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The History of The Plain Language Movement and Legal Language and an Analysis of US Nuclear Treaty Language

Hannah Bradford Clauss
hclauss@vols.utk.edu

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By:

Hannah Clauss

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Advised By: Russel Hirst, PhD

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I. Introduction

Purpose: The purpose of this essay is to:

1. examine relationship between the Plain Language Movement, legal language, and rhetoric and examine how that has changed over time,

2. analyze how the style and language of several US nuclear treaties incorporate the Plain Language Movement, legal language, and rhetoric, and

3. determine if such treaties are becoming easier to read or if improvements are still needed.

The analysis outlined above is the first step before creating programs and platforms for change with the ultimate goal being legal language that is accessible to all.

Methodology: The beginning sections of this essay will be research-focused. Sources will include style guides, books, newspaper articles, websites, legal court cases, and government sponsored webpages. All sources will be examined for credibility. Non-credible sources will not be used for this paper. The research in the first sections will be focused on the Plain Language Movement, legal language, and rhetoric. The second portion of this essay will analyze US nuclear treaties. While there are many treaties that could have been evaluated, only three were chosen: the Treaty on the Non-Proliferation of Nuclear Weapons, the START I Treaty, and the New START Treaty. The first was chosen because it was signed during a significant time period, the Cold War, and it was influential in reducing nuclear warfare and promoting peaceful use of nuclear materials. The second two were chosen because they represent a variation of the same treaty.

When START I expired, the New START Treaty became effective two years later; it was actually a continuation of the first. It is interesting to examine the differences in the two because of their relationship to each other. The content and effectiveness of the treaties will not be evaluated, just language and style. The method is approximately 75% research and 25% analysis because the nature of the argument is such that a thorough background much be established before any analysis can occur.

Choice of Treaties for this Paper: International treaties are riveting because they affect so many people. Treaties take tremendous amounts of time for countries to discuss, negotiate, and finally agree upon. Often, an agreement cannot be reached even when a topic is extremely important. I personally have an interest in foreign works and how treaties are translated into many languages. The phrase "lost in translation" is something that happens, but the effect can be reduced with conscious language choice and careful writing. When something is written in a complex structure, it hard enough for a native speaker to follow, but when it has been translated, it becomes even more disjointed. Treaties are not necessarily translated as they are written in different languages, but many other disciplines require translations. I have been assisting with the *International Journal for Nuclear Security* at the University of Tennessee, Knoxville, and I find the subject matter fascinating. While I do not have any background in nuclear security, I am learning. Since I help with editing the manuscripts, I see how scientists and researchers write. Their writing often needs improvement. Because of my growing interest in the subject matter, I thought it would be interesting to use nuclear treaties as an example for the research in the beginning sections.

II.   The Plain Language Movement

Plain Language in the Last Few Decades

The Plain Language Movement (PLM) started growing a few decades ago. The basic idea is that because specialized language is not accessible to the general population, it is missing critical information due to the complexity of highly specialized topics. For example, the language in many official government documents contains confusing words and phrases and gives the impression of being twisted, backwards, passive, and deceptive even though that might not be true.

The 1970s was the first decade that presidents started dabbling in the idea of plain language. While nothing was ever signed or drafted, President Richard Nixon "declared that the Federal Register be written in 'laymen's terms'" (Locke). President Jimmy Carter next tried to solve the complex-language problem by issuing an order that documents be understandable. He said that language must be "cost-effective." This is an interesting idea as language is usually not seen as something associated with a cost. However, President Carter was smart to think of the implications plain language could have other than just easing people's minds. If writing in plain language could save the government money, would that not be enough to convince departments to write this way? In the next decade, President Ronald Reagan reversed President Carter's order, so progress toward plain language slowed down tremendously, but soon lawyers

started to embrace the movement, and one, in particular, became an advocate: Joseph Kimble. Kimble was important because he was a law professor, and he worked on law journals and had a column on plain writing. However, despite minimal advancements in the 1980s, in the early 1990s, President Bill Clinton signed multiple orders and issued a "Memorandum on Plain Language in Government Writing." To incentivize government employees to write plainly, Vice President Al Gore added some humor to the movement and created the monthly "No Gobbledygook Awards" (Locke).

In 1994, the United States (US) government created an online website for resources related to writing in plain language. The Plain Language Action and Information Network (PLAIN) was created to help government officials across different departments write in plain language. *(This is not the only group that goes by the acronym PLAIN, so to reduce confusion, this group will be referred to as US PLAIN.)* *US* PLAIN is comprised of government employees from multiple departments who are determined to promote clear and effective communication ("About"). *US* PLAIN, presented in an easy-to-read bulleted fashion, explains the benefits of using plain language. When something is written in plain language, the point is identified sooner and is more understandable and precise. As a result, the chance that information is misunderstand is lessened. As *US* PLAIN notes, the benefits are both intangible and tangible ("Why Use Plain Language?"). Many people only believe in an idea or movement if they can see physical results and improvements. So, if something is written understandably, it can save the author or organization resources—including money.

There are numerous organizations that are active in the PLM. Groups include the

Center for Plain Language, Clarity, and the Plain Language Association International.

(This last group also uses the acronym PLAIN, so this organization will be referred to as

Intl. PLAIN.) Intl. PLAIN not only helps promote the PLM in English-speaking countries,

it also provides resources in fifteen additional languages for the 30+ countries it partners

with. If it is unable to provide materials, the site navigates users to resources in their

desired language. Additionally, the group sponsors events and competitions to

encourage writers to communicate plainly. The group holds biannual international

conferences where it recognizes competition winners and shares new ideas to

encourage collaboration. Finally, each year on October 13, *Intl.* PLAIN sponsors the

International Plain Language Day ("Who We Are") recognizing people's success and

promoting the PLM.

As previously mentioned, there are numerous organizations and nonprofits working to

support the PLM, but the government is making advancements too. In his first term,

President Barack Obama signed the Plain Writing Act of 2010. The Act defines plain

language as "writing that is clear, concise, well-organized, and follows other best

practices appropriate to the subject or field and intended audience" (Plain Writing Act

2010, 2861). The Act requires that each agency has resources that will monitor

documents to be released to ensure that the text follows the guidance of the Act.

Additionally, agencies have to train their employees in plain writing and have a point of

contact for employees to access resources. Finally, each agency website must contain

a section designated to plain language and clear communication (Plain Writing Act

2010). If the agencies do as they are supposed to, the public should be able to be informed on any relevant matter in an easily understandable manner.

It is evident that agencies and organizations are working to comply with the Plain Writing Act of 2010. The Centers for Disease Control and Prevention (CDC) has an entire page designated to plain writing on their website. The site offers resources and explains what they are doing. The CDC has a Health Literacy Council that aims to do the following: "substitute terms…real-life examples of difficult public health passages…revised wording…tips to reinforce meaning and avoid other common pitfalls" and the goal is to "improve comprehension" ("Plain Language Materials & Resources"). The Plain Writing Act of 2010 has made an impact on many other government divisions, too. For example, the Department of Education publishes an annual compliance report that discusses what the department accomplished over the last year and what it aims to do in the upcoming year to further improve writing and communication. The reports are available to the public and any questions can be directed to the team leader in the Writing Division ("Plain Writing Initiative").

