Journal of Interdisciplinary Research in English Language Communication
E-ISSN: 3060-7655 – https://irelc.znu.ac.ir – Published by University of Zanjan

Please cite this paper as follows:

Aldakhil, F. A., & Alyousef, H. S. (2025). A comparative analysis of heteroglossic resources and power dynamics in the Trump vs. the United States Supreme Court argument. *Journal of Interdisciplinary Research in English Language Communication*, *1*(2), 3-18. https://doi.org/10.30470/IRELC.2025.2052841.1013

Research Paper

A Comparative Analysis of Heteroglossic Resources and Power Dynamics in the Trump vs. the United States Supreme Court Argument

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Received: 07/02/2025 Accepted: 25/03/2025

Abstract

The present study examined the use of heteroglossic resources in courtroom oral arguments in a high-profile political case, using the Engagement system within the Appraisal model developed by Martin and White (2005). The discursive analysis of legal teams representing Donald Trump and the United States revealed that both teams employed the dialogically expansive formulations of *entertain* and *attribute* more frequently than the contractive resources of *disclaim* and *proclaim*. However, within the contractive category, *disclaiming* resources (*deny* and *counter*) were used more often than *proclaiming* resources (*concur*, *pronounce*, and *endorse*). Comparing the two teams, the United States legal team, represented by Dreeben, utilised more contractive resources overall, emphasising authority and rejection of opposing arguments, while Trump's legal team, represented by Sauer, relied more on expansive resources to foster openness and flexibility. The frequent use of *deny* by both teams reflects their direct contestation of opposing claims, projecting confidence and control. Dreeben's strategic combination of *deny* and *counter* provided a dynamic edge by acknowledging Sauer's points before refuting them, subtly shifting the power dynamics in his favor. This study provides valuable insights into the strategic use of heteroglossic resources. Therefore, the study may contribute to understanding the rhetorical strategies used to incorporate multiple voices and perspectives in similar contexts, advancing knowledge in legal and linguistic studies.

Keywords: Heteroglossic Resources; Courtroom Discourse; Power Dynamics; Legal Argumentation.

1. Introduction

Legal language plays a key role in shaping the outcomes of court cases, especially those with significant legal or political implications (Yang & Wang, 2021). Heteroglossic resources concern several voices, legal authorities, social practices, evidence, and political beliefs that lawyers incorporate into the discursive construction of a case as a rationale for their arguments (Swigart, 2020). In the judicial practice, heteroglossia as a linguistic strategy enables attorneys to plea numerous voices to negotiate power, combat adversarial attorneys, and shape judicial perceptions. In legal discourse, these voices can encompass direct citations of law, expert opinions, societal values, and rhetorical appeals to the justices' ideological or political inclinations (Gaufman & Ganesh, 2024).

The *Trump vs. the United States* Supreme Court case offers a unique opportunity to explore how lawyers use language to navigate law and power. A central concept in this study is heteroglossia, drawn from Bakhtin's theory and adopted in the Appraisal model, which highlights the use of multiple voices and perspectives within a single argument (Song, 2020). This study focuses on how the attorneys for Trump and the United States used heteroglossic resources to assert authority and influence courtroom dynamics in their favor. Drawing on previous research in legal linguistics and the relationship between language and power, this comparative analysis examines how attorneys strategically manage power in high-stakes legal cases. By investigating the politically sensitive case of *Trump vs. the United States*, this work may contribute to our understanding of how heteroglossia manifests in legal language and its interplay with power and

law. This analysis aims to determine how attorneys use these heteroglossic resources in their argumentation strategies to frame arguments toward authority to align with the social and legal ideologies of the Supreme Court justices.

Heteroglossic resources concern several voices, legal authorities, social practices, evidence, and political beliefs that lawyers incorporate into the discursive construction of a case as a rationale for their arguments (Swigart, 2020). In the judicial practice, heteroglossia as a linguistic strategy enables attorneys to plea numerous voices to negotiate power, combat adversarial attorneys, and shape judicial perceptions. In legal discourse, these voices can encompass direct citations of law, expert opinions, societal values, and rhetorical appeals to the justices' ideological or political inclinations (Gaufman & Ganesh, 2024). This analysis aims to determine how attorneys use these heteroglossic resources in their argumentation strategies to frame arguments toward authority to align with the social and legal ideologies of the Supreme Court justices.

The twofold purpose of the present research is to analyse the strategic deployment of heteroglossic resources in legal discourse through which linguistic tools shape power relations in courtroom interactions. Meanwhile, in relation to such a discursive practice, this research aims to extend understanding of how power dynamics between attorneys could be mediated by language, especially when it is well done like in cases bearing tremendous political and legal implications as the case in *Trump v. the United States* Supreme Court. Since the stakes, in this case, are very high profile, both legally and symbolically, interpreting how language impacts power relationships within courtrooms opens areas for reading into related fields of law, politics, and linguistic strategies.

The paper contributes to the existing literature on legal discourse and power dynamics in different ways. First, it contributes towards a better utilisation of Bakhtin's theory of heteroglossia for legal discourse purposes, especially regarding high-profile political cases. Even though heteroglossia has been pursued widely in literary and linguistic studies, there is little development in legal discourse in this regard. By using heteroglossic resources in the *Trump v. the United States* Supreme Court case, this paper fills a gap in research toward understanding the strategic employment of different voices and points of view in legal argumentation as a manner to cope with power dynamics.

Further, this paper provides a comparative analysis of how the legal teams adapt to the use of heteroglossic resources in the argumentation process on behalf of Trump and the United States. The application of this research will lead to various ways that attorneys manage power relations in courtrooms by adhering to particular justices' policies and legal philosophies that may affect the ultimate decision-making approach in courts (Dudash, 2022). The research finally has broader implications for understanding the role of language in politically charged legal cases. The *Trump v. the United States* Supreme Court case, having deep political implications, was taken as a case study of how language not only reflects legal arguments but also engages with the broader debates that are political and ideological.

2. Theoretical Framework & Literature Review

2.1. SFL and the Courtroom Discourse

SFL is a framework that views language as a social semiotic system, explaining how language functions in social contexts (Halliday, 1994). SFL focuses on how meaning is constructed through grammar and how people use language to perform actions, including persuasion in courtrooms (Azhar et al., 2020). This framework allows researchers to analyse how attorneys construct their arguments and assert authority in legal settings. According to Bartley (2022), SFL helps identify how legal professionals use language to shape courtroom dynamics and influence judicial decisions. SFL's emphasis on the interplay between language, power, and authority makes it suitable for studying courtroom discourse. Attorneys often use SFL-based strategies to assert dominance or create room for multiple interpretations of the law (Bartley, 2020). These strategies include proclaiming certainty, disclaiming alternatives, entertaining perspectives, and attributing authority.

