

in the Papers

CONTROLLING CROWDED SENTENCES

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High school students can continually get all sorts on essays if they construct one-clause sentences and put them in an order so that teachers will be able to infer the logical connections that assumably connect them. This works well because teachers almost always know more than the students about the topic at hand. But professionals, especially lawyers, are usually writing for audiences that do not yet know all the writer has to say. Professionals are people paid to articulate the necessary connections.

Lawyers cannot tell judges, “Here are the facts; here are some precedents; we win.” The other side might well be able to turn in the identical brief, leaving the judge to figure it all out for herself. My favorite appellate judge claimed that about 95 percent of the briefs submitted were of almost no help to her in the decision-making process.

Having gotten all the right components into a single sentence, lawyers believe that all that material will be re-assembled in the reader’s mind just the way the author intended. The opposing lawyer, however, might well be able to

demonstrate how the same sentence fits his case perfectly. The question then becomes this: How can a writer control the use to which the reader will put all the semantic material assembled into a long, information-packed sentence? There are answers to this question, some of which we deal with here.

I use as my example a sentence from page 1121 of the textbook *Constitutional Law* by Edward Barrett Jr., and William Cohen (Foundation Press 1981)—a book I chose at random from my shelves and a page to which I opened at random. In other words, these principles will apply to any multi-clause sentence you can find. The issue was the case of *Whitney v. California*, 274 U.S. 357 (1927). The defendant was Anita Whitney, who in 1919 had joined the new Communist Labor Party. She was a delegate to a convention to organize a California branch of the party. Our sample sentence from the textbook follows:

1a. There she supported a resolution which would have committed the organization to the use of peaceful and lawful methods of change, but this resolution

lost and the convention adopted a program resembling Gitlow’s Left Wing Manifesto.

(Note: Benjamin Gitlow (1891–1965) was a prominent socialist who helped to found the Communist Party, U.S. . . . After years as a leading American communist, Gitlow found himself so at odds with Stalin’s government that he transformed himself into a right-wing conservative, writing two books that became highly influential in the McCarthy movement against communism. But at the time of the convention attended by Whitney, he was a far left-wing communist.)

Whitney had been found guilty of helping to criminalize syndicalism. Justice Brandeis (joined by Justice Holmes) wrote a memorable concurring opinion, warning that freedom of speech issues were involved in Whitney’s support of “peaceful and lawful” actions.

The issue at hand for us, however, is not one of free speech but rather of clear and convincing writing. Our example sentence contains three major facts:

- Whitney was supporting “peaceful and lawful methods of change.”
- Her resolution lost.
- Gitlow’s far more extreme manifesto won.

The example sentence, however, contains only one stress position—that created by the sentence’s period. (For a discussion of the nature of the stress position, please see my earlier article on the subject in *LITIGATION*, Vol. 38, No. 1 (Fall 2011), at 20–21.) The stress position is any moment of full syntactic closure. This occurs at any properly used period, colon, or semicolon. It can never occur at a comma. The occupant of the stress position tends to be what a reader will perceive as being the sentence’s most stress-worthy material. Its location there has the same force as if those words had been printed in red, bold, italics, or capital letters. As a result, the example sentence

above (for most readers) calls our attention to the victory of the Gitlow manifesto above the rest of its contents.

What if that was not the authors' intention? None of their words, nor their facts, would be incorrect; and yet most readers would read the sentence in a way that was not in accord with the authorial intention.

As writers, we have effective ways to control what most readers will tend to emphasize. These ways are not 100 percent surefire. Any avid pro-communist or anti-communist or free-speech reader might well find what he or she wants to find. But for the 90-plus percent of the readers who are trying their best to understand what the authors are trying to say, the reader expectations about giving extra emphasis to material in stress positions will carry the interpretive day.

There is no gain—no “rules” here. Each of the revisions that follow here will affect most readers most of the time—which is a great improvement over letting the readers figure out how to assemble the 36 words for themselves. Many Plain English experts claim a sentence is too hard to read if it exceeds 29 words. That is wrong. After 29 words, sentences just become harder to write. Clear writing can produce clear sentences of well more than 100 words.

So let us look at four revisions of this sentence, each of which controls reader emphasis by manipulating the placement of information in stress positions.

Variation No. 1

If the authors wished us only to know certain facts existed, without their offering a way for us (at the moment) to connect them, they would do well to give each of the three major facts its own, separate, and therefore potentially equal, stress position. They could do this by using the same punctuation mark for each—the period. This would result in three separate sentences:

1b. There she supported a resolution which would have committed the organization to the use of peaceful and law-

ful methods of change. This resolution lost. Instead, the convention adopted a program resembling Gitlow's Left Wing Manifesto.

I do not hold with those who advise “to make it better, make it shorter.” The brevity of these sentences is not their strength; it represents rather their equality of weight and focus.

Variation No. 2

If, instead, the authors had wished us to understand that Whitney's losing and Gitlow's winning should attract our attention equally—even though the two statements about winning and losing add up to the same result—then they could have accorded her effort a stress position by the use of a colon. A colon followed by a main clause (one able to stand by itself as a sentence) functions as a kind of “equals” sign. It states, “I'm saying the same thing again, but in a different way.” In these cases, the colon should be followed by a capital letter, which warns the reader to expect a main clause—and not just a list of examples. (The latter is the more common use of the colon.)

1c. There she supported a resolution which would have committed the organization to the use of peaceful and lawful methods of change, but this resolution lost: The convention instead adopted a program resembling Gitlow's Left Wing Manifesto.

Variation No. 3

If, instead, the authors had wanted to subject her efforts to a mere supporting role, saving the sole emphasis for the Gitlow triumph, then they could have done the following:

- Demote the material on her to something less weighty than a main clause.
- Mark the end of the information on her efforts by a comma, which lacks the power to create a stress position.

1d. Whitney having failed in her resolution to require peaceful and lawful methods of change, the convention adopted a program resembling Gitlow's Left Wing Manifesto.

Variation No. 4

If, instead, the authors had wanted to present us with a two-part narration, the first of which deals with and stresses Whitney's efforts, and the second part of which spotlights the Gitlow victory, then summoning a semicolon to produce stress for her suggestion would give her the “Part 1” of the story; and the final period would then give Gitlow's approach the victorious “Part 2.”

1e. There she supported a resolution which would have committed the organization to the use of peaceful and lawful methods of change; this resolution having been defeated, the convention adopted a program resembling Gitlow's Left Wing Manifesto.

Variation No. 5

If, instead, the authors had wanted to build sympathy for Whitney, they could have given her information two stress positions instead of one, drawing more attention to her efforts.

1f. There she supported a resolution which would have committed the organization to the use of peaceful and lawful methods of change; but this resolution lost. The convention instead adopted a program resembling Gitlow's Left Wing Manifesto.

As we can see, these four marks of punctuation—the period, the colon, the semicolon, and the comma—can be used by writers to control how readers will go about assigning function, weight, and prominence to the same facts. Punctuation marks do these tasks whether we intend them to or not. It is important we control them to make readers function the way we want them to function.