While the government is making an effort to write in plain language, such writing is not always achieved. In 1998, *Walters v Reno* was argued in front of the United States Court of Appeals for the Ninth Circuit. This is an immigration case in which the Immigration and Naturalization Service (INS) had accused the noncitizen plaintiff of using fraudulent documents. The plaintiffs were in the process of being deported; however, the forms the INS issued were so complicated that the plaintiffs sued. One

question for the court to resolve was whether the complicated language on the INS

forms was constitutional and if the plaintiffs had due process. The case's outcome was

that the INS documents violated the plaintiffs' due process, so they were "granted the

requested relief" and "the court determined that the INS' forms and procedures were

misleading and confusing to the extent of being unconstitutional" (United States Court of

Appeals for the Ninth Circuit 1998).

Images: https://plainlanguage.gov/about/history/ and https://www.britannica.com/biography/Richard-Nixon
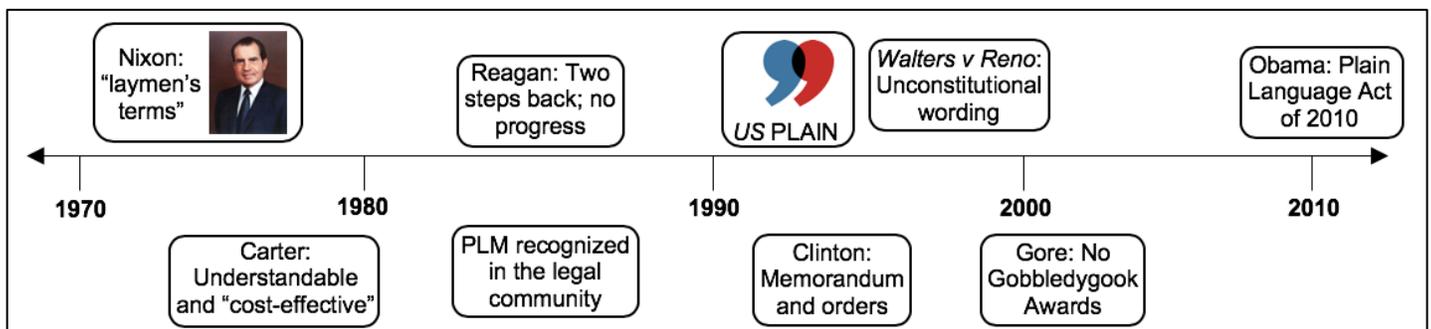
Plain Language in History

In this section, historical does not refer specifically to time, but rather in reference to the

PLM. Author E.B. White, discussed below, was born in 1899, and his works were

published in the early and mid-1900s.

E.B. White, a famous American writer, is best known for his children's book *Charlotte's*

Web. He wrote numerous other children's books such as *Stuart Little* and *The Trumpet*

of the Swan, and he wrote many essays and articles. However, what he is less known

for is his contribution to English writing style.

E.B. White at a typewriter with his dog

Image: https://www.thoughtco.com/writers-on-writing-e-b-white-1692831

English style is often up for debate. While grammar rules might not change, how a work is constructed may. E.B. White's philosophy of style was different from many others before him and during his era. White promoted plain language. White coauthored the well-known *Elements of Style* with the prominent grammarian William Strunk. However, White's contribution is mainly contained in the fifth section: "An Approach to Style (With a List of Reminders)." There, White discusses the recognizable styles of a few different authors to illustrate how style creates a writer's identity. However, as White points out, sometimes that identity can be "silly," specifically when the author could have made his or her point using language that is clearer and more concise. After this brief discussion, White moves into his top tips and tricks for "a satisfactory style" (Strunk & White, pp. 69).

White's simple and clear style is apparent even in his organization. His advice comes in a numbered, easy-to-read list. Each section is short and does not provide copious examples because the advice is understandable enough that multiple examples are not warranted.

Some identifiable plain language characteristics include writing in simple words, avoiding confusing terms, keeping it short and sweet, identifying the audience, and writing for the audience. White even covers grammar-related topics such as avoiding quantifiers and using verbs and nouns properly. The PLM movement was not yet established at the time the book was written; however, many of the characteristics that are seen in the movement are seen in White's recommendations.

For example, White's first two tips are directly related to audience:

"1. *Place yourself in the background.*"

"2. *Write in a way that comes naturally.*" (70).

Writers must be aware of their audience and must write in a style that is understandable to that group. Writing is meant to persuade and educate and entertain; these goals align with Quintilian rhetoric. White emphasizes that writing is not meant to "drain the mind but supply it" (70). Reading a text should not be exhausting. Writers who do not consider their audience and who do not use their natural voice create documents that may be hard for the reader to understand. When material is too complicated, many

readers will not waste their energy trying to understand it. By the end, they will be tired and ultimately may not retain much of what they read. This response could create a bias as to a writer's ability to communication, and the audience may not come back for more. A successful author leaves the reader wanting more.

Later, White moves to the construction of writing with the following tips:

"6. *Do not overwrite.*"

"8. *Avoid the use of qualifiers.*"

"11. *Do not explain too much.*"

"14. *Avoid fancy words.*"

"16. *Be clear.*"

"19. *Do not take shortcuts at the cost of clarity.*" (72-81).

Writers often forget simple rules because they have been taught to use complex language and expand on their ideas. It is important to expand on ideas, but not to drag an idea out after a point has been made. White thinks this is due to novice writers who "have been told to do it by the experts in the art of bad writing" (75). While funny, this is true. However, not only are novice writers doing this, presidents are as well. The beginning of the Gettysburg Address starts with President Abraham Lincoln stating, "Four score and seven years ago" rather than "eighty-seven" (77). Yes, this was written many years ago, but not long enough ago that English was completely different. So, this might not have made sense to most of the population. The idea of leading by

example is important here. If a President speaks this way, then other prominent figures will too and eventually this way of writing will trickle down. This is an example of sociolinguistics. However, on the other hand, the President may have used this language on purpose. Perhaps when President Lincoln gave the address he was standing on a stage and needed to project his voice. Starting off saying "eighty-seven" might have had too high of a pitch; whereas, "four score and seven" rolls off the tongue and can be elongated with the long "o" sound. Whether or not President Lincoln had that intention in mind is unclear, but if so, it could have been done for effective oratory. These types of decisions must be weighed and perhaps in this case the benefits of "four score and seven" outweighed the high pitched and screechy "eighty-seven" even though the latter is much more concise.

Note: Grammar Books

Grammar books and guides became increasingly popular in early modern English. Many people and linguists agree that advances in printing and increasing literacy rates were contributing factors. In the 18th Century, over 250 grammar books were published (Smith & Kim, pp. 251). A fascinating point is how at the time people thought that whatever was published was the way something had to be done. Smith and Kim make the claim that "some grammar books are simply **ipse dixit statements**. An ipse dixit statement is essentially 'because I say so'" (253). The rules were set in stone; however, the interpretation of how and when to apply

the rules was up to the author. "[T]here was an appeal to Latin" and "'grammar' was essentially synonymous with 'Latin grammar' and as thinkers…they saw English through a Latin grammatical lens" (252). This section will not thoroughly explore this idea, but keep the appeal to Latin in mind as it applies to the discussion on rhetoric.

Grammar books are still widely used in school today. There are versions made for elementary education, and the books get more complex and are designed for higher education students and experts. While new books hit the market and older books are revised one edition at a time, they are timeless. Often when a student purchases their copy in high school or college, they use it for reference throughout their careers. The University of Tennessee, Knoxville actually gives all first-year students a new copy of the *Harbrace College Handbook*.

White made a comment about supplying the mind rather than draining it. In 1852, Herbert Spencer, a British philosopher, wrote about a similar idea. Spencer's essay *The Philosophy of Style* discusses simplistic writing and plain language. While he makes numerous strong points, there are two concepts that resonate with the PLM: "other things equal" and "mental energy."