Political discourse, especially in high-stakes legal settings, is essentially used to persuade, often an appeal from aside to decision-makers. These kinds of disputes carry an intrinsic power dimension; those engaging in them use language not just to report facts but to represent how those facts are construed in particular ideological and political contexts (Dai & Zhou, 2019).

In this regard, courtroom arguments, especially in politically charged cases such as *Trump v. the United States* Supreme Court, bear a semblance of political debates in that the discourse is both set forward to present legal arguments

and to appeal to ideological stances lying below each of the justices' epistemological constructs (Matoušková, 2020). The purpose is not only to argue law but also to align legal interpretation with larger political or moral ideologies.

The SFL-based Appraisal model was developed by Martin and White (2005). It is an appropriate tool for investigating how speakers use language to create evaluation, stance, and interpersonal engagement. The model helps discourse analysts in the courtroom since it studies how speakers position themselves and others through language. The Appraisal framework comprises three subsystems- Attitude, Engagement, and Graduation. The Engagement system was chosen as the research tool for this study because it provides a focused framework for analysing how speakers manage dialogic space in courtroom discourse. It is particularly suited to examining how attorneys strategically position themselves and their arguments to opposing viewpoints. By exploring the use of heteroglossic resources such as *deny*, *counter*, and *attribute*, the Engagement system sheds light on how attorneys construct alignment or contestation within high-stakes legal arguments. This makes it an ideal tool for studying the dynamics of persuasion, authority, and power in cases like *Trump v. the United States*.

2.2. The Engagement System

The Engagement system further enhances analysis by focusing on evaluative language (Martin & White, 2005). The Engagement system refers to how speakers and writers set up utterances concerning alternative perspectives or viewpoints. Heteroglossic resources are those that involve invoking multiple standpoints. Monoglossic resources involve invoking multiple viewpoints without any reference to alternatives. In legal discourse, heteroglossic resources can open space for negotiation by allowing different interpretations. However, monoglossic resources declare certainty and closure of discussion (Almayouf & Alyousef, 2023). Understanding the deployment of heteroglossic and monoglossic resources in the court elucidates power relations. These resources are enacted strategically by attorneys to align with or contest other legitimate representations (Sangka, 2017). Such a framework is highly essential in assessing how attorneys regulate dialogism to get the desired outcomes within the legal context.

2.2.1. Heteroglossic and Monoglossic Resources in Legal Contexts

Heteroglossic and monoglossic resources play a crucial role in shaping arguments and influencing judicial decisions. Heteroglossic resources refer to the mentioning of discourses from more than one voice (Martin & White, 2005). Monoglossic resources, on the other hand, involve presenting a single and undisputed view. Lawyers draw on these resources to support dialogical expansion or a monological assertion of authority (Martin & White, 2005). Mastery of these linguistic tools is pertinent for the analysis of courtroom discourse for the unmasking of power.

2.2.1.1. Heteroglossia in Legal Discourse

The term Heteroglossia was coined by Bakhtin (2010). It refers to a situation where several voices or perspectives are represented within a discourse. Heteroglossic resources enable attorneys to invoke alternative viewpoints. They make attorneys' arguments flexible and dynamic (Martin & White, 2005). This approach helps attorneys navigate power dynamics by showing openness to multiple interpretations. For example, heteroglossic strategies are classified into four main categories that align with or challenge the opposing side's arguments: Disclaim, Proclaim, Entertain, and Attribute (Martin & White, 2005).

Disclaiming is a key engagement strategy used by attorneys to reject or challenge opposing arguments. It is divided into two subcategories: *deny* and *counter*. *Deny* directly negates a proposition, using words like *not* or *never*, to shut down opposing viewpoints and assert dominance. *Counter*, on the other hand, acknowledges an opposing argument before introducing a contrasting perspective, often with terms like *but*, *however*, or *unless*. *v.* For example, in the *Trump v. United States* (2024) case, Sauer stated, "For 234 years of American history, no president was ever prosecuted for his official acts" (United States Supreme Court, 2023, p. 3). The use of the *deny* resources "no" and "ever" in this context rejects the possibility of past presidential prosecutions, closing the dialogic space and reinforcing the argument for immunity.

Proclaiming is an engagement strategy whereby attorneys employ to affirm or reinforce their arguments by limiting dialogic alternatives. It is divided into four subcategories: *concur*, *pronounce*, *endorse,* and *justify*. *Concur* expresses agreement or alignment with a proposition, often using words like *of course* or *obviously*. *Pronounce* involves explicitly emphasizing the speaker's stance with expressions like I argue or we must. *Endorse* highlights external authority or evidence to support a claim, using phrases like *studies show* or *according to*. The *justify* category is not explicitly

addressed in Martin and White's (2005) framework but is included in the system of heteroglossic engagement introduced by White (2003). This category is often realised through connectives and conjunctions like *therefore*, *because*, and *since*. For instance, in the *Trump v. the United States* (2024) case, an attorney might argue, "Of course, the constitutional Framers designed a system of checks and balances to prevent abuses of power." Here, the use of *concur* "of course" signals agreement with shared principles while reinforcing the argument as self-evident, thereby strengthening the attorney's position. For instance, in the *Trump v. United States* (2024) case, Dreeben stated, "Of course, the constitutional Framers designed a separated powers system in order to limit abuses" (United States Supreme Court, 2023, p. 114). Here, the use of the *concur* resource "of course" signals agreement with shared constitutional principles while reinforcing the argument as self-evident, thereby strengthening Dreeben's position.

Entertaining: Attorneys may entertain alternative viewpoints to appear more flexible. For example, in the *Trump v. United States* (2024) case, Sauer stated, "I'd say – I'd point the Court to two cases for that" (United States Supreme Court, 2023, p. 6). Here, the *entertain* resource "'d" introduces a degree of uncertainty, signalling that Sauer is not presenting an absolute claim but rather opening space for alternative interpretations. This strategy allows attorneys to acknowledge potential weaknesses in their stance without fully conceding, creating room for flexibility in their argument.

