

Plain Language Revision and Insider Audiences: A City Charter Case Study

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## **Dedication**

To my daughters, Anza and Adaline.

## **Abstract**

This dissertation explores the relationship of plain language—a popular strategy for creating effective, ethical, and cost-effective texts—and audience. Specifically, it examines the impacts of plain language revision on insider and expert audiences in the case of a city charter plain-language revision. Through qualitative analysis and a genre theory approach, I found that the plain language charter affected insiders through various sites of interplay, or residual connections between the old and new charters. Insiders and experts contended with an interplay of charter authorities, as well as an interplay of practices, which included easier individual reading and improved government processes. In addition, through an interplay between genres, the plain language charter affected the form of other texts in the government.

This project has implications for technical and professional communication research and practice. It also has implications for rhetorical theory, as the project inquires into what plainness currently is and does for writers and audiences. I explore plainness as a durable rhetorical style type that is currently bound up with an ideology favoring public access and participation in expert spheres. I also take up Devitt's (2009) call to refigure form and style into studies of genre—a framework that I show is enriching for context-focused research into plain language.

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## **Chapter 1: Introduction**

In the past several decades, the US has seen a dramatic increase in the use of “plain language” or “plain writing” across many professional and technical contexts. There is no central definition of plain language, but it is typically described as accessible, clear forms of language and accessible design principles that enable effective communication between writers and audiences. Plain language has been advanced over the past several decades as an ethical strategy to remove bureaucratic barriers for audiences, especially public audiences with diverse literacy experiences and education (Willerton, 2015) who historically may have been marginalized. Erwin Steinberg (1991) describes it as “language that reflects the interests and needs of the reader and consumer rather than the legal, bureaucratic, or technological interests of the writer or the organization the writer represents” (p. 7). Another reason for its popularity is that plain language has been championed as a way to minimize paperwork, time, and financial resources through more efficient communication with audiences and a reduced need for user support and troubleshooting (See Redish, 1985; Kimble, 2012).

A wide variety of fields have taken up plain language guidelines or standards for these reasons. For instance, as medical professionals and health-related organizations have become more focused on communicating with non-expert patients, there has been a greater focus on using language that minimizes jargon, builds patient trust, and does not require advanced literacy skills. In technical fields, such as engineering, professional organizations recommend using plain language principles in order to meet the needs of

clients, ensure accessibility, and save money. In digital industries, usability and user/company trust relationships have become increasingly paramount, so important documents such as end-user license agreements for mobile and computer apps have been revised in plain language (Kunze, 2008; cf. Gomulkiewicz, 2004). In *Letting Go of the Words* (2012), Ginny Redish (2007) positions plain language under the umbrella of user-experience design for writing web content, a philosophy that prioritizes an audience's goals, needs, ways of working, and contexts (p. xxvi). Business contexts, too, have embraced plain language to reach audiences, build relationships, and conserve resources. Many corporations and organizations have their own in-house plain-language or readability guidelines, and adherence to these guidelines has, in some cases, served to reduce legal liabilities (Giles and Still, 2005).

Government contexts have seen an even more pervasive rise in plain language use. Many local, state, and federal government entities are drafting or revising laws and legal documents using plain language principles for similar reasons as business and industry: citizen access, government accountability and transparency, building trust in government (Williams, 2010), and saving resources (Kimble, 2012). Most notably, in 2010, Congress passed the Federal Plain Writing Act, which mandated that all federal agencies publish their materials and policies in plain language. This act solidified similar executive orders issued by previous presidential administrations. It also provided funding to an advocacy organization, the Plain Language Action and Information Network (PLAIN), to develop plain-language resources and templates for government agencies to use (available at [plainlanguage.gov](http://plainlanguage.gov)).

Plain language's advancement in both popularity and sophistication in the twentieth and twenty-first centuries has paralleled an increased national focus on citizen and consumer needs. The "consumer movement" of the mid-twentieth century prompted more venues for everyday folks to make demands of companies and the government (Schriver, 1997, p. 26), and public voices have gained strength and visibility with more technological developments like the participatory web. So it is not surprising that strategies like using plain language guidelines have been taken up as a way to meet the needs of audiences.

The technical and professional contexts of plain language, as well as its goals—including audience accessibility, industry and government accountability, and the ethical, effective production and use of texts for specific audiences—squarely position it under the purview of technical and professional communication (TPC) scholarship. But despite the wide reach of plain language in practice, its scholarly attention has remained scarce. Russell Willerton (2015) recently wrote in the preface of *Plain Language and Ethical Action: A Dialogic Approach to Technical Communication in the 21st Century*:

As I continue to work as a technical communicator and to become a scholar in technical and professional communication, I have been both surprised and a bit dismayed that plain language has not received much attention in the field's publications. At the same time, interest in plain language from people in industry has grown by leaps and bounds—not only in the US, but in countries around the world. (p. xiii)

The dissonance Willerton affirmed is indeed perplexing. The rise in plain language offers a rich and largely untapped site to study the assumptions and effects of language in TPC contexts. A great deal of ethical, democratic, and advocacy work is purportedly being accomplished through the use of plain writing; it is a key example of the “problem-solving” nature of technical communication; and it is bound up with questions of usability, design, and audience. Further, plain language offers a site to investigate the contemporary intersections of rhetorical theory and TPC, such as the style/content relationship and critical questions regarding audience, trust, and the rhetorical nature of clarity in language.

In the research that does exist on plain language in technical and professional communication, public or specific non-expert audiences are the focus. One research strand studies the effectiveness of plain language on public readers through usability studies (e.g. Derthick et al., 2009; Jones et al., 2012). Another strand investigates how plain-language guidelines function for audiences on rhetorical, social and ethical dimensions. Williams (2010), for instance, showed that plain language in law can help marginalized groups gain trust in the US government. Willerton (2015) argued that plain language can support ethical communication, especially in contexts that are bureaucratic, unfamiliar, rights-oriented or critical for audiences (p. 179). Willerton (2015) and Williams (2010) have effectively shown that scholars must approach plain-language cases in context and as components of larger social and political discourses with complicated histories, effects, and audiences; however, their focus remained on what plain language accomplishes for public, non-expert, or disadvantaged audiences. These

audiences are important and deserving of priority as often the most vulnerable. However, it may be detrimental to plain-language efforts to omit the ways plain language also affects the insider or expert audiences who must also use revised plain-language documents.

### **Purpose and Significance of this Study: Exploring Plain Language for Insider and Expert Audiences**

A main assumption that underscores the plain-language movement and research is that plain language primarily affects or benefits public or non-expert audiences. This assumption is consistent with the movement's democratic interest in citizen and consumer populations that have been historically disadvantaged by gatekeeping language, and it also underscores other goals of plain language, including consumer-organization relationships and resource reduction. While it is understandable and justifiable, this assumption has also led to, by default, a prioritized public or "outsider" audience focus in most research, and deflected from consideration how plain language can affect other audiences, such as insiders or expert users.

As plain-language continues to expand, the main audiences of some documents, like city charters, increasingly include insiders or experts. Insider and expert users must also effectively use plain-language texts. This study begins at this dissonance, and by exploring a city charter revision as a case study, it seeks to understand the specific effects of plain language—benefits and challenges—on insider and expert audiences in a city government.

It is important to understand the effects of plain language on insiders and experts in technical and professional communication for four main reasons. First, although plain language is routinely used in government and industry contexts and it has been established as an effective and ethical strategy for communication in TPC (Willerton, 2015), many opponents still challenge it. These opponents are often experts or insiders who are proficient in barrier language like “legalese” or “medicalese.” In law and policy contexts, opponents often claim that plain language limits technical accuracy (see for examples: Kimble, 2012). These claims are the source of genuine concern and conflict in organizations seeking to apply plain-language principles, and the present study addresses and in part assuages them.

Second, prioritizing a non-expert audience can present a conundrum of sorts for TPC plain-language research. While plain-language advocacy groups like the Center for Plain Language rightly see the movement as doing ethical and democratic work toward public accessibility, prioritizing this audience in TPC research can eclipse the more robust concept of audience in the field’s scholarship, which is largely attached to the actual audience. In other words, focusing only on non-expert readers limits our understanding of plain language’s impacts and . Intra-organizational audiences, including insiders and experts, are under the purview of TPC (e.g. Rude, 2009), and exploring how they engage with plain language can better inform how plain language may be implemented in various contexts.

Third, many critical documents are *revised* using plain-language guidelines, rather than newly composed. Revisions offer unique difficulties for pre-existing user

communities than newly introduced documents. In cases with insider primary audiences, like a city charter, users who are already familiar with the original texts must contend with immediate effects of plain language. Willerton (2015) recognized the potentially high stakes of these “transaction costs” (p. 120) for existing readers when he explored the restyling of the Federal Rules of Evidence. He pointed out the risks of violating the expectations of readers by drastically changing a text or its organization. But a participant of Willerton’s study showed that these concerns were mainly “transitory,” or they would resolve over a period of time (p. 121). In the present study, I zero in on the impacts following revision in order to concretely trace how concerns about these effects surface in a city government community.

Fourth, investigating the impacts of plain language on insiders also holds promise for addressing a concern that works against the plain-language movement more broadly: disciplinary and jargoned language, such as “legalese” or “medicalese,” was not developed suddenly or in a vacuum. It has emerged gradually in tandem with the practices and knowledge of a particular field, and within a broader social and historical context involving social, professional, and privilege structures. Attempts to up-end such entrenched language practices are bound to encounter resistance and difficulty, not only for reasons to do with maintaining power and authority through expert jargon and language barriers, but because rhetorical discourse communities are often defined by their gradually developed and shared discursive practices, including style, genre, and literacy activities. A better understanding of how plain language impacts insiders who are part of these discourse communities can more strategically position plain-language advocates, as



well as technical and professional writers and scholars, to navigate those difficulties and reach multiple audiences. Put broadly, this dissertation contributes to the emerging body of research that investigates what plain language accomplishes, and it specifically focuses on the impacts experienced by insiders or expert audiences of revised plain language documents.

### **Project Overview and Research Questions**

As a holistic case study (Yin, 2013), this dissertation investigates the plain-language revision and subsequent use of the Minneapolis city charter document from the perspective of insider users. A city charter, like a constitution, structures the authorities and relationships between city government departments. As a document that is primarily used by insiders or experts in the city government, not by the public, this city charter offers a unique site for studying the impacts of plain language on insider or expert users, as well as the rhetorical assumptions surrounding the plain-language revision and use. This project will examine the practical life of the plain-language charter document, accounting for how the charter genre operates within the city government and is used by insiders and experts, and most importantly how those actions are affected by the plain language revision in their perceptions. Echoing the words of Rude's (2009) central question for technical communication, this research aims to unpack the way the charter mediates knowledge, values, and action in the context of city government, and further to understand the role plain language plays in that mediation. I address the following specific research questions:

RQ1: What is plain language in the plain language charter?

RQ2: How does plain language affect the way city government insiders make sense of the city charter?

RQ3: How does plain language affect the tasks city government insiders must complete with the charter?

Given that plain language has no set definition, I establish precisely what comprises plain language in this research context through RQ1. Nearly every application of plain language uses a different set of principles and other guiding factors. In some cases, plain language is very sophisticated in meeting the needs of specific audiences in specific contexts. Plain-language guidelines can be similar to a rhetorical approach to writing one might find in college composition or technical writing courses, requiring careful audience and context analyses and usability testing. In these cases, plain-language instantiations may look very different than others based on what audiences and tasks they are serving. However, there are many other contexts in which writers approach plain language as a context-less and rule-based strategy, citing unreliable readability formula reports as evidence of achieving plain language. For these reasons, it was important that I substantially investigate what constituted both the process and product of plain-language revision in this case.

RQ2 and RQ3 take the next steps to understand how the plain language revision has impacted insider users of the document. These questions are informed by the findings for RQ1, and are focused on data from qualitative interviews with insider users. I used a qualitative analysis method (Saldaña, 2011) to analyze these data and explore what

impacts and rhetorical assumptions plain language contains for insider users in this context.

### **Overview of Dissertation Chapters**

In Chapter 2, I position plain language within the rhetorical tradition of the plain style. Making language “plain” is not a new endeavor; the plain style has a 2500-year history within the rhetorical tradition and has heavily influenced English writing practices related to science, technology, and business fields over the past 400 years at least. To contextualize the plain language movement, I briefly trace this long history of plainness, then I detail the roots of the twentieth century US plain language movement, beginning with post-WWII readability formulas and following through the consumer movement, various government efforts to advance clear language, and several recent approaches to plain language in law practice and scholarship. I follow this history with a review of technical and professional communication research pertinent to plain language, which demonstrates the primacy of public, non-expert readers in plain language efforts.

Lastly I describe the theoretical approach that I draw from genre studies. I draw from genre theory to account for the relationship of plain language to the charter document as a genre in the city government context. I draw on Devitt (2009) to rhetorically consider form in the charter genre and in genre studies more broadly.

Chapter 3 describes my case context and my analysis methods, which include a primary qualitative analysis (Saldaña, 2011), as well as a supplemental quantitative analysis of the legalese and revised charter versions (Kaufer and Ishizaki, 2013).

Consistent with Yin’s (2013) holistic case-study approach, I draw my data from multiple

sources. These include 1) textual artifacts related to the revision, 2) field observations of the charter in use during four City Council and Charter Commission meetings, and 3) 19 qualitative interviews with insider users, including current and former members of the City Council, City Attorney's office, City Clerk's office, and the City Charter Commission. I also detail in this chapter the selection criteria for participants and observation sites.

Chapters 4 and 5 convey my findings and analysis. Chapter 4 describes the "plainness" of the plain language charter in this context. Based on my data, I report and discuss three key concepts of change in the charter: audience, genre, and style. I report an overview of the process of revision, as well as quantitative findings documenting sentence-level, organization and design changes.

Chapter 5 includes findings focused on the impacts of the changes reported in Chapter 4 for insiders and experts. As a revision rather than a new composition, this case showed impacts that I describe as different forms of "interplay" between the old and new charters. Interplay surfaced in several different ways, but primarily through charter authority, easier individual reading, and improved internal processes. The plain-language revision also had impacts on the language of other genres within the city government, most notably city ordinances.

Chapter 6 contains a summary of findings and conclusions based on my data and analysis. I also propose implications and future research surrounding the concept of interplay, the role of form in genre, TPC theory and research, plain-language application, and TPC instruction.

## **Chapter 2: Plain Style, Plain Language, and Genre: A Review of Research and Theoretical Approach**

Among the first categorized style types—and probably the most durable—is the plain style. Claims regarding the functions and effects of a plain style type have been present in the rhetorical tradition since Greco-Roman antiquity. Similar claims persisted through western traditions and have significantly influenced the development of scientific, technical, political, and religious discourses. This chapter contextualizes my research on current plain language use and advocacy within the historical perspectives on the plain style in these traditions. I chronologically trace the continuities and important disjunctions of plainness between Greco-Roman antiquity, later early-modern English contexts, and through the US English plain language movement in the twentieth and twenty-first centuries. This history establishes the ongoing contentions and purposes of plainness, and more specifically demonstrates how persistent assumptions about plainness helped to motivate both the current plain language movement and the field of technical and professional communication (TPC). Considering historical perspectives on the plain style enables me to highlight the importance of purpose and audience in my research, as well as the the relationship between plain language and expert or insider audience groups.

Following this history, I position my specific research questions about the impacts of plain language on insider audiences within current TPC research on plain language. This positioning helps to demonstrate the heavy emphasis on public or non-expert access that exists within the plain language movement and TPC research. I also position my

research questions within current research in law and government writing, where the prioritization of the public audience is prominent, but raises many concerns regarding accuracy and expertise.

Lastly in this chapter I describe the theoretical approach I drew on in constructing and analyzing this case study. I use rhetorical genre studies to underscore my approach to the charter document and its audiences and action. This case study also offers a unique opportunity to investigate the role of style and form in defining genre. I draw on Devitt's (2009) principles for "re-fusing" form into studies of genre to outline how I will account for form rhetorically and contextually.

### **Tracing the History of Plainness in Rhetoric and Technical Communication**

In the rhetorical tradition, authors and scholars have persistently categorized spoken or written styles into various "types," such as plain, middle, and grand. These different types have been historically linked with different content and effects. The plain style in particular has been explored in Greco-Roman antiquity and over the past several centuries in English-language traditions. In this section, I will briefly describe the features and functions of plainness and plain style put forward by Cicero and Quintilian, then trace significant continuities and changes in the history of the plain style in English traditions to contextualize the plain language movement emerging in the US in the 1940s and 50s, as well as demonstrate the importance of audience and purpose in relation to plainness in these histories.

**Plain style in the classical period.** Style was an important component within theories of rhetoric for classical period authors. Style was characterized in different ways,

often through “virtues” such as clarity, distinction and appropriateness, but also through different types. Authors including Cicero, Quintilian, and Demetrius developed partitions between types, such as plain, middle and grand, to help orators select the most effective way to convey specific content to audiences. Different types could be used throughout an oration as the content and purpose required. In *Orator*, Cicero stated that the orator’s ability to “control and combine” these styles within the same speech is governed by an orator’s wisdom and “propriety,” or ability to determine what is appropriate (70).

Propriety, Cicero suggested, must be considered in relation to the speaker, audience and subject (71). Cicero provided some explanation toward appropriate subjects for the three styles: “That man is eloquent who can speak of humble things plainly, lofty things with gravity, middling things with the blended style” (101). Similarly, in *de Oratoria*, Quintilian emphasized stylistic choice: an orator “will use all ‘styles,’ as circumstances demand, and as required not only by the Cause as a whole, but by its various parts” (12.10.69, p. 319).