Other things equal. Throughout his essay, Spencer uses the words "other things equal." This first comes up when he talks about the economy of words, specifically

vocabulary. Children first learn English words with Anglo Saxon roots instead of words with Latin roots, even though they are all English words.

Spencer's Comparisons Referencing What Children Learn

Anglo Saxon Root	Latin Root
I have	I possess
I wish	I desire
I think	I reflect
I play	I beg for amusement
Nice	Pleasant
Nasty	Disagreeable

(Spencer, pp. 3).

People recognize the words "pleasant" and "desire," but they are not the first words that come to mind when someone wants to express an emotion. While the words in the table above may be synonyms, other things are equal, so people naturally choose to use the words with which they are most familiar. The idea of "other things equal" comes up again in context of sentence construction. Why do writers choose to write long sentences? If all things are equal, isn't it best to use the most basic and understandable version? Perhaps students are taught that longer means smarter. As kids get to high school, teachers often praise long, complex sentences and varied word choice as they believe it shows proficiency and attention to detail. While it long sentences are sometimes fine, teachers fail to explain that lengthy sentences are not always the right choice. Nevertheless, there are times when a writer considers the alternatives and it turns that, other things equal, the simple verbiage is not the answer. The first words of President Lincoln's Gettysburg Address might have been confusing,

but they were clearly softer and much more pleasant to the ear than the alternative.

Over all, Lincoln kept the address short; in fact, it is only 275 words. Lincoln was writing

for a specific audience. He captured their attention with a long drawn out phrase with

long vowels and then moved to the content of his speech, which took him less than

three minutes to give ("The Gettysburg Address, 1863"). The Gettysburg Address is

one of the most well-known speeches. Whether it is because of its significance with the

Civil War or because of its influence on the people is beside the point. If President

Lincoln spoke longer would people have followed as closely and would it have made as

much of an impact? Using the principle of other things equal, Lincoln made rhetorical

choices to capture the audience, and he did so in a simple, fast speech.

Mental energy. When a rhetorician writes in an unfamiliar style, it requires more energy

on the part of the reader to understand what is being conveyed. Sometimes depending

on the complexity of the topic, the audience might not even understand what is being

said regardless of how much energy they expend to understand the work. Spencer

believes that an audience only has a set amount of mental energy to devote to a

particular task; therefore, the writer should not waste that time by expecting the reader

to sort through confusing language. If readers are exhausted from the start, they will

not be able to fully comprehend the remainder of the work. Consequently, they will not

have gained new knowledge, and they will not have enjoyed the process. The goal of

writing, according to Spencer, is to conserve the reader's energy as long as possible to

engage the reader and reduce confusion (Spencer). Ironically enough, many of

Spencer's other works are hard to read and understand. He oftentimes does not practice what he preaches.

Exceptions: The "Good" Examples

While plain language was not something most people thought of before the last few decades and often the writing from the 1700s and 1800s was confusing and riddled with complex terminology, that does not mean there aren't old texts that are also clear. While clear text in the 1700s is different from clear text today, it is important to consider the "good" writing of centuries ago.

A good example is the Declaration of Independence.

Note: Brief History of the Declaration of Independence

Written by Thomas Jefferson and ratified on July 4, 1776, the Declaration of Independence was a formal document in which the British colonies in America declared their independence from Great Britain. The colonies had been unhappy with British rule for years before officially separating, so influential colonists, such as Benjamin Franklin, started whispering to foreign nations like France that they were unhappy and were looking for independence. Surely cutting ties with Great Britain would cause issue, so the colonists sought out assistance for the inevitable war. The

document was sent to King George III, and initially he thought it was a

mere list of complaints, but it was not ("The Declaration of Independence,

1776"). The document did contain a list of complaints and thus the

reasons for wanting freedom.

Just looking at the document without even reading it, one can agree that a page long

document is a perfect length. No mental energy will be wasted reading the Declaration.

It uses no more words than it needs to convey its message and is also short enough

that everyone will pay attention to its words. Most likely, the Declaration of

Independence was read aloud. It is not too overwhelming that the general population

would not be able to understand. The main audience for the Declaration was King

George III of Great Britain, so Jefferson gears the document towards addressing the

King. However, the document was also supposed to represent the colonies as one and

also to call out to other nations, like France, to explain that the colonies' reasons for

leaving were justified. It is not easy to write to multiple audiences in the same

document, but Jefferson does so quite well. The text is written in an easy-to-read

format. It starts off with two relatively short paragraphs and then begins a list of the

many wrongdoings of the King. Finally, there are three concluding paragraphs.

Looking at the introduction, the first sentence is 71 words long. This sentence is the

entire first paragraph. Obviously, 71 words is long for a typical sentence, yet the 71

words are structured in an effective way by listing the document's goals and separating

them with commas. Often when writers create a list, they will keep the items in the

same sentence and use commas or punctuation to separate them, so Jefferson is, in a sense, doing this in a more complex way. In terms of the sentence's content, it is to the point. It lists the objectives, and it is clear and concise. Perhaps the sentence could be broken down into three or four sentences, but to be fair, it is written in plain language. However, this could have been the style of the time, so this is hard to completely evaluate without a full study of the English language in the 1700s.

The body of document starts with the second paragraph, which sets out the legal argument. It uses varied syntax, shorter sentences and is, again, written clearly.

The third paragraph has a shift in style that continues through the 29th paragraph. This section has clear parallelism as each paragraph starts with "He has." The repetition helps make the point that there are many wrongs of the king and thus emphasizes their seriousness. The way Jefferson said "he" rather than addressing Great Britain as a nation shows that this document was directed at the king. Directing an entire document of frustration and anger at one person is powerful and further shows the significance of the declaration. In addition to using parallel structure, Jefferson also uses a simple subject-verb-object sentence structure. The king is always the subject. Examples of these paragraphs are below and are color coded to show the sentence structure.

Subject – Verb – Object – Additional Points/Support

Paragraph 3: "He has refused his assent to laws, the most wholesome and necessary for the public good." (Jefferson, pp. 585)

Paragraph 7: "He has dissolved representative houses repeatedly, for opposing with manly firmness his invasions on the rights of people." (586)

Paragraph 13: "He has kept among us, in times of peace, standing armies without the consent of our legislatures." (586).

Strangely enough, even with the section directed specifically to the king, this section appeals to its other two audiences: to the colonists, it provides evidence that a new government understands what made them unhappy and to other countries, like France, it provides an appeal for help in a justified war.

Rounding out the document is the conclusion, which is comprised of three paragraphs. The conclusion states how the colonies had warned the king that the original terms of colonization had been violated and that this was not the first time he had been notified. The end states that the colonies wish "that all political connection between then and the state of Great Britain, is and out to be fully dissolved; and that as Free and Independent State, they have full power…" (587). This quote comes from a sentence that is actually 127 words long. However, the sentence contains commas and semicolons to create pauses and minor shifts in ideas. This could have been broken up into the few main ideas, but the conclusion is similar in style to the introduction, so it makes sense stylistically.

One final note on the Declaration of Independence: the full document and an analysis is included in the book *Patterns for College Writers: A Rhetorical Reader and Guide* written by Laurie Kirszner and Stephen Mandell. The way this document is included in

an English style guide proves that there are patterns and stylistic points worth evaluation in the Declaration. The book includes study questions after the document, two of which are closely aligned with the objectives of this essay. There are questions on "Purpose and Audience" and "Style and Structure," among others (Kirszner & Mandell).

