging in symbolic politics by examining their rhetoric, presidential speeches were the primary unit of analysis.

Searching for instances of cybercrime is difficult since many countries and organizations use different definitions to define these acts (Wall, 2008). Moreover, the term is sometimes used interchangeably with terms such as “computer-related crime,” “technocrime,” and “computer crime.” This only serves to cause more confusion among the public (Gordon & Ford, 2006; Kshetri, 2013; Wall, 2011). The matter gets yet more complicated when terms like cyberterrorism and cyber-attack are used. These terms, in particular cyberterrorism, are equally amorphous as the term cybercrime and are often used in conjunction with it (Cavelty, 2007; Wall, 2011). However, recent scholarship has stated that, regardless of the accuracy of the term, cybercrime has become the accepted terminology (Wall, 2011). To that end, the term “cybercrime” was construed in the current analysis to include illegal activity conducted over the Internet or other networked systems. Thus, the study includes a wide variety of criminal activity ranging from child pornography to cyberterrorism.

The search term “cyber” was used to find presidential speeches on cybercrime. This generated a large number of results and captured a large number of the speeches given by presidents involving the issues ranging from cybercrime to cyberbullying. More specific search terms such as “Internet,” “online,” “hacking,” or “identity theft” were then used to find speeches that dealt with cyber issues that did not include the prefix “cyber.” This process captured speeches on those topics and others such as Internet predators, Internet pornography, or Internet stalking.

The original search, which covered the years 1995–2015, returned 491 cases. Many of these were references to elements outside the issues addressed in this study (cybermetrics, for instance), and some speeches were given by presidential staff (e.g., Chief of Staff) rather than by the president himself, and so the original number of speeches was reduced to 352.

Given the fact that cybercrime is a relatively new phenomenon, only three presidents have made speeches about the topic: Bill Clinton, George W. Bush, and Barack Obama. These presidents, oddly, have given relatively little attention to the topic in general, even though cybercrime has become increasingly important. Rather, presidents have tended to focus their speeches on specific topics within the overall context of cybercrime, such as identity theft. While these topics have changed, there has been a notable increase in rhetoric regarding online national security issues after the September 11th attacks.

The analysis itself consisted of two parts. First, an overall examination of how presidents have approached the topic of cybercrime, focusing specifically on the type of language they use when addressing it, was carried out. The presidents’ speeches on cybercrime were determined to be either symbolic or tangible. Symbolic policies, according to Edelman (1964, 1971, 1988) are those that give the appearance of change, when in reality, no serious or significant adjustments are ever made. This way, an elected official (including a president) can appease public concern without directly or substantively addressing the underlying problem (Marion, 1994b; Marion & Farmer, 2003; Marion & Oliver 2012; Marion, Smith, & Oliver, 2009; Oliver & Marion, 2006; Stolz, 1999). Tangible policies, on the other hand, are those that make significant changes and have a direct effect on a problem (Gusfield, 1967). These policies produce the intended results.

A good example of a symbolic policy is a statement given by President Clinton in 1998 at a technology conference. He said, “We want to work with you [technology companies] to make certain that cyberspace is a healthy place for our children in a way that does not overregulate the Internet or stifle the growth of electronic commerce” (para. 19). This statement is completely devoid of actual policy arguments. While the president expresses his wish to work with technology companies and address issues dealing with child safety (in the context of the speech, pornography), in no way does this type of statement demonstrate what steps will be taken to do so. This is the case with many of the speeches that presidents made that touched on issues of cybercrime. Another example of a symbolic speech comes from President Obama (2011), who said, “We have shined a light on hidden crimes like cyberbullying, online child exploitation, and sexual assault on college campuses” (para. 3). Again, there are no policy proposals made here.

Within this statement, too, it is easy to see that while the president is bringing focus to the issue on cybercrime, and the implication of the statement is that something has been done to counter it, nothing specific has been offered in terms of the actions of the administration. This is true across domains of cybercriminal activity.

On the other hand, an example of a tangible policy comes from President Obama (2013a). He said,

To assist the owners and operators of critical infrastructure in protecting their systems from unauthorized access, exploitation, or harm, the Secretary, consistent with 6 U.S.C. 143 and in collaboration with the Secretary of Defense, shall, within 120 days of the date of
this order, establish procedures to expand the Enhanced Cybersecurity Services program to all critical infrastructure sectors. This voluntary information sharing program will provide classified cyber threat and technical information from the Government to eligible critical infrastructure companies or commercial service providers that offer security services to critical infrastructure. (para. 7).