In order to guide these choices, authors accorded functions to each style type. For Cicero and Quintilian, for instance, the key functions of an orator were to teach, to please, and to move, and the three style types map onto these functions: “the plain style for proof [to teach], the middle style for pleasure [to please], the vigorous style for persuasion [to move]” (Cicero, *Orator*, 69). Quintilian offered a similar guiding principle for deploying these types:

the first [plain] supplies the function of giving information, the second [grand] that of appealing to the emotions, and the third [middle], whatever name is

given, that of pleasing, or, as others say, conciliating. Now incisiveness seems to be required for giving information, smoothness for conciliating, and force for rousing emotion. (*de Oratoria*, 12.10.59)

In this period, the plain style was consistently and directly associated with the function of teaching and transmitting information.

Cicero and Quintilian also detailed the features of the plain style. Cicero stated that the plain style should contain no rhythm (77), no “pearls of ornament” (78), no figures except those that would be regularly used in the conversation of “town and country folk alike” (81), and it should be “clear and unambiguous” (79). In the plain style, one must “dismantle and split up long periodic structures, and use the most ordinary words, the most gentle metaphors” (85). The plain style is represented by a particular kind of orator, a “restrained orator who is yet a great and genuine Attic speaker” (89), and who is “regarded as wise because he speaks acutely and with an expert’s skill” (99). Plainness was not simply the omission of ornamentation for Cicero, but rather a careful, precise, and crafted style, which required a great deal of ability: “Plainness of style may seem easily imitable in theory; in practice nothing could be more difficult” (76). Cicero made clear that this style is not flat, but elegant and neat (79). He said, “There is something present in each case that adds beauty without becoming apparent” (78), yet plain style must never be seen as “pursuing pleasure” (84). Rather, it contains “perceptive, close-packed thought” (79). In an example of plain style, Quintilian described Menelaus’ eloquence in Homer: “concise, pleasing and precise...and without any superfluities” (12.10.64).



**The Plain Style in English.** The plain style played an important role in the development of English prose over the past several centuries. There are two accounts of plain style lineage that I address in this chapter, although more variations are certainly available. The first account, that of Francis Bacon's and the Royal Society's seventeenth-century calls for plain English, is a frequently referenced origin of the plain style's popularity, particularly in the realm of scientific, technical, and professional communication, and it accounts for several assumptions persisting about plainness in the twentieth and twenty-first centuries. The second account, which I represent through Elizabeth Tebeaux's research, roots the English plain style in a much older, much more pervasive form of utilitarian writing, which she claimed is a more direct origin for the plain style of current technical and professional communication. In fact, she claimed it has been overlooked as a motivation for Bacon and the Royal Society. These accounts demonstrate some departures from the classical conception of plainness, and reveal important ideas about plainness which continue to persist in plain language discourse.

Francis Bacon and Thomas Sprat, associated with the Royal Society of London in the seventeenth century, famously emphasized the need in scientific writing to minimize ornamentation and ambiguity of language in order to foreground clear information and scientific fact. Bacon believed that ornate styles and the analysis of language may prompt controversies and distractions. Bacon claimed words could "stand in the way and resist" advancements in understanding and science (p. LIX). Sprat suggested that eloquence and figuration were a "weapon, which may be as easily procur'd by bad men as by good" (p. 111).

Although the features ascribed to the plain style in this period remained somewhat consistent with the classical tradition, including a lack of adornment and figuration, the Baconian approach was a significant departure from the classical conception in two main ways. First, Bacon recrafted the notion of style *type*; a blanket-like application of the plain style across scientific writing eliminated the complexities of Cicero's "propriety" as it corresponds to context, content, and audience in a given work. Bacon's plain English was not intended to be one stylistic tool among many, but rather the only tool suited to a particular discipline. Second, a related assumption emerged that plainness permitted a more careful or pure representation of truth. Halloran and Whitburn (1982), as well as other scholars, point to the purported transparency of the plain style as well suited to the prevailing desire—then and presently—to distance human and interpretive influence from science and the external world.

It is important to note that while Sprat and Bacon objected to figuration, they did not object to expert scientific terminology, nor were they concerned about non-expert audiences. They advocated a plain style not because it was easier for audiences to read, but rather because the absence of ornamentation minimized distracting or controversial rhetorical features, which Bacon and Sprat saw as inhibiting clear representations of substance.

It is common for scholars to root the persistent preference for plain style in scientific and technical contexts today in the claims of Bacon and Sprat. For instance, Halloran and Whitburn (1982) stated: "Our tradition of the plain style in technical and public discourse is as rooted in the late seventeenth century as the scientific revolution

itself is” (p. 64). However, Bacon’s plain style is not a plain style that reflects simplicity or ease of reading, but rather a distancing of scientific writing from literary prose, a move toward a purported transparent or non-rhetorical style.

Some scholars see the Baconian legacy as a reductive history of the plain style. In a counter-narrative, Elizabeth Tebeaux (2004) argued that the call for plain English by the Royal Society and Bacon was a repurposed extension of an already existing and widespread use of the plain style in England.<sup>1</sup> Tebeaux recognized the vast number of utilitarian texts written in England for centuries before Bacon as contributing to the later dominance of plain writing, especially as it was taken up in technical communication. Utilitarian texts, as opposed to eloquent literary and humanistic texts included 1) administrative and record-keeping documents, 2) texts that were intended to be spoken as well as read, 3) instructional writing, and 4) religious texts associated particularly with Protestantism (p. 166). Unlike the scientific writing under Bacon’s purview, much of this writing was intended to be accessible and comprehensible by wide audiences. “Plainness” reflected everyday speech and everyday needs. Tebeaux argues that in order to examine this form of plain style, the stylistic devices used to analyze literary texts’ styles, such as cataloguing figuration, must be retooled to account for the features and purposes of plain English:

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<sup>1</sup> Flannery (1995) concurs with Tebeaux. See her work for further insight into how Bacon’s (and also Hooker’s) advancement of plain writing was representative of well-established and known practices across various spheres of writing in early modern England. Flannery also provides insight into the reinforcement of the Bacon and Hooker origin story through T.S. Eliot in the 1920s and 30s and the American deployment of plain style.

Subliterary texts also provide additional insights into (a) the relationship between speech and writing, (b) the shift from text produced from sound (text that was heard rather than seen) to text prepared to be read silently rather than heard, and (c) the importance of the visual aspects of text as these direct meaning. The conversational quality of modern English style likely evolved from the need for sound-based text that could be understood by those unable to read and who relied on hearing the text read aloud. (p. 171)

Tebeaux's account of the history of the plain style marks a critical difference from that of Bacon: its suitability for a public audience. Further, Tebeaux identifies other elements of plain style that are, as this chapter will later explore, championed in current plain language research and practice, such as the 'speakability' or voice of prose and strategic visual design and organization of texts.

Under the influences of utilitarian writing and the Royal Society's emphasis on plain scientific discourse, the plain style enjoyed a great deal of popularity in English contexts, which persisted into the nineteenth century when another key purpose associated with plainness emerged with Herbert Spencer's (1852) *Philosophy of Style*. He advanced a "general theory of expression" characterized through a form of "scientific ordination" (p. 2). Spencer sought to measure or economize the effort it took to read and comprehend content. While Spencer never referred to the language strategies he proposed as "plain style," his theories were directly taken up as guidelines for it (Wagner, 1995, p. 187), and they cemented a connection between the *ease* of reading and plainness.

The hallmark of Spencer's essay is the principle of economy, which states that effective writing should "economiz[e] the reader's or hearer's attention...that [ideas] may be apprehended with the least possible mental effort" (p. 1155). This principle operated on the assumption that a reader has only a "limited amount of mental power available" (p. 1155) and that in order to maximize that power, the most efficient use of language—the "apparatus of symbols for the conveyance of thought" (p. 1155)—must be enforced so a greater portion of the mind might attend to the content. Put differently, Spencer advanced strategies for systematically making style as transparent as possible in order to foreground content most efficiently and easily.

Spencer's theory ultimately recognized, like the classical authors, that the most economical path to a desired effect requires different things in different contexts and subjects, and it is in direct relation to the reader's "mental sensibilities" (p. 36). He stated, "to have [only] a specific style is to be poor in speech" (p. 41). Rather, "a perfectly-endowed man must unconsciously write in all styles" (p. 41). Spencer advanced the same conclusion as Cicero and Quintilian: different audiences, contexts, and content must be met with different styles. Spencer recognized that the "constant variety in the mode of presenting ideas which the theory demands, will in a great degree result from a skillful *adaptation of the form to the matter*" (p. 41, emphasis added). It is important to note that Spencer's focus was on conveying content, while Quintilian and Cicero were theorizing style's relationship to rhetorical effects.

Despite the fact that Spencer's approach was in some ways more akin to the classical authors than Sprat and Bacon, he was taken up mainly as a way to implement a

Baconian plain style in business, technical and scientific fields. By the end of the nineteenth century, the plain style and Spencer's principle of economy became the "basis for much of the practical instruction in style" in US college contexts (Wagner, 1995, p. 187). In an exploration into women's rhetorical styles between 1880 and 1920, Wagner (1995) investigated the prominence of "practical rhetoric" in rhetoric and writing courses in US colleges, which called for a functional plain style and placed an emphasis on logos and "unadorned messages" (p. 187). At the time, Wagner states, this plain style had become the preferred language of the professional and educated classes, and as such was a highly desirable set of skills for those wishing to enter that space.

This brief history contextualizes the early stages of the plain language movement in the twentieth century. While these rich histories could be further elaborated, three takeaways are most important for contextualizing the present research:

- The plain style type is one among other types put forth in the classical rhetoric tradition, marked by a lack of ornamentation and carefully crafted sentences. These features of plainness remain fairly consistent throughout the tradition.
- The function of plainness is consistently described as conveying or teaching information, but the goals that function are varied. In her history of the English tradition, Tebeaux focused on the accessibility of the plain style to lay readers/hearers of potentially low literacy experience. In her telling, the plain style had a long lineage attached to everyday documents such as book-keeping texts, instructional documents, and specific visual

designs for texts that might also be spoken aloud. Bacon, Sprat, and the Royal Society, on the other hand, were less concerned with accessibility for these kinds of audiences and more concerned with human access to uninhibited scientific content. Tebeaux's focus was more to do with functional interrelationship of form and substance contributing to the use of texts for lay audiences. Bacon's idea of objective truths and the inhibiting nature of rhetorical figuration relied more on a positivist notion that language can be transparent.

- Herbert Spencer introduced an important and persistent element of the plain style in his efforts to economize a reader's comprehension and attention: the *ease* of reading. Spencer made explicit a goal to make reading as easy as possible to foreground content. His work was taken up under the umbrella of the plain style.

### **Plainness in the Twentieth-Century United States**

Through the twentieth century and thus far in the twenty-first, the plain style has been reshaped in different contexts, drawing variously on its histories. Plainness continues to be defined by the absence of rhetorical figuration, adornment, and "flowery" prose. However, the most defining aspect of plain language in the twentieth century is a focus on its suitability for public or specific non-expert audiences, and this suitability is linked directly with its purported linguistic transparency and ease of comprehension. Scholars have pushed back against the idea that style can be made invisible to foreground the transmission of information (See: Burke, 1968; Miller, 1979; Lanham, 2003), but it

has persisted and underscores the plain language movement. Further, in many contexts plainness has been conflated with clarity or being generally clear. In the next section, I briefly chronicle the twentieth-century development of plain style and the plain-language movement in the United States to contextualize its current status and increasing sophistication in the twenty-first century.

### **Readability Formulas: A Prelude to the US Plain Language Movement.**

Following World War II, the United States was under pressure to quell public concerns about security, truth, and the dangers of propaganda. In order to compete with the streamlined decision-making in a totalitarian regime, the US needed to better systematize communication, yet maintain democratic, public participation (Longo, 2004, p. 166). A widely held belief was that “[a]n educated citizenry would be better prepared to understand and act on rapidly changing social, technological, and political situations” (p. 166). Researcher Rudolf Flesch worked under the assumption that complicated language was the key barrier to achieving streamlined, reliable communication with public audiences. In *The Art of Plain Talk* (1946), Flesch described “plain talk” as the absence of “rhetoric,” which he defined as rhythm, metaphor, periodic sentences, and other inhibitors of comprehension (p. 105). Flesch’s conception of rhetoric and language presumed two important things, both of which resonated with problematic earlier conceptions of plainness: First, the plain style is not rhetorical, rather it is a transparent representation of information. Second, without stylistic or surface-level (rhetorical) inhibitors, wide audience comprehension could be ensured.



In an effort to quantifiably evaluate texts based on these assumptions of plainness and comprehensibility, Flesch and others developed readability formulas like the Flesch Reading Ease Test and the Flesch-Kincaid Readability test. These “cultural artifacts” of the period (Longo, 2004, p. 166) measured language difficulty levels based on countable features like syllable count, word length, and sentence length. These formulas, as well as their embedded assumptions about “plainness,” rhetoric, and audience comprehension, proliferated in government and corporate spheres, and served as a foundational thrust for later plain language advocates. Although they have been widely troubled by scholars over the last century as effective tools to predict comprehension, these formulas persist today in numerous contexts. For example, Figure 1 below displays the readability statistics from 2017, produced based on the previous two paragraphs of this document, using the standard tests included in Microsoft Word software.

Readability Statistics	
<b>Counts</b>	
Words	340
Characters	2,056
Paragraphs	1
Sentences	12
<b>Averages</b>	
Sentences per Paragraph	12
Words per Sentence	28.3
Characters per Word	5.7
<b>Readability</b>	
Flesch Reading Ease	14.1
Flesch-Kincaid Grade Level	18.3
Passive Sentences	0%
OK	

Figure 1: Readability statistics produced by MS Word standard readability tests.

Flesch's approach to readability blended many ideas from plain style traditions. For instance, Flesch's interest in the *ease* of reading may at first glance seem similar to that of Herbert Spencer, but this would be a hasty assumption. Spencer treated content and style as separate but connected, suggesting that specific content suited only certain style, and that an effective pairing of content/style would result in easy, effective reading and comprehension. Flesch, on the other hand, used a blanket concept of readability, assuming in all cases and genres that the quantifiable variables he measured would correlate to clarity and easy reading. This notion that features of plainness could function

regardless of context persisted in later plain language applications, and was a key connection between Flesch's readability movement in US government/bureaucratic contexts and the later plain language movement.

**The Consumer Movement and the Rise of the Plain Language Movement.** In the mid-twentieth century, plain language gained further attention through a widespread public call for corporate and government accountability. Commonly cited from this period is Maury Maverick's 1946 call to avoid "gobbledygook" in corporate documents, as well as Stuart Chase's (1953) book, *The Power of Words*, which called for clearer, less jargoned language in government, education and bureaucracy. Bowen, Duffy & Steinberg (1991) described these and other developments as part of the broader "consumer movement" (p. 20). The 1950s-1970s then saw an emergence of new venues, such as newspaper "action lines," where citizens and consumers could publicly object to business and government practices (Schriver, 1997, p. 26).

The written language of business and government documentation became the concrete target for rectifying problems of consumer/citizen accessibility, furthering the link Flesch helped to establish between plainness and the ease of readability for general readers. Several companies, most notably Citibank, voluntarily advanced plain-language policies to aid consumers, and legislative bills were passed in the interest of making business and government documents more explicit and accessible to the public through plain language. Some examples include the Truth in Lending Act (1968), the Real Estate Settlement Procedures Act (1974) and the Consumer Leasing Act (1976). These and other acts called variously for "clear and well-known" language, documents that were

“simple and easily understood” and written in a “clear and conspicuous manner” (Schriver, 1997, p. 27).

Another milestone in this movement was President Carter’s Executive Order 12044 (1978), which called for federal regulations to be “as simple and clear as possible, written in plain English, and understandable to those who must comply” (quoted in Bowen, Duffy & Steinberg, 1991, p. 20). It is important to note that this order and other acts in the late 1960s and 1970s were firmly associated with a wide-scale government effort to reduce paperwork and save money (Redish, 1985, p. 128).

Plain language during these phases was variously defined. Often it was tied to readability formulas or other rules, calling for jargon-free, unadorned, short sentences and words with the fewest syllables. Clarity and readability were somewhat abstract concepts, as were the movement’s conceptions of public audience and comprehension. Redish (1985) provided one example definition from a state-level plain language requirement: “written in a clear and coherent manner using words with common and everyday meanings; appropriately divided and captioned in its various sections” (p. 130). Without a centralized hub for defining plain language aside from readability formulas and localized efforts, definitions remained incongruous.

Despite the variety of definitions, this brief history shows that the development of readability formulas and the plain language movement emphasized a link between plainness and public audience comprehensibility, and a great deal of bureaucratic policy and advocacy actions were predicated on this link. They were underscored by the persistent assumption that the surface style of language is primarily responsible for either

actively obscuring a message or for being “clear,” “plain,” or “readable.” “Plainness” in this period often meant that language could or should be unnoticed or neutral, thus collapsing audience comprehension into a function of simply using language that was plain enough.

### **Scholarly Engagement with the Plain Language Movement in the 1970s and 1980s.**

The history of plain language is not discrete from technical and professional communication (TPC) scholarship or its development as a discipline. This section addresses these connections to historicize plain language in TPC. The plain language movement received its first substantial wave of scholarly attention from TPC and rhetoric in the late 1970s and early 1980s. Scholars supported efforts to make complex, high-stakes information readable to the public, especially given technical communication’s focus on achieving clarity in writing for non-expert readers. Centers such as the Document Design Center at Carnegie Mellon University were on the vanguard of researching plain language and readability. They conducted research on methods to teach and hone plain language writing practices for various contexts and audiences, especially law (Redish, 1985, p. 132).