III.   Legal Language

Perspectives

Most legal documents are highly complex and difficult for the average person to understand. Some might refer to this language as jargon. Jargon can be appropriate at times, but often there is an easier and simpler way to convey the same idea. When lawyers use jargon, lay people sometimes see it as arrogant and pompous. Lay people also perceive jargon as lawyers being sneaky or deceptive. Perhaps this idea comes from lay people not knowing what a term means and jumping to the conclusion that the lawyer must be trying to trick them.

The basis of many legal arguments is the varying interpretations of documents. Some documents are drafted in the hopes of creating only one interpretation, but others are crafted to be open-ended. What might come to mind is the phrase "included but not limited to." This would follow a statement describing something more specific, but then this is tagged on because in the future the circumstances may change, and lawyers

need to cover their bases. While there may be some truth to these theories, lawyers

are not all to blame.

A lawyer's perspective is that they are not trying to come off in a negative way, but

rather they are writing because they do not want to create a document that could be

interpreted in different ways. Lawyers spend their days carefully drafting documents.

They want their arguments to be concrete. Perhaps lawyers add unnecessary wording

in order to be extra careful that their words only mean what they intend them to mean.

Many legal terms have specific meanings, making legal language a language of its own.

There are resources for lawyers and lay people to help them decipher documents. One

such resource is the online version of *Black's Law Dictionary*.

Style

In English classes, students learn about many different stylistic techniques. They also

learn to analyze their audience and understand decorum. However, they are also

taught that style is personal, and over time, students naturally develop their individual

style.

Peter Tiersma, one of the leading figures in legal language, received both a PhD in

linguistics and a JD from the University of California, Berkeley. He has written

numerous books, taught law courses, and spoken on many panels, including a

conference on *Black's Law Dictionary* ("A Tribute to Peter M. Tiersma"). In his book

Legal Language, he discusses everything from the beginning of the English language, to legal writing, to courtroom speak, to legal language reform. One particular chapter is about how to talk like a lawyer. The chapter is broken into subsections that outline and explain why lawyers talk and write the way they do. Many lawyers love to write lengthy, wordy sentences. Tiersma thinks this is because "legal drafters seem to fear that if they place a condition on a rule in a separate sentence directly following the statement of the rule, some lawyer will later be free to argue that the condition does not apply" (Tiersma pp. 56). It is crazy to think that something as simple as placing a thought in a second sentence could give lawyers a loophole. Whether or not that is true is up for debate. To avoid a problem like this, a lawyer could create a section that states anything under this subsection is related and applies to the rule.

Wordiness is another problem Tiersma sees in legal writing. Lawyers have "the inclination to use prepositional and other phrases in place of simple adverbs or prepositions" (59). An example of this would be "an adverbial phrase (like *at a slow speed*) over simple adverbs (like *slowly*)" (59). When editing documents, a lawyer could easily swap these words, but lawyers do not like to change what is already there, and instead they only add more. This leads into the next problem: redundancy. Legal documents often have the same thing written multiple times. Rather than amending what is there, they add more and choose to explain what is there already, but with a slightly new detail.

If you are wanting to write like a lawyer, the remaining steps Tiersma outlines will surely get you there.

1. Make sure to not address anyone, but call them by what they are: a defendant, plaintiff, witness.
2. Make sure there are words that negate what you are talking about.
3. Combine phrases and create long lists of words.
4. Use passive voice (also to add more words) and nominalize verbs turning the word into the noun form.
5. Do not forget to use vague words to create a precise language.
6. And finally, use complex sentences to create unusual structure.

Often sentences fall into a verb-noun phrase-prepositional phase format, but when legal documents are analyzed, more often than not, this is rearranged into a verb-prepositional phrase-noun phrase order (60-79).

Even so, lawyers might not realize they are writing this way. Their "stylistic choice is merely a matter of habit, because this is how lawyers traditionally speak or write" (55). As stated above, students take writing courses where they study about style. Lawyers have been writing in a complicated fashion for generations, so law students and young lawyers do not have examples from which they can develop a personal style. It is hard to pinpoint exactly where this came from and why, but it appears that legal writing hasn't left the past. Perhaps this is because "clerks in the Middle Ages reacted to incentives of

being paid by the word" (61). This may be a small part of where the wordiness in legal writing comes from, but it does not explain everything.

Tiersma believes that all of these approaches are what make legal documents so hard to understand. Audience is important in writing; however, audience is not always considered in legal writing. Is the audience lawyers and judges who will be reading these documents? Or is the audience potential jurors, who are probably not lawyers? Jurors are given instructions to help guide them, but the instructions are not written for them as the audience. "Courts are hesitant to modify the language of jury instructions that are based on a statute, even though statutes are written in legal language for a professionally-trained audience" (232). A study conducted by Robert and Veda Charrow shows that after hearing a set of jury instructions twice and being asked to paraphrase those instructions, jurors only understood about half of what they were told (231). If a case has a jury trial, it would probably be smart to ensure that the jurors fully know what is going on.

Despite the advancements as a result of the PLM, "legal language has retained many of these undesirable qualities," and a consequence of this is how the common community has "an inadequate understanding of documents that govern their rights and obligations" (241). The problem is that jargon and the art of the law cannot be completely removed. Some terms are useful and have specific meaning, so it would not be smart to completely eliminate these words. That could open another realm of issues. Instead, cutting down on excess words, reformatting documents, and shortening

sentences might be a good start. An emerging layout for instructions and various document types is to have a more complex version and a simplified version side-by-side. This could allow another audience to engage, and it would be interesting to see how lawyers reacted to the simplified side. Maybe they would prefer it. If they saw how their work could be done differently, maybe this could spark something new.

In Education

Upon entering law school, or any graduate school for that matter, students are expected to know how to write and effectively convey ideas. Many law schools require students to take a legal writing course during their first year, but that course is not necessarily focused on the writing. More so it is focused on learning how to research, and then the research is incorporated into a written assignment for submission. While law students need their writing to be persuasive to sway a jury or make an argument sound, they must use rhetoric, but they may not be using it correctly.

The University of Tennessee's College of Law does not require any legal writing course for their traditional juris doctor (JD) program. The online catalog outlines all required courses, elective course choices, and additional program requirements. One requirement is to complete an "Expository Writing experience." This can be completed through any of the offered courses that require a paper or by working with a legal/college of law journal. The paper does have requirements such as an approximate word count, and it does not accompany a legal writing course ("Law, JD").

While the students will write throughout their coursework, there is no structured writing instruction.

Not all programs are like that. Concordia University School of Law offers numerous writing courses. However, what makes them unique is that the classes combine writing and research (what you would find as a legal writing course at many other universities), document drafting, and even rhetoric. Concordia's rhetoric course teaches about "theories and practices of persuasion in legal communication through simulated scenarios" and it gives students "the ability to make deliberate, effective, and ethical persuasive choices" ("Course Descriptions").

IV. Rhetoric

Classical Education and the Seven Liberal Arts

A classical education, the main theory of education until the Renaissance in the 14th Century, focuses on texts and lessons from ancient Latin and Greek. At that time, many of these texts were written by philosophers. Also, at that time, the Church had much influence over countries, governments, and education, but the part of classical education that most strongly appealed to the Church was rhetoric, grammar, and style. These three components were known as trivium ("Classical education and English literature"). Trivium (rhetoric, grammar, style) makes up three branches of the seven liberal arts. The other four branches are referred to as quadrivium: astronomy,

arithmetic, geometry, and music. Trivium and quadrivium date back to the time of

Pythagoras and Plato, two mathematicians who promoted quadrivium education.

Although mathematics and science were important, academia realized the importance

of teaching people to speak and, consequently, persuade. In the 4th Century in what is

today Athens, Greece, the government respected people who had strong public

speaking skills. The thought was that to convey anything one needed to be able to

effectively communicate—"Success required knowledge of grammar and dialectic;

grammar in order to produce eloquence, and dialectic in order to make one's arguments

powerful enough to win debates" ("Trivium and Quadrivium"). With this, trivium became

increasingly popular, and the study of oratory began.

