

ICYMI: Washington Post: Pushing the government to speak plainly

Written by Jeff Giertz

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The Washington Post

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By Suzy Khimm

Friday December 2nd, 2011

If you want to understand Americans' frustration with Washington, you might start with the very words the government uses to communicate with them.

Take the Labor Department's explanation of health insurance subsidies for laid-off workers under the 2009 stimulus legislation:

A collection of cartoons on the debate.

"Generally, the maximum period of continuation coverage is measured from the date of the original qualifying event (for Federal COBRA, this is generally 18 months). However, ARRA, as amended, provides that the 15 month premium reduction period begins on the first day of the first period of coverage for which an individual is 'assistance eligible.' This is of particular importance to individuals who experience an involuntary termination following a reduction of hours. Only individuals who have additional periods of COBRA (or state continuation) coverage remaining after they become assistance eligible are entitled to the premium reduction."

What does that mean? Well, essentially, it explains that certain laid-off or downsized workers can get special subsidies for 15 months after they lose their employer-sponsored health coverage.

It is complicated information to have to absorb. But does it have to be so complex to read?

The anti-jargon warriors don't think so. Fed up with such gibberish, a small but growing band of civil servants, lawmakers and consultants is leading the charge against bureaucratic legalese. Their mission isn't just to cut down on government forms in triplicate. They believe that Washington is dysfunctional on a more basic level and that to fix the government, the

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public needs to understand what the government is telling them.

It's a movement that's deeply populist in spirit, with its aim to bring the government closer to the people. And activists across ideological lines have echoed the same cause: The Occupy Wall Street crowd rails against deliberately impenetrable credit-card billing practices; tea partyers find evils lurking behind every run-on sentence in regulatory reform bills.

Ultimately, proponents believe that they're protecting the sanctity not only of the English language, but also of the republic itself. "How can you trust anyone if you don't understand what they're saying?" says Annetta Cheek, a 25-year veteran of the federal government who now runs a nonprofit called the Center for Plain Language. "When you're supposed to be a democracy, and people don't even understand what government is doing, that's a problem."

Plain-language advocates acknowledge that slaying jargon within the federal bureaucracy often seems impossible. But their ranks are growing in Washington, and officials loyal to the cause are embedded in the highest levels of all three branches of government.

"When people talk about government red tape, first, it's because of the incomprehensible gobbledygook that's used to write many of these federal regulations," says Rep. Bruce Braley (D-Iowa), the House's point man for plainspeak. "The average user can't understand their responsibilities unless they hire lawyers and accountants to figure it out."

Such complaints have made their way to the White House. "We hear from small businesses in particular that any government documents are too unruly and long," says Cass Sunstein, head of President Obama's Office of Information and Regulatory Affairs. "It does breed a kind of frustration that really isn't good for anybody."

Under the Obama administration, this populist push to keep legalese from getting between the government and the people has gained ground. In late 2010, Obama signed the Plain Writing Act, which mandates that all publicly available government documents be written in a "clear, concise" manner, requiring all agencies to push new writing standards.

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The law neatly converges with Obama's pledge to create a more open, transparent government, Sunstein says. But it also builds on a long-standing battle against jargon in Washington. People have been railing against bureaucratic legalese for half a century. But as the government's responsibilities have grown, so have its rules and regulations — plus all the exceptions and carve-outs that interest groups have lobbied to include. Ensuring that all these provisions are technically and legally correct means that it's often easier for the government to produce documents that are complicated, and hard for the public to understand, than ones that are simple.

According to the federal government's primer on plain language, PlainLanguage.gov, the father of the movement was John O'Hayre, an employee of the Bureau of Land Management, who resolved that convoluted prose had made government documents impossible to read. O'Hayre's 1966 book, "Gobbledygook Has Gotta Go," helped launch the movement. A few years later, President Richard Nixon required the Federal Register to be written in "layman's terms" rather than government-ese, followed by an executive order from President Jimmy Carter that told federal agencies to solicit information "in a simple, straightforward fashion." Though President Reagan revoked Carter's order, President Bill Clinton issued an executive order in 1998 requiring all federal employees to use short sentences, the active voice and "common, everyday words."

But such executive actions haven't been enough to stem the tide of bureaucratic jargon. Even the 2010 Plain Writing Act has no penalties for unplain writing, and the federal government has yet to appoint its own editor in chief to monitor the agencies' efforts.

Connecting good governance with plain language has been a long struggle. In his famous 1946 essay, "Politics and the English Language," George Orwell argued that government's "lifeless, imitative style" produced groupthink. "In our time it is broadly true that political writing is bad writing," Orwell wrote. "One can probably bring about some improvement by starting at the verbal end. If you simplify your English, you are freed from the worst follies of orthodoxy. . . . Never use a long word where a short one will do."

But it's been no simple task to convince the entire federal bureaucracy to follow Orwell's edict, let alone Obama's. Left to their own devices, agencies have a tendency to develop inscrutably dense vocabularies. "Smart people with great educations feel they have to demonstrate that they know what they're doing by writing in complex, impossible-to-understand language with lots of clauses and subparagraphs," Braley says.

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He singles out a certain class of bureaucrats as the movement's most stubborn foe: lawyers. "Anything that grew out of legal training that has 'wherefores,' 'hereinafter,' 'party of the first part, party of the second part,' 'as referenced in subclauses A, B and C' — those types of things are impossible to follow," says Braley, himself a lawyer.

Often, Cheek says, it's possible to use plain language in such documents without diluting or diminishing their legal meaning. "It's a very common excuse," she explains. "Some people try to tell you that it's dumbing down."

A few departments and agencies have taken the early lead in the war against bureaucrat-speak. Veterans Affairs, for instance, began a massive effort to rewrite its benefits rules in the early 2000s after an internal review — and more than a dozen court decisions — cited the need to clarify its confusing, ponderous government writing style, as two officials wrote in a 2004 report. The VA's Regulation Rewrite Project has taken years, but preliminary feedback has been positive: After recasting one benefits form in plain language, the response rate to that form rose from 35 percent to more than 55 percent, saving the agency \$8 million every time it mailed the letter out.

Convincing the rest of the government to follow suit may seem like its own bureaucratic nightmare: Every agency must appoint plain-language "officers," post guides and issue reports to comply with the 2010 act.

One agency that has openly embraced the movement is among the most loathed institutions in Washington: the Internal Revenue Service. This year, the IRS won the Center for Plain Language's top prize for intelligible writing in public life, the 2011 ClearMark Award.

Receiving the award in late May, Jodi Patterson, who runs the IRS office for taxpayer correspondence, gave a speech that distilled the essence of the plain-language movement. "They might not like hearing from us. They may not want to hear from us," she said. "But at least they'll understand what it is we want them to do."