

University of Missouri School of Law Scholarship Repository

Faculty Publications

Faculty Scholarship

Winter 2009

Trading in the Marketplace of Ideas: Letters-to-the-Editor and Op-Ed Articles (Part II)

Douglas E. Abrams

University of Missouri School of Law, abramsd@missouri.edu

Follow this and additional works at: <https://scholarship.law.missouri.edu/facpubs>



Part of the [Law Commons](#)

Recommended Citation

Douglas E. Abrams, Trading in the Marketplace of Ideas: Letters-to-the-Editor and Op-Ed Articles (Part II), *3 Precedent* 25 (2009).

Available at: <https://scholarship.law.missouri.edu/facpubs/895>

This Article is brought to you for free and open access by the Faculty Scholarship at University of Missouri School of Law Scholarship Repository. It has been accepted for inclusion in Faculty Publications by an authorized administrator of University of Missouri School of Law Scholarship Repository. For more information, please contact bassettcw@missouri.edu.

School of Law

University of Missouri



**Legal Studies Research Paper Series
Research Paper No. 2009-03**

Trading in the Marketplace of Ideas: Letters-to-the-Editor and Op-Ed Articles (Part II)

Douglas E. Abrams

Published in the Winter 2009 issue of *Precedent*, the quarterly magazine of the Missouri Bar: <http://members.mobar.org/pdfs/precedent/feb09/abrams.pdf>

Copyright 2009 by The Missouri Bar

This paper can be downloaded without charge from the Social Sciences Research Network Electronic Paper Collection at: <http://ssrn.com/abstract=1352088>

Trading in the Marketplace of Ideas: Letters-to-the-Editor and Op-Ed Articles (Part II)

By Douglas E. Abrams

Part I encouraged lawyers to participate in the marketplace of ideas by submitting letters-to-the-editor and op-ed articles to local, regional or national newspapers. The article began sketching a roadmap to the editorial pages with six steps that concerned initial strategies and preparations. This Part II now discusses strategies for writing, polishing and submitting the piece.

THE LAWYER'S ROADMAP FOR NEWSPAPER WRITING (CONTINUED)

7. *Focus thinking.* Newspapers generally expect letters and op-eds to “[m]ake one argument thoroughly, point by point; the more detail the better.”¹ “If you try to do too much,” advises the *New York Times*, “you can wind up with an article that, in striving to say everything, ends up saying nothing.”²

It is usually a good idea to state the topic and conclusion in the first paragraph, before providing support and argumentation. The last sentence or paragraph should close forcefully on a high note, perhaps by restating the conclusion.

8. *Take a position.* Letters and op-ed articles are “opinion pieces,” so editors favor forceful advocacy rather than free-form essays. The *Philadelphia Inquirer*, for example, wants “vigorous, clear argumentation within the confines of the short essay – the voices of well-informed, opinionated citizens speaking to others in the widest possible forum.”³

In July of 2008, the *New York Times* created a short-lived flap by rejecting an op-ed submitted by presumptive Republican presidential nominee John McCain. The McCain submission followed an op-ed the *Times* had published a week earlier by his Democratic opponent Barack Obama. Senator Obama had outlined his plans for the wars in Iraq and Afghanistan, and the *Times* requested that Senator McCain revise his piece to “articulate, in concrete terms, how [he] defines victory in Iraq. It would also have to lay out a clear plan for achieving victory,” with details about “the Senator’s Afghanistan strategy.”⁴

The *Times* said it was not taking sides because it had published at least seven op-eds by Senator McCain since 1996, and had endorsed him for the Republican nomination in the recently concluded presidential primaries.⁵ If expectations about vigorous, clear argumentation bind presidential candidates, they certainly bind the rest of us.

Writers may wonder whether some newspapers resist running letters or op-ed articles sharply critical of their own editorial positions, but I regularly see pieces that directly challenge the paper’s viewpoint. Responsible journalists do not crave submissions that sing their praises, and quality newspapers aim to “stimulate discussion, not end it.”⁶

9. *Reason and passion.*⁷ Lawyers writing letters or op-ed articles should speak honestly, forthrightly, and with professional dignity designed to stimulate readers’ thinking. The writer’s reputation outlives publication, and newspaper writing in the Internet Age

endures as a permanent record of anything said.