Seven Liberal Arts by Italian painter Domenico di Michelino in the 1400s

Image: https://fineartamerica.com/featured/seven-liberal-arts-domenico-di-michelino.html?product=poster

Branches of Oratory and Brevity

Note: Definitions for the Following Section

Oratory: Merriam-Webster dictionary: "the art of speaking in public

eloquently or effectively" ("Oratory")

Enthymeme: Merriam-Webster dictionary: "a syllogism in which one of

premises is implicit" ("Enthymeme" *Merriam-Webster*); Lexico/Oxford

dictionary: "an argument in which one premise is not explicitly stated"

("Enthymeme" *Lexico.com*)

As the dictionary definition states, oratory is public speaking. Rhetoric focused on

analyzing a topic and appealing to a particular audience. When philosophers and

academics began studying rhetoric hundreds of year ago, rhetoric was often focused in

oral presentations that were persuasive in nature. The audience was not the common

man, but the elite. This included politicians, academics, and highly-ranking members of

the Church. The elite were educated with a classical education that most likely followed

the seven liberal arts curricula. So, since they themselves knew the subjects of trivium,

they would expect those addressing them to follow those topics. This meant that

arguments were made up of complex sentences with Greek and Lain ideology. While

today rhetoric is studied across many different mediums, such as writing and even

creative works like art, it is important to study its oral origins.

Whether people know his works or not, Aristotle is a common name. He was a Greek

philosopher who made a large impact on the art of rhetoric. Aristotle has many books

and texts solely about rhetoric. What is fascinating to look at is how Aristotle talked

about oratory. He broke oratory into three branches: judicial, deliberative, and epideictic. For each of these branches, he considered time, purpose, and invention (Burton).
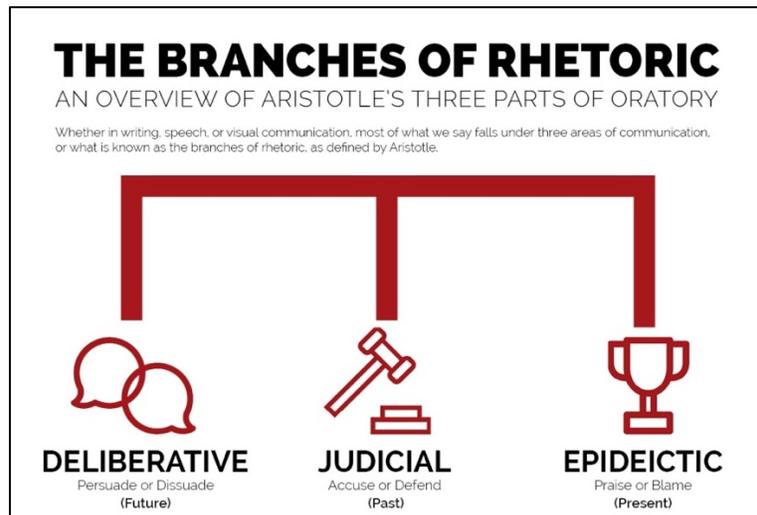

Image: ("THE BRANCHES OF RHETORIC")

Judicial: This branch of oratory is thought to be in the past. Judicial oratory is used when one accuses someone or defends someone for an action that has already taken place. Accusing and defending someone or something often is associated with the law and whether an action is just or unjust (Burton).   This form of rhetoric is used by lawyers to make statements to a jury, in the creation of a law, and even to justify something personal. It does not have to be extremely complex and could actually be something simple like "trying to convince your mom that your decision to stay out late actually kept you safer" ("THE BRANCHES OF RHETORIC"). In the end, the orator has to be able to justify their argument.

Deliberative: This branch of oratory is thought to be in the future. Deliberative oratory

is used to encourage or dissuade a person from doing an action. Aristotle's topic of

invention associated *good versus unworthy* and *advantageous versus disadvantageous*

(Burton). Traditionally, advertising was not considered as deliberative; however, most

advertising is trying to persuade an audience into doing something in the future. This

could be purchasing something or doing an action. More traditional examples include

political and social speeches and campaigns, presentations, and proposals ("THE

BRANCHES OF RHETORIC").

Epideictic: This branch of oratory is thought to be in the present. Epideictic oratory is

used to either praise or blame someone or something for an action that is currently

taking place. This goes hand in hand with the idea of *vice versus virtue* (Burton). Most

often this is used to talk about other people and describe them. This can be done in a

positive or negative way. Common examples would include recommendations,

nomination speeches, and obituaries and eulogies ("THE BRANCHES OF

RHETORIC").

What these three divisions have in common is that they all emphasize that there are two

sides to consider, often set forth as *good and evil*. The good would be that which is

just, advantageous, or virtuous. The evil would be that which is unjust, unworthy, or

disadvantageous, like a vice, for example. These are polar opposites of each other as

illustrated below.

Vice Advantageous Just		Virtue Disadvantageous Unjust
●	●	●
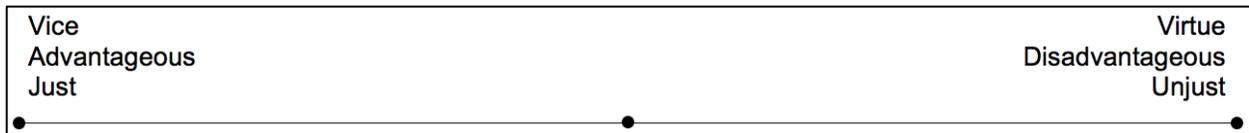
Depiction 1

In Depiction 1, the endpoints represent a stop in logic, but that is not necessarily the case. There is no middle ground in Depiction 1.

Vice Advantageous Just		Virtue Disadvantageous Unjust
◄	●	►
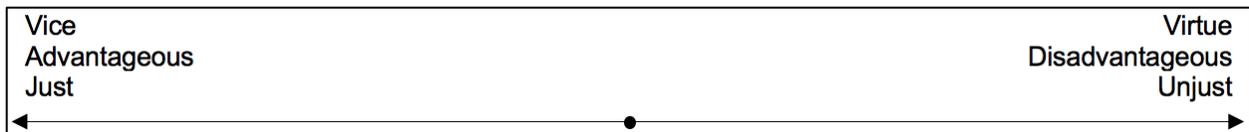
Depiction 2

Depiction 2 does not create a stop in logic as it contains arrows, but it still represents only two sides. However, is there a middle ground? Is there a gray area as we might say today? This existence of a middle ground is best illustrated in Depiction 3.

Vice Disadvantageous Unjust	Virtue Advantageous Just	Vice Disadvantageous Unjust
◄	○	►
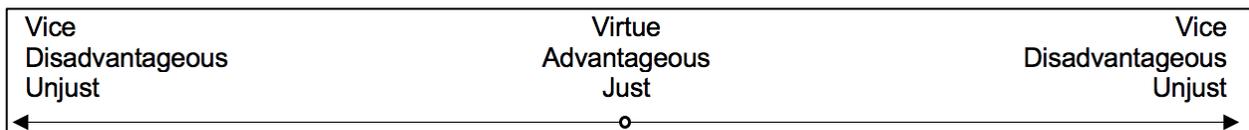
Depiction 3

In Depiction 3, the situation can fall on the line at any point. All point can shift along the line, that is represented by an open circle that is not in one fixed position.