Attributing is an engagement strategy used to reference external perspectives, dividing dialogic responsibility between the speaker and another source. It is categorized into two subtypes: *acknowledge* and *distance*. *Acknowledge* involves neutrally presenting external viewpoints, often using phrases like according to or it is said. *Distance*, on the other hand, explicitly separates the speaker from the attributed material, signalling scepticism or detachment through verbs like claim. For instance, in the *Trump v. United States* (2024) case, Dreeben stated, "The Office of Legal Counsel has said the offense of bribery, of course, applies to the president. It does not name the president, Justice Gorsuch. Section 201 does not specifically name the president" (United States Supreme Court, 2023, p. 84). Here, the *acknowledge* resource "has said" neutrally attributes the statement to the Office of Legal Counsel, presenting it as an external viewpoint without explicitly endorsing or challenging it.

These heteroglossic strategies enable attorneys to manipulate the courtroom dialogue, either by inviting more perspectives or rejecting opposing arguments. Attorneys position themselves as open to interpretation through heteroglossia. This strategy may give attorneys a strategic advantage in courtroom negotiations.

2.2.1.2. Monoglossic Resources in Legal Arguments

Monoglossic resources are used to present arguments without referencing alternative viewpoints. They are statements of certainty that leave little room for debate. These resources allow attorneys to assert authority and control the courtroom narrative (Fryer, 2013). Monoglossic resources are crucial for making definitive statements that convey confidence and decisiveness. They are often employed when an attorney needs to present an argument as fact (Del Valle, 2000). For instance, in the *Trump v. United States* (2024) case, Dreeben stated, "For the executive branch, our view is that there is a balanced protection that better serves the interests of the Constitution that incorporates both accountability and protection for the president" (United States Supreme Court, 2023, p. 84). Here, Dreeben's statement asserts the executive branch's stance as a definitive and uncontested position. This type of monoglossic assertion leaves no room for alternative interpretations (Del Valle, 2000). It thereby reinforces the attorney's position as authoritative and knowledgeable. Attorneys effectively control the dialogue by using monoglossic resources. It shapes courtroom discourse to reflect their interpretation of the law (Del Valle, 2000). Monoglossic statements allow attorneys to assert certainty and limit opportunities for debate. It is particularly evident when these statements are backed by legal precedent or constitutional interpretation.

2.2.1.3. Heteroglossic Engagement and Power Dynamics

Heteroglossic Engagement system plays a crucial role in constructing and negotiating power in courtroom interactions. Attorneys manipulate language to assert authority or challenge opposing viewpoints through engagement strategies such as disclaiming and proclaiming (Song, 2020). For instance, power dynamics in inheritance lawsuits often shift depending on how attorneys use heteroglossic resources to invite or dismiss alternative perspectives (Etxabe, 2022). These interactions demonstrate how language in legal contexts directly influences the balance of power between parties, positioning one side as more authoritative.

Legal authority in courtrooms is shaped by how lawyers regulate language to dominate, dispute, or create openings for negotiation (Cohen & Alberstein, 2022). The Engagement system illustrates how lawyers align with or disengage from other voices using specific lexicogrammatical resources (Martin & White, 2005). Within this system, four heteroglossic strategies are employed to construct power relations. Lawyers may use assertive or subtle linguistic approaches to control and persuade judges and juries (Song, 2020). Understanding these strategies is essential to analyzing how lawyers craft legal narratives that reinforce or challenge their dominance (Fryer, 2013). Judges also play a crucial role in interpreting and managing heteroglossic strategies used by attorneys. Their assessments of linguistic maneuvers often determine the balance of power in the courtroom (Sangka, 2017). For example, judges may favor arguments based on how effectively an attorney asserts or undermines power through language (Song, 2020). By interpreting these arguments, judges either reinforce or disrupt the authority constructed by legal teams, further shaping the dynamics of courtroom discourse.

The study of legal discourse has drawn significant attention from scholars in linguistics, law, and communication, revealing how courtroom interactions are highly influenced by language manipulation (Matoušková, 2020). This manipulation often aims to create power, oppose dissenters, and exercise control. Critical discourse analysis (CDA) has emerged as a contemporary analytical framework to explore how language operates as a resource for performing, maintaining, and contesting power in institutional settings such as courtrooms. Fairclough (2013) highlights discourse as a symbolic site of struggle, emphasizing how individuals use language to exert dominance, resist control, or negotiate meaning within hierarchical structures.

Studies by Conley and O'Barr (1998) and Cotterill (2003) delve into the linguistic strategies that attorneys use to shape judicial outcomes, identifying rhetoric, framing, and the strategic deployment of multiple voices as pivotal elements. These strategies align with Bakhtin's (1981, as cited in Martin & White, 2005) concept of heteroglossia, which describes the coexistence of multiple, often contradictory, voices within a single discourse. In legal contexts, heteroglossia is employed through legal precedents, expert opinions, moral reasoning, and values, allowing attorneys to craft arguments that appeal to ideological leanings and broader social or political contexts (Dudash, 2022).

While CDA has significantly shaped the study of legal discourse, recent research has also incorporated Martin and White's (2005) appraisal framework, focusing on how attorneys manage dialogic space through monoglossic (single-voiced) and heteroglossic (multi-voiced) resources. However, engagement resources have been largely overlooked in courtroom discourse studies.

Several studies illustrate the application of the appraisal model in courtroom discourse. Bartley (2020) examined the role of evaluative language in shaping jury perceptions, focusing on a wrongful conviction in a 1993 sexual assault case. Using Martin and White's (2005) framework, Bartley highlighted how the prosecution used negative judgments to undermine the defendant's credibility while emphasizing the victim's emotions to gain sympathy. In contrast, the defence employed positive judgments and first-person language to connect with the jury and reinforce their client's innocence, underscoring the evaluative nature of courtroom language. Aisah et al. (2023) further demonstrated the importance of appraisal framework by analyzing judges' considerations in prosecuting hate speech under ITE Law. Their study emphasized using attitudinal and appreciation resources to evaluate defendants' accountability, intentionality, and the impact of their actions. Similarly, Dai and Zhou (2019) applied appraisal model to analyze courtroom discourse in the Steven Avery case, focusing on engagement resources such as denial and counter to emphasize contradictions and clarify positions. Their findings revealed that engagement resources were the most frequently utilized, highlighting their critical role in influencing courtroom dynamics. These findings underscore the nuanced use of language in shaping judicial decisions and highlight how appraisal resources function in the legal domain.