It is clear that, in this speech, Obama is proposing a specific policy that will result in action being taken to solve a problem.

In the coding process, speeches that contained 100% symbolic language, that is they contained no identifiable policy initiatives regarding cybercrime (e.g., getting tough on crime), were coded as symbolic, while speeches that contained specific policies to be implemented were coded as tangible (e.g., establishing a new cybercrime unit). Both authors were involved in the coding of speeches for symbolic content, and there was a high degree of agreement between them (Krippendorff’s alpha = .90). In addition to the substantive/symbolic content of the speeches, the primary themes the presidents mentioned when addressing cybercrimes were identified. This gives an overall picture of how presidents have approached, rhetorically, the issue of cybercrime and contextualizes their use of symbolic language.

The second part of the analysis then takes a closer look at presidential rhetoric, with an emphasis on the proposals offered by presidents. Speeches on two topics were analyzed more closely because of the greater attention they received from the president and the public. With this closer analysis, it could be determined more accurately if presidents were using symbolic language. These topics were issues with children and pornography and cyberterrorism.

Results

General Trends

First, when examining presidential speeches in which cybercrime was a topic for their tangible or symbolic content, we see that presidents have largely treated the issue symbolically. This can be seen in Table 1.

As the results in Table 1 indicate, it is clear that all of the presidents who have spoken about issues of cybercrime have done so in primarily symbolic ways. In the case of presidents Clinton and Bush, symbolic language was used in the majority of cases (63.3% and 71.7%, respectively), but when President Obama spoke about cybercrime, the amount of symbolic content in the speeches was shocking, with over 90% of the speeches containing no tangible policy language. There does not seem to be differences based on political party identification.

<table>
<thead>
<tr>
<th>President</th>
<th>Tangible</th>
<th>Symbolic</th>
<th>Total</th>
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<tbody>
<tr>
<td>Clinton</td>
<td>40</td>
<td>69</td>
<td>109</td>
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<tr>
<td></td>
<td>36.7%</td>
<td>63.3%</td>
<td>100%</td>
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<tr>
<td>Bush</td>
<td>30</td>
<td>75</td>
<td>105</td>
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<tr>
<td></td>
<td>28.3%</td>
<td>71.7%</td>
<td>100%</td>
</tr>
<tr>
<td>Obama</td>
<td>9</td>
<td>129</td>
<td>138</td>
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<tr>
<td></td>
<td>6.5%</td>
<td>93.5%</td>
<td>100%</td>
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The specific topics, or themes, that were discussed by presidents varied as well. The top three themes in each speech were identified through a grounded approach. Specifically, the topics for each speech were identified by their manifest content (specifically, the words addressing each topic). Topics that were closely related (e.g., cyberterrorism and cyberterrorists) were merged, resulting in a total of nine primary themes. The themes and the number of times they were mentioned are shown in Table 2. This tendency shows that presidents do not always talk about cybercrime in general, but instead they often associate cybercrime with other topics.

When examining the use of language across these themes, it is clear that presidents do not address them similarly. Some use more symbolic language, whereas others choose more tangible rhetoric. The differences in the type of language used within these themes can be seen in Table 3.

While clearly a majority of themes were treated symbolically in presidential speeches, the difference among the amounts of symbolic language across themes is notable. In particular, the theme of identity theft and fraud has the lowest percentage of speeches given that were purely symbolic (62%), and cyberthreats has the highest level of pure symbolic speech (95%). Moreover, it is worth noting that the more general topics, general cyberattacks, cyberthreats, and “other,” are among the most highly symbolic themes addressed by presidents. This is certainly plausible since it is relatively simple to devise solutions that appear to solve specific acts such as identity theft, whereas it is much more difficult to find a solution for a broad offenses like cyberthreats.

It should also be noted that despite the appearances of different themes over time, there was no relationship between how long a given topic had been addressed and whether the issue was treated symbolically. For example, child pornography was
discussed fairly regularly by President Clinton and President Bush, yet the speeches they gave did not appear to gain in substance over time. This was generally true across themes with even the more specific themes not gaining in tangibility over time. This generally supports the position that presidents are not attempting to build support for policies that will eventually address the issues in a tangible way but are instead responding to the public’s demand for symbolic action.

In short, presidents have treated the area of cybercrime largely symbolically in terms of their rhetorical language. This indicates that they are generally not making concrete proposals for new programs or policies but are instead speaking in much more general terms. Importantly, this indicates that presidents are not pushing a specific, tangible policy in the majority of speeches but rather are acting to address public concerns with presidential attention.

