Writing by Presidential Example: The First Inaugural Addresses of Reagan and Obama

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This article is about two recent U.S. presidents who differed from one another in prominent respects. One entered the Oval Office as a staunch Republican; the other entered as a staunch Democrat. One was one of the oldest men ever to serve in the Oval Office; the other was one of the youngest. The pair assumed contrasting positions on the political spectrum.

Despite these differences, however, the pair – Ronald Reagan and Barack Obama – shared an important common denominator. As president, both achieved recognition as “great communicators,” thanks in large part to their speeches marked by dexterity with the spoken and written language. In June 2009, after Obama had been in the White House for five months, journalist Albert R. Hunt wrote in the New York Times that “Mr. Obama is the most impressive presidential communicator at least since Reagan.”

Gone are the nation’s earliest decades, when Americans received texts of presidential speeches only from newspapers, leaflets, or other print sources. With the evolution of radio, newsreels, television, the internet, and social media, a more intimate personal connection links presidential speeches and the people’s reception. “An effective communicator doesn’t assure a successful presidency,” Hunt said, but “without it, success isn’t possible.”

When the president delivers a speech today, personality and charisma surely count (and Reagan and Obama each had plenty of both). The printed text, however, can also matter. For their substance and style, printed texts of carefully crafted presidential speeches can remain treasure troves for lawyers who seek to sharpen their own writing by reading the articulate writing of others. (President Joe Biden’s texts are available on, among other sources, WhiteHouse.gov; for other recent presidents, texts are available from, among other sources, “Public Papers of the Presidents,” whose volumes are compiled and published by the Office of the Federal Register, National Archives, and Records Administration.)

William Zinsser is correct that “Writing is talking to someone else on paper.” Texts of prepared presidential speeches, which administration speechwriters typically draft and closely edit, remain valuable learning tools for lawyers who invest time to read the texts on the printed page, without the influence of tone of voice, facial expression, or other presidential personality.

Some presidents and speechwriters express themselves better than others, but Reagan and Obama provide especial models of excellence. In two parts below, this article concerns the skilled expression that marks the public lives of both presidents. Part I presents selected brief excerpts from their first inaugural addresses, which launched the Reagan administration in 1981 and the Obama administration in 2009. Both addresses were delivered orally, but both addresses also still shine on the printed page.

Gleaned from these brief excerpts, Part II delivers six lessons that legal writers can draw from the two presidents’ mastery of expression: Both presidents understood the audience; marshalled reason and passion; used short words; generally used the active voice; avoided unnecessary words; and used plain English.

I. The two inaugural addresses

Reagan and Obama each entered the White House amid national and international crises. Reagan’s election followed a decade marked by fuel shortages, high inflation, and the Iranian hostage standoff. Obama faced the Great Recession and the wars in Iraq and Afghanistan. In their inaugural addresses, both presidents identified the nation’s crises and...
sought to encourage Americans to imagine a brighter future. Both men had their work cut out for them.

Reagan opened his first inaugural address by defining a predominant national challenge as he saw it:

We suffer from the longest and one of the worst sustained inflations in our national history. It distorts our economic decisions, penalizes thrift, and crushes the struggling young and the fixed-income elderly alike. It threatens to shatter the lives of millions of our people. ¹

From this catalogue, Reagan sought to influence Americans by hitting the “high notes”:

We have every right to dream heroic dreams. Those who say that we’re in a time when there are not heroes, they just don’t know where to look. You can see heroes every day going in and out of factory gates. Others, a handful in number, produce enough food to feed all of us and then the world beyond. You meet heroes across a counter, and they’re on both sides of that counter. There are entrepreneurs with faith in themselves and faith in an idea who create new jobs, new wealth and opportunity. They’re individuals and families whose taxes support the government and whose voluntary gifts support church, charity, culture, art, and education. Their patriotism is quiet, but deep. Their values sustain our national life. ²

2) Barack Obama (Jan. 20, 2009)
Obama’s first inaugural address recited his perceptions of the challenges his administration faced:

Our nation is at war against a far-reaching network of violence and hatred. Our economy is badly weakened, a consequence of greed and irresponsibility on the part of some, but also our collective failure to make hard choices and prepare the nation for a new age. Homes have been lost, jobs shed, businesses shuttered. Our health care is too costly, our schools fail too many – and each day brings further evidence that the ways we use energy threaten our planet. ³

Obama catalogued ambitious solutions:

We will build the roads and bridges, the electric grids and digital lines that feed our commerce and bind us together. We’ll restore science to its rightful place, and wield technology’s wonders to raise health care’s quality and lower its cost. We will harness the sun and the winds and the soil to fuel our cars and run our factories. And we will transform our schools and colleges and universities to meet the demands of a new age. All this we can do. All this we will do. ⁴

Like Reagan before him, Obama sought to energize Americans by hitting the high notes. Obama spoke confidently and made a vow:

Today I say to you that the challenges we face are real. They are serious and they are many. They will not be met easily or in a short span of time. But know this America: They will be met. ⁵

II. Six lessons for legal writers

Based on Part I’s selected excerpts from the Reagan and Obama inaugural addresses, Part II delivers six lessons that legal writers can draw from the two presidents’ command of language. Each lesson surveys the two presidents’ postures, followed by the legal writer’s typical posture in law practice.

Lesson one: Presidents Reagan and Obama understood the audience

From the podium and in the broadcast or print media, the two presidents’ diverse audiences numbered in the millions throughout the nation and the world. Both presidents knew that legions of their listeners and readers were ordinary men and women, drawn from various walks of life and unschooled in the intricacies of government, politics, or law. As discussed below, both presidents sought to motivate their audiences with language and style that combined reason and passion, which they expressed in language that was concise, precise, simple, and clear. ⁶

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For lawyers, the first step toward effective legal writing is to identify, to the extent possible, the audience who will likely be on the receiving end. With this identification, the writing’s content and tone can be tailored to meet the lawyer’s goals (which may be adversarial, persuasive, informative, cooperative, or some combination). The writing can also be tailored to meet the factual and legal context.

Identifying a legal writing’s likely audience can be a relatively straightforward exercise because the circle of anticipated readers is often discrete. ⁷ For example, advocates know that, at least initially, their briefs and other court submissions will likely reach only their clients, other parties, and the judge or judges who hear and decide the case.

Lesson two: Presidents Obama and Reagan marshalled reason and passion

Reagan and Obama both sought to boost Americans’ morale with two ingredients. First came “reason,” or factual recitation of the challenging national and international crises. Then came “passion,” forceful advocacy that hit the so-called high notes with calls for a better future.

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Legal briefs and much other written advocacy summon a balance between reason and passion, two complementary forces that have long characterized quality persuasive argument. For advocates in court submissions, “reason”
loosely means carefully applying precedents and other relevant doctrine to the facts; “passion” loosely means presenting vigorous argument based on that doctrine in the effort to prevail for the client or cause. 14

Recitation of relevant doctrine plus vigorous argument underlie persuasive legal writing. Giving short shrift to either disserves the advocate’s cause by squandering opportunities to influence the intended audience.

Lesson three: Presidents Reagan and Obama used short words

Journalist E.B. White counseled writers to use “the smallest word that does the job.” 15 Sir Winston Churchill – prime minister, steadfast wartime leader, and recipient of the Nobel Prize in literature – concurred: “Short words are best and the old words when short are best of all.” 16

In his “A Dictionary of Modern English Usage,” H.W. Fowler explained that “shortness is a merit in words” because “short words are not only handier to use, but more powerful in effect; extra syllables reduce, not increase, vigour.” 17

“Those who run to long words,” Fowler said, “confuse pomposity with dignity, flaccidity with ease, and bulk with force.” 18

Reagan and Obama both understood the uneasy audience had little appetite for pomposity, flaccidity, or bulk. With crises looming, the American people expected their president to deliver a sturdy guide to the future, marked by sinew and not fat.

Both presidents conveyed dignity and resolve through short words, mostly of only one or two syllables – words that people could readily understand.