This growing body of research provides a foundation for examining heteroglossic resources in legal discourse. However, there remains a need for a more focused analysis of engagement resources in adversarial courtroom settings. By addressing this gap, the current study utilizes Martin and White's (2005) appraisal model, specifically the Engagement system, to investigate the heteroglossic resources used by the attorneys representing the United States and Donald Trump in the Supreme Court. Therefore, this study aims to answer the following questions:

1. What linguistic features of the Engagement system (heterogloss) are employed by the legal teams representing the United States and Donald Trump?
2. In what ways do the legal teams differ in their use of heteroglossic resources?

3. How do heteroglossic resources reflect power dynamics in the courtroom?

4. Methodology

4.1. Research Design

To address the two research inquiries, a mixed-methods research design was implemented. In one or more stages of the research endeavour, this design integrates components of qualitative and quantitative methodologies (Creswell & Creswell, 2018; Dörnyei & Griffee, 2010). Consequently, the use of qualitative methods can mitigate the abstract statistical characteristics of quantitative research by providing a greater depth and significance to the findings. Thus, a more comprehensive examination of the engagement resources employed in legal discourse is presented, with an emphasis on the heteroglossic subsystem. Additionally, the validity of the research is improved and the results are more likely to be legitimized by the use of blended methods than by relying solely on quantitative or qualitative data. Researchers can evaluate the results of both data types through triangulation, which involves the utilization of multiple research techniques or multiple sources of data (Mackey & Gass, 2021).

4.2. Data Extraction and Cleaning

The corpus consisted of 9,039 words, with 4,518 words from the attorney representing the United States and 4,521 words from the attorney representing Donald Trump. The transcript was retrieved from the official website of the Supreme Court of the United States (https://www.supremecourt.gov/oral_arguments/argument_transcript/2023). To ensure an accurate analysis of the utilization of heteroglossic resources by the two legal teams, the data was cleaned to exclude dialogues from the justices.

4.3. Context of the Data

The data for this study is drawn from the Supreme Court oral arguments in the case of *Trump v. the United States*. This high-profile case centers on the question of whether a former president holds immunity from criminal prosecution for actions taken during their tenure. In August 2023, former President Donald Trump was charged by Special Counsel Jack Smith with attempting to overturn the 2020 election results through force and deceit, violating federal law. Trump asserted that he possessed broad immunity from criminal prosecution for actions undertaken as part of his official duties and argued that his previous acquittal in an impeachment trial barred further prosecution.

The case progressed through the courts, with the D.C. District Court rejecting Trump's immunity claims, a decision later upheld by the D.C. Circuit. The Supreme Court granted certiorari to address the constitutional question of whether a former president can be held criminally liable for purported official acts while in office.

At the heart of the case is the interpretation of constitutional provisions concerning presidential accountability. While Trump's legal team argued for immunity based on the absence of explicit constitutional provisions to the contrary, precedents such as *Nixon v. Fitzgerald* were cited to emphasize that presidential immunity extends to civil actions but does not protect against criminal prosecution. Legal scholars and amici argued that the Constitution's text and history support holding the president accountable under the law, contrasting the role of the president with that of a British monarch, who historically enjoyed absolute immunity (Constitutional Accountability Center, n.d.).

This legal and rhetorical context provides a rich foundation for analyzing the engagement resources used by the legal teams representing Trump and the United States, particularly as they navigate arguments of power, accountability, and constitutional interpretation in this landmark case.

4.4. Data Analysis

MAXQDA was used to annotate the data, offering powerful tools for text annotation and coding. This software allows researchers to insert codes and assign them to specific text segments, facilitating both qualitative and mixed-method analysis (Kuckartz & Rädiker, 2019). To address the first research aim, which involves examining the heteroglossic formulations used by the legal teams, the attorneys' dialogues representing Donald Trump and the United States were separated into two datasets and uploaded to MAXQDA for analysis. All heteroglossic resources were added as codes and assigned to the corresponding segments in the corpus by manual and semi-automated techniques. Following the annotation process, the texts were reviewed to ensure that all codes were accurately applied, ensuring reliable results. Additionally, frequencies of heteroglossic resources were calculated per 1,000 words to allow a more precise comparison

between the datasets, which were nearly equal in size (4,518 vs. 4,521 words). This normalization helps to account for minor variations in dataset size and ensures that the results are directly comparable across the two legal teams. Finally, descriptive and contrastive statistics were extracted from the software to analyze the data effectively.

4.5. Ethical Considerations

The ethical issues, which are most relevant to this systematic review, therefore, pertain to the appropriate and proper utilisation of secondary data. All the included datasets and studies are derived from public domain and academic journals/periodicals, and therefore no personal and/or confidential information is used in this research. All the sources used are accredited to avoid cases of plagiarism and every argument presented is backed by balanced analysis.

5. Results and Discussion

This section presents the linguistic strategies employed in the *Trump v. the United States* oral argument. The next three sections present the analysis and discussion of the findings based on the three research questions guiding the study. Section 5.1 presents the heteroglossic resources identified in the attorneys' arguments. The comparative analysis in Section 5.2 highlights the strategic differences between the legal teams' linguistic approaches. Finally, Section 5.3 examines the interplay of dialogic features, and investigates how these resources are utilized to project authority and navigate courtroom power relations.

5.1. Heteroglossic Resources in the Entire Dataset

In addressing the first research question the findings reveal that both the United States legal team (represented by Dreeben), and Trump's legal team (represented by Sauer) employed dialogically expansive formulations (*entertain* and *attribute*) more frequently (56%) than contractive ones (*disclaim* and *proclaim*) (43%) (Table 1). The most commonly used expansive formulation was *entertain* (e.g., would, may, perhaps) (38.46%). According to Martin and White (2005), *entertain* involves expressions where the authorial voice acknowledges its position as one among many possible viewpoints, thereby creating dialogic space for alternative perspectives. This indicates that both teams adopted a more inclusive and engaging approach, prioritizing the exploration of multiple perspectives and alternatives through expansive formulations rather than restricting or dismissing opposing views through contractive ones. Example 1 demonstrates the use of the dialogic expansive formulation *entertain*.