Second-Level Symbolism: Pornography and Cyberterrorism

While the above findings are suggestive in terms of symbolic politics by addressing the content of presidential speeches in general, they do not address whether the policies that are proposed by presidents are likely to have an impact on cybercrime or have the intended impact. The second part of the analysis examines this question by looking at two specific themes addressed by president in-depth. Specifically, speeches regarding pornography and cyberterrorism were examined in light of their policy proposals.

Children and Pornography. Children’s access to illicit material on the internet and their exploitation through both child pornography and online child predators have been topics presidents have covered regularly. For example, in 2002, President George W. Bush gave a speech in which he said,
Sexual predators use the Internet to distribute child pornography and obscenity. They use the Internet to engage in sexually explicit conversations. They use the Internet to lure children out of the safety of their homes into harm's way. Every day, millions of children log on to the Internet, and every day we learn more about the evil of the world that has crept into it. (para. 12).

By the time the president made the statement above, the issues of online child predation and child pornography had become, if not a moral panic, certainly a national concern. In fact, concerns with online access to pornography by children—a precursor to the child predation and pornography scare—had started nearly a decade earlier. Time magazine published a story in 1995 with the headline, “Cyberporn: A New Study Shows How Pervasive and Wild it Really Is. Can We Protect Our Kids—and Free Speech?” By 1997, it had made its way to the presidential agenda, with Bill Clinton giving a speech entitled, “Remarks Announcing Steps to Make the Internet More Family-Friendly.”

It is worth noting that presidents have not been concerned solely with raising awareness or speaking symbolically about these issues. Both Presidents Bush and Clinton made concrete proposals in the context of speeches. In the 1997 speech by President Clinton mentioned above, he remarked, “In the past 3 months alone, the FBI has expanded by 50 percent the staff committed to investigating computer-related exploitation of minors and established a task force to target computer child pornography and solicitation” (para. 10). These were concrete steps taken to combat online child predation.

Presidential action was not limited to just executive authority. President Bush in a 2002 speech encouraged Congress to pass the “Child Obscenity and Pornography Prevention Act,” designed to curb production and distribution of online child pornography. What is interesting about this encouragement, however, is that at least two similar pieces of legislation had been passed but struck down by the courts on free speech causes, and much criticism has been laid at the feet of similar legislation for its unintended consequences (Adler, 2001).

Interestingly, however, both Presidents Bush and Clinton were focused on what they saw as the intense and growing issue of online child predation. While there is little doubt that this is a real problem, it is essential to know that the vast majority of victimizations of minors do not happen via the Internet (Jenkins & Boyd, 2006). None of the speeches given suggest this disparity; in fact, none of them directly mention predation outside of those initiated on the Internet, and thus the focus on online child pornography serves to address a problem that, while real, is not actually as significant as the related problem of child predation in “real life.”

Additionally, there is little reason to believe that the measures suggested, particularly those by President Clinton, such as increasing parental controls on web browsers (Clinton, 1997), had any effect. This is perhaps best seen in the complete lack of speeches on the topic by President Obama.

One final point in terms of the speeches on children and pornography is worth noting. While child pornography and exploitation was mentioned in 21 of the speeches by presidents (6%), often it was coupled with other issues. This is unsurprising, especially given the symbolic nature of most of the speeches. They, in essence, were making sure people knew that the president was addressing the topic—but not necessarily acting in a way to effectively combat it—the very essence of symbolic politics.

Cyberterrorism. While children and pornography represented a relatively small number of speeches, there were far more geared towards cyberterrorism (n = 45, 13%). Despite the large difference in the topics of cyberterrorism and child pornography and exploitation, there were striking similarities in the presidents’ approach to the topic. First, the number of symbolic speeches was similar with 77% of the speeches given on the topic of cyberterrorism being totally symbolic compared to 76% of the speeches on children and pornography. Additionally, the substantive elements in the speeches were almost always focused on what the executive branch of government had done to address the problem—generally through creating new units or divisions.

In a 2009 address, President Obama said,

Al Qaïda and other terrorist groups have spoken of their desire to unleash a cyber-attack on our country, attacks that are harder to detect and harder to defend against. Indeed, in today’s world, acts of terror could come not only from a few extremists in suicide vests, but from a few key strokes [sic] on the computer, a weapon of mass disruption.