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Some lawyers may assume that pepperering their writings with “$10 words” somehow displays learning and competence worthy of respect from clients, opponents, or other readers. These unnecessarily complex words may boost the writer’s ego, but they do little to serve the client’s cause, and may be a disservice. Some readers might not know what some of the words mean and might skip over the passage without understanding. Ego or no, advocates can persuade best when the court remembers the message but not necessarily the messenger.

Justice Elena Kagan says that often a lawyer’s paramount task is to “figure out how to communicate complicated ideas to people who know a lot less than you do about a certain subject.” 19 One early step is to opt for reasonable simplicity in word choice, delivered in a recitation that is concise, precise, and clear.

Lesson four: Presidents Obama and Reagan relied on the active voice

The two presidents emphasized the usually strong, direct, and clear active voice. For example, Obama opened his list of proposed solutions recited above with the active: “We will build the roads and bridges ...” Assume instead that he had opened the list with the passive: “The roads and bridges will be built ...” Assume too that he had similarly expressed each of his other proposed solutions in the passive voice rather than the active voice. Without identifying “we” each time as the builders and the other agents of change, his effort to stimulate the American people toward concerted action might have fallen flat.

Obama, however, remained versatile by using the passive voice when he vowed – with no ifs, ands, or buts – that the nation’s challenges “will be met.” The vow was at least as forceful as it would have been if the new president had said, “We will meet the challenges.”

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For lawyers and other writers, the passive voice can produce unnecessary verbiage, can leave readers uncertain about who did what to whom, and can abandon forceful expression for the soft. Novelist Stephen King finds the passive voice usually “weak,” “circuitous,” and “frequently tortuous.” 20 Legal writers should remain sensitive to these shortcomings and should rely generally on the strong active voice.

However, recall Obama’s use of the passive voice in his vow that the nation’s challenges “will be met.” Legal writers should recognize roles for the passive voice, including (as Obama did) to maintain persuasive force while maintaining cadence or clarity.

Lesson five: Presidents Reagan and Obama avoided unnecessary words

In their classic “The Elements of Style,” William Strunk Jr. and E.B. White offered writers this advice: “A sentence should contain no unnecessary words, a paragraph no unnecessary sentences, for the same reason that a drawing should have no unnecessary lines and a machine no unnecessary parts.” 21

Reagan and Obama each relied on lean, strong language. Clutter and fat would have disserved their goals of persuading the American people to follow their lead.

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Effective legal writing is lean and strong, marked by reason and passion free from distracting verbiage that can clutter and weaken the message. Unnecessary words or sentences from a judge or advocate can also provide ammunition to readers who seek to distinguish the precedent or distort the message. 22

Lesson six: Presidents Obama and Reagan used plain English

The two presidents mined the English language’s richness, without resorting to foreign words, whose meanings might have escaped much of their vast audience, which consisted primarily of laypeople from various walks of life. Both presidents relied on concise, precise, simple, and clear expression in the national tongue.

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Some legal writing is littered with foreign words such as *faux, inter alia, and ratio decidendi*. Indiscriminate use can break the flow of persuasion between writer and non-comprehending reader. Virtually all foreign words have English counterparts that are usually more effective. Why not say “false,” “among other things,” or “the rationale for the court’s decision”? 23
Conclusion

In their first inaugural addresses, Reagan and Obama sought to energize the American people in times of crisis. The addresses reflected philosophical differences, but the two presidents’ polished expressive skills set the tone for their administrations while also setting examples that remain instructive for legal writers.

Endnotes

1 Douglas E. Abrams, a University of Missouri law professor, has written or co-written six books, which have appeared in a total of 22 editions. Four U.S. Supreme Court decisions have cited his law review articles. His writings have been downloaded more than 40,000 times worldwide (in 153 countries). His latest book is “Effective Legal Writing: A Guide for Students and Practitioners” (West Academic 2d ed. 2021).
3 Id.
8 Id.
9 The White House, supra note 6.
10 Id.
11 Id.
15 Max Messmer, It’s Best to be Straightforward On Your Cover Letter, Resume, Pittsburgh Post-Gazette, Nov. 29, 2009, at H1 (quoting White).
18 Id. at 342, quoted in Douglas E. Abrams, supra note 14 at 54.
23 Douglas E. Abrams, supra note 14 at 64.