Dignified writing does not mean toothless writing because stern commentary, particularly concerning public issues or public figures, sustains the marketplace of ideas essential to a free press. “The ideal op-ed article,” says the *Pittsburgh Post-Gazette*, “is a compelling argument about a timely topic by someone in a position of expertise.”⁸

Compelling argumentation is one thing, but most newspapers spurn letters or op-ed submissions laden with innuendo, insults, sarcasm, or defamation that would mire the editorial pages in the mud. Exclamation points usually add nothing persuasive to the writer’s presentation. “It’s fair to criticize the ideas or arguments of others,” the *St. Louis Post-Dispatch* instructs, “but we don’t allow name-calling.”⁹ Venom and bile usually impede rational discourse, and busy editorial staffs normally do not have time to phone writers and negotiate about civility.

“Rage,” says Pulitzer Prize-winning columnist Jimmy Breslin, “is the only quality which has kept me, or anybody I have ever studied, writing columns for newspapers.”¹⁰ Hyperbole aside, writers of letters or op-eds indeed sometimes do react in the heat of the moment, so a brief “cooling-off period” may allow reason to temper passion. Ask a spouse, friend or colleague to edit the draft for tone and content. Even if the draft seems finished late in the day, sleep on it overnight before hitting the “Send” key. The pace of the news cycle remains swift, but anything the newspaper’s editorial staff can do with the piece late in the

afternoon, it can do first thing the next morning.

Except when a deadline looms, I do not send any writing (not even personal letters to friends) after 4:00 in the afternoon. I know I stand a better chance of catching typos or turning a phrase during a final review when I am fresh the next morning. A “4:00 rule” gives writers of letters-to-the-editor or op-eds time to ponder vitriol that might prove an enduring embarrassment. Editorial rooms move quickly, and a writer beset by second thoughts may not be able to retract a hasty submission that vents the spleen.

10. *“Good writing and conciseness are especially welcome.”*¹¹ Before a letter or op-ed reaches the editorial pages, it must pass through staffers who screen stacks of submissions. Writers get only one opportunity to make a good first impression on these gate-keepers, and submissions that are “succinct rather than rambling, and that are factually accurate, stand the best chance of being selected for publication.”¹² Papers normally reserve the right to edit for length, accuracy or clarity, but editors may recoil from doing a major rewrite.¹³ Rejection is easier.

“The writing must be clear and accessible to the general reader,” says the *Wall Street Journal*, because both audiences – the editorial staff and most of the paper’s purchasers – are general readers, and not “policy wonks” conversant with jargon.¹⁴ Following the basic rules of grammar, punctuation, spelling and syntax is a must.¹⁵ Reciting personal experiences can help establish credibility, provided the recitation does not lapse into “war stories” more interesting to the writer than to readers. A morass of statistics does little but glaze readers’ eyes.

If an editor phones seeking modest

changes in the submitted piece, remain cooperative because the call means that publication is just around the corner. Besides, professional editors usually know what they are talking about.

With space chronically tight on the editorial pages, brevity is best. The *Boston Globe*, for example, advises that “[t]he best way to increase the chance of having your letter chosen is to make it timely, original, and short!”¹⁶ “Be ready to be edited,” warns the *Philadelphia Inquirer*. “Our first concern is to preserve the essential voice, style, and viewpoint of each author, but . . . [s]pace wins every time.”¹⁷

Do not “push the limit” needlessly. Even if a newspaper imposes a 600-word maximum limit on op-ed articles, the writer who weighs in at 500 words improves the chances of publication, and of avoiding intrusive cutting by the editorial staff. Brevity also helps enhance communication with the paper’s readers, who may scan the editorial pages while they are on the go, unable to devote undivided attention for very long. “Make sure you have finished speaking,” Dorothy Sarnoff advised, “before your audience has finished listening.”¹⁸

I adhere to what I said in *Precedent* two years ago: “When I write a . . . newspaper column, I assume I can usually double the readership by cutting the length in half.”¹⁹ *St. Louis Post-Dispatch* founder Joseph Pulitzer advanced four ground rules for newspaper writing: “Put it before them briefly so they will read it, clearly so they will appreciate it, picturesquely so they will remember it and, above all, accurately so they will be guided by its light.”²⁰

11. *Cutting for conciseness.* For writers of letters-to-the-editor and op-ed articles alike, the newspaper’s maximum word limits invite creative

self-discipline. This 20-word sentence, for example, might open a draft letter: “It is with great disappointment that I read about the decision of the city council to propose the bond issue.” Cutting this bloated sentence in half is easy:

*Delete “throat-clearing.”*²¹ Who cares about the writer’s great disappointment? Get to the point: “The decision of the city council to propose the bond issue is wrong.” The sentence now consists of 13 words, but why stop here?