Despite their early excitement, scholars discovered that plain language applications in practice often relied on the objectionable idea that the “public” needed documents “dummied down” (Schriver, 1997, p. 28). Schriver described the problematic prototype lay audience member as “the welfare recipient who could not interpret instructions well enough to fill in the requisite forms to receive payments” (p. 28). This limited conception precluded any substantive relationship between writer and reader, and

with that the movement continued to rely on tools that would predict the readability of texts, such as the Flesch-Kincaid readability formula and inflexible rules.

Selzer (1983) objected to these limited tools for achieving readability. He argued for the relevance of other factors beyond sentence and word length, including topic sentences, the given-new contract, and proposition density (p. 81). Even with these additions, however, Selzer suggested that readability formulas as they had been taken up at that time were unable *on a broad scale* to account for needs unique to different reading groups with varied backgrounds and motivations (p. 84). Selzer helped to show the complexity required in evaluating audience comprehension, but in doing so showed that the main appeal of readability formulas and rules—their applicability on a large scale—was unfounded.

Another significant issue impeded readability and plain-language advocates from advancing effective applications of plain language: the reliance on what Carolyn Miller (2004/1979) termed “the windowpane theory of language,” or the view that “language provides a view out onto the real world, a view which may be clear or obfuscated” (p. 611). The plain language movement and readability formulas—as well as English plain style traditions—operated largely on the idea that language could be looked through, that content was divisible from linguistic form. This assumption had carried through from some earlier sites of the English plain style, like Bacon’s advancement of plain scientific writing. It was, as Miller (2004/1979) stated, a residual effect of a logical positivist viewpoint (p. 610).

The problems with the window pane theory of language are multiple, but in relation to plain language, there are two that are most important. First the theory precludes a dynamic engagement with an audience because, as Miller aptly put it in the context of technical writing, “we have not said anything very useful about the writer-reader relationship when we say the purpose of technical communication is to be clear” (p. 615). Miller went on to say that according to the positivist approach, which insisted that an objective reality need only be revealed using language, we “analyze only the relationship between the reader and reality (and whether the reader is mentally adequate to the reality)” (p. 615). The same critique could be leveled at deployments of plain language. Indeed, such a view of language permits a limited and unproductive notion of audience, such as the “welfare recipient” to which Schriver objected. It also supports the idea that if language is simply a vehicle that may cause obfuscation, then the solution is simply to revise the words to more perfectly convey reality. This perspective ignores other rhetorical factors at play in communication situations related to the writer, content, context, and audience(s).

Richard Lanham and Henry Giroux offered similar and relevant objections that I want to include here from the perspectives of rhetorical stylistics and critical theory, respectively. These scholars were not addressing plain language, but rather generalized notions of transparent or clear language. Lanham (1979; 2003) for example, troubled the CBS model (clarity, brevity, sincerity) often found in composition classrooms (p. 3). He said, “There are so many ways to be clear! So many audiences to be clear too! When I tell you to ‘Be clear’ I am simply telling you to ‘Succeed,’ ‘Get the message across.’”

Again, good advice but not much help. I have not solved your problem, I've simply restated it" (2003, p. 2). Further, in his larger enterprise of work, Lanham linked clarity (and stylistic choice more broadly) to the values we wish to enforce, for better or worse. By foregrounding information and making language transparent, he sees a societal effort to obscure traces of our humanness, our sociality.

In perhaps an odd pairing with Lanham, I see Giroux's work overlapping with Lanham's critique and revealing an obscuring of privilege, as well. Giroux (1992) challenged the assumptions of the plain style from a perspective of accessibility and power in education. His interest was in troubling the recent "call for clarity" as an effective strategy to make learning, information, and experience broadly accessible in education. Giroux suggested that such a call "suppresses difference and multiplicity" and removes linguistic privilege from the conversation" (p. 220). Giroux's argument placed language in terms of strategic power. He argued that an emphasis on plainness and clarity—particularly for the purpose of making information widely accessible and resisting the gatekeeping functions of elaborate style—actually shifts the emphasis from who is speaking, "for whom, and under what conditions," to "who listens" (p. 222). Put differently, a total focus on audience can deflect a critical view from writers and their institutions. He also pointed out that although a call for clarity may seem useful, in its current binary of clarity/complexity, "it ignores how multiple audiences read differently" and engage in multiple literacies to navigate differences (p. 222).

Despite these critiques, advocates continued to see plain language as a barrier-challenging strategy to advance social justice, and several rhetoric and TPC researchers



continued their efforts to theoretically enrich potentially wide, audience-collapsing applications of plain language. In 1991, a foundational anthology was published, edited by Erwin Steinberg and entitled, *Plain Language: Principles and Practice*. This collection represents the era of plain language scholarship linked to Carnegie Mellon's Document Design Center. Scholars including Karen Schriver, Joseph Williams, John Hayes, Janice Redish and Susan Rosen contributed pieces in an effort to advance more theoretically motivated and context-specific studies of plain language guidelines.

For example, Redish and Rosen (1991) called into question whether guidelines (plain language or otherwise) provide an adequate approach to composing texts. They argued that guidelines are critical for effective writing so long as they are understood not as rules, but as guides that take into account audience, purpose, and type of document (p. 83). Through a series of interviews, they showed that professionals in non-writing disciplines who write within their job “are grateful for the practical advice of style guides” (p. 87). They also argued that guidelines can “stimulate writers to think about particular aspects of their work” (p. 91). However, plain language guidelines can only achieve these benefits when they are applied as guidelines, not rules, and with a mind to the specific audience.

Schriver (1991) offered another strategy for composing and revising with plain language based on a think-aloud protocol. In her scenario, participants offered real-time feedback while using a document, which the author then uses directly to revise the document. Schriver specifically critiqued the lack of practical methods provided by plain language advocates to meet the needs of particular audiences (p. 167). Whereas Redish

and Rosen focused on writer-based revision strategies, Schriver's strategy called for a participatory audience in effective revision. Both emphasized the peculiarities of rhetorical audiences and the need in plain language practice to recognize and address those needs in context. Williams (1991), who supported these points as well in his chapter, also brought the role of plain language enforcement to bear. He argued that without a more sustained front from an authority to prioritize effective communication, plain language efforts would be insufficient (p. 66).

By the late 1990s, rhetorical and TPC scholarship in plain language had fizzled. In *Dynamics of Document Design* (1997), Schriver claimed that in lieu of plain language—which proved to be difficult to enforce and arguably inadequate to the needs of readers—researchers should shift toward considering document design, an area that expanded the purview of plain language and redirects scholarship to look at the *use* of entire documents by users, rather than at the difficulty level of sentences (p. 29). Beth Mazur (2000) similarly argued that plain language can and has been successfully taken up under the purview of information design. She identified and addressed some typical critiques leveled at plain language, overall arguing that there has been research supporting the effective and dynamic use of plain language, especially in contexts where *users* are an important aspect of plain language revision. Mazur encouraged more scholarly engagement with plain language, particularly from an informational design perspective that focuses on real users and tasks. Redish (2007) similarly took up plain language in the direction of web writing in her text, *Letting Go of the Words*.

**Plain language in the late 20th and early 21st centuries.** Despite scholarly reservations in TPC in the 80s and 90s, in the past few decades plain-language guidelines have thrived globally in industries and government contexts as a strategy to achieve effective texts for readers. In this section I will elaborate on industry and government plain-language activity and its increased sophistication, as well as the scholarly engagement with plain language in law-related fields.

A major advancement for plain language and government writing occurred with the adoption of the Federal Plain Writing Act of 2010 under Barack Obama. Unlike previous executive orders on plain language, this act came armed with substantial funding for developing plain language teaching materials and encouraging their use. The act dictates that federal agencies use "clear government communication that the public can understand and use" in federal policies (Plain Writing Act, section 2). The government website for this act, [plainlanguage.gov](http://plainlanguage.gov), contains extensive resources, training strategies, and templates for agencies seeking to meet the plain-language requirements. These guidelines are to be used across genres such as correspondence letters, regulations, procedural documents, and department forms. They contain an audience-based approach to evaluating writing, and they offer broad instructions, such as "Write to your audience," as well as more traditional plain-language suggestions for meeting a wide range of audience needs, including using simple words, reduced jargon, short, active sentences and clear organization. See Figure 2 below for two "before and after" examples provided on [plainlanguage.gov](http://plainlanguage.gov). Example A is a Medicare Fraud letter intended to demonstrate making communication "short and to the point." Example B, a rewritten version of an

Army Information Security manual, “makes good use of sub-sections and white space and eliminates irrelevant information.”

<b>Example A:</b>
<b>Before</b> <p>Investigators at the contractor will review the facts in your case and decide the most appropriate course of action. The first step taken with most Medicare health care providers is to reeducate them about Medicare regulations and policies. If the practice continues, the contractor may conduct special audits of the providers medical records. Often, the contractor recovers overpayments to health care providers this way. If there is sufficient evidence to show that the provider is consistently violating Medicare policies, the contractor will document the violations and ask the Office of the Inspector General to prosecute the case. This can lead to expulsion from the Medicare program, civil monetary penalties, and imprisonment.</p>
<b>After</b> <p>We will take two steps to look at this matter: We will find out if it was an error or fraud.</p> <p>We will let you know the result.</p>
<b>Example B:</b>
<b>Before</b> <b>Methods of Transmission or Transportation: 7-301. Secret Information.</b> <p>Administrative procedures shall be established by each DoD Component for controlling Secret information and material originated or received by an activity; distributed or routed to a sub-element of such activity; and disposed of by the activity by transfer of custody or destruction. The control system for Secret information must be determined by a practical balance of security and operating efficiency and must meet the following minimum requirements:</p> <ul style="list-style-type: none"><li>a. It must provide a means to ensure that Secret material sent outside a major subordinate element (the activity) of the DoD Component concerned has been delivered to the intended recipient...</li><li>b. It must provide a record of receipt and dispatch of Secret material by each major subordinate element. The dispatch record requirement may be satisfied when the distribution of Secret material is evident and addressees or distribution lists for classified documentation...</li><li>c. Records of receipt and dispatch for Secret material shall be retained for a minimum of 2 years...</li></ul>
<b>After</b> <b>Transmission, Methods: 4-102. Secret.</b> <ul style="list-style-type: none"><li>A. You may send secret information by US Registered Postal Service mail within and between the United States and its Territories.</li><li>B. You may use Federal Express and U.S. Post Service Express Mail for transmitting secret mail within the United States and between the United States and its Territories under the following STRICT condition security:<ul style="list-style-type: none"><li>1. Mail should meet the weight and size limits of the carrier used.</li><li>2. You should follow the inner wrappings and receipt requirements in this handbook.</li><li>3. You should ensure delivery by Friday so that the carrier is not in possession of the package over the weekend.</li></ul></li></ul>

**Figure 2: Before and after examples excerpted from plain-language guidelines available through plainlanguage.gov.**

The high-profile organization that curates the government plain language guidelines is the Plain Language Action and Information Network, which supports plain-language legislation and tracks agency compliance. Every year they publish agency “report cards” based on their tracking. In 2014, for instance, the Department of Homeland Security was scored highest, while Education, Interior, and State Departments failed to comply with the Plain Writing Act (“Federal Plain Language Report Card,” 2014). The

point of these report cards, and the federal act more generally, is to prioritize a citizen audience in the government, consistent with democratic ideals.

Another high-profile organization, the Plain Language Association International (PLAIN), advances coordination and networking of plain language advocates around the world, and is closely tied with *Clarity*, a law journal devoted to research and perspectives on clear legal and government writing. PLAIN is well known for its annual conferences, at which well-known plain language researchers who connect research and industry spheres, such as Karen Schriver and Emily Thrush, have prominent voices.

The Center for Plain Language (CPL) is another major organization from which many businesses and organizations have drawn plain-language guidelines. CPL also advances support for plain-language legislation across government levels and offers a service for connecting companies to plain-language consultants. Their checklist advances a sophisticated, context-based set of parameters and suggestions for writers aiming for effective, accessible prose. It spans specific audience consideration, content selection, sentence-level recommendations, information design, and user testing (“Plain Language Checklist”). See Appendix 1 for their full list.

The public media has also taken notice of plain language. High profile communications consultants such as Cheryl Stephens and Annetta Cheek regularly advance plain language issues via social media. Various news outlets like *The Atlantic* and the *Harvard Business Review* blog have also run stories on plain writing for wide audiences.

**Plain language and law.** Law- and government-related fields are a primary site of plain language interest, led by Joseph Kimble, a lawyer and well-known plain language advocate. He has been responsible for major strides in plain language research pertinent to law. For legal professionals, some primary concerns for plain language revision are to do with precision and accuracy because legal precedent is tied to precise wording.

Kimble argues against these concerns. Kimble's (2012) foundational work, *Writing for Dollars, Writing to Please: The Case for Plain Language in Business, Government and Law*, chronicled 50 case studies of successful plain language in an effort to demonstrate its effectiveness and benefits. He (2012) made his argument in a brief summary:

The case studies illustrate the untold millions and even billions that business and government could save by using plain language in their printed and online documents. Why? Because readers understand plain language better and faster, they make fewer mistakes and have fewer questions, they strongly prefer it to legalese and officialese, they are more likely to comply with it, and they are much more likely to read it in the first place. (p. 55)

Here Kimble captured the very practical motivations of plain language in law, especially as it has to do with public readers. These motivations are convincing, as folks in local, state and federal levels of government have taken up plain language initiatives. But several researchers resist these claims related to government and law. Miles and Cottle (2010), for instance, found that jury instructions written in plain language were not sufficient for full comprehension and use by typical, non-expert jurors. Miles and Cottle (2010) argued that difficult language is not the only problem inhibiting an audience from

learning and applying legal principles. Rather, as they showed from other technical writing scholarship, simplified language guidelines can damage reader comprehension due to their removal of context (p. 98). The authors contended that if jurors are treated as learners, a better, learner-centered approach to instruction can be used (p. 93).

Rebeeha Assy (2011) has made an argument somewhat similar to Miles and Cottle (2010), that plain language obscures the problems surrounding public comprehension of legal texts by focusing only on clear language. She argued that “the idea of making the law speak directly to its subjects has proved so seductive that little critical thought has been devoted to what plain language can or cannot achieve” (p. 377). Expertise, Assy claimed, is needed to interpret law beyond understanding the language artifice. She pointed specifically to “the ability to identify the pertinent legal rules, principles, and doctrines, to recognize the relevant facts and classify them into the pertinent legal categories, and to engage in a particular type of interpretation and reasoning” (p. 378). Assy suggested that plain language misinterprets the barriers at play.

The plain language movement was founded on the very idea that public needs are not met in most communication, and Miles and Cottle (2010) and Assy (2011) argued that plain-language-based conceptions of audience are not always adequate to meet those needs. Toward solving this problem, both authors implicitly made the case that the concept of audience comprehension isn’t adequate because it doesn’t account for successful *use* of texts by the reader, which requires deeper understanding of the purposes and contexts of different genres. In this sense, Miles and Cottle (2010) and Assy (2011) align with other technical communication scholars, including Willerton (2015), as they

recognize the interrelated factors of audience, purpose, and context—all converging to enable effective use.

Assy's work inherently assumes that many law and government documents have expert primary audiences. While the plain-language movement seeks to add another more public, non-expert audience on principle, the expert or insider group doesn't disappear. While Assy and Miles and Cottle critique the efficacy of plain language for public users, its effects on insiders remains unconsidered.

Other advocates of plain language in law do recognize that plain language can impact experts, but not as it relates to use. Plain language can help experts recognize the law as flexible, not monolithic, thus challenging a positivist view of law. Sullivan (2001) stated that “when traditional legislation is rewritten in plain language, interpreters are told that the words of the text have changed, but the law is the same. This directive presupposes that law is different from the text, that law is what is communicated by the text rather than the text itself” (p. 125). Initially it may seem like Sullivan advanced a window-pane theory of language (Miller, 1979)—that language simply transmits substance. But Sullivan was actually claiming that neither words nor a law's meaning are stable: “The only certainty is that law is not a thing. It is not housed inside the statute book and taken out for a public showing when the book is opened; it is not literally embodied in the text. Law is best understood, or at least most accurately understood, as a relationship rather than a thing. It is a relationship initiated by individuals at moments of application— including self-application—of the text” (p. 125). Sullivan suggested that



among whatever other work plain language does, it resists a positivist notion of law, and that's a productive thing for expert users.

Firtel (1998), in “Plain English: A Reappraisal of the Intended Audience of Disclosure Under the Securities Act of 1933,” also looked at the work plain language does for experts, while challenging what work it does for the public. He claimed that in the case he studied, plain language would have benefits for users if the *real* audiences were recognized, but that the “average investor”—the intended audience for plain language in his case—was not supported by the SEC plain-language rules (p. 853, emphasis added). In his rarely cited piece, plain language could be successfully mobilized as benefiting experts and insiders, entirely distinctly from any concern about lay audiences.

With the exception of authors like Firtel and Sullivan, the plain-language literature in law contexts—both for and against the movement—appear to conceptualize the public as the primary audience benefiting from the language changes.

### **Current Research Advances Plain Language in Terms of Non-Expert Audiences**

As I have shown, plain language has surged forward in government, industry, and other areas. Due to its pervasiveness, pockets of scholars in technical and professional communication have recently revived the field's interest after it fizzled in the 1980s. This review of literature section categorizes recent plain language research in the areas of usability, ethics, and rhetorical analysis. Consistent with the plain-language movement and previous research I've chronicled in this chapter, these areas of TPC research explore

plain language primarily as a benefit for a public or non-expert audience across genres and organizations.