What is again interesting in this excerpt is that there is little evidence that modern terrorist groups have this capability (Cavelty, 2008), nor is there good reason to believe that they will have it soon. Additionally, the proposed solution in the speech, a reorganization of some executive organizations within the federal government and, most notably, the creation of a White House Cyber-security Coordinator, is unlikely to have
the intended effect. This is primarily because, as the position is currently constituted, there is no budgetary authority or ability to actively de-conflict agencies operating under him or her (Rosenzweig, 2010). There are also significant concerns regarding the impact on civil liberties (Vols, 2015).

Perhaps more important than the lack of ability for policy to directly address cyberterrorism, is the complete lack of documented cases of the phenomenon itself. While it has remained a mainstay of politicians, practitioners, and the media, outside of minor defacing of websites and Denial of Service (DoS) attacks, there have been no cases of physical or infrastructure damage caused by a terrorist organization. In other words, cyberterrorism is a socially constructed problem, and presidents are providing socially constructed solutions for it.

Again, President Obama (2015) stated,

"The cyber world is sort of the wild, wild West. And to some degree, we're asked to be the sheriff. When something like Sony happens, people want to know what can government do about this. If information is being shared by terrorists in the cyber world and an attack happens, people want to know are there ways of stopping that from happening. By necessity, that means government has its own significant capabilities in the cyber world. But then people, rightly, ask, well, what safeguards do we have against government intruding on our own privacy? And it's hard, and it constantly evolves because the technology so often outstrips whatever rules and structures and standards have been put in place, which means that government has to be constantly self-critical and we have to be able to have an open debate about it. (para. 33)."

Here again we see the president engaging in symbolic language, even in a speech regarding an Executive Order on “Promoting Private Sector Cybersecurity Information Sharing.” Interestingly the president here associates the Sony hack with cyberterrorism – and insinuates that there is information being shared by terrorists. He completes the statement with a suggestion, not for a policy to combat this problem, but for a debate regarding the government’s involvement in online combatting of cyber-incidents.

**Discussion**

Symbolic policies are those policies that produce the appearance of action without committing the president to engage in any specific activity (Edelman, 1964, 1971; Hinckley, 1990; Marion, 1994b). The above analysis suggests that presidents do engage in symbolic politics when it comes to cybercrime, as both the type of rhetoric they employ, as well as the solutions they present, are geared towards generating the appearance of a response, rather than a response to an actual issue.

One way this manifests itself is the overwhelming nature of the use of symbolic speech by presidents. In over 70% of the speeches given by the most recent presidents, the language is 100% symbolic. This means that there are not actually any policy responses offered; rather, the president is simply acknowledging a problem or generating the appearance of a response. This result is strengthened by the fact that more general problems, like cybersecurity or cyberthreats, are often the most talked about but similarly the most symbolic.

These findings support other research in the area of presidential rhetoric and crime. Oliver, Marion, and Hill (2016) find that when presidential speeches in seven categories of crime are analyzed, six of the seven categories were comprised of mostly symbolic language. The seven categories included police (61.1% symbolic), courts (66.9% symbolic), corrections (34.3% symbolic), death penalty (86.6% symbolic), juveniles (53.7% symbolic), guns (63.3% symbolic), and drugs (66.4% symbolic), with corrections the only category of speeches where there were more speeches with tangible or substantive policy directives. An earlier study by Marion (1994b) found that, on average, about half of presidential speeches on crime were symbolic. When compared to the results of the current study, the only presidential speeches on that were more symbolic than those on cybercrime were those pertaining to the death penalty.

The results of this study are directly related to theoretical perspectives like the politics of fear (Altheide, 2006) in terms of the need to address an issue, even if that issue is manufactured (Griffin & Miller, 2008). Presidents not only neglect addressing the issue of cybercrime in the majority of their speeches, but they cannot address it successfully outside of public perception because their language lacks any tangible foundation. The primary reason, then, that presidents speak about the issue at all is to generate the appearance of addressing cybercrime.

What is interesting is that this holds true across various topical areas within cybercrime. Even the least symbolic area, identity theft and fraud, had a majority of the speeches comprised of solely symbolic language (62%). While there could be other reasons for the use of symbolic language, it is easy to assume that presidents are attempting to influence public opinion through their rhetoric.
In addition to the language used in the cybercrime speeches, it is clear that when two areas of cybercrime speeches are examined in more detail, children and pornography, and cyberterrorism, the nature of cybercrime rhetoric as symbolic becomes evident. First, when it comes to child pornography, Presidents focus almost exclusively on the nature of the delivery of the content or exploitation – namely, the Internet. This is a direct response to a public perception of the Internet as criminogenic (Wall, 2011), whereas there is little information to support that (Wall, 2008). Moreover, focusing on the delivery method ignores the fact that most of the injury occurs outside of the online environment (Jenkins & Boyd, 2006).