Use possessives: “The city council’s decision to propose the bond issue is wrong.” Eleven words and still counting down.

Keep trimming: “The city council is wrong to propose the bond issue.” Final sentence: 10 words.

Paring each sentence with these and other editorial devices (such as avoiding passive voice) fashions a clearer, more readable piece. Writer and reader both win.

12. *The supporting materials.* A letter-to-the-editor requires no cover letter, but the writer’s subject heading or introductory paragraph should identify the earlier article that prompts the letter. Summarize that article crisply in a few words to orient readers, who will not have it in front of them when they see the letter-to-the-editor. Lengthy quotes from the earlier article, however, distract readers, grant the article’s author a second forum, and unnecessarily consume the tight maximum word limit now constraining the letter writer.

Most newspapers require the letter writer’s name as it should appear in the paper, plus the writer’s mailing address, email address, and daytime and evening telephone numbers. If the letter is selected for publication, this identifying information enables the editorial staff to call and verify the writer’s author-

ship, and perhaps also to seek needed clarifications and inquire about the writer's membership in an advocacy group or similar organization that the paper should disclose. Newspapers do not publish the writer's identifying information except for the hometown, but some papers publish the writer's email address with the writer's consent.²²

An op-ed article requires a brief cover letter, which should include the same identifying information required of letter writers. Identify too the incident that prompts the article, briefly summarize the article's conclusion, give the word count, promise exclusivity where relevant, and invite requests for further information. Write a descriptive headline, though the paper will likely substitute its own if it publishes the piece. Some papers also request the op-ed writer's black-and-white or color head-shot photo for publication.²³

An op-ed, and perhaps also a letter-to-the-editor, should also include a one- or two-sentence statement of the writer's credentials.²⁴ Even if the paper does not publish the statement beneath the piece, the statement may impress the editors during the decision-making process. For a distant newspaper, recite a connection to the newspaper's market area if possible.

13. Copyright. Newspapers generally retain the copyright to published letters and op-ed articles, but readily permit writers to use and disseminate their own work. Some papers require op-ed writers to sign pre-publication copyright agreements, which I have always found to be fair, reasonable and not one-sided.²⁵ These agreements are most common among larger papers, which may pay modest honoraria for op-eds by persons other than advocacy groups or government officials.²⁶ Most

papers do not offer honoraria, however, because (as the *Portland Oregonian* explains) "the writers' compensation is getting an audience for their views."²⁷

14. Watch Internet search engines or the paper's website. Some busy editorial departments publish op-eds without informing the writer. If the op-ed appears in a paper unavailable locally, call or email the paper's editorial or circulation departments for a "clip sheet" of the page containing the piece. The published article looks more impressive than the website reproduction or the Westlaw or Lexis version, particularly if the paper illustrates the piece with a cartoon or photo.

In the week or two following publication, watch the newspaper or its website for letters or op-eds that respond. Whether laudatory or critical, responses show that the lawyer struck a responsive chord. Responses may also stimulate the lawyer's own thinking, or even lead to personal or professional correspondence between lawyer and responders.

15. Persistence pays. Space constraints lead newspapers to reject plenty of publishable editorial submissions for reasons wholly unrelated to quality. The paper, for example, may recently have run letters or op-ed articles on the writer's topic and now seeks commentary on other issues.²⁸

Perhaps consider sending the rejected submission to legislators or other public officials who might be influenced. If the piece concerns incidents likely to happen again, save it for resubmission to the rejecting newspapers or others when space limits and other circumstances might be different. A journalist once told me, for example, that even the time of year might tilt the scales;

an op-ed, he advised, stands the best chance of publication in August, the slowest news month.

Newspaper editorial writing may require patience and perseverance following initial rejection. As a successful writer named William Shakespeare put it, "all's well that ends well."²⁹

CONCLUSION: REWARD AND FULFILLMENT

The prospect of seeing their work in print before audiences of thousands is enough to energize most writers. Lawyers, however, can achieve even greater reward and fulfillment from writing editorial commentary.

Writing for newspapers can help lawyers meet a responsibility, recited in the Preamble to the Rules of Professional Conduct, to "further the public's understanding of and confidence in the rule of law and the justice system."³⁰ Appearance on the editorial page can also be a stimulating change of pace from standard legal writing, a welcome opportunity to engage a lay audience, and to enhance the lawyer's standing among neighbors and clients. Op-eds may also win the writer interviews on radio and television.