Just having the different types of oratory is not enough. These can be used as an outline, but sometimes the answer is not as simple as yes or no. The answer can be sometimes or maybe. Placing the concepts of oratory on a continuum is much more beneficial because it allows people to create more complex arguments.

Brevity is concise communication. Today that can be seen in many forms, but in Aristotle's time, this was done orally. The continuum above aligns with this rhetorical device. There is a perfect balance between too much and too little, but this is hard to find. Aristotle discusses the brevity of enthymemes in his books. This can get rather complicated because it ties into logic and deductive reasoning (Rapp). Deductive reasoning is drawing a conclusion from premises that are accepted as fact. Aristotle explains that too many facts can become confusing, but too few facts and one cannot easily draw a conclusion.

The concept of brevity might sound familiar. A great example is the story *Goldilocks and the Three Bears*. Despite that there are various versions of the story, the general premise is that a girl named Goldilocks goes for a walk and finds herself at the house of a family of bears. Goldilocks enters the house, and, since the bear family is not home, helps herself to their food, sits in their chairs, and even sleeps in their beds. However, each time she does something in the house, she tries what belongs to each bear. She finds that the food is at different temperatures, but nothing is right for her. The chairs and beds are different sizes, but there is not one for her size. When the food is too hot

or too cold, she does not enjoy it. She is unable to rest when the bed is not hers.

However, when the bears use their respective furniture, they are very comfortable.

This is why there is a continuum for brevity. There will always be too much or too little

on either side, but there is also always a perfect match. Brevity is making

communication clear.

V.   US Nuclear Treaties

The purpose of this section is not to evaluate the effectiveness of treaties, but rather to

evaluate the language, style, and rhetoric of three select nuclear treaties. Brief histories

and backgrounds are provided. There are, of course, many other relevant treaties to

evaluate; however, this paper will focus on three, but recognizes that the evaluation only

scratches the surface.

1970: Treaty on the Non-Proliferation of Nuclear Weapons

Note: Brief History of the Treaty on the Non-Proliferation of Nuclear Weapons

The Treaty on the Non-Proliferation of Nuclear Weapons (NPT) was drafted in 1968, but did not go into effect until 1970. The treaty was created in order to help stop the spread of nuclear weapons, stop (or at least slow down) nuclear technological advancements, and promote peaceful and safe applications of nuclear energy. Under the NPT, the International Atomic Energy Agency (IAEA) would regulate and monitor the countries involved in the deal. The United Nations (UN) had created nuclear resolutions prior to the treaty, and the treaty follows the UN's resolutions.

191 countries signed the NPT, but only five of those countries had nuclear weapons at the time of signing. Having 191 countries on board shows just how important the goals of the treaty were to the world. In 1995, the treaty was extended indefinitely with a review scheduled every five years thereafter. It was last reviewed in 2015, and although there were some setbacks, it was still renewed. It will be reviewed again in 2020 ("Treaty on the Non-Proliferation of Nuclear Weapons (NPT)").

At first glance, the NPT does not seem too overwhelming. The treaty is five pages long and is divided into an introduction (preamble) and several articles. However, when

looking at the treaty with a fine-tooth comb, there are some issues with style that become apparent. The beginning paragraphs that make up the introduction are actually one sentence. Each paragraph ends with a comma, and the first period does not appear until after 556 words. The purpose of the introduction is to outline the overarching goal of the treaty. While all of this is related, that does not mean it should be put in one sentence. Those who drafted the document could have made it more effective by breaking it into sections: background, goals, and, perhaps, rationale. These would still be long sentences, but there would be more organization as each relevant point would be clumped together. What is also interesting about this first sentence is that is includes Article I, but Article I contains only 66 of the 556 words. The end of the introduction has a colon, so there is more of a stop leading into the first article, but it is not a full stop.

Article I reads:

> "Each nuclear-weapon State Party to the Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly; and not in any way to assist, encourage, or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices." (United States, Senate 1970).

There are two requirements in Article I. The first is that nuclear weapons themselves and the control of nuclear weapons cannot be transferred to another party either directly or indirectly. The second is that the countries involved in the NPT cannot help or promote building nuclear weapons in counties that do not have nuclear weapons. The two ideas are separated by a semicolon. This shows a shift, but it does not separate the two ideas into individual sentences. When these two are combined, the reader thinks that the second part is an extension of the first even though a semicolon has the same function as a period. However, while the two are related in that they are the two requirements of the treaty, they are two distinct points. If these are both important enough to be included, then they are both important enough to have their own sentences.

Word choice and terminology is something else to notice in the NPT. Take just Article I, which is wordy and repetitive. For example, consider the phrase "undertakes not to transfer." The word "undertakes" implies taking on a task or getting involved in something large. But in this case, the word is used to show that the States are in agreeance. So, why not use the phrase "agree not to transfer"? Agree is much more common, and it leaves less room for interpretation. When there is less room for interpretation, the point is clearer and more direct. Another way to edit the treaty language would be to put verbs together. For this, consider the phrase "not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices." This is both wordy and redundant. "Nuclear weapons or other nuclear explosive devices" is long enough, so do not say it

twice. "Any recipient whatsoever" is extreme; any and whatsoever mean the same thing. If someone is told not to do an action, it does not matter who they would be acting upon because they cannot do the action to begin with. While this might not be a perfect revision to this statement, it is an improvement, but there are ways to shorten it without losing meaning.

One final reason for the lengthiness in the beginning the NPT is because of prepositional sprawl. In the preamble alone, there are roughly 100 prepositions (keep in mind that the first sentence is the entire preamble plus the first article). So, the first sentence is over 100 prepositions long. One way to add to a sentence is to add prepositions. The common prepositions in the NPT are of, to, under, for, and in. Using prepositions can help eliminate other issues such as adjective-noun strings, but at the same time an author can overuse prepositions by continuing to add to an already long sentence. For example, something is done *for* some reason *in* some way *to* accomplish some other thing *under* some recommendation. Then this can be further elaborated into a giant web going in many different directions. While all connected, a web creates many paths and too many paths are hard to follow.

Although the articles in the NPT are nicely separated, the remaining articles are similar to the first in that they can be reworded, shortened, and simplified. There are technical words that might not be understood to the general public, but after looking up the words, one can see that many of the words could easily be swapped for common words.

1994: START I

Note: Brief History of START I

Commonly known as START, the Strategic Arms Reduction Treaty was an agreement between the US and the Soviet Union. Drafted in the 1980s, START was set to be signed, but the Soviet Union broke apart into multiple independent nations (Russia and others), all with nuclear warfare capabilities and nuclear technology. This prolonged the signing of the document as it now required five nations to come together through what was known as the Lisbon Protocol to agree to sign the document that had been agreed upon by the US and the Soviet Union before the split. Eventually the treaty was signed, and it went into effect in 1994 with a term of 15 years.

START's goal was to reduce the potential for nuclear warfare between the countries who were parties to the treaty. This was to be accomplished by limiting the amount of intercontinental ballistic missiles (ICBM), submarine-launches ballistic missiles (SLBM), heavy bombers, and also the number of warheads that were allowed to be carried on each. The treaty had the option for renewal in 2009. The parties to START were to debate the possibility of renewal every five years after signing (Kimball).

This treaty is rather long, yet it has an easy-to-read outline format with subsections that are in a bullet point format. For example, Article III has ten numbered points. Under the numbers are letters, and under the letters are Roman numerals.

```
Article:
    1.
                a.
                b.
                        i.
    2.
                a.
                        i.
                        ii.
```
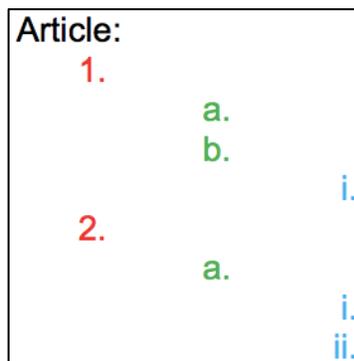
While the structure is great, Article III is five pages long. For matters as important as nuclear security, it makes sense that guidelines have to be established and clearly written out, but this may be excessive.