> 1. Sauer: I'd say – I'd [expand: entertain] point the Court to two cases for that. Obviously, Fitzgerald against Nixon is the best guidance that the Court gives where it -- of course, the Court adopted the outer perimeter test, and this Court engaged in analysis there that's very instructive here, where it looked at the level of specificity at which the acts are described, in -- in -- in that case, a civil case. Here, it would [expand: entertain] be the indictment. And -- (United States Supreme Court, 2023, p. 6)

In this example, Sauer addresses the application of precedent, particularly *Fitzgerald v. Nixon*, to the matter of presidential immunity in the context of criminal prosecution. By saying "I'd say," "I'd point the Court to," and "it would be," he introduces his interpretation of how the outer perimeter test from Fitzgerald, a civil case, could apply to the current case, which involves a criminal indictment. Through these phrases, Sauer signals that his argument is one possible way to view the relevance of Fitzgerald to the situation at hand, rather than asserting it as the only interpretation. This could indicate a strategy focused on dialogue, flexibility, and persuasion, allowing for a more open exchange of ideas in the courtroom. The attorneys' preference for dialogically expansive formulations over contractive ones aligns with the findings of Aisah et al. (2023), where expansive resources were the primary engagement tools used in the courtroom to open space for alternative stances before announcing the verdict. However, while *entertain* emerged as the most prominent heteroglossic expansive formulation in the present study, *acknowledge* was the dominant resource in Aisah et al.'s (2023) study.

Focusing on dialogic contractive resources (Table 1), the results reveal that the legal teams used *disclaiming* resources (*deny* and *counter*) (25.4%) more frequently than *proclaiming* resources (*concur*, *pronounce,* and *endorse*) (18.32%). This indicates a greater emphasis on rejecting or denying opposing arguments rather than affirming their positions. The higher use of *disclaiming* resources reflects a strategy aimed at undermining the opposing party's claims rather than strongly asserting their arguments. Among the contractive features, *deny* (e.g., no, not, never) (16.36%) was employed more frequently than *counter* (e.g., unless, however) (9.04%), highlighting a preference for outright rejection of opposing arguments over acknowledging and refuting them.

The reliance on *deny* underscores a strategic focus on projecting authority and decisiveness by directly dismissing alternative perspectives. The following examples illustrate this approach:

> 2. Sauer: Mr. Chief Justice, and may it please the Court: Without [contract: disclaim: deny] presidential immunity from criminal prosecution, there can be no [contract: disclaim: deny] presidency as we know it. For 234 years of American history, no [contract: disclaim: deny] president was ever [contract: disclaim: deny] prosecuted for his official acts. (United States Supreme Court, 2023, p. 3)

> 3. Dreeben: Mr. Chief Justice, and may it please the Court: This Court has never [contract: disclaim: deny] recognized absolute criminal immunity for any public official. Petitioner, however [contract: disclaim: counter], claims that a former president has permanent criminal immunity for his official acts, unless [contract: disclaim: counter] he was first impeached and convicted. (United States Supreme Court, 2023, p. 68)

Table 1. *The Occurrence of Heteroglossic Formulations in the Entire Dataset*

Heteroglossic Formulation	No.	%	No.	%	No.	%
Contract	358	43.71				
Disclaim			208	25.40		
Deny					134	16.36
Counter					74	9.04
Proclaim			150	18.32		
Concur					101	12.33
Pronounce					22	2.69
Endorse					3	0.37
Justify					24	2.93
Expand	461	56.29				
Entertain			315	38.46	315	38.46
Attribute			146	17.83		
Acknowledge					143	17.46
Distance					3	0.37
Subtotal and Percentage	819	100.00	819	100.00	819	100.00

In example 2, Sauer employs *deny* multiple times to establish a strong defence for presidential immunity. By stating, "Without presidential immunity... there can be no presidency as we know it," and emphasizing that "no president was ever prosecuted for his official acts," Sauer outright rejects the possibility of criminal prosecution for a president’s official actions. This repetitive use of *deny* works to frame his argument as historically grounded and essential to preserving the structure of the presidency. In example 3, Dreeben counters Sauer’s claims by also employing *deny* when he states, "This Court has never recognized absolute criminal immunity for any public official." This direct refutation rejects Sauer’s interpretation of historical precedent, asserting that such immunity is not grounded in judicial recognition. Dreeben’s use of *counter* further strengthens his position. By acknowledging Sauer’s claim ("Petitioner, however, claims..."), Dreeben strategically contrasts it with his argument, effectively discrediting Sauer’s interpretation. The use of *unless* as a countering tool similarly introduces conditions that emphasize the limited scope of immunity as argued by Sauer. This aligns with Dai and Zhou’s (2019) observation that in criminal court discourse, *counter* resources are used to highlight contradictions, encouraging the justices to attach greater significance to the argument. The use of *disclaiming* resources by the two attorneys may reflect a tactical effort to weaken the opposing side’s position and create space for their argument to gain credibility.

Within the *proclaim* category, which constituted 18.32%, *concur* (e.g., of course, obviously) was the most frequent (12.33%), suggesting a tendency to highlight agreement with certain viewpoints. In Excerpt 5 below, Sauer’s response to Justice Kavanaugh’s argument (Excerpt 4), his use of *concur* resources like *absolutely* and *obviously* shows his strong agreement with Justice Kavanaugh’s framing of the issue.

> 4. Justice Kavanaugh: And for some official acts that are not within the Article II exclusive power, okay, so official acts but not within the Article II exclusive power, even for those, I assume you would think that a clear statement has to be required, a clear statement in the statute covering the president, if the president’s official acts are going to be criminalized? (United States Supreme Court, 2023, p. 27)

5. Sauer: Absolutely [contract: proclaim: concur]. Obviously [contract: proclaim: concur], the issue is, you know, at the highest possible level when it comes to the unrestrictable powers like, as in this indictment, the allegation about the performance clause. (United States Supreme Court, 2023, p. 27)

By aligning himself with the justice's perspective, Sauer reinforces a sense of unity and presents his argument as logical and self-evident. These words assert confidence and emphasize the significance of requiring clear statutory statements for criminalizing presidential acts. Unlike the attorneys' emphasis on *disclaiming* resources, newspaper articles demonstrate a greater use of *proclaiming* resources, reflecting a strategy aimed at asserting authority and reinforcing the validity of the journalistic perspective (Almayouf & Alyousef, 2023). Journalists often aim to assert facts and present a clear stance to inform or persuade readers, rather than challenging opposing views as seen in legal arguments. This highlights the differences in rhetorical strategies; while attorneys engage in challenging and countering the opposing arguments, journalists emphasize clarity and assertion of their position.