**Usability studies & plain language.** One strand of technical communication research has approached plain language through the tools and principles of usability. The thrust in technical communication toward usability is, in part, an effect of the deepened understanding of audience in the field. Natasha Jones et al. (2012) recently explored plain language usability in the context of environmental impact statement summaries. In two mixed-method studies, including surveys and focus groups, Jones et al. investigated the comprehension and perceptions of readers in relation to specific plain language variables: personal pronouns, headings, and document design. In terms of comprehension, Jones et al.'s results were mixed and require further research, although they determined that education affected whether headings and pronouns were effective. They found that the perceptions of readers were influenced by plain language principles, as well. While headings and personal pronouns prompted a feeling of familiarity with documents, documents with these features received lower ratings for reliability (p. 349). Among many other things, Jones et al. determined a general positivity toward reader-centered efforts in page design, such as an uncluttered layouts (p. 363). This study focused on the public's comprehension of and attitude toward these documents; context or action related to the texts were not key components.

Emily Thrush (2001) added a layer to the usability of plain language through her study on plain language's tendency toward Latin-based vocabulary and phrasal verbs and their impacts on international audiences. She conducted a study with international

students and found that phrasal verbs did impede non-native speakers' comprehension (p. 275). In addition, Latin-based words were preferred by French and German speakers but not others. Thrush argued that this finding highlights the language histories and relationships that influence comprehension and should be considered in plain English for international audiences. I include Thrush in this review of literature because she points to an important branch of plain English that directly accounts for non-native speaking audiences. This is an area often omitted in research on plain language, despite the fact that plain language emphasizes a general public audience, which presumably would include non-native speakers and a wide range of genres.

**Plain language and ethical practice.** Two scholars have recently investigated a core assumption about plain language in TPC—that it offers a route to ethical practice. Derek Ross (2016) showed that while plain language *may* be a strategy for ethical communication, is not inherently ethical because it can be used to communicate unethical material. Russell Willerton (2015) showed that while many researchers have demonstrated that plain language can effectively reach audiences, it is important to fully understand the ethics and effects of the focus on expediency in language (p. xvi), echoing the concerns of Katz (1992). Willerton's book offered a guiding heuristic or model for scenarios when plain language *can* effectively contribute to—although not necessarily constitute—ethical action. He termed this heuristic the BUROC model, which identifies Bureaucratic, Unknown, Rights-Oriented, and Critical situations. The heuristic is intended to help writers consider the conditions their specific audiences are facing, and in doing so helps writers and organizations to build “I-You” dialogues rather than “I-It”

with their audiences, terms he borrows from Martin Buber's ethical theories. Willerton emphasizes the work plain language does for public, non-expert audiences, but he does also recognize the potential for plain language to have impacts on experts and/or insiders. Specifically, in Chapter 6 he looks at the plain-language revision of the federal rules of introducing evidence, and through interviews he briefly discusses the benefits and drawbacks of the changes for internal communities—drawbacks which are outweighed by the benefits to non-experts.

Willerton's work represents a shift in technical and professional communication scholarship on plain language insofar as he does not look at the language or principles themselves, but rather focuses on what ethical work plain language accomplishes, both in terms of the philosophies of the larger plain-language movement and in six detailed "profiles" of specific cases. A substantial takeaway from these profiles and salient discussion of the BUROC heuristic is that while every context of successful plain language implementation can offer general lessons, context-specific decisions about language are paramount. Conceiving of plain language in monolithic ways or in any way removed from the context and audience collapses the ethical potential it offers in use.

**Rhetorical nature of plain language.** Equally as sparse as research into plain language and ethics is research into the rhetorical nature of plain language. Research studies that examine the rhetorical and social dimensions of plain language are an important counterpart to usability- and ethics-focused studies in TPC. Miriam F. Williams (2010) explored these questions in *From Black Codes to Recodification: Removing the Veil from Regulatory Writing*. She conducted rhetorical and contextual

analyses of three case studies to explore the relationship of trust and plain-language law in African American communities in Texas. Her work helped to reveal the rhetorical nature of plain language and the ways plain language acts to mitigate the considerable mistrust of law, policy, and regulations found in marginalized groups.

Williams' project extended the conversation about plain language—especially in the context of government regulatory writing— into more specific histories of institutionalized discrimination and disadvantage. She revealed the work plain language could accomplish in generating trust and familiarity within historically marginalized groups. After conducting several case study projects, focus groups, and a contextual-rhetorical analysis, Williams offered a heuristic for regulatory writing composition, which included, among other things, an argument for collaborative and participatory plain-language revision (p. 84). She also pointed to the obligation of technical communicators and scholars to investigate the rhetorical dimensions of law writing in particular.

With the exception of one mention of court insiders by Willerton, the focus on plain language and public or non-expert audiences in TCP is exclusive. Again, this focus is expected and important given the goals of the plain-language movement, as well as the long-standing link in the plain style tradition between plain, uninhibited writing, wide audiences, and easy comprehension. Over the past several decades, plain-language practitioners have become more sophisticated in accommodating specific public and non-expert audiences. However, as these guidelines are implemented across more genres, scholars and writers need a more robust understanding of the multiple, distinct audiences

and contexts affected by plain language, including experts and insiders. These insider audiences can be primary audiences, and they don't disappear when public audiences and accessibility are prioritized through plain language. Specifically in cases of plain language revision—as opposed to newly composed texts—insider audiences have high stakes, given that they are accustomed to community-specific language and practices.

While there is some limited engagement with experts' use of plain language revisions in law scholarship, there is no sustained research in TPC or rhetoric. The present study contributes to expanding TPC and rhetoric's attention to plain language and addresses plain-language impacts on insider and expert audiences. Further, this project recognizes, like Williams (2010) and Willerton (2015) that plain language must be investigated within real contexts and cultural and political moments. Without context and a sense of real audiences and motives, plain language research cannot rise above being only a call to be “clear” to some generic public audience.

### **Theoretical Framework: Rhetorical Genre Studies**

The broad research problems that I outline above—that TPC has not sufficiently recognized the range of non-public, insider audiences that plain language may affect, and that it has not deeply examined specific plain-language applications within their rhetorical contexts—calls for a theoretical framework which recognizes the complex ways texts are used and understood by audiences, as well as the ways they are entrenched in and constitutive of communities. Genre studies (GS) provides a theoretical framework that can account for these factors. However, there are many different approaches to genre

studies, so in this section I describe my own and how it informed my case study boundaries and data selection.

Luzon (2005) characterized two general approaches to genre in TPC research. One prioritizes the textual analysis of genre. Context is significant, but in these studies does play a central role in analysis. Instead they highlight purpose, formal features, and content—usually with an eye to student learning (p. 285). The second approach is a social perspective. This approach defines genre as action, and context—not form—is critical to the analysis, as are the ways users rhetorically interact with and define the genres in their contexts (p. 286). Luzon identified central genre theorists, including Miller (1984), Bakhtin (1981), and Berkenkotter and Huckin (1995), and others.

In the present study, I use the social perspective. However, I am not simply using this approach as a static or stable theory; rather, I see my study as continuing its development. Specifically, I take up the call of Devitt (2009) to rhetorically reconfigure form into studies of genre. In an effort to distance genre studies from formalism in the 1980s, social action was emphasized over form as defining genre. Form didn't completely disappear as a component, but it has certainly been downplayed in much of the social-perspective genre research over the past three decades (p. 30). Devitt recently showed this to be a detrimental imbalance, and provided principles for reincorporating form back into genre studies in future research.

My case study, which focuses on plain-language revision, purportedly achieves a great deal through an overhaul of form, but claims to affect no substance. Thus, it marks a unique opportunity to explore Devitt's claims and the rhetorical role of style and form

in genre studies. In the remainder of this section, I overview the social approach to genre, showing its core focus on action and insider users. I also show that form has remained present but muted. I then describe Devitt's (2009) principles for refiguring form. Lastly, I work through several previous studies that explore the charter genre and I demonstrate their important work with form, which also undergirds my case study and data selection.

**Action- and Insider-based Genre Studies.** The core principles of new genre studies are, as I gestured earlier, a refocusing from formal conventions to the social action of genres within specific communities of users. This shift was largely motivated by Carolyn Miller's (1984) transformative article, "Genre as Social Action," which influenced heavily by Campbell and Jamieson (1979) and others. Miller helped redirect genre studies toward specific rhetorical contexts and user communities. She recognized the way genres reveal recurrent cultural situations and values, as well as the way they enable and constrain action through typification. Miller wrote:

[W]hat we learn when we learn a genre is not just a pattern of forms or even a method of achieving our own ends. We learn, more importantly, what ends we may have [...] We learn to understand better the situations in which we find ourselves and the potential for failure and success in acting together. As a recurrent, significant action, a genre embodies an aspect of cultural rationality. For the critic, genres can serve both as an index to cultural patterns and as tools for exploring the achievements of particular speakers and writers; for the student, genres serve as keys to understanding how to participate in the actions of a community. (p. 38)



Miller did not discount form or style in her transformation of genre studies—in fact form and style were an explicit component of action—but she did heavily emphasize the social elements of genre, and by extension, advocated for a context- and user-focused mode of genre inquiry.

Berkenkotter and Huckin (1993) extended this social focus, and their socio-cognitive perspective of genre spoke even more directly to the core importance of community and individual users of genres. They theorized the way users' knowledge and situations contribute to genre use, change, and reproduction, especially in disciplinary settings (1995, p. 2). Berkenkotter and Huckin drew heavily on Bakhtin, whose work directed them toward investigating the individuals using genres (“typified utterances”) in “[t]he authentic environment of an utterance, the environment where it lives and takes shape” (Bakhtin, 1981, p. 272). Berkenkotter and Huckin further clarified, based again on Bakhtin, that “analysts should pay attention to ways in which genre users manipulate genres for particular rhetorical purposes,” and that this “‘internal intention’ can only be fully understood and appreciated by observing ‘insiders’” (Berkenkotter and Huckin, 1995, p. 2). “Insiders” in this case refers to the primary audiences or users of a particular genre, members of the community whose language and activities are bound up with the genre (1993, p. 477). Many scholars have taken up the action-based definition and followed genres and their insider users carefully into their social and institutional communities, discovering the different ways genres are bound up in networks of other genres, audiences, and practices (Bawarshi, 2003; Bhatia, 2014; Devitt, 1991; Russell, 1997; Spinuzzi, 2003). Lúzon (2005) reviewed the numerous TPC researchers who

approach genre with the assumption that “the ideology of the communities that own the genres is reflected in the rhetorical construction of these genres and [...] genres help to construct social structures” (p. 287).

Like Miller, Berkenkotter & Huckin did not discount form, and in fact claimed that “genre knowledge embraces both form and content, including a sense of what content is appropriate to a particular purpose in a particular situation at a particular point in time” (p. 13). However, as Devitt (2009) has argued, form was not fully integrated into the analyses of genre that took up these theories. The role of form, as Devitt points out, “haunts” genre studies (p. 28). It is present, yet it remains undertheorized and peripherally attended.

**Reconfiguring Form into Genre Studies.** Devitt (2009) argued that to robustly “re-fuse” style and form in genre studies, and to do so without engaging formalist conventions or decontextualized taxonomies of features, researchers must “reconfigure form as rhetorically, socially, and culturally contextualized” (p. 28). She begins by defining form as “the visible results and notable absences of language-use in generic contexts, from words and symbols to organizational structure and layout. It is what is said and written, and what is not said and written” (p. 33). With this definition in mind, Devitt proposes the following four principles to address form as fused within genre:

- The forms of genres are meaningful only within their full contexts—cultural, social, and individual.
- The forms of genres range widely, both synchronically and diachronically, and cannot be pinned down with closed or static descriptions.

- The forms of genres vary with each unique instance of the genre, but unique instances share common generic forms.
- The forms of genres are inter-genre-al, interacting with forms of other genres. (p. 35)

One of Devitt's objectives in re-fusing form is to advance a rhetorical and action-based understanding of the content-form relationship in genre (p. 46). She says, "Form shapes textual substance in particular ways; it shapes response to textual situations in particular direction. Without form, of course, there is no text to interpret, no action" (p. 30). By addressing form within the terms she sets out in her principles, researchers can begin to re-envision the conjoined roles of substance, form and action in defining genre. I would also add, such a re-envisioning also allows us to think more contextually about the strategic use of form—such as plain language in a city charter—to accomplish different goals.

**Previous Inquiries into the Charter Genre.** In this section, I elaborate several previous studies that address the charter genre to serve a dual purpose. First, it helps to contextualize my own charter research case. In addition, it also helps me to demonstrate the muted role of form in genre research, consistent with Devitt's concern.

Several scholars have explored charter documents in the past. Charter documents offer interesting insight into the role of genre in underscoring communities and ideologies since they explicitly claim to do so. McCarthy (1991) defined charters as texts that establish an organizing framework that specifies what is significant and draws people's attention to certain rules and relationships. In other words, the charter

defines as authoritative certain ways of seeing and deflects attention from other ways. It thus stabilizes a particular reality and sets the terms for future discussions. (p. 359)

Charter documents underscore the theoretical and practical infrastructure in a community.

McCarthy's work is a benchmark study in rhetorical research of charters.

McCarthy explored the impact of the DSM-III, which she metaphorically calls the charter document of psychiatry, on "the diagnostic work" of a child psychologist through diagnostic reports on admitted patients. She showed the way the DSM-III biomedical diagnostic framework influenced how the doctor "observes, thinks, and writes about mental disorder" (p. 368). Specifically, McCarthy documented the way the biomedical framework of the DSM-III charter underscored the doctor's selection of data sources, amount of data, and the process of evaluation. The DSM-III is structured with descriptive symptoms of 200 illnesses, as well as specific, quantitative criteria for diagnoses. For example, 11 of 19 symptoms must be present for diagnosis of one illness (p. 366), and final diagnoses must be mapped into 5 axial categories (p. 373). The kind of clinical data required to make diagnoses within the biomedical framework assumes a particular physiological understanding of illness, different than, for example, a psychoanalytic framework, which would require a far different explanatory narrative of symptoms and causes (p. 369). Further, McCarthy expanded on the way charters stabilize particular realities by positioning the DSM-III within the disciplinary and cultural history of psychiatry. She argued that it governed the kind of questions the field's researchers could pursue and the framework of illness new psychiatrists would learn.

McCarthy later collaborated with the psychiatrist of her first study, and they studied the revision of the DSM-III into the DSM-IV. Among other things, McCarthy & Gerring (1994) discovered that the revision only minimally changed the content of the DSM-III, but rather enacted “social and political effects” (p. 147). They claimed that the revision “might be said to recharter the field, attempting to show that the manual rests on a secure theoretical and empirical knowledge base and is thus a respectable repository of rules standardizing the practices of a high-status profession” (p. 186). A key takeaway of McCarthy & Gerring’s (1994) work was the social and political nature of charter documents—they are rhetorical documents that indeed enforce arguments and value systems. In the case of the DSM-IV, these included a biomedical, data-based, symptom-focused understanding of mental illness, which helps to establish the reputation of psychiatry within the medical field (p. 186).

Using McCarthy’s work, other scholars have also investigated the ways charters influence professional practice. For instance, Berkenkotter (2001) used genre theory and neo-Vygotskian activity theory to examine the way genre systems related to the DSM-IV impacted how a therapist took session notes and “rhetorically recontextualized” them into institutional documentation framework, resulting in particular diagnoses, treatments, and a palatable report for other stakeholders like insurance companies. Berkenkotter was particularly interested in the way genres such as the DSM-IV acted as intermediaries between institutional and cultural frameworks and individual communicative action in psychiatry. She showed the way the specific language and schema of the DSM-IV surfaced in a therapist’s notes and later in her diagnoses (p. 343). However, she also

recognized the situated knowledge and unique experiences of the therapist, showing that they could potentially challenge the framework of influential genres like the DSM-IV. The therapist had to actively negotiate these competing factors to successfully participate in the genre (and greater institutional) systems of psychiatric medical practice.

Teston (2009) also examined the functions of a charter in a medical context. She explored the way a Standards of Care (SOC) document affected the verbal deliberations of expert participants in hospital Tumor Board meetings. Specifically, Teston used a rhetorical genre studies framework and McCarthy's definition to motivate her temporal and contextual analysis of how Standard of Care documents (which are published by the National Comprehensive Cancer Network as guidelines for evaluating and treating each form of cancer) were invoked by various doctors in weekly Tumor Board meetings. Ultimately, Teston demonstrated—like McCarthy and Berkenkotter—how the charter-like SOC authorized particular kinds of action within its framework. However, Teston also paid explicit attention to the multimodal form of one SOC document, and through a modified Toulminian analysis, showed the evidence-based chain of reasoning that emerged in the Tumor Board deliberations, which the SOC structurally and conceptually enforced through hyperlinked step-by-step pathways. Teston showed how the formal structure of the SOC document—including linguistic and non-linguistic components—corresponded to conceptual priorities in the framework. Her analysis “pair[ed] its use, form, and organization (context) with its content (text)” (p. 336). Lastly, she showed what was *not* present in the SOC document—a way to factor in the individual experiences of patients. But like Berkenkotter, Teston showed that the deliberators on the

Tumor Boards were able to functionally challenge that missing component by verbally including patients' experiential evidence to "augment" the SOC guidelines and the Board's actions (p. 346).