Despite the satisfaction that awaits publication, editorial writing remains an opportunity untapped by most lawyers. The *Dallas Morning News* reported that in 2004 alone, it published 1,165 letters and guest op-ed articles, a total equaled or exceeded by other dailies from coast to coast.³¹ After 35 years as a nationally renowned editor and publisher of *The Tennessean* and *USA Today*, however, John Siegenthaler reported that he could "count on one hand . . . the number of letters to the editor, the number of volunteered op-ed pieces that I have received from members of the bar."³²

Lawyers write for a living, so what accounts for the career-long absence of so many lawyers from the editorial pages? Some lawyers write for “think tanks,” legal affairs publications or research foundations, and some of their writing does appear as letters or op-eds. Lawyers accustomed to brief writing, legal drafting and the other demands of day-to-day practice, however, may feel uncomfortable with journalistic writing, which targets the general public with three-digit word limits. Law schools generally do not expose students to journalism, and most lawyers do not seek exposure afterwards.

Like other editorial writers, lawyers also have more options today than ever before. Newspapers face growing competition from the Internet and the blogosphere, which provide instantaneous, readily accessible forums that answer any writer’s dream by not rejecting submissions, except perhaps the most virulent ones on monitored sites. Newspapers conduct many of these blogs and forums on their own websites.

Technology, however, has not extinguished the influence of newspapers. “Op-ed pieces and good letters to the editor,” attests CNN correspondent Wolf Blitzer, “are indeed widely read by public-opinion molders, and they’re very significant.”³³ “[A] good point made in a tightly written op-ed piece,” he adds, “can have an important impact on a lot of people who read it.”³⁴

One blogger acknowledges that “[a] published letter to the editor probably has 1,000 times the readership and impact of a comment on a blog.”³⁵ Journalists regularly report that “[l]etters are one of the most popular, widely read parts of the newspaper because people like to know what their neighbors are thinking.”³⁶

Technology provides a national and

even worldwide megaphone for writers whose letters or op-ed articles reach the editorial pages. More than a billion people worldwide use the Internet, including some who might seek particular commentary with a key-word search on Lexis, Westlaw, newspaper websites, or various search engines.³⁷

Writers from all walks of life continue to respect the potency of newspapers and the reassurance of newsprint. Many leading newspapers receive 100 or more unsolicited op-ed submissions each day.³⁸ The *New York Times* receives roughly 1,200 each week.³⁹ The *St. Louis Post-Dispatch* receives hundreds of letters-to-the-editor each week, with space to publish only about 60.⁴⁰

Writers compete for space on the nation’s editorial pages because they know that lawmakers, policy makers and other readers follow these forums as barometers of public opinion. Lawyers as public citizens can make their voices heard by participating actively in the editorial give-and-take that invigorates the marketplace of ideas.⁴¹

ENDNOTES

1. David Shipley, *And Now a Word From Op-Ed*, N.Y. Times, Feb. 1, 1004, § 4, at 11.
2. *Id.*
3. Philadelphia Inquirer, *Guidelines for Opinion Pieces*, http://www.philly.com/inquirer/opinion/Guidelines_for_Opinion_Pieces.html.
4. Kate Phillips, *Differences of Opinion on Article*, N.Y. Times, July 22, 2008, at A14.
5. McCain OpEd Not Up to NY Times’ Snuff, <http://blogs.abcnews.com/politicalradar/2008/07/mccain-oped-not.html> (July 21, 2008).
6. Thomas Feyer, *Editor’s Note; The Letters Editor and the Reader: Our Compact*, Updated, N.Y. Times, May 23, 2004, § 4, at 10.
7. William J. Brennan, Jr., *Reason, Passion, and “The Progress of the Law,”* 10 *Cardozo L. Rev.* 3 (1988).
8. Pittsburgh Post-Gazette, *Frequently Asked Questions About PG Editorial Pages*, <http://www.post-gazette.com/pg/03001/322207-209.stm#letters>. See also, e.g., *Op-Ed Guidelines for The Wall Street Journal*, <http://www.opinionjournal.com/guidelines>. (“strong argument about an issue in the news”).

9. *St. Louis Post-Dispatch*, *How to Write a Letter to the Editor*, <http://www.stltoday.com/stltoday/news/stories.nsf/editorialcommentary/story/F435718CCC4D7D3D8625727B0078D131?OpenDocument>.