Like child pornography and online predators, cyberterrorism can be viewed as a moral panic (Bowman-Grieve, 2015). Wall (2011) argues that the public perception of cybercrime in general has been shaped by the media’s depiction of cybercrime as scary and the domain of criminals, in particular, in the genre of social science fiction movies like Hackers. This is emphasized in the presidential use of pairing of cyberterrorism with other ‘scary’ social problems like weapons of mass destruction. In both cases, the president is hoping to take advantage of the panic and be seen as doing something to address the issue of cyberterrorism.

In addition to the public’s a priori expectation, a recent study (Cavelty, 2013) shows that presidents sometimes link two issues together as a more effective way to affect public opinion about an issue and increase support for their policies. For example, a president will discuss a relatively new concern with one already perceived as a problem by the public. In doing so, the president gives the impression that the new issue is as important as the previous one and is also in need of action. In another study, Cavelty (2008) found that presidents were likely to connect the issue of cybercrime committed against individuals and corporate entities with national security or even international security issues by the process of coupling (Cavelty, 2008; Kingdon, 2003). Thus, presidents have linked the emerging problem of cybercrime with already established problems of national security or international security.

This is one example of why presidents may engage in symbolic politics, particularly in the presence of moral panics. If there is sufficient fear generated by the topic itself, or its paired topics, then what is called a reassurance gap can be created (Innes, 2004). This is where the public expects action on the part of the government, but there is a lack of effective policy choices. Instead of doing nothing, the president can opt to engage in symbolic rhetoric to placate the public. The placation, and policies that are created to look as if they are addressing the public’s concerns, fill that void.

Presidents may also link a complicated problem with one that is easier for the public to understand, thereby implying that the complicated issue is actually simpler. Eshbaugh-Soha and Peake (2004) found that the president had far more influence on civil rights policy and clean air policy rather than farm policy simply because of the lack of salience and complexity attached to farm policy. Further, some issues are more dynamic than others. Issues such as war and terrorism will probably (though not always) get more attention in the media than issues of online identity theft and pornography. A president may link a less dynamic issue like cybercrime with a more interesting topic like terrorism, giving him a larger audience and a better opportunity to influence the public’s opinion.

Presidential speeches on cybercrime are replete with examples of pairing. In a 2001 speech, prior to September 11th, President George W. Bush stated,

This [a balance of power that favors freedom] requires a new strategic framework that moves beyond cold war doctrines and addresses the threats of a new century, such as cyberterrorism, weapons of mass destruction, missiles in the hands of those for whom terror and blackmail are a very way of life. (para. 11)

While these seem similar, it should be noted that there has never been a successful, destructive cyberterrorism attack. Thus, through pairing, the president is trying to define the problem of cyberterrorism in a way that implies its threat so that he can appear to address it (in this case, with a new strategic framework).

This is, in many respects, the essence of symbolic politics. Not only are presidents engaging in the theater of addressing problems, but they are also engaging in the very social construction of those problems (Hawdon, 2001) and always in a way that makes it appear as if they are addressing the issues they are helping to construct, regardless of whether they actually propose solutions.

Moreover, the three functions of symbolic language are evident in presidential language on cybercrime. First is the moral educative function. It is clear that presidential statements about cybercrime reinforce the public’s moral indignation of cyber-offenses and the harm done by those acts, thus fulfilling the moral educative function that is a component of symbolic policies. In other words, the statements made by presidents about the harm resulting from cyber offenses emphasize the social rejection of criminal cyber acts and technocrime.
Second, presidential language on cybercrime reinforces the modeling function of symbolic policies. This means that the laws proposed by the president are not meant to be carried out by the federal government but instead serve as a model for states to emulate. Since the majority of presidential speeches do not contain specific policy suggestions, they are instead providing a basis for new laws or a more general, overarching policy direction to state legislative bodies. This may be tempered partly by the fact that most cybercrime laws will be implemented on the federal level rather than the state level. Nonetheless, the president’s statements are still sending a message to state policymakers that there is a problem, and there may be a need for more action on the state level in the future.