The research cases I have outlined above regarding charters were uniquely attentive to form, though in limited ways. Based on Devitt's (2009) wide definition of form, many of the elements described by McCarthy (1991) that affected psychiatric evaluation and diagnosis (action) were formal, including *organizational structure* and the required *axial mapping* of symptoms. Berkenkotter's (2001) work demonstrated the way the *language* and *structure* of the DSM-IV bled into a therapist's note-taking practices, as well as knowledge and use of the DSM-IV. Similarly, Teston's Toulminian analysis of one Standard of Care document showed the significant impacts of *organization* and *multimodal structure* on the use of the SOC in patient treatment and Tumor Board deliberation. Teston, along with McCarthy (1991) and McCarthy & Gerring (1994), showed that form also reflected what was *not* present in these charter documents. For instance, Teston's participants often "augmented" the factors included in the SOC's step-by-step process with more experiential evidence reported from patients themselves. They all show that style- and form-related factors have impacts on the way audiences use documents within broader genre and institutional systems, and on the actions that users may take through them. They begin to examine the role of form in genre, and I use them as a starting point for examining the effects of a full overhaul of form that purportedly affects no substance or action in the charter community.

These scholars' studies of charters showed the significant impact of charter genres on the realities and activities of organizations, and they offer insight into the role of form in generic action. They help to theoretically and methodologically justify the choices I made to construct my case study. Genre studies framed how I selected data sources and it grounded my personal assumptions about the way the city charter functions in and constitutes the city government structure the critical role of the insider community in interpreting and applying the charter.



### **Chapter 3: Methods**

This project emerged for me when I was attending a neighborhood government meeting in the fall of 2013. A Minneapolis Charter Commissioner was present to inform us about an upcoming set of referendums on the November ballot. The referendums were in reference to a new plain language city charter revision, which modernized and simplified the document. The Commissioner assured us that no substance change had occurred, only style changes. He emphasized that the current charter was highly disorganized and out of date, citing provisions regarding gas street lights, horse and carriage traffic, and the weight of bread. He emphasized that even those in the city government who used it found it impossible, much less any public citizen. He said, in the interest of transparent and efficient government, we should pass this referendum for the plain language charter. I found this claim fascinating, and later looked up more information. The first article I came upon quoted the City Attorney opposing the revision, saying that folks in her office who needed to use the document knew what it meant, knew how it worked. There was no need for this new, risk-laden revision (Gilbert, 2013).

It was clear this situation was an opportunity to study the impacts of plain language, but even more, it was a unique situation where I could study how primary users reacted to revision in their professional communities—how insiders experienced plain language. As I showed in Chapter 2, plain language advocacy and research has tended to focus on public or specific non-expert audiences, and indeed the Commissioner prioritized that same angle. But the City Attorney’s public opposition cued me into seeing

how this project provided an opportunity to understand the perspective of insiders and experts.

Therefore, I have designed my research around the following main research question and three sub-research questions:

**What are the impacts of plain language on insider and expert users of the plain language city charter?**

**RQ1:** What is “plain language” in the plain language charter?

**RQ2:** How does plain language affect the way city government insiders make sense of the city charter?

**RQ3:** How does plain language affect the tasks city government insiders must complete with the charter?

The main question motivated the study holistically, but as I showed in Chapter 2, effective research on plain language considers the specific contexts of application, and the products look quite different. In RQ1, I needed to establish what constituted plain language in this situation, including the reasons, sources of guidance, process of revision and final product. Without accounting for what plain language was in this context, any inquiry into its effects would be ungrounded.

RQ2 focuses on individuals’ practices and experience with the charter. This question includes under its purview the way individual insiders read the charter, comprehend it, generally understand its purpose in their role within the government, and how plain language affects these experiences. RQ3 shifts the focus to the government organization and the charter’s use, including specific tasks and sites that involve the

charter. RQ3 permits me to identify where in the city organization the charter surfaces and whether or not the plain language revision affects those sites.

These questions required a theoretical approach that was attentive to context, audience, and the relationships between texts and communities. I selected genre theory because it offered an enriching approach that accounted for these factors, especially given that the charter was recognized as a genre by the city insiders and TPC researchers. In addition, as I explained in Chapter 2, this project was an opportunity to explore and better account for the role of form in defining genre.

### **Case Study Design**

Like my theoretical framework, my study design had to account for the numerous factors, data sources, and “moving parts” of this plain-language revision. I approached this exploratory study with Yin’s (2013) holistic single-case study design. Yin defines case studies in a two-fold fashion relating to scope and features:

1. A case study is an empirical inquiry that investigates a contemporary phenomenon (the “case”) in depth and within its real world context, especially when the boundaries between phenomenon and context may not be clearly evident.
2. A case study inquiry copes with the technical, distinctive situation in which there will be many more variables of interest than data points and, as one result, relies on multiple sources of evidence, with data needing to converge in a triangulating fashion, and as another result benefits from the prior development of theoretical propositions to guide data collection and analysis. (p. 16)

Due to the fact that the charter is used primarily by insiders rather than a public audience, this case offered a unique opportunity in which to explore the benefits and challenges of the plain-language revision on these audiences. Therefore, the city charter context represented an “unusual case” in Yin’s (2013) taxonomy of single-case rationales (p. 51), both in terms of research and practice. Because the relationship between plain language and users within an organization is fraught with many variables and contextual factors, Yin’s case study approach served as an appropriate design. It permitted me to manage variables and multiple sources of data, while also effectively bounding the project around a defined unit. Before I describe my data sources and other components of the case study and analysis, I include below a detailed case description for orientation.

### **Case Description**

**Minneapolis City Charter Background.** In 1896, the Minnesota state legislature ruled that Minnesotan cities could adopt, via a city-wide vote, a home-rule charter to organize and authorize their city governments. The main affordance of home rule was the ability to make charter and city government changes without the state’s approval, a process which had been unduly long and onerous. Both Minneapolis and St. Paul sought to pass a charter in 1898, but neither passed. In 1900, however, St. Paul garnered support and passed their charter with overwhelming favor. Minneapolis did not have the same success due to the fact that their proposed charter significantly changed city government structure, and thus prompted opposition from many areas and interests in the city. Following the defeat of 1900, the city tried four more times to successfully secure home rule. All attempts failed. Ultimately, in 1920, city officials simply bounded a wide scope

of existing laws—making no change to the existing government structure—and called it a charter. They were able to claim that the only thing voters were adopting was the desirable home rule of the city, and it finally passed, despite its disorganization and unwieldy length of nearly 200 pages (Nathanson, 2006). Minneapolis is currently among 107 Minnesotan cities that operate on a city-created and maintained charter, compared to 750 that are directly under state authority (Dyson, 2011, p. 5).

The Minneapolis city government website defines the city charter as “the constitution governing the municipal government. It defines [the] powers given to City government and how Minneapolis government is structured” (City Charter & Code of Ordinances, para 1). The city charter outlines, among other things, the departmental relationships and responsibilities between the Mayor, City Council, and other city departments and officials. A City Charter Commissioner described the charter in a Civic Caucus interview (2013) as “part of the infrastructure of a city[.] [A]nybody coming in can find out how it works. It's like streets or parks” (“City Charter Revision is Long Overdue,” para 44). The commissioner suggested a broad potential readership in his comment, but the city charter is primarily an in-house government document. Its provisions are enacted and documented through government structure and daily practices, but it is not often verbally referenced in City Council meetings or elsewhere. It rarely attracts the public beyond an occasional controversy, such as the use of city funds for the Minnesota Vikings football stadium in 2012 or the redistricting process in Minneapolis the same year.

The Minnesota state government maintains a City Charter Commission made up of fifteen commissioners appointed by the Chief Judge of Hennepin County. These commissioners deals solely with receiving, reviewing and proposing charter amendments either to City Council for a council vote or to a ballot referendum for a city-wide vote (Charter Commission, 2015, para 1). The Charter Commission typically meets monthly, and is populated by various city residents, many of whom have a legal background.

The most prominent users of the charter in the government are members of the City Attorney's office, who are charged with interpreting charter provisions and counselling other government users on its boundaries and authorities. Informally, this counselling happens in many different contexts; formally, the City Attorney's office has representatives available for charter and other legal questions during nearly all major government meetings, including the City Charter Commission meetings, City Council meetings, and sessions including other city departments. The City Clerk's office is another primary user, and their presence is also common in various city meetings, including the Charter Commission's. City Council engages with the charter regularly insofar as it influences their powers and authorities, although it is not routinely discussed except in terms of relevant sections for specific committees. Lastly, departments gain their authorities from the charter, and therefore some, like the Park Board (which uniquely has independent legal counsel) have careful knowledge of their pertinent

sections, while others rely entirely on the City Attorney to interpret their powers and procedures.<sup>2</sup>

**The Plain Language Revision of the City Charter.** The original Minneapolis city charter has been amended since 1920 through city-wide or unanimous City Council votes over 100 times. As a result, it became an even more unwieldy and inconsistent document. It was a challenge for most readers, even its government audiences (Gilbert, 2013). Appendix 2 includes eight pages of a side-by-side document organized by the unrevised charter for reference. Below I include Chapter 2, section 7 of the unrevised charter as an example of its lengthy and complex sentences:

Section 7. - City Council to Designate Election Precincts and Places of Holding Elections.

The City Council shall, from time to time as it shall deem necessary, by a resolution adopted at least 90 days previous to the general City election, designate the boundaries of the several election districts of the City, and for that purpose, may divide the several wards into such number of precincts as it may deem necessary; but no election precinct shall cover any territory of more than one (1) ward. The City Council shall also designate the place of holding elections in each precinct. In case the City Council shall neglect or refuse to provide such election precincts and places of holding election as herein provided, and in all cases of special elections, the election precincts and places of holding elections shall

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<sup>2</sup> Note that a more elaborate description of insider audiences is included in Chapter 4 as part of my analysis of audience.

continue to be the same as at the general election next preceding said election:

Provided, that when it may be necessary to designate any other place for holding a special election than the place where was held the last general election in any precinct, the City Council may so designate some other place in such precinct for holding said special election. (Ch. 2, Section 7)

The City Charter Commission created a committee in 2002 to revise and “modernize” the 192-page document using 1) plain language as defined by Bryan Garner’s (2001) *Legal Writing in Plain English* and 2) modern drafting principles drawn from a model charter from the League of Minnesota Cities. After 11 years, which included several public hearings and 13 main drafts and numerous sub-drafts, a 62-page plain language charter (PLC) was presented to City Council (See samples of the PLC in Appendix 2). Council members voted on the draft but could not secure a unanimous vote—the only permitted way a charter amendment can be adopted without a city vote. As a result, the proposed revision was included as two ballot referendums (Figure 3) for a city-wide vote and was adopted. It took effect in January 2015. (This process will be further elaborated in my analysis of process in Chapter 4.)

**I. Plain Language Charter Revision:**

Shall the Minneapolis City Charter be amended in the form of a revision whose purposes are (1) modernizing, simplifying, and uncluttering the Charter; (2) redrafting its provisions for clarity, brevity, and consistency, in plain modern language; (3) reorganizing the charter into nine articles, with each article covering a single subject, and grouping related provisions together; (4) removing from the Charter detailed



provisions better suited to ordinance; and (5) retaining a provision in the charter if it affects a citizen's rights, or the relationship among governmental officers or bodies, particularly including (but not limited to) the independence of municipal boards?

**II. Plain Language Charter Revision: Liquor Licensing Provisions**

The Minneapolis Charter Commission has proposed, in a companion amendment, that the Minneapolis City Charter be amended in the form of a thorough revision. This additional amendment is necessary because the liquor-licensing provisions are the subject of a statute that requires a different vote for amendment than other charter provisions. Shall the Charter be amended by reorganizing and rewriting the liquor-licensing provisions in plain modern language? (2013 Minneapolis Ballot)

**Figure 3: November 2013 Plain Language City Charter Ballot Referendums.**

An effort to gain public support headed by the charter revision committee pointed to the difficulty and inaccessibility of the original charter. The committee chair argued that “[y]ou need to be a lawyer to understand the existing charter, and most lawyers can't even understand it” (Gilbert, 2013). The commission stated that there were “no substantive changes,” and that the new charter would be usable by an audience without legal expertise. They emphasized that what the referendum was proposing was charter revision, not charter reform (“City Charter Revision is Long Overdue”, 2013, para 19). The precise language of the committee was the following:

This revision's purpose is not restructuring the City government or otherwise effecting any substantive change. Its purpose is only modernizing, simplifying, and uncluttering the Charter, and redrafting its provisions for clarity, brevity, and consistency, in plain modern language. (PLC Memo to City Council, 2013, p. 3)

In addition, many charter points were removed and/or redefined as city ordinances, which require only a majority City Council vote to change. In defense of these changes, the committee chair was described in an MPR piece as saying that the charter should operate like a constitution, laying out the city structure, not “concerning itself with detailed regulations” (Gilbert, 2013, para 5).

Some city officials raised concerns about the PLC, although only Minneapolis’s City Attorney made public statements. She claimed that while the current charter was textually problematic and arguably outdated, government officials and employees make it work in practice because they know what the original document “means” (Gilbert, 2013, para 13). She said the new version may very well have unintended complications, despite a caveat in the PLC which affirms the continued recognition of legal precedents based on the original document. She described the revision as bringing more risk than advantage to the city (para 10).

Public attention toward the PLC was mainly limited to this public outreach in 2013, which yielded some basic coverage in local newspapers and neighborhood organization newsletters. On e-democracy.org, a website the Minneapolis City Government encourages as a public space for citizen debate, there was some limited engagement by four private citizens concerned by the PLC commission’s claim to have no substantive changes. The chair of the PLC commission responded to the claims, and little further exchange occurred. Similarly, on Twitter there was some limited engagement—mainly positive—with the PLC ballot proposals in 2013. Two op-ed pieces were also published in the *Star Tribune*; one, authored by the paper’s editorial board, was

in favor of the charter revision (“Election Endorsement,” 2013) and another, written by Hill (2013), opposed it based on an “if it’s not broken, don’t fix it” principle.

In January of 2015, the PLC took effect, and no public discussion has occurred to indicate the successes or struggles of its implementation aside from a technical corrections amendment compiled by the Charter Commission, City Attorney’s office and City Council to address some minor errors in the plain language revision. One error included a misplaced comma, and another included a provision regarding what to do in the case of a City Council member’s resignation. The revised provision stated how to proceed with an election for an empty council seat if a council member resigned before or after March 30th. However, an astute government official noted that this provision doesn’t technically account for what to do for a resignation occurring on March 30th. This technical revisions proposal passed in City Council without the need to place it on the ballot for city-wide vote.

### **Single-Case Holistic Design**

Within the case-study design, I followed a holistic rather than an embedded approach, treating the PLC and its use and effects in the Minneapolis city government as a single unit under analysis. While critiques of the holistic single-case design can include the risk of it becoming too abstract or vague (Yin, 2013, p. 55), this approach was appropriate given the exploratory nature of the research and a lack of clear boundaries between potential sub-units. For instance, I might have bounded embedded sub-units between different user groups of the City Charter within the city government; however,

these partitions proved to be blurry because different user groups heavily informed others.<sup>3</sup>

### **Data Sources and Collection**

Consistent with Yin's (2013) design, I collected data from multiple sources (p. 118). Data were collected between March and July 2016. These sources included textual artifacts, observations, and interviews. Below I describe these sources and the collection process for each.

**Textual Artifacts.** I collected numerous public textual artifacts in two phases. The first phase was in my initial data gathering stage. The second phase of textual artifact collection occurred later in the project when it became clear that more clarification regarding the process of revision was needed. Some artifacts were available on the city Charter Commission official website, while others were provided to me by interviewees or via internet searches. Artifacts include the following:

- The official city charter as of December 31, 2014;
- The revised plain language charter, adopted officially on January 1, 2015;
- 2 side-by-side versions of the old and revised charters;
- 2 lengthy, process-focused memoranda from the Charter Commission to City Council regarding the plain language revision (2006, 2013);
- Memo reports from various city departments and compiled by the City Attorney's office about the charter during the revision process;

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<sup>3</sup> Note that this unit is the case unit for the purposes of bounding the project, not the unit of analysis for coding data.

- News interviews, editorials, and media coverage regarding the plain language charter around the 2013 election;
- 2 historical accounts of the charter development;
- City Council and Charter Commission official agendas, meeting notes, and hearing notes relating to the PLC revision (between 2002 and 2013) and the case-study data-collection period between March 2016 and July 2016, as well as one City Council meeting in December 2016.

**Observations:** I observed two City Charter Commission meetings (live attendance) and three City Council meetings (video archive footage). During these meetings, I recorded hand-written field notes specifically focused on direct or indirect mentions, uses, or consultations regarding the city charter. During all meetings I was guided by the meeting agendas, and in the case of the video-archived observations of City Council, I also used the published meeting minutes to track the meeting and take notes. In Table 1, I chronicle the dates and general topics of each observed meeting.

<b>Meeting</b>	<b>Date</b>	<b>Selected Topics</b>
Charter Commission	June 1, 2016	Two proposed amendments: 1) increased minimum wage 2) Police Professional Liability Insurance
Charter Commission	May 4, 2016	20 Year Neighborhood Park Plan Amendment
City Council	May 27, 2016	Reports from Standing Committees Reports from Special Committees Introduction and Referral Calendar

		Four Resolutions
City Council	July 9, 2016	Reports from Standing Committees Introduction and Referral Calendar Four Resolutions
City Council	December 9, 2016	Reports from Standing Committees (Including Charter Amendment: Technical Items) Introduction and Referral Calendar Four New Business Items

**Table 1: List of City Charter Commission and City Council Observations.**

**Interviews.** I conducted 19 interviews with city government officials. The criteria by which I selected participants included the following: that an individual 1) was a current or former member of the Minneapolis city government in an official capacity; 2) had reason to interact regularly with the city charter; and 3) was willing to participate in the present study. All but two interviewees were involved with the plain-language revision; two City Council members had been elected into city government during the same election as the PLC referendums.