10. *Times* (London), May 9, 1990 (quoting Breslin).

11. *The Oregonian* (Portland, Ore.), *Opinion*, <http://www.oregonlive.com/opinion/oregonian/index.ssf?/opinion/oregonian/content/howtoopinion.html>.

12. *Chicago Tribune*, *Guide to the Editorial Page*, <http://www.chicagotribune.com/news/opinion/chi-001231editorialpage,0,7278167.htmlstory>.

13. *USA Today*, *Frequently Asked Questions*, <http://www.usatoday.com/marketing/questions.htm>; *Kansas City Star*, *Contact the Kansas City Star*, http://www.kansascity.com/contact_us/.

14. *Op-Ed Guidelines for The Wall Street Journal*, *supra* note 8.

15. *Daily Oklahoman*, *Send a Letter*, <http://newsok.com/opinions/>.

16. *Boston Globe*, *Opinion Pages Explained*, http://www.boston.com/bostonglobe/editorial_opinion/oped/oped_explained.

17. *Philadelphia Inquirer*, *Guidelines for Opinion Pieces*, *supra* note 3.

18. *Western Mail* (Cardiff, Wales), May 20, 2008, at 17.

19. Douglas E. Abrams, *The Right to a Reader*, 1 *Precedent* 38, 38 (Winter 2007).

20. <http://www.pulitzer.org/links>.

21. Eugene Volokh, *Academic Legal Writing* 116 (3d ed. 2007).

22. *Philadelphia Inquirer*, *Guidelines for Opinion Pieces*, *supra* note 3.

23. *Miami Herald*, *How To Send Letters, Columns*, <http://www.miamiherald.com/456/story/591709.html>.

24. *Atlanta J.-Const.*, *Send Letter To the Editor*, <http://ajc.com/opinion/content/opinion/letters/sendletter.html> (letters); *Houston Chronicle*, *Opinion*, [http://www.chron.com/news/opinion\(op-ed\)](http://www.chron.com/news/opinion(op-ed)).

25. *Philadelphia Inquirer*, *Write to Us: Letters and Op-Eds*, http://www.philly.com/inquirer/opinion/Write_to_Us_Letters_and_Op_ed.html.

26. *Pittsburgh Post-Gazette*, *Frequently Asked Questions About PG Editorial Pages*, *supra* note 8.

27. *The Oregonian* (Portland, Ore.), *Opinion*, *supra* note 11.

WRITING IT RIGHT

28. *Id.*
29. William Shakespeare, *All's Well That Ends Well* (1623).
30. ABA Model Rules of Prof'l Conduct, Preamble: A Lawyer's Responsibilities [6], Vernon's Ann. Mo. Rules, Rules Governing the Mo. Bar and the Judiciary, R. 4 (2008).
31. *Wanted: Pen Pals With Opinions*, Dallas Morning News, Jan. 5, 2005, at 4B.
32. Panel Discussion: Potential Strategies for Improving Public Trust and Confidence in the Courts, 36 Court Rev. 63, 67-68 (Fall 1999).
33. David Firestone, *Israel Occupies the Op-Eds*, Newsday, Jan. 11, 1988, at 3 (quoting Blitzer).
34. *Id.*
35. John K. Wilson, *How to Write a Letter to the Editor*, ObamaPolitics.com (Aug. 3, 2008).

36. *Wanted: Pen Pals With Opinions*, supra note 31.

37. Internet Usage Statistics, World Internet Users and Population Stats, <http://www.internetworldstats.com/stats.htm> (Mar. 31, 2008).

38. Chicago Tribune, Guide to the Commentary Page, <http://www.chicagotribune.com/news/opinion/chi-001231-commentarypage,06916053.htmlstory>; St. Louis Post-Dispatch, *How to Write a Letter to the Editor*, supra note 8.

39. David Shipley, *And Now a Word From Op-Ed*, supra note 1, at 11.

40. St. Louis Post-Dispatch, *How to Write a Letter to the Editor*, supra note 9.

41. ABA Model Rules of Prof'l Conduct, Preamble: A Lawyer's Responsibilities [1], Vernon's Ann. Mo. Rules, Rules Governing

the Mo. Bar and the Judiciary, R. 4 (2008) ("A lawyer, as a member of the legal profession, is . . . a public citizen having special responsibility for the quality of justice.").



Douglas E. Abrams, a law professor at the University of Missouri, has written or co-authored five books. Four U.S. Supreme Court decisions have cited his law review articles.