The preamble is not long and briefly states the goal and considerations. It is interesting how this treaty mentions the NPT along with a few other prominent nuclear treaties. This document notes how what follows is constructed while keeping the other treaties in mind. The first sentence of the treaty is long. It is 191 words long, and it includes the first article. The preamble also includes an interesting structure. This would be similar to sentence structure, but these are not individual sentences.

Below are segments of the preamble:

"Conscious that nuclear war would have devastating consequences for all

humanity, that it cannot be won and must never be fought,"

"Convinces that the measures for the reduction and limitation of strategic

offensive arm and the other obligations set forth in this Treaty will help to reduce

the risk of outbreak of nuclear war and strengthen international peace and

security,"

"recognizing that the interests of the Parties and the interests of the international

security require the strengthening of strategic stability," (United States, Senate

1994).

As stated above, these are not their own sentences, yet each segment presents a new

point. The structure of the ideas is flipped. Rather than starting with an action and

following with its consequence, the phrases start with a consequence and end with an

action. If the goal is prevention, then why not start the phrases with the actions that

nations must prevent? Maybe this was done intentionally to show the significance of

what could happen, but for most people, this structure takes more mental energy to

rearrange the idea in their minds to understand what they are trying to avoid.

For example, the first segment referenced above states how humanity would be in

grave danger if the world were to get into a nuclear war. However, why not say: we

must avoid an unwinnable nuclear war to save humanity from devastation? Writing this

this way right at the beginning tells the reader what to do. Then if they follow the directions, they can avoid the consequences that follows. This is cause and action versus action and cause. Tiersma comments on how lawyers prefer to write with longer phrases rather than with shorter adverbs or prepositions. In this case, whoever wrote the treaty chose to use a long phrase like "cannot be won" rather than the word "unwinnable," which is in the proposed revision above. Not only will this help the reader understand the material faster and more thoroughly, but it will shorten the 25-page document. This sort of phrasing and structure can be seen throughout the entire treaty. Finally, the treaty also has sections that are repetitive and could be combined and cut down. The way this is written, largely due to length, is a turnoff.

2011: New START Treaty

Note: Brief History of the New START Treaty

The New START Treaty was created for further reductions in weaponry based on what the START I treaty already limited. Signed by the US and Russia in 2011, the New START Treaty was retroactively effective upon the expiration of START I two years earlier. After signing, the US Department of Defense conducted a Nuclear Posture Review. The New START Treaty affects and limits similar things to what START I limited: ICBMs, SLBM, heavy bombers, and amounts of warheads on these devices. However, the treaty does exclude the limitations on testing,

development, and preplanned missile defense programs. The treaty is set to expire at the start of 2021 and it has the option to be extended for another five years ("New START Treaty"). Because its expiration is coming up there, is much analysis as to whether or not it will be renewed. Many people advocate for renewal and claim that US security would be threatened without its protections, but many others oppose a renewal.

A *New York Times* article discusses the implications it would have if the treaty was or was not renewed. If the treaty were to be dissolved, this would lift limits of how many warheads each country can have. Russia can quickly produce and potentially outnumber the US. Russia's technology certainly has made advancements in the last ten years and therefore their missiles can go longer distances which could put the US in grave danger. However, the those opposing a renewal, including the current presidential admiration, have two main concerns. The first is China. China was not included in the original treaty and China is growing their nuclear programs and number of weapons. Secondly, new systems are fair game since development was not originally limited, so any new systems and technology are not currently restricted (Gottemoeller). Both sides have valid points, but there is still roughly a year remaining before anything will be decided. The expiration is right after the presidential inauguration, so there might be a new administration with new opinions.

This is the most recent document and one which might potentially be interesting due when it was written. The New START Treaty went into effect in 2011, and the Plain Language Act of 2010 (PLA) was signed not long before. The Treaty and Act were both under President Barak Obama. Since President Obama was pushing for plain language, it will be interesting to see if the New START Treaty follows his guidance. This will be a good indicator of the PLA's immediate impact on government legal documents.

The first sentence does not appear to be in plain language. Characteristics of plain language are being clear and concise and short and direct. The first sentence includes the entire introduction plus the first portion of the first article; this totals 493 words. The structure is similar to that of the START I treaty where it has an outline, bulleted format. This is easy on the eye and appealing to look at. Looking into the articles there is apparent parallelism and repetition. The repetition is not necessarily because it is wordy, but it is to keep structure.

Article III shows this structure:

"1. For the purposes of counting toward the aggregate limit provided for in subparagraph 1(a) of Article II of this Treaty:

(a) Each deployed ICBM shall be counted as one.

(b) Each deployed SLBM shall be counted as one.

(c) Each deployed heavy bomber shall be counted as one.

2. For the purposes of counting toward the aggregate limit provided in subparagraph

1(b) of Article II of this Treaty:

   (a) For ICBMs and SLBMs, the number of warheads shall be the number of

   reentry vehicles emplaces on deployed ICBMs and on deployed SLBMs.

   (b)   One nuclear warhead shall be counted for each deployed heavy bomber."

   (United States, Senate 2011)

The numbered sections (1 and 2) are almost identical except for the subparagraph that

it refers to. The lettered sections (a, b, and c) are the same except for the name of the

device each letter refers to. While this could be condensed into one sentence (for

example, "each deployed ICBM, SLBM, and heavy bomber will be counted as one,"), at

least there is a stylistic technique in play with the parallel format. Because there is

parallelism, it is not necessarily a bad thing. Also, the word "shall" could easily be

replaced with "will." But shall is more formal, and this is a formal document. Parallelism

is not as apparent in Section 2. Another important point to examine is how each

subheading ends with a period. All of the points are relevant and that is why they are

under the same umbrella article, yet they are different and deserve their own bullets

and, therefore, their own periods.

Discussion

There are a few similarities between the treaties. All of the first sentences are long and include the preamble and the first section of the first article. The preambles all list the conditions and rationale for the articles. The treaties all follow a similar format in that they start with a preamble and moves to a list of articles. The word article is a legal, formal way of saying section.

There is also a formal tone throughout all three treaties, but words like "shall" and "hereinafter" can easily be replaced by words like "will" and "from here on." Some terms cannot be substituted for simpler words as that would affect the art of the law, but that is not always the case.

The NPT was the most confusing treaty to read even though it was the shortest treaty. There are complicated phrases that require a reader to pause and think about each word individually. Phrases include "depositing their instruments of ratification," "jeopardize the supreme interests," and "shall be deposited in the archives of the Depository Governments." These combinations during a first read might not make sense, but with some thought they do. Additionally, there are words like "commence," "withdrawal," "accession," and "in accordance" that are common, yet when they are in this context, it takes a minute for their meanings to register. Some might argue this is wasting energy and time. Rather these words could be replaced with simpler words like "begin," "removal," "addition," and "agreeance." The original words are not specialized

language, but words that can be replaced with more recognizable words. Trading out words with the simpler synonyms is what Spencer discusses in *The Philosophy of* Style. At the time the NPT was written, there was not an enormous focus on plain language, which might explain some of its structure. Obviously, treaties take time to draft because they involve deliberation and talks between nations. It is not an easy task to meet everyone's demands. The people behind the writing are lawyers, policy makers, and senators and government officials. When the NPT was drafted, people were not as concerned with the writing as long as it clearly stated their demands. The irony is that when language is not clear, it can make the demands equally unclear. It takes time and energy to break down the individual parts and understand the goal. Also, a problem with the NPT may have been that the writers were focusing on the outcome of the treaty rather than the outcome of the writing in the treaty. Countries like the US and Russia have some of the world's greatest technology and scientific minds, so development and modernization happens quickly. Another consideration is that the treaty was signed during the Cold War, so tensions were high, and the two countries were preparing for what could have turned out disastrously. Time was of the essence for the NPT, which could also explain some of the language. Most people cannot simply read through the NPT once and come out with a strong understanding.