I contacted interviewees via publicly available email addresses and phone numbers. Interviews lasted on average approximately 40 minutes, and in total exceeded 60,000 words. I conducted ten interviews in the work offices of my participants, three in public cafes, five via phone calls, and one via email. Interviews were recorded and transcribed. Table 2 breaks down the departments with which my interviewees were affiliated and provides identification markers that I will use as references IDs in my findings and analysis chapters. I have included an asterisk to indicate that the participant was not involved during the revision for reference, although I will not include the asterisk

in future identifications. I will also randomize gender pronouns in reference to these participants in the remaining chapters.

**Table 2: Interviewees and their affiliated government departments and ID tags.**

<b>City Government Department Affiliation</b>	<b>Number of Interviewees</b>	<b>Identification Tags</b>
City Charter Commission	6	CCC1 CCC2 CCC3 CCC4 CCC5 CCC6
City Attorney’s Office	3	CAC1 CAC2 CAC3
City Council	8	CCM1 CCM2 CCM3 CCM4 CCM5 CCM6* CCM7* CCM 8
City Clerk’s Office	1	CCL1
Parks Department	1	PDC1

The interviews were unstructured, as insiders have different relationships to and histories with the charter and having the flexibility for asking follow-up questions was vital to thoroughly exploring the case. To achieve some consistency in terms of scope, I addressed several questions directly or indirectly in every interview, included in Appendix 3. The interviews did not exclusively address these questions.

These data were collected in accordance with my university’s IRB Exemption, study #1510E79051. Note that my IRB consent process does not guarantee anonymity to participants, but I have elected to obscure direct references to any participant. I do identify government members mentioned in publically printed artifacts such as news stories.

## Data Analysis Methods

To address my research questions, I primarily used a qualitative approach to analysis. In addition, I used a quantitative rhetorical analysis tool, Docuscope, to augment some findings. In this section, I describe my qualitative coding process and my quantitative analysis. First, however, I provide a brief narrative below to orient the reader to the recursive sequence of analyses before providing detail about the analyses themselves.

**Overview of Analyses Sequence.** In my initial approach to the project, I expected to answer my first research question, “RQ1: What is plain language in the Plain Language Charter?”, by conducting a relatively straight forward inventory of changes between the unrevised charter and the PLC. Given that plain language can be applied in vastly different ways in every case, the purpose of this analysis was to simply offer a description of what revision looked like in the plain language charter, both in terms of process and product. I completed two tasks to develop a description:

1. I examined self-reported changes and details about the process of revision based on the Charter Commission’s 2013 final charter cover letter addressed to City Council;
2. I examined the texts the Charter Commission used to guide revisions: Bryan Garner’s *Legal Writing in Plain English* (2001) and the Minneapolis Model Charter, published by the League of Minnesota Cities.

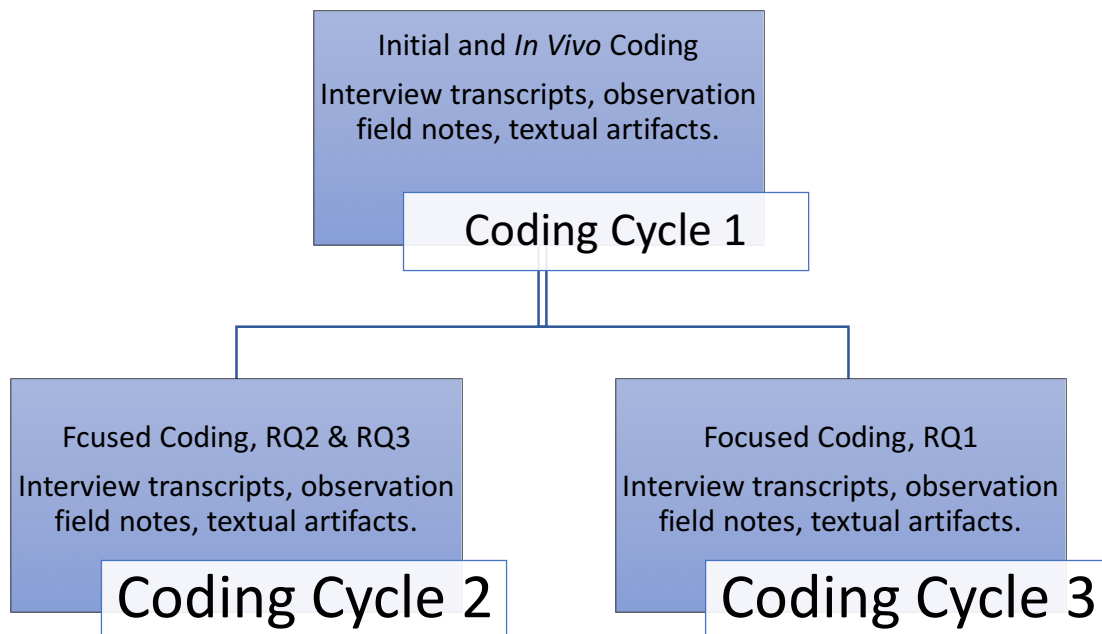
I approached tasks 1 and 2 concurrently, referring iteratively between the reference texts, the detailed description of revisions provided by the commission, and the two charter



versions themselves. I produced a master list of defining elements of the charter's plain language based on these two sources. Using AntConc, a concordance tracking and analysis software, I then searched for examples in the PLC to establish that the purported changes occurred.

I then began my first cycle of qualitative coding of my interview transcripts, observation field notes, and other textual artifacts. Following that cycle, I completed selective coding in a second cycle, zeroing in on codes focused on the impacts of plain language (RQ2 and 3).

It became clear that the codes I eliminated in that selective coding process were nearly all relevant to describing the original charter, the revision process and the final PLC—essentially RQ1. As a result, instead of relying on my master list of revisions to answer RQ1, I did a third cycle of coding based on the codes I eliminated in my second cycle. Put differently, I did one general cycle of coding and two second cycles, each focusing on different research questions. Figure 4 below represents the cycles.



**Figure 4: Three Qualitative Coding Cycles.**

Lastly, I augmented my RQ1 analysis with quantitative findings using Docuscope. In the remaining section, I break down each of these steps and explain the coding process in detail.

**Qualitative Analysis.** I coded my data using an inductive, qualitative, multi-cycle approach drawn from Johnny Saldaña (2012). This choice was motivated by my interest in beginning to build theoretical knowledge regarding audience and the effects and uses of plain language. Saldaña’s qualitative coding is empirical and rigorous and yet permits flexibility. It is also appropriate for a case study design and data (Saldaña, p. 229). I used NVivo 11.3.2 software to conduct this analysis.

I used this coding process to analyze interview transcripts, textual artifacts, and observation field notes. All data were in textual form, and my unit of analysis was the T-unit, or independent clauses with any dependent clauses or phrases attached. Only

relevant data were coded, leaving out data that had no bearing on the use, content or revision of the charter.

The qualitative coding process involved three coding cycles and extensive analytic memos. The first cycle involved initial and *in vivo* coding, which are classified by Saldaña as elemental coding strategies and are informed in part by Glaser and Strauss’s (1967) grounded approach. Initial coding is an open-ended process that involves breaking apart the data in search of “analytic leads” and the dimensions and properties of those leads (p. 103). Within this cycle, I also employed *in vivo* coding, which follows the same process but preserves the specific language of the participants in codes (p. 91).

I began first-cycle coding during the initial process of data collection and continually until all data were collected. Using NVivo, I assigned preliminary codes to T-units in my transcriptions. I iteratively coded and compared codes and data within individual interviews and gradually across interviews, observation notes, and relevant extant documents. Ultimately this cycle of coding yielded 51 codes. These categories ranged across types of tasks, attitudes toward plain language or the charter, the condition of the old charter, reasons for revision, relationships between city government officials and departments, effects of the plain language charter, audiences of the charter, points of controversy, features of expertise and experience, and many others. Table 3 includes ten sample codes from this cycle, including both *in vivo* and initial examples.

**Table 3: Ten sample initial and *in vivo* Codes from Coding Cycle 1.**

<b>Initial and <i>in vivo</i> codes</b>	
“Amplification versus redundancy”	“Every word is important”
Consistency of law	City Attorney mediates charter
“It was a mess”	Side-by-side document helps reading

Public access as motivation of PLC	“Back and forth” old and new charter use
Time connects to insider expertise	Charter is a “boundary” for legislation

Throughout this cycle of coding, I composed dozens of analytical memos, which included reflections on coding choices, ideas, and theoretical concepts I developed from the data. These memos, many of which are linked directly to specific transcripts and coding instances, were not only intended to contribute to the coding process and development; they also served as a self-checking strategy to keep the analysis process as transparent and traceable as possible. Memos covered such issues as code justifications, questions about interviewee statements, conflicts in data, speculations, connections to theory or other research, and points of confusion. Appendix 4 includes two sample theoretical memos for reference.

I recursively coded throughout my data collection period and completed my first cycle of coding after data collection was complete. Following first-cycle coding, I conducted a second cycle. The goals of second-cycle coding are to selectively reduce and condense the wide variety of first-cycle codes into broader, higher-order categories (Saldaña, 2013, p. 207). This cycle eliminates irrelevant or marginal codes, and theoretically organizes the remaining codes. I used a combination of what Saldaña terms “focused coding” (p. 213) and “theoretical coding” (p. 223), which revealed the most salient themes and focused categories.

During focused and theoretical coding, I zoomed in on codes relevant to answering RQ2 and RQ3. I experimented with combining and dividing different groups of codes into larger categories, as well as continually considering the analytic memos I

composed during the first cycle, as well as writing new ones. Ultimately, the higher-order categories reflected the most critical sites of plain language impact that emerged from the data, all revolving around a core concept I called “interplay,” or the relationship between the unrevised and revised charter in terms of meaning, practice, or use. These categories identify four areas and some sub-areas (see Table 4) of plain-language impact, while the data points clustered within them describe the nature of the impacts. These categories and sub-categories motivate the organization and discussion of Chapter 5.

**Table 4: Main Coding Categories & Subcategories (Coding Cycle 2)**

<b>Interplay of Revised &amp; Unrevised Charter</b>
<p><b>Interplay of Charter Authority</b>          Persistence of the Old Charter          Original charter intent  <b>“Amplification versus Transparency”</b>          Nuance  <b>Rewriting Authority through the PLC</b>          “Plain on its face”: Unintended changes          Inaccuracies and Errors          “It’s a new day”: Using only the PLC</p>
<p><b>Interplay of Practice</b>  <b>Individual Interpretive Strategies</b>          General “Ease” and Readability          Navigation Tools          Stylistic Changes          Organization Principles          Trustworthiness of the Charter  <b>Government Tasks and Processes</b>          Clarifying Ambiguity          Proposing Charter Amendments          Outsider-to-Insider Enculturation</p>

**“Inter-genre-al” Interplay**

Impacts on Ordinances

Updating Ordinances

Extending plain-language through insider audiences

Following coding cycle 2, my understanding of RQ1 and of the complexities of defining plain language in this context developed, and I realized the distinct importance of the eliminated codes to that part of the project. I retrieved the eliminated codes and used them to conduct a third coding cycle focused on RQ1, including data and codes that were related to the content, form, process and controversies surrounding the PLC revision. With these initial and *in vivo* codes as well as older and ongoing analytical memos, I took the same approach as cycle two, developing higher order categories that accounted for what plain language looked like, what texts influenced the commission as they composed it, and the process by which the PLC was proposed and reviewed in the government. I incorporated several additional textual artifacts at this stage. Specifically, I included government documents such as public hearing notes, meeting agendas, and meeting notes from the period of revision between 2002 and 2013. I felt this additional collection was in line with what Glaser and Strauss (1968) call a theoretical sampling of data during grounded theory analysis, in which researcher analyzes and continually collects data in tandem. Given that my approach via Saldaña was heavily informed by a grounded theory approach, this step was warranted and important.

Three higher order categories emerged from my third cycle codes and analytic memos, these categories accounted for the changes and process of the plain language revision: Audience, Genre and Style. These three categories, which organize Chapter 4,

provided a rich way of understanding the narrative of revision, the product-focused changes, and most importantly provided a basis for interpreting the codes and categories in cycle 2 (RQs 2 and 3).

*Trustworthiness of methods.* To establish trustworthiness and credibility of this research, I drew on the principles put forth by Shenton (2004), which he adapted from Guba (1981). Shenton identifies strategies for achieving credibility in qualitative research. Among the criteria is the use of a well-established research method and triangulation of data (p. 64). The qualitative single-case study design, as well as the genre-focused theoretical approach, are both well-established in TPC. Consistent with the case-study design, data were collected from multiple sources and used to triangulate findings according to Yin (2013, p.121). Textual artifacts related to the case, such as meeting notes, memos from various departments regarding the revision, and personal notes of a Charter Commissioner, were used to corroborate information garnered from interviews and observations (p. 107). As recommended by Shenton, I interviewed a range of informants (p. 66), which included members of five city departments with a variety of experiences and expertise. Further, I used tactics to encourage honesty from my participants (p. 66), including providing the option to withdraw at any time, and establishing rapport at the onset of the interviews by assuring them that there were no “right answers” and that I was not affiliated with any branches of city government.

Shenton also points to a researcher’s reflective practices as a source of trustworthiness. Throughout the analysis process, as I mentioned above, I composed numerous analytical memos. In addition to being a generative strategy, they serve as a

site of self-reflection. Continually referring to these memos throughout the analysis process, as well as using material from them to triangulate and present findings contributes to the credibility and trustworthiness of this study.

**Quantitative Data Analysis.** To augment my investigation into RQ1, I conducted a small quantitative analysis, as well. Due to the combined length of the unrevised and revised charter versions—over 75,000 words—completing an exhaustive stylistic inventory myself would be time-intensive and prone to error. I opted to use Docuscope, which is a language analysis tool used to rhetorically analyze corpora of texts. Through an extensive, grounded development, it is designed to explore the relationship between fine-grained linguistic features and the broader effects texts have on readers. While authors can create their own unique dictionaries for Docuscope, I chose to use the standard dictionary, which the software’s founders, David Kaufer and Suguru Ishizaki, have iteratively built over several decades and which contains over 45.5 million language patterns (Ishizaki & Kaufer, 2013, p. 281). In using the standard dictionary, I used Docuscope to detect any statistically significant differences between the unrevised and revised charters in any language-action type (LAT) categories. These categories include many different kinds of LATs, such as specific grammatical and syntactic patterns, as well as content-based language patterns. An example of the LAT of narrative and its subcategories is included in the table below:

**Table 5: Sample Language Action Type from Docuscope, “Narrative,” and its subcategories.**

LAT	Sub-category	Sub-category
Narrative		
	Narrative Verbs	
	Time Expressions	Time shift



		Time Duration
		Biographical Time
		Time Date
	Personal Attribution	Personal Pronoun
		Positive Attribution
		Negative Attribution
		Neutral Attribution
	Narrative Background	

While the results of DocuScope can be used to do a more elaborately directed analysis, I am focusing only on any features or patterns that are significantly different between the charter versions. It should be noted that the significance of some differences may be occluded in the analysis by the fact that the older version is several times the length of the plain language revision.

## **Chapter 4: What is Plain Language in the City Charter?**

Plain language guidelines and applications have become increasingly sophisticated, attending more acutely to specific contexts and needs. A result of this improvement is varied plain-language products; what constitutes plain language in one context may be quite different than what works effectively in another. Therefore, I address the following research question in this chapter:

### **RQ1: What is “plain language” in Minneapolis’s “plain language charter”?**

In this chapter, I examine the lengthy and complex process through which the city charter was drafted and revised in order to define the contextual dimensions and final product of plain language in this case. I base my findings on my coding analysis of interviews and textual artifacts, including meeting agendas, memoranda, personal notes, and recommendation reports to City Council, as well as a supplemental quantitative stylistic analysis.

The chapter is organized into three key concepts which map onto the three main coding categories in my qualitative coding analysis, and that help to define plain language in this context: audience, genre, and style. First, I examine the public audiences that the City Charter Commission promoted publicly, as well as the more specific insider and expert audiences they engaged through their revision practices. Second, I describe the Commission’s adherence to a model city charter for Minnesota cities, and I examine the model charter in terms of genre definition and enforcement. Last, I report the sentence-level style changes in the charter, and the mobilization of a particular definition and purpose of plainness in their guiding text, Brian Garner’s (2001) *Legal Writing in Plain*

*English*. Throughout the three overarching categories of analysis, I attend to the unique political constraints in this case, which in part encouraged the Charter Commission’s purported separation of substance and form.

### **Conceptions of Audience**

Although the plain-language movement has broadly recognized the need to identify and accommodate specific, contextualized audiences, applications and guidelines of plain language—as well as related research—continue to prioritize public, non-expert audiences. The public-priority framework was a strong influence on the primary drafter of the city charter revision. He had a great deal of experience revising texts into plain language and had even collaborated with Bryan Garner, the author of *Legal Writing in Plain English*—a set of plain-language guidelines used by the Charter Commission. A copy of Garner’s text was provided to each Charter Commission member at the outset of the revision, and it calls for “Draft[ing] for an ordinary reader, not for some mythical judge that may someday review the document” (p. 91). The plain language framework, especially in law contexts, accordingly tends to conceptualize problems in terms of public accessibility.