5.2. Heteroglossic Resources Employed by Trump's Legal Team v. United States' Legal Team

In examining the second research question, the analysis begins with contractive features (*disclaim* and *proclaim*). The findings reveal that the United States legal team (represented by Dreeben) utilized more contractive resources (46.23%) compared to Trump's legal team (represented by Sauer), who used 41% (Table 2). This suggests that Dreeben was more focused on rejecting and countering opposing arguments, reflecting a stronger emphasis on authority and certainty in his approach. Regarding expansive features (*entertain* and *attribute*), Sauer utilized them more frequently than Dreeben (58.99% and 53.77%, respectively), suggesting that Sauer prioritized fostering greater dialogic openness and flexibility in his arguments. This strategic use of expansive resources likely aimed to engage the justices by presenting his arguments as inclusive and receptive to alternative perspectives.

Focusing on the contractive category, the findings show that Dreeben used more *disclaim* resources (*deny* and *counter*) (28.30%) compared to Sauer (22.28%), indicating a strategic emphasis on refuting or challenging opposing arguments. Within these resources, Dreeben relied heavily on *deny* (e.g., not, never) (18.63%) compared to *counter* (e.g., but, unless, however) (9.67%).

Similarly, Sauer used *deny* more frequently (13.92%), with *counter* accounting for only 8.35%. By frequently employing *deny* and *counter* resources, the attorneys likely aimed to reinforce their positions by actively addressing and rejecting opposing points, thereby strengthening their stances in the argument. Martin and White (2005) indicate that *deny* resources can position the speaker as more authoritative than their interlocutor. According to Dai and Zhou (2019), when lawyers use *disclaiming* resources like *deny* in criminal court trials, they aim not only to reject opposing views but also to emphasize the credibility and reliability of their evidence.

These dialogic contractive resources are strategically employed to discredit the opposing side's arguments while reinforcing weight and authenticity of their own arguments. The following excerpts illustrate Dreeben's use of *disclaim* resources to refute Sauer's argument regarding presidential immunity.

6. Sauer: The source of the immunity is principally rooted in the Executive Vesting Clause of Article II, Section 1. (United States Supreme Court, 2023, p. 5)

7. Dreeben: Well, I -- I think I would take issue, Mr. Chief Justice, with the idea of taking away immunity. There is no [contract: disclaim: deny] immunity that is in the Constitution, unless [contract: disclaim: counter] this Court creates it today. There certainly is no [contract: disclaim: deny] textual immunity. We do not [contract: disclaim: deny] submit that that's the end of the story. United States versus Nixon wasn't [contract: disclaim: deny] a textually-based case. Neither [contract: disclaim: deny] was Nixon versus Fitzgerald. (United States Supreme Court, 2023, p. 77)

In Example 7, Dreeben employs *disclaim* resources (*deny* and *counter*) to refute Sauer's claim that presidential immunity is rooted in the Executive Vesting Clause in Example 6.

Table 2. *The Occurrence of Heteroglossic Formulations in Donald Trump's Legal Team v. United States Legal Team Oral Arguments*

Trump's Legal Team (Represented by Sauer)							Per 1,000 words	United States Legal Team (Represented by Dreeben)							Per 1,000 words
Heteroglossic Formulation	No.	%	No.	%	No.	%		Heteroglossic Formulation	No.	%	No.	%	No.	%	
Contract	162	41.01					35.83	contract	196	46.23					43.38
Disclaim			88	22.28			19.46	Disclaim			120	28.31			26.56
Deny					55	13.92	12.17	Deny					79	18.63	17.49
Counter					33	8.35	7.30	Counter					41	9.67	9.07
Proclaim			74.00	18.73			16.37	Proclaim			76	17.92			16.82
Concur					47	11.90	10.40	Concur					54	12.74	11.59
Pronounce					13	3.29	2.88	Pronounce					9	2.12	1.99
Endorse					0	0.00	0.00	Endorse					3	0.71	0.66
Justify					14	3.54	3.10	Justify					10	2.36	2.21
Expand	233	58.99					51.54	Expand	228	53.77					50.46
Entertain			166.00	42.03			36.72	Entertain			149	35.14			32.98
Attribute			67.00	16.96	166	42.03	14.82	Attribute			79	18.63	149	35.14	17.49
Acknowledge					65	16.46	14.38	Acknowledge					78	18.40	17.26
Distance					2	0.51	0.44	Distance					1	0.24	0.22
Subtotal and Percentage	395.00	100.00	395.00	100.00	395	100.00		Subtotal and Percentage	424.00	100.00	424	100.0 0	424	100.00	

Through *deny* statements such as “there is no immunity,” “there certainly is no textual immunity,” and “United States v. Nixon wasn’t a textually-based case,” Dreeben rejects Sauer’s argument by emphasizing the lack of constitutional or textual support for such immunity. Additionally, his use of *counter,* “unless this Court creates it today,” acknowledges a hypothetical possibility but contrasts it with the absence of precedent or constitutional basis. These resources allow Dreeben to assertively challenge Sauer’s argument while grounding his refutation in established legal principles.

The use of *proclaim* features was nearly equal between Sauer and Dreeben. The most frequently employed resource was *concur* (e.g., absolutely, exactly), used at similar rates by both attorneys (11.9% and 12.74%, respectively), followed by *justify* (e.g., since, therefore, because), which was used sparingly (3.54% and 2.36%, respectively). Interestingly, *endorse* (e.g., endorse, show) was not used by Sauer and appeared only three times in Dreeben’s arguments. This limited use of *endorse* indicates a reluctance to rely on external authorities, suggesting a preference for building arguments that are internally valid and self-sufficient. Similarly, *pronounce* (e.g., really, indeed) was used very rarely, with Sauer employing it in 13 instances (3.29%) and Dreeben in 9 instances (2.12%), further emphasizing the attorneys’ focus on constructing arguments based on their own assertions rather than external validations. The scarce use of *endorse* and *pronounce* is consistent with the findings of Song (2020), who noted that these were the least preferred resources in the legal reasoning of judgments. In contrast, the frequent use of *concur* within the *proclaim* category suggests that both attorneys presented their arguments as self-evident truths that the justices would naturally agree with. This approach helps align the attorneys with shared values, fostering a sense of unity with the justices. The following exchange between Justice Sotomayor and Dreeben (Examples 8–9) illustrates the use of the contractive formulation *concur*:

> 8. Justice Sotomayor: … Having said that, Justice Alito went through step by step all of the mechanisms that could potentially fail. In the end, if it fails completely, it’s because we destroyed our democracy on our own, isn’t it? (United States Supreme Court, 2023, p. 114)

> 9. Dreeben: It is [contract: proclaim: concur], Justice Sotomayor, and I also think that there are additional checks in the system. Of course [contract: proclaim: concur], the constitutional Framers designed a separated powers system in order to limit abuses. (United States Supreme Court, 2023, p. 114)

In this exchange, Dreeben employs the *proclaim: concur* resource to align himself with Justice Sotomayor’s perspective, reinforcing agreement while emphasizing shared constitutional principles. By stating, "It is, Justice Sotomayor," he affirms her assertion that the failure of democratic safeguards would ultimately result from internal actions. This use of *concur* establishes a sense of shared understanding and agreement with justice. Dreeben further strengthens this alignment by stating, "Of course, the constitutional Framers designed a separated powers system to limit abuses." Here, *of course* affirms a well-established constitutional principle that reinforces the legitimacy of his response and grounds it in shared democratic values.

Expansive resources are categorized into two subtypes: *entertain* and *attribute*. The *entertain* feature (e.g., would, think, suggest) was used more frequently by Sauer (42%) compared to Dreeben (35%). According to White (2003), the dialogically expansive resource *entertain* involves actively introducing alternative perspectives to create flexibility in interpretation. The attorneys’ use of *entertain* likely aimed to engage the justices in considering multiple possibilities, fostering a more inclusive and open approach to argumentation. This can be seen in Example 10, provided in Section 5.1 as Example 1 and repeated here for convenience, illustrates Sauer’s use of the expansive resource *entertain*:

> 10. Sauer: I’d say – I’d [expand: entertain] point the Court to two cases for that. Obviously, Fitzgerald against Nixon is the best guidance that the Court gives where it -- of course, the Court adopted the outer perimeter test, and this Court engaged in analysis there that’s very instructive here, where it looked at the level of specificity at which the acts are described, in -- in -- in that case, a civil case. Here, it would [expand: entertain] be the indictment. And -- (United States Supreme Court, 2023, p. 6)

Within *attribute,* there are two resources: *acknowledge* and *distance*. The *acknowledge* feature was used at nearly the same rate by Sauer and Dreeben (16.46% and 18.40%, respectively). This neutral reporting strategy enabled both attorneys to reference external views objectively, likely aiming to present themselves as balanced and fair while focusing on factual reporting. A similar approach was observed in Aisah et al.’s (2023) study, where judges used the *acknowledge* resource to reference legal theories and regulations in their evaluation of hate speech. On the other hand, the expansive feature *distance* was used sparingly by both attorneys, with Sauer employing it only twice and Dreeben once. This limited

use of *distance* suggests that both attorneys sought to avoid detachment from the perspectives they presented, reflecting a strategic effort to maintain alignment and credibility, ensuring their arguments appeared cohesive and firmly grounded. The use of the expansive formulation *acknowledge* is demonstrated in Excerpt 11:

> 11. Mr. Dreeben: … And I want to go through the protections that do exist, but perhaps it's worth returning at the outset to the statutory construction question that you raised. The Office of Legal Counsel has said [expand: attribute: acknowledge] the offense of bribery, of course, applies to the president. It does not name the president, Justice Gorsuch. Section 201 does not specifically name the president. (United States Supreme Court, 2023, p. 84)

In this example, Dreeben uses the *acknowledge* resource to attribute a statement from the Office of Legal Counsel, emphasizing that the offense of bribery applies to the president despite not explicitly naming him in the statute. By referencing the Office of Legal Counsel, Dreeben brings in an external authoritative source to support his argument while maintaining a neutral tone. This use of *acknowledge* allows him to introduce a factual basis for his claim without fully aligning himself with the attributed perspective, enabling him to build his argument on established legal interpretations while leaving room for further clarification.

5.3. Heteroglossic Resources and Power Dynamics

In addressing the third research question, the findings highlight the strategic use of engagement resources by both legal teams to assert authority and challenge opposing arguments. According to Martin and White (2005), appraisal is a resource used to exercise power and unity. Within the Engagement system, *deny*, *counter*, and *pronounce* are deployed to reflect the power of the speaker or writer (Song, 2020). The findings show that the United States legal team (represented by Dreeben) used *deny* and *counter* resources (e.g., never, however) more frequently (120 instances, 28%) than Donald Trump's legal team (represented by Sauer) (88 instances, 22%). However, *pronounce* (e.g., certainly, obviously) was scarcely used by both teams, with Sauer employing it in 3.29% of instances and Dreeben in 2.12%.

This dynamic can be further understood through Fairclough's (2013) conceptualization of power as partially discursive, wherein discourse both sustains and challenges the legitimacy of power relations. By frequently deploying *disclaiming* resources such as *deny* and *counter*, Dreeben asserts authority in the legal narrative, effectively contesting and delegitimizing Sauer's claims regarding presidential immunity under *Nixon v. Fitzgerald*. Such linguistic choices demonstrate how discourse is not merely a medium of communication but a tool for exercising and reinforcing power within institutional settings like the courtroom.

Moreover, as Fairclough (2013) notes, power and discourse are interwoven yet distinct; they "flow into each other" (p. 4) and are condensed in discourses that simplify complex power relations. This is evident in the exchanges between Dreeben and Sauer, where *deny* resources (e.g., "There is no immunity that is in the Constitution") reject Sauer's claims outright, condensing the broader ideological struggle over executive authority into a clear and authoritative stance. Counter resources (e.g., "unless this Court creates it today") acknowledge Sauer's arguments but frame them as conditional or flawed, further consolidating Dreeben's control over the interpretive space.

This can be seen in the following excerpts, where Dreeben employs the *disclaiming* resources *deny* and *counter* to challenge Sauer's references to presidential immunity under *Nixon v. Fitzgerald*. Examples 12–14 present Sauer's arguments, followed by Dreeben's refutations in Examples 15–17. These examples were previously presented as Examples 2 and 3 (Section 5.1) and Examples 6 and 7 (Section 5.2). They are repeated here as Examples 12, 13, 15, and 17 for ease of reference.