The final function of symbolic policies is to act as a deterrent to potential offenders. This is clearly the case here. The president is sending a message to those seeking to do harm through advanced technology that their crimes will not be ignored and that they will not go unpunished if they bring harm to individuals or companies by their actions. Instead, they will face severe penalties with long-lasting consequences.

Some presidents have relied on yet another tactic to affect the public’s opinions on cybercrime policies: They rely on the fear that is inherent in some topics to convince the public that action is needed. Altheide (2006) argues that politicians can utilize the fear generated by particular issues to sway public support for otherwise potentially unpopular policies. Some areas, such as crime and terrorism, tend to naturally provoke fear in the public, and cybercrime is a natural extension of this. Altheide (2006, 2009) examined both crime and terrorism in light of the politics of fear, finding that the two topics were often used to further a security agenda, as both topics were generally considered fear-inspiring. Support for the conjunction of these topics was also found by Hill, Oliver, and Marion (2011). In short, presidents use the fear to instill into the public’s mind the need for action, and there is little reason to believe that cyberterrorism is not similarly being used.

Cybercrime, by and large, has been a symbolic topic for presidents. In particular, both cyberterrorism and issues dealing with the exploitation of children online have been used by presidents to appear as if they are addressing cybercrime, when in fact they are not introducing tangible policies at all.

From an academic perspective, these results advance our understanding of presidential rhetoric and presidential reliance on symbolic language to further their agenda. These results provide more evidence to show that presidents reach out to the public as a way to increase support for their policies, even creating a moral panic to expand the public’s endorsement of their plans. It also shows that presidents rely on symbolic language when they may not understand the breadth of a problem nor have an easy solution to solve it.

These results also shed some light on the nation’s evolving cybercrime policies. They indicate that our current laws that are intended to deter cybercriminals from committing offenses and/or to punish those who do carry out offenses may not be based on factual information but are instead based on tactics of fear. Because of this, it is likely that these laws will not be effective in either deterring or punishing cybercriminals. They may, however, be successful at creating or inducing a moral panic regarding cybercrime, which, in turn, will only result in more symbolic rhetoric and legislation.

Conclusion

While this study generally supports the contention that presidents engage in symbolic politics when it comes to issues related to cybercrime, there are some limitations. First, while presidents spoke frequently about cybercrime, most of the time it was couched in terms of other topical elements within speeches on issues such as national security or terrorism. In some respects, this actually supports the above analysis, but it also poses a limitation because the number of full speeches about only cybercrime were relatively few (n = 56). Additionally, the fact that only three presidents have been able to speak about the topic because of its recent advent means that the study is inherently limited in terms of its scope. It also suggests that there is more to do to see if other political leaders engage in symbolic rhetoric on the topic of cybercrime.

Overall then, presidents have good reason to engage in symbolic politics when it comes to the topic of cybercrime and seem to have done so. By talking about the issue in ways that are symbolic, and then proposing policies unlikely to actually address the issues within cybercrime, presidents are engaged in filling the assurance gap created by public expectation for action. This response, to what, in many cases, is a moral panic by the public, placates their need for action, even if it does not actually address cybercrime effectively.

While presidential use of cybercrime policy as symbolic is well supported, there are significant questions that remain. Because cybercrime is a relatively new topic for the Executive, there needs to be long term research to determine how presidents respond to cybercrime or other issues both rhetorically and in terms of policy.
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About the Authors

**Joshua B. Hill**, Ph.D., is an assistant professor of criminal justice at The University of Southern Mississippi in Hattiesburg, Mississippi. His interests include the politics of crime and criminal justice, and he has published regularly in the areas of presidential rhetoric of crime and the language of criminal justice. He also has written books focused on the issues of homeland security as well as marijuana legalization. More recently his research interests have expanded to examine issues of power in language regarding crime and criminal justice, and in particular how metaphor is often used as a “boundary object” in debates regarding crime and justice policies.

**Nancy E. Marion**, Ph.D., is a professor of political science at The University of Akron in Akron, Ohio and a Fellow at the Bliss Institute for Public Policy. She has published extensively in the areas of presidential politics of crime and justice, and has written over 20 books on topics ranging from the politics of criminal justice to risk management. Her most recent work focuses on marijuana legalization and its implications, and the political effects of presidential rhetoric on gun control legislation. She is also currently pursuing her law degree at The University of Akron Law School.

ENDNOTES

1 E.g., cyber-security scholarships, international defense cyber-cooperation, offensive cyber-operations