Although this framework was present from the beginning, I discovered in my analysis that it was not explicitly identified throughout the process of revision. In 2006—four years into the eleven-year revision—the Charter Commission submitted a report and recommendation to City Council proposing that they amend the charter based on a draft the Commission had at that time prepared. The report included no explicit mention of audience and no theoretical motivation for the revision. It offered only a list of legal and

textual problems present in the charter, including the archaic language, conflicting provisions, inconsistencies with state and other superseding law. These problems were listed as self-evident motivations to revise and modernize the charter using new organization and plain language.

Following this proposal to City Council, however, it became clear to the Charter Commission that it was unlikely that the Council would pass the revision by unanimous vote, and that it may eventually go to the public as a ballot referendum. In my interviews, several Commissioners remembered their concern about this possibility. One Charter Commissioner interviewee said, “We wanted it to be unanimously passed by City Council” (CCC3). Another clarified their motivation, “[C]harter campaigns are very difficult things, because there’s really no money behind them. It just has to make sense to the public. So if there are elected officials or money that is opposed to them, [the charter revision] will fail” (CCC2). As the revision process became longer and it was clear more tension and questions were emerging within the city government, the Commission made the motivating framework of plain language more explicit.

In later reports, the Charter Commission presented the revision primarily as a public service providing city residents democratic access to their central governing text. The 2013 recommendation report accompanying the final charter revision to City Council opened with the following sentence:

For decades, many leading scholars and public servants have recognized that, in a transparent and effective democracy, the government’s fundamental documents must be accessible to the voters—accessible both in the form of ready availability,

and in the form of meaningful, readable text that does not take a law degree to understand. (p. 1)

It went on to chronicle several ways the unrevised charter did not meet this requirement, citing the charter's legalese language, inconsistent and inappropriate content, and poor organization. These were the same problems documented in the Charter Commission's earlier 2006 report mentioned above, but in 2013 these problems were theoretically framed as inhibiting public accessibility. The public audience was explicitly prioritized.

Based on the perceptions reported in my interviews, this public focus was persuasive and persists still in participants' descriptions of the revision's purpose. Most interviewees—especially City Council members—identified the public as a key beneficiary of the new charter. Below are a series of example excerpts:<sup>4</sup>

- “It just put things in a simple, clear way so anyone could use it” (CCM1).
- “I’m of the school that anything that makes it easier for the average citizen to understand is a good thing. We need to move toward that. [...] I would say it’s important for our democracy that government is simple or easy for the average person to understand. And if we don’t do that, we’re just going to shut out a whole segment of society because the more complicated we make our constitutions or charters, the more power we give to lawyers. And that’s not a bad

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<sup>4</sup> Note that in my reporting of data, I have labeled each participant with the ID tags I listed in Chapter 3. In addition, note that while I coded the data in T-Units, I report it here in relevant clusters in order to preserve meaning for the reader and to avoid burdensome lists of T-units that in transcripts were consecutive within an interview.

Below I remind the reader of the ID tag abbreviations from Chapter 3: City Charter Commissioner, CCC[1-6]; City Council Members, CCM[1-8]; City Attorney's office, CAO[1-3]; Park Board Counsel, PBC1; City Clerk's Office, CCO1.

thing-- I'm a lawyer, and I have self interested-- but it's not good for our society” (CCM1).

- “I see that as a positive all the way around. The thing is that when you do something like that [plain-language revision], it gives people a better sense of ownership that it's theirs. Government is theirs. Because they can read it. They can feel like they know it. That's not a small thing” (CCM1).
- “But my view was that you shouldn't need a lawyer to figure out basically what the city constitution says. You should be able to look it up and get the answer” (CCC1).
- “I really think it's so important to our democracy that people understand what our charter is. That a charter to me is a word that means this is one of the most important documents at our level of government. It's our charter. Having the charter be approachable, I think is so important for people to feel like-- to give them confidence enough to engage. You try to read the old charter and you were a citizen interested in something, you'd quickly get discouraged. You were never going to understand that” (CAO1).
- “It was just that it could be improved and made simpler and easier for everybody to understand” (CCM2).

News coverage preceding the ballot referendum also highlighted the benefit to the public, both directly as a means to access the charter and more broadly as a benefit to the city. One story stated: “People are less likely to invest in the city because ‘the charter is a dense, impenetrable document. If people could read the charter, we'd have a more

transparent government”” (Civic Caucus interview, 2013). Another Commissioner in the same news interview agreed, further highlighting the public focus of the charter: "A charter is part of the infrastructure of a city, so anybody coming in can find out how it works. It's like streets or parks."

Many participants also recognized the benefit for “everyone involved” (CCM3) or “all of us” (CCM4), although in textual artifacts, the difficulty of using the charter for insiders was in service of showing just how necessary the revision was: “You need to be a lawyer to understand the existing charter, and most lawyers can't even understand it” (Charter Commissioner cited in Gilbert, 2013).

Conversely, as I described in Chapter 3, the City Attorney was publicly opposed to the plain-language revision precisely because the insider audiences in her office were reliant on the existing language and organization, as were almost a century of legal precedents. The public’s access did not outweigh the stability offered by a document that underscored the past century. The City Attorney prioritized the expert insider audiences, who she did not see as benefiting from the plain language. She cited the unknown interpretations of charter provisions that may result from the revision. In her terms, the current charter worked, and to meddle wholesale with a document in which very few residents were interested but that was immeasurably vital to the workings of the city—not to mention the labor and resources necessary to do so—was not worth the risk (Gilbert, 2013). The City Attorney raised important questions that echoed the concerns of other legal scholars regarding plain language, including the risks of accuracy and

interpretation, as well as doubts about the efficacy of revising legal documents for effective public access and use.

While it may appear that the City Attorney's Office and the Charter Commission simply prioritized different audiences, a close analysis of the *process* of revision reveals a more complex and rhetorical picture of audience. The revision process shows that while the Charter Commission championed (and still champions) public accessibility as a motivation, their solicitations for feedback on Charter drafts reflect a keen awareness of the actual and primary audiences of the charter: insiders and expert users within the government. These insiders, who most frequently used the charter, offered the most substantial and influential feedback.

**The Revision Process.** Below I include the abbreviated phases of revision indicated by the Charter Commission (Table 6). Consistent with the emphases of Willerton (2015) and common sources of plain language guidance (Redish, 2008; Center For Plain Language; Federal Plain Language Guidelines), the Charter Commission pursued a context-driven, primary-user focused revision, which led them to the primary users within the city government.

**Table 6: Projected phases of Charter revision reported by the Charter Commission.**

- |   |
|---|
| <ul style="list-style-type: none"><li>● Phase 1<ul style="list-style-type: none"><li>○ Create a committee to address individual articles of the charter and one committee for editing the charter;</li><li>○ Notify the appropriate bodies within the government of the revision and request liaisons;</li><li>○ Invite specific outside readers familiar with the government and charter to participate.</li></ul></li><li>● Phase 2</li></ul> |
|---|



- Receive informal feedback from all parties on Charter redrafting & incorporate that feedback.
- Phase 3
  - Formal review by the City Charter Commission, including article committees (content) and editing committees (style and consistency);
  - Revise accordingly.
- Phase 4
  - Formal review by City Council, city departments, and other officers;
  - Legal review by City Attorney's Office;
  - Revise accordingly and provide commentary.
- Phase 5
  - Public hearing to gather city residents' perspectives;
  - Revise accordingly;
  - Editing committee will revise for style and consistency;
  - Final public hearing for finalized document.
- Phase 6
  - Transmit revision to City Council for consideration. (Commission Memo to City Council, 2013, pp. 15-19)

This anticipated two-year revision ultimately took eleven years. Many of the phases ended up being somewhat iterative and fluid, resulting in repeated and lengthy engagement with insider and expert readers. Informal and formal meetings with City Council members and other officials took a great deal of time, and one source described the City Attorney's Office conducting a total of four full reviews. One review was motivated by a request of City Council for a City Attorney-led work group to evaluate the impacts of the new charter on each city department. The work group engaged department heads or designated representatives from each department and produced numerous report memos, which are included in this study's corpus.

The Charter Commission took up a principle of accepting any provision that any interested party wished to see maintained in the new charter as evidence that the process of revision was transparent and open (Charter Commissioner Personal Notes, 2006).

They sought an inclusive approach in part due to the implicit valuing of audience in their plain-language framework, but again also due to the concern that if anyone opposed the charter revision, it would not be successful in either City Council or the City vote.

While the actual, primary readers in the government provided the lion's share of feedback and influence, the Charter Commission did reach out to the public through five public hearings conducted in various locations around the city: two in 2005 (May 18 & May 25); two in 2006 (January 18 & February 1); and one in 2012 (May 21). These hearing were not highly attended, with only a handful of members of the public present during the 2005 and 2006 hearings who spoke. No recorded participant made statements for or against—or even about—plain language specifically. Most attendees had a pre-existing stake in the charter document, and were concerned about the potential impacts of the revision. For example, representatives from the Institute of Art attended because their endowment was unusually linked to a charter provision. In 2012, only three hearing participants spoke, all of whom were government insiders. No unaffiliated members of the public spoke. One City Charter Commissioner stated that, “They [attendants] had no idea what the charter did. They had no idea what we were trying to do, but they’d come in with their complaints about the city government were unfair [sic], but had nothing to do with the charter. There were very few people with intelligent questions about what the Charter [revision] was all about” (CCC5). Clearly public feedback was limited. Arguably this lack of understanding and effective feedback by the public could be seen as further evidence of the document’s inaccessibility for that audience, inherently bolstering the need for the public priority of the plain-language revision. As a middle ground, the

Commission enlisted the help of ten additional “outside” readers, who already had familiarity and experience with the charter, but could still offer an outside, semi-public perspective.

The revision process highlights the exigence underlying the present study: plain-language frameworks prioritize the public or most vulnerable audiences, but also somehow must recognize the multiple, often primary audiences that exist in the document’s home context. In this case, the Charter Commission may have stumbled into a rhetorically complex strategy for recognizing multiple audiences within a constrained political context. On one hand, the plain-language framework motivating the revision was public-oriented, and ultimately that perspective was persuasive for many City Council members as well as the public voters who adopted it. On the other hand, their context-driven revision—a hallmark of recent plain language guidelines—naturally led the Charter Commission deep into the government community, prompting an impressively coordinated and lengthy internal feedback process.

**What Makes an Insider or Expert User?** Thus far I have only described expert and insider audiences as individuals with a current or past affiliation with the city government organization. In this section I describe in detail what constitutes an expert or insider user. My analysis showed that actions experts and insiders take with the charter are beyond the use of unaffiliated city residents. Members of the public could certainly reach similar proficiencies in knowledge, but experts and insiders can use the document in fundamentally different ways, such as authorizing charter changes through City Council votes (City Council members), proposing specific charter amendments to City

Council or the ballot (Charter Commission), composing legal opinions to address ambiguities, enforcing charter provisions in the government, and counseling government officials (City Attorney's Office). None of these insider/expert tasks are available to the public, but are the responsibilities of appointed and elected government officials.

Expert and insider users of the city charter are not a consistent group. In this context, they range across a spectrum of familiarity with the charter based on experience and law expertise and training. On one end, "expert" primarily describes lawyers and legal experts who are members of the City Attorney's Office. This group understands legal language and the greater function and context of the charter in municipal law. On the other end, "insider" denotes a city government member who is familiar with the charter because of their experience in the government. Several City Council members and Charter Commissioners, for instance, shared in interviews that they had limited knowledge of the charter, but that they knew its general functions and perhaps had familiarity with the provisions that had applied to their specific committees or issues. Insiders like these reported "getting to know" the charter organically as items came up. Others who might fall into this insiders category but were not among my interviewees include city department heads and general staff members.

Insiders and experts are not mutually exclusive categories and any official may draw on both experience and more traditional expertise. For instance, some council members and charter commissioners are also lawyers in unrelated areas. Their background provides them knowledge of legalese and another area of law, and so they may fall somewhere between insider and expert user. Similarly, government members,

like the city clerk, may not be lawyers, but they maintain a close relationship to the charter and government administration, and certainly qualify as expert users due to their knowledge and use of the charter. Another underlying factor that contributes to insiders knowledge and expertise is time. Regardless of background, interviewees connect their length of service in city with their level of charter familiarity.

In summary in terms audience, the case study shows the potentially conflicting conception of audience within a plain language framework. The public or vulnerable audience priority promoted (directly or indirectly) by the plain-language movement's approach to government documents, coupled with the increasing focus in plain-language guidelines on identifying context- and user-specific needs, can lead writers into a conundrum. In the case of the City Charter, the City Charter Commission sought to prioritize public access, especially as the revision became more publicly visible and potentially political. But a context-based approach to revision naturally directed the Commission to engage with insider and expert audiences. Public feedback was limited and not very useful. The attention to insiders and experts was in some sense necessitated by the Charter Commission's effort to achieve consensus among insiders and pass a successful revision, but it simultaneously revealed the primary stakeholders for the document.

This conundrum is especially relevant for genres like the City Charter, which—to be consistent with democratic ideals about plain language and access—*should* be accessible by the public, but are primarily used by insiders. Insider feedback in this case naturally highlighted the concerns of insiders rather than concerns related to public

access. In many ways, the revision largely accommodated insider audiences, particularly the changes pertaining to redefining and reinforcing charter genre boundaries and organization. In the next section I explore these genre-based revisions.

### **Genre and The City Charter Revision**

People and documents across the City Charter case study data report the origins of the Minneapolis City Charter as a key factor in its continual issues. For instance, the Charter Commission's official recommendation report to City Council (2006) stated: "When Minneapolis first adopted a home-rule charter in 1920, the first Charter Commission did not draft a charter from scratch: instead, it simply compiled the special laws then in force affecting the City, and collated them into a loosely organized document that became the first charter" (p. 1).

Interview participants across the city government community also invoked this history with comments like the following:

- "It started out as a compilation of state special laws back in the 1880s and you just took it-- all the special laws put together into a charter and then in 1921 it became our charter. It wasn't put together with an overarching schema you'd normally write a charter" (CAO3).
- "So when they pulled together the Minneapolis Home Rule Charter all they did was make a compendium of local special laws passed by the legislature, and with very little and minor revisions, slap them into the city charter" (PBC1).

As a result of this origin, as well as the many changes to the charter over the past century, participants critiqued the original charter's organization, scope of content, language, and

consistency. They referred to the charter as a “maze,” “hodge-podge,” “bowl of spaghetti,” and “such a quilt of time and laws and special things, and movements and it was just such a mess” (CCC1; CCC3; CAO1; CCC4). Others pointed to irrelevant or inappropriate content, its internal conflicts, and archaic language:

- “There were things getting regulated like hats in theaters...you’re like, what the heck are they doing here?” (PBC1)
- “A charter is supposed to be a structural document, but there was a lot of stuff in there that was more appropriate for an ordinance. [...] Like the old charter provided that the city could hold a presidential preference primary, but you don’t need to have that in the charter” (CCC2).
- “It was organized in a kind of a topical way, but if you read the introduction you’ll know that the same topic might appear in the section on the park board and in the section on elections and they would contradict each other and you had to figure out which one controls. But there was no index, no table of contents, and there was really -- there had been some logic to where things were, but it had sort of fallen into chaos over the years” (CCC1).
- “In the old charter...it was so poorly written, convoluted..” (CAO1).
- “...old antiquated phraseology in terms, too many words, obscure or separate definitions so far from the old text or whatever old tricks people use in the non-plain language world that just seems to be a way to make it harder for people to change and participate in government” (CCM2).

These individuals were essentially pointing to a central concern that from the beginning, the charter document was not planned or constructed within appropriate or expected charter genre parameters, making it difficult to use and potentially ineffective. In this section, I report findings about the strategic re-imagining and enforcement of the charter genre boundaries based on a model genre, and how the revision itself demonstrates perennial contentions about the relationship of form and substance in defining genre.

**The City Charter Genre.** As I stated in Chapter 2, charters are an interesting category of genre because they structure communities in both theoretical terms and explicit, practical terms. I repeat here McCarthy's (1991) useful definition of charters from her work with the DSM-III, a charter-type document in psychiatry:

[Charters] establish an organizing framework that specifies what is significant and draws people's attention to certain rules and relationships. In other words, the charter defines as authoritative certain ways of seeing and deflects attention from other ways. It thus stabilizes a particular reality and sets the terms for future discussions. (p. 359)

In their given contexts, charters act to stabilize particular realities for communities.

In the specific genre of City Charter, that community is primarily a municipal city government, as well as (indirectly) the larger city community. The key components of action performed in city charters are designating the existence of governing bodies and defining their authorities. According to the Minneapolis City Government website, the City Charter "is the constitution governing the municipal government. The charter



defines the powers the citizens agree to give their city government and how the government is to be structured. The Charter defines which officials are elected, their term lengths, duties, powers and responsibilities and establishes the lines of authority for the departments” (“Minneapolis City Charter,” Minneapolis.mn.us).

With the original charter, a City government “reality” was obviously functional, evidenced by the very existence and operation of the Minneapolis government. Further, the City Attorney’s public caution that altering the City Charter would put the city’s interpretations and precedents of the charter at risk shows that some expert insiders saw the high stakes of the stability contingent on the charter document and wished to protect it. However, the scope of genre problems reported by insiders and experts—ranging across organization, content, and language—suggest that even though some very close users of the document were able to use it successfully, other insiders—and certainly outsiders—encountered significant difficulty.