The START I Treaty, on the other hand, is long and drags on, but the points are clear and easily identifiable thanks to its format. There are structural issues and parts which could be reworded. For example, Article III Section 6 has subsections that start with a subject followed by a comma and then give the stipulation of the treaty. For example:

"(a) an ICBM, when it first leaves a production facility;

(b) a mobile launcher of ICBMs, when it first leaves a production facility for

mobile launchers of ICBMs;"

It could be rewritten as:

"(a) When an ICBM first leaves a production facility.

(b) When a mobile ICBM launcher first leaves a production facility."

Here, the subject is stated clearly at the beginning, and it removes the poorly written

clause at the end. Additionally, (b) was written in passive voice, and it was repetitive by

stating the type of facility despite already having stated the subject. There is no

repetition by listing the type of facility for all the points, so by removing it in the original

(b) creates a pattern with (a) in the revision. Parallelism is very important for

organization and order. Without order, there is chaos and confusion. This can be seen

in most things in life. For example, a teenager's bedroom! If a t-shirt is crumpled and

thrown into the back of the drawer, but the other shirts are folded, the kid will not find

the crumpled shirt because it is out of order and gets missed. Even if they do find it,

because it is different and wrinkled, it gets ignored. In clothes, it is wrinkles while in

writing, it is bad style. Eventually, like the clothes, the extra words will be overlooked,

and people will miss the significance of the section.

Right now, sections in the START Treaty are written to where there is something to do by someone for the goal of another something. That last sentence was confusing, but so is the treaty. In a sense the structure is backwards. Keep it simple, subject-verb-object. Then throw in modifiers, quantifiers, and additional information.

The final treaty, the New START Treaty, is the only of the three treaties to end a point with a period. The NPT and START I use commas, semicolons, and colons within sections of each article. Not until the end of an article is there a period. Not only do the periods in the New START Treaty make it easier to read, it shows that the statement is strong. The drafters were confident that the point is strong enough to stand on its own. It does not need to be connected to a tangentially related point. The different punctuation marks make it confusing to see when the new idea begins. The point of having different articles is to create sections that act as an umbrella for everything underneath it. For example, consider the following:

Choice 1	Choice 2	Choice 3

Article I–Colors:
  (a) Red,
      a. Cherry,
      b. Merlot,
  (b) Blue,
      a. Sky,
      b. Navy,
  (c) Green,
      a. Grass,
      b. Hunter.
	Article I–Colors:
	  (a) Red,
	      a. Cherry,
	      b. Merlot.
	  (b) Blue,
	      a. Sky,
	      b. Navy.
	  (c) Green,
	      a. Grass,
	      b. Hunter.
		Article I–Colors:
		  (a) Red.
		      a. Cherry.
		      b. Merlot.
		  (b) Blue.
		      a. Sky.
		      b. Navy.
		  (c) Green.
		      a. Grass.
		      b. Hunter.

Which choice is the best? Why would commas be used in Choice 1? Red and its shades are not related to grass green other than that they are colors. However, the article is title includes the subject, colors, so this is already implied just by these being under the article. Choice 2 is better because each color ends with a period, but still there are differences between cherry red and merlot red. Hence, there are different names for the different shades of red. Finally, Choice 3 shows the differences between each color and its shades. Choice 2 is the most closely aligned with START I, and Choice 3 is the most closely aligned with the New START Treaty.

Often breaking ideas down into simple ideas like colors can help show the point. No matter how many times a lawyer or legal writer is told that their work is confusing (because they have been indoctrinated into this way of thinking) they will have a hard time changing. Perhaps showing this to a lawyer, explaining the differences, and asking them to evaluate the choices might be a start for change.

In elementary school, kids are taught the acronym KISS, which stands for "keep it simple stupid." This is funny for elementary schoolers because it uses a 'bad' word, but because it does, kids remember what KISS means years later. This is the idea behind the PLM, keeping things short and memorable, like a basic children's' acronym. Even as writing changes, it is apparent that treaties have improved from 1970 to 2011, but they have not improved enough. Drastic measures need to be taken to get treaty language up to speed so that it complies with the requirements of the Plain Writing Act of 2010.

Finally, these treaties involve countries where English is not the first language. Due to this, there will need to be translations. Translations can be difficult because different languages use words in different and unusual contexts and words might have many definitions. In English, there are instances where someone reads a word and they have to think about what it means based on the context. A great example of this is on standardized tests. When students prepare for these exams, they are given tips and tricks. In English, grammar, and reading sections they are told to use context clues. While the test is testing vocabulary, it is also assessing a student's ability to look at a text holistically and understand the big picture. In translations, this can be problematic. In 1956, during the Cold War, there was a major mistranslation from Soviet leader Nikita Khrushchev where he was translated and quoted as saying "we will bury you." Yet this is not what he meant. The translators translated the words literally, and because its context was lost, it came off as aggressive. What Khrushchev meant to say was "whether you like it or not, history is on our side. We will dig you in." He was referring to Communism and its power over other forms of government (Macdonald). This was a dangerous time for mistranslations among political leaders because nuclear warfare was being developed and Cold War tensions were high.

Many people might agree that English is becoming the lingua franca, especially in science and technology. However, even with English as the main means of communication, there are still barriers. People are always going to speak different languages to preserve their heritage and culture, so using simple wording and easy

phrasing in technical documents can help reduce mistranslations. When sentences drag on, the point gets lost. People tune out when interpretation takes too much energy.

VI. Final Remarks

Writing in plain language allows the general community to understand a variety of complex materials: governmental publications and legal documents particularly. Various presidential administrations have worked to encourage plain language in writing, and there have been drastic improvements in government materials. Different agencies and departments have to submit annual or biannual reports showing their commitment to making texts accessible and understandable.

However, despite the government making significant improvements, many government officials are lawyers. These lawyers assist in drafting documents, advising on legal implications, and they sit on many committees. Lawyers are creatures of habit and are one reason the PLM is not moving quicker. As multiple sources have pointed out, lawyers have their own way of writing and more often than not, they are not willing to change their ways. Writing has evolved with time, but legal writing has been left behind.

It is fascinating to analyze nuclear treaties because lawyers are keeping a close eye on what and how a document is written. There are also policy advisors, diplomats, state officials, and other federal officials involved, so the language truly is unique. It is unique because it is a culmination of so many backgrounds and educations. Treaties language

has come far, but there are still elements holding it back. More recent treaties have shorter sentences and show parallelism, but they still have a long first sentence that covers the entire preamble and first article.

Communication is similar to the game of telephone, the popular children's game where a group of kids whisper a message from one person to the next. The first person whispers a word or phrase to his/her neighbor and the message travels down the chain. The last person states what was whispered to them and the first person reveals the original message. Often the message is completely different when it gets to the end. The simpler and shorter the phrase is to start, the less likely it is distorted by the end. A phrase that is long and complicated may have a completely different meaning than it had originally. Telephone shows how complicated language cannot always be interpreted by everyone.

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