> 12. Sauer: Mr. Chief Justice, and may it please the Court: Without [contract: disclaim: deny] presidential immunity from criminal prosecution, there can be no [contract: disclaim: deny] presidency as we know it. For 234 years of American history, no [contract: disclaim: deny] president was ever [contract: disclaim: deny] prosecuted for his official acts. (United States Supreme Court, 2023, p. 3)

> 13. Sauer: The source of the immunity is principally rooted [contract: proclaim: endorse] in the Executive Vesting Clause of Article II, Section 1. (United States Supreme Court, 2023, p. 5)

> 14. Sauer: ... And Marbury against Madison itself provides strong evidence [contract: proclaim: endorse] of this kind of immunity, a broad principle of immunity that protects the president's official acts from scrutiny, direct -- sitting in

judgment, so to speak, of the Article III courts, that matches the original understanding of the Executive -- (United States Supreme Court, 2023, p. 5)

15. Dreeben: Mr. Chief Justice, and may it please the Court: This Court has never [contract: disclaim: deny] recognized absolute criminal immunity for any public official. Petitioner, however [contract: disclaim: counter], claims that a former president has permanent criminal immunity for his official acts, unless [contract: disclaim: counter] he was first impeached and convicted. (United States Supreme Court, 2023, p. 68)

16. Dreeben: Such presidential immunity has no [contract: disclaim: deny] foundation in the Constitution. (United States Supreme Court, 2023, p. 68)

17. Dreeben: Well, I -- I think I would take issue, Mr. Chief Justice, with the idea of taking away immunity. There is no [contract: disclaim: deny] immunity that is in the Constitution, unless [contract: disclaim: counter] this Court creates it today. There certainly is no [contract: disclaim: deny] textual immunity. We do not [contract: disclaim: deny] submit that that's the end of the story. United States v. Nixon wasn't [contract: disclaim: deny] a textually-based case. Neither was *Nixon v. Fitzgerald*. (United States Supreme Court, 2023, p. 77)

Dreeben's use of *deny* exceeded Sauer's utilization of this contractive feature (18.63% compared to 13.92%), highlighting his strategic emphasis on rejecting Sauer's claims regarding presidential immunity. According to Martin and White (2005), *deny* contracts the dialogic space, closing off alternative interpretations and asserting dominance over opposing views. For instance, Dreeben's statements, such as "Such presidential immunity has no foundation in the Constitution" (Example 16), and "There is no immunity that is in the Constitution" (Example 17), directly challenge the basis of Sauer's arguments, such as, "The source of the immunity is principally rooted in the Executive Vesting Clause of Article II, Section 1" (Example 13) and "Without presidential immunity from criminal prosecution, there can be no presidency as we know it" (Example 12). This approach signals a power dynamic where the United States legal team asserts authority by framing their interpretation as superior and grounded in constitutional principles.

The frequent use of *deny* by both teams reflects their direct contestation of opposing arguments, projecting authority and confidence. However, Dreeben's combined use of *deny* and *counter* (28% compared to Sauer's 22.28%), gives his argument a dynamic edge. While *deny* closes the dialogic space, *counter* acknowledges Sauer's points before refuting them, subtly shifting the power dynamics in Dreeben's favor. This combination demonstrates engagement with Sauer's arguments while maintaining narrative control, positioning Dreeben as assertive and rhetorically strategic. For example, in Example 15, Dreeben states, "This Court has never recognized absolute criminal immunity for any public official. Petitioner, however, claims that a former president has permanent criminal immunity for his official acts unless he was first impeached and convicted." Here, *deny* "never" is used to directly reject Sauer's claim of absolute criminal immunity, while *counter* acknowledges the opposing viewpoint and uses "however" to introduce contrast and "unless" to set up a conditional refutation, thereby discrediting the argument.

Similarly, in Example 17, Dreeben asserts, "There is no immunity that is in the Constitution, unless this Court creates it today. There certainly is no textual immunity." By using *deny* "no" to categorically refute Sauer's argument that immunity has a constitutional basis and *counter* "unless" to acknowledge a hypothetical scenario where the Court could create such immunity, Dreeben demonstrates his ability to engage with Sauer's points while simultaneously undermining the validity of such arguments. This strategic combination of *deny* and *counter* not only closes the dialogic space around Sauer's claims but also positions Dreeben as rhetorically assertive and in control of the narrative.

6. Conclusion

This study examined the heteroglossic resources employed by the legal teams representing Donald Trump and the United States to analyse patterns of engagement and their impact on courtroom power dynamics. The findings reveal that both teams favored dialogically expansive resources, such as *entertain* and *attribute*, to foster openness and engage with alternative perspectives. Among these, *entertain* emerged as a key feature, reflecting an emphasis on flexibility and inclusivity in their arguments.

In contrast, contractive resources, particularly *deny* and *counter*, were strategically employed to reject opposing arguments and reinforce their positions. The United States legal team relied more heavily on these resources, with *deny*

being used prominently to discredit opposing claims and assert authority. This approach underscores a more assertive rhetorical strategy aimed at controlling the narrative and shaping power dynamics.

Overall, the analysis highlights the strategic use of expansive resources to engage the justices and contractive resources to project authority and decisiveness. These findings underscore how heteroglossic resources function as tools to balance inclusivity with assertiveness, ultimately shaping the dynamics of persuasion and power in courtroom discourse.

7. Limitations and Contributions

The present study offers valuable insights into the use of heteroglossic resources in courtroom oral arguments, particularly in high-profile political cases. However, the findings cannot be generalized due to the limited dataset analysed and the focus on a single legal context. Future studies could investigate the entire oral argument of *Trump v. the United States* to provide a more comprehensive understanding of the heteroglossic strategies employed throughout the case. Additionally, future research could include the monoglossic category to explore how certainty and closure of dialogic space are strategically utilized in courtroom discourse.

Despite its limitations, this study enhances the Engagement system's application by extending Bakhtin's theory of heteroglossia to the context of legal discourse, filling a gap in understanding how heteroglossic resources navigate power dynamics in high-profile political cases. Through a comparative analysis of the legal teams' strategies in the Trump v. United States Supreme Court case, it reveals the rhetorical integration of multiple voices, contributing to legal and linguistic studies and highlighting language's role in politically charged legal contexts.

Conflict of Interest

The authors have no conflicts of interest to declare.

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