In McCarthy’s terms, there had developed—or perhaps always been—some slippage between the stabilized reality depicted by the Minneapolis city charter and the expectations and values of the Minneapolis City government and city communities. As time went on, numerous amendments to the charter and other superseding laws intensified this slippage, as did evolving language norms and a more prominent valuing of public or non-expert accessibility to law. The Charter Commission addressed this slippage as under the purview of what their plain-language revision would address.

It is important to recognize that the Charter Commission characterized the slippage problems as non-substantive, as issues of form. The Commission was explicit in

its intention to preserve the current structure and operations of city government and change only dimensions of form in the charter. In their 2006 recommendation report to City Council, they stated: “This revision’s purpose is *not* restructuring the City government or otherwise effecting any substantive change. Its purpose is only modernizing, simplifying, and uncluttering the Charter, and redrafting its provisions for clarity, brevity, and consistency” (p. 2). The final 2013 report included the same statement (p. 3), and every instance of news coverage highlighted this position. Many insider interviewees also echoed it.

It was a key and deliberate decision on the part of the Charter Commission *not* to include substantive changes in order to secure the best possible chance of having the revision adopted by the City Council or the public vote. It was thought that incorporating substantive change would make the revision too politically charged, too vulnerable (CCC2; CCC4; CCC6). Several Charter Commissioners felt that issues of substance, such as introducing a city manager position into the city structure or adjusting other provisions, should be addressed at a later time so as not to blur the strict accessibility goals of this revision. This contextual consideration is an important factor in understanding the Commission’s position on the substance/form divide.

Many interviewees, especially those on the expert end of the spectrum of insiders, were forthright in their rejection of the possible separation of form and substance. It was the key concern of the insiders who saw the revision jeopardizing the stability of the established government reality. Interviewees with law backgrounds made comments like:

- “Words mean things!” (CAO3)

- “I kind of don’t believe that’s possible. If you’re changing words, you’re changing words. Words have meaning.” (PBC1)
- “I think they made lots of substantive changes because language matters.” (CCL1)

The City Attorney’s public position further identified the risks of interpretation: “As a lawyer, I really can’t say that you can change wording and be guaranteed of the same interpretation and the same result...It inevitably leads to questions about, what does this provision mean? Does it really mean the same thing that it did before” (Gilbert, 2013). These folks, as insider users of the charter, were expressing a counter-position to the Charter Commission’s form/substance division; they saw substance as inevitably linked to form and by extension, the structure and operation of the government.

This form/substance tension is a perennial concern of genre and rhetorical stylistics scholars. As I established in Chapter 2, the social approach to genre in TPC characterized by Luzón (2005) focuses on the contextual and social actions of genres, often downplaying a focus on form as a way to define genre. However, Devitt (2009) challenged the resistance to form, arguing that “Form shapes textual substance in particular ways; it shapes response to textual situations in particular direction. Without form, of course, there is no text to interpret, no action” (p. 30). Instead of a formalist approach to conventionalized form, Devitt calls for approaching form in the same cultural, social, and rhetorical way that scholars understand genre (p. 28).

In the remainder of this chapter, I—in some sense—explore the Charter Commission’s claim that they made no substantive changes through their genre-focused

adaptation of a Model City Charter. I draw on Devitt’s definition of form as “the visible results and notable absences of language-use in generic contexts, from words and symbols to organizational structure and layout. It is what is said and written, and what is not said and written” (p. 33). She offers four principles for exploring form rhetorically, which I repeat below from Chapter 2:

- The forms of genres are meaningful only within their full contexts—cultural, social, and individual.
  - The forms of genres range widely, both synchronically and diachronically, and cannot be pinned down with closed or static descriptions.
  - The forms of genres vary with each unique instance of the genre, but unique instances share common generic forms.
  - The forms of genres are inter-genre-al, interacting with forms of other genres.
- (p. 35)

These principles underscore the way I analyze the formal changes contingent on the model charter.

**A Model City Charter.** To address the perceived deviations of genre in the charter, the Charter Commission adhered to a model city charter published by the League of Minnesota Cities (See excerpt in Appendix 5). Adopting the parameters of this genre model constituted a significant re-envisioning of the charter, making it more consistent with the generic functions and features of typical Minnesotan charter city governments. In line with Devitt’s ideas of rhetorical form, this model charter works to standardize city government communities around relatively consistent and modern charter documents,

allowing room for individual cities to flex their instantiations of the genre to meet their needs and context. This section examines the process and changes surrounding the Charter Commission’s use of this model charter. I analyze my data with a specific focus on how the model and insider user feedback reveal the interrelation of substance and form in the charter genre, especially as they connect to the existing structure and practices of the Minneapolis city government.

The model city charter advanced a specific and central principle about the function and content of the genre, included in its opening statement:

The model charter is based on the modern drafting principles that a charter should deal only with *fundamentals, leaving to the council by ordinance* the authority to provide more detailed regulations as they are needed. It is, therefore, much *briefer* than many older charters. (p. 1, emphasis added)

Through this central “principle of fundamentals,” the model charter enforced a standardized and brevity-focused definition for the charter genre. Under this principle, only the core provisions needed to distinguish a city government structure were to be included in the charter. Individual city governments could then find flexibility to meet their individual community needs through ordinances. Below I examine how this principle—treated by the Charter Commission as a non-substantive change—manifests in the present instantiation of the charter through scope and organization.

***Scope of the Charter.*** Given that the 1920 Minneapolis city charter was a loose compendium of existing laws, without strategic organization or content selection, the “fundamentals” model was a major and “modern” re-imagining of the charter. In essence,

this model spoke to the propriety of content. The fundamentals principle provided the Commission a benchmark, generated by a meaningful authority in their larger community (League of Minnesota Cities) for how to determine and deal with inappropriate or obsolete material in the charter.

In an effort to be as transparent as possible, the Charter Commission articulated the criteria they used to make the “fundamental charter provision versus ordinance” distinction: Provisions were termed fundamental or charter-worthy if they affected a citizen’s rights or “the relationship among governmental officers or bodies, particularly including (but not limited to) the independence of municipal boards” (Charter Commission Report to City Council, 2013, p. 10). Provisions that did not meet the “fundamentals” criteria were demoted to ordinance.

An example of the type of provision that was demoted under the “fundamentals” principle follows: Within the provisions related to the Fire Department, the old charter dictated “specific powers of the City Council to prescribe how buildings are constructed, the construction of fire houses and alarm systems and the punishment of offenders for interfering with fire ground operations” (p. 1, “Fire Department Issues Memorandum”). These provisions were moved to ordinance. Provisions regarding the authorities the Fire Department and its relationship to City Council, among others, were retained in the plain language charter, as were the provisions linked to the rights of certain Fire Department members to enter residences in cases related to suspected fire dangers. Again, the argument was maintained that these demotions would not impact the structure and daily operations of the government, and were therefore not substantive.

Some provisions were inaccurate or inappropriate for ordinances and therefore fell outside the scope of fundamental rights or government authorities. These irrelevant or superseded provisions were deleted. For example, outdated provisions about keeping streets clean from horse manure and dealing with gas street lights were removed. Other provisions, such as those detailing the no-longer-existing Minneapolis Library Board, were moot due to other state and special laws, and were also deleted.

The Charter Commission acknowledged a critique that demotions and deletions were inherently changes of substance (Charter Commission Report to City Council, 2013, p. 9), especially given that ordinances can be changed through a less rigorous voting process. However, the Charter Commission held fast to the claim that *if government operations and actions remained the same, no substantive changes were occurring through the charter's revision* (Handwritten Notes, Charter Commissioner, June 2006, emphasis). According to this claim, substance is defined as the structure and operations of the Minneapolis city government. This approach is generally consistent with a social, action-based understanding of genre and vitally underscored the arguments of the Charter Commission throughout the revision process. In the next section, I explore the purportedly form-based changes from applying the principle of fundamentals through organization, and consider their relationship to substance from the perspective of insiders and their feedback.

**Organization.** The principle of fundamentals formally materialized in the revised charter through the Model Charter's recommendation to, as the ballot referendum put it, "reorganize[e] the charter into nine articles, with each article covering a single subject,

and group[] related provisions together.” In the original charter, there were many redundant provisions, as well as widely scattered references to single topics. The model charter provided a primary starting point for restructuring and topicalizing the charter material.

From a genre-based perspective, this is an important site to investigate the relationship of form and substance. The structural outline of articles in the model charter concretized the principles of fundamentals in terms of specific charter substance. In other words, these nine article topics—arguably the “organization” of the charter—constitute the core topics of content that make up a fundamental city government. Granted, the content of each article is flexible and based on city community preferences. But even so, the nine articles “set the terms for later discussion” (McCarthy, 1991, p. 359); they are the entry points for audiences.

The old charter had the following breakdown of 20 sections:

- I. City and Ward Boundaries
- II. Officers—Elections
- III. Powers and Duties of Officers
- IV. City Council—Powers—Duties, etc.
- V. Taxation and Finance
- VI. Police Department
- VII. Fire Department
- VIII. Highways and Bridges
- IX. Water Works



- X. Local Improvements—Assessments
- XI. Miscellaneous Provisions
- XII. Power to City Council to Grant Franchises
- XIII. City Planning Department
- XIV. Board of Health
- XV. Board of Estimate and Taxation
- XVI. Parks and Parkways
- XVII. Library Board
- XVIII. Reserved
- XIX. Civil Service
- XX. Laws made Part of the Charter by Reference, Etc.

Even someone unfamiliar with the charter can probably recognize the unusual range of chapters in this breakdown, and many users report the inconsistencies of topic within chapters. Note that the old charter did not have a table of contents with the chapter topics displayed as I have compiled them here, so they did not facilitate navigation easily.

The revised charter contains the following nine articles, which are provided at the opening of the charter document as a table of contents.

- I. General Provisions
- II. Boundaries
- III. Elections
- IV. City Council
- V. Board of Estimate and Taxation

- VI. Park and Recreation Board<sup>5</sup>
- VII. Administration
- VIII. Officers and Other Employees
- IX. Finance

While some topics are consistent with the original, others are omitted in the revised charter or subsumed under other sections.

I find it important to note that McCarthy (1991) and Devitt (2009) both echo Kenneth Burke (1935) in their attention to *absence*. McCarthy, focusing on *substance*, notes that charters “deflect[] attention from other ways [of seeing]” (p. 359); Devitt, in her definition of *form*, includes the “notable absences of language-use in generic contexts” (p. 33). The original and revised organizational structures of the charters demonstrate the convergence of form and content: the structural form reflects the fundamental principle of content in the modern charter genre. The absence of some topic headings doesn’t necessarily mean those topics are not addressed at all in the charter, though as the previous section demonstrated, much of the charter was eliminated or relocated to ordinance. A rhetorical understanding of form in the case of the charter calls for recognizing the relationship of the fundamentals principle—the formal genre boundary and source of formal organization—to the presence and absence of certain substance. Further, the heightened presence of some topics due to the formal organization scheme may have implications for how the document is interpreted and used in the

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<sup>5</sup> The Park and Recreation Board is referred to as “special” department in the Minneapolis government. It enjoys unique independence and is not equivalent to other boards or departments. For this reason, it is often singled out as it is here in Article VI.

future. The consideration of use will be further elaborated in Chapter 5, but it is pertinent here to mention that the Charter itself ascribes meaning to headings. Below is excerpted its definitions of construction:

(d) Construction. For this charter’s purposes, except as this charter otherwise provides—

(1) each term used in this charter has the same meaning as in the Minnesota constitution and statutes, and other law relating to the same subject;

(2) the canons of construction and other principles of interpretation in the Minnesota statutes apply to this charter;

(3) *each heading is a part of the charter, and may be used in interpreting its provisions, although the heading is subject to the text;* (I.3, emphasis added)

Devitt’s principles of form call for recognizing the “intra-genre-al” nature of form in specific contexts, and these construction definitions above help to show the way headings correlated formally with other fundamentals-focused charters in Minnesota, and also that other dimensions of form connect with other genres. Specifically, “each term” in the charter is consistent with other Minnesota laws and the state constitution, and principles for interpreting form are consistent as well. The model charter is one genre that helps to standardize these formal inter-genre-al relationships.

Accordingly, within each section heading, the model charter provided guidance on specific decisions, with particular attention to contextual factors related to Minnesota

State Law. The model charter does not require any specific form of government because that would impede the self-rule motivations of city charters in the first place. Rather it provides placeholders for where fundamental provisions would be slotted and suggestions for modern and brief charter practices. For example, in “Section 1.02 Powers of the City,” the model charter states that historically charters included a lengthy description of a city’s powers. Below is the description included in the original charter as a demonstration:

Section 2. - Powers.

The City of Minneapolis may sue and be sued, plead and be impleaded, in any court; make and use a common seal and alter it at pleasure; take and hold, lease and convey all such real, personal and mixed property as the purposes of the corporation may require, or the transaction[s] or exigencies of the business may render convenient within or without the limits of such city; shall be capable of contracting and being contracted with, and shall have all the general powers possessed by municipal corporations at common law, and in addition thereto shall possess powers hereinafter specifically granted, and all the authorities thereof shall have perpetual succession.

The Model Charter states that modern charters should omit such a list and instead include an “all-powers” line like the following, which I’ve drawn from the revised charter (emphasis added):

§ 1.4. Powers

(a) Powers plenary. The City, acting through the boards, commissions, committees, departments, and officers for which this charter or an ordinance provides, *may exercise any power that a municipal corporation can lawfully exercise at common law.*

[...]

(d) Unmentioned powers. This charter's mention of certain powers *does not limit* the

City's powers to those mentioned.

The difference here demonstrates two key things: First, the preference toward brevity embedded in the principle of fundamentals privileges shorter provisions. Second, by shortening this provision to abstractly reference powers that are currently afforded by common law—rather than listing them out—the modern charter becomes a genre even more obviously embedded in other genres and systems of law. Further, this form of provision automatically remains accurate even if the common laws change, because the *fundamental* relationship of common law to the powers of the City is what is preserved here. The preference toward brevity is an example of rhetorical form contextually overlapping with substance—in this case the authorities enjoyed by the City of Minneapolis according to common law.

**Insider Feedback and the Form/Substance divide.** The important and persistent tension over the form/substance division is evident in the kind of feedback provided by insiders. While the revision was promoted as a project of accessibility, the bulk of insider feedback was not in reference to its accessibility for the public, but rather to its potential

substantive impacts on, in McCarthy's terms, the stabilized and practical city government reality. These potential substantive impacts were attributed to different sorts of formal change, although in this section I attend to the changes resulting from adherence to the fundamentals principle and organizational model in the Model Charter.

A great deal of insider feedback emerged when City Council requested a City Attorney-led work group to evaluate the impacts of the new charter on city departments. The work group included department heads or designated representatives from each department, and used the following methodology:

The City Attorney's Office reviewed the proposed Charter amendments and compared them with the current charter. The attorneys met with department representatives to review the amendments and to discuss the impacts on the representative's department. Following this, the attorney's prepared memoranda outlining the proposed amendments related to each department or subject matter. The attorneys reviewed the memoranda with the department representatives and presented them in Work Group meetings where all present discussed the proposals. During the meetings, the group discussed whether or not the proposed amendments were critical to the departments operations and whether alternatives should be proposed. ("Memorandum Reporting Formal Review of Proposed Charter Changes", n.d.)

The memoranda pursuant to this Work Group included a wide variety of recommendations. Most concurred that removed provisions would work equivalently as ordinances, preserving the current structure and practices of the government. For

example, the Fire Department concurred that removing Charter Chapter 7 to ordinance “should have no impact on how these matters are handled, and are indeed better suited to ordinance” (“Fire Department Issues” Memorandum, n.d.). Similarly, the Finance Department stated that “removing the position of Finance Officer to ordinance would have little to no effect on how financial matters are handled in the City (“Finance Department Issues” Memorandum, n.d.).

Another useful example arose in an interview with a member of the City Clerk’s Office, CCL1, who described an early charter version:

“[It] only contained elected offices: Mayor, City Council, Park board, Board of Estimates and Taxation, and none of the departments. They said that should all be taken care of by ordinance. And I remember making an impassioned plea to them. [...] That sounds great in theory, but this level of government is much closer to the people, whether they know it or not, and to leave the structure of the government to the whim of Council Members and the Mayor, who could change it every week [...] is not in the interest of the people you’re trying to serve. I’m not saying you need to spell out every officer, but there are certain departments and officers that need to be spelled out.[...] So in the end a compromise was struck. What we’ll do is we’ll outline the departments but not prescribe any duties, and that was sort of the middle ground. Then some of them gained a little bit more [definition]” (CCL1).

In this case, CCL1 pointed to the haziness around the notion of substantive change and its relationship to government structure. There could be a conceptual consistency of

government structure and authorities, but in terms of guidance for daily procedure, removal to ordinance posed risks in terms of reliability. She went on,

Even if you don't want to prescribe to the extent the previous charter did. Some of that needs to be preserved. So again, to the original question about substantive change. I would argue that there was. From [the Commission's] perspective, from the high constitution level, I can see them say there were no substantive changes. But from a day-to-day practical operating level, I would say that those of us-- wow, those 15 pages just left! And those 15 pages included, for example, how to amend changes to the charter! What do we do?" (CCL1)

The Commission was seeking to characterize substance—i.e. existing government structure—as something separable from the old charter. The insiders and experts within the government, especially those who know and use the charter intimately, saw that separation as problematic and resisted more than others, offering strategic and specific feedback. In CCL1's terms, the Commission (through the model charter) may have been looking at substance from a "high constitution level," rather than from a technical, day-to-day operations perspective—a perspective of use. This high level permitted the strong public claim that the charter preserved substance and changed only form, which was important to the enterprise of revision contextually and politically. The slippage between a high level of substance and a more use- (or future-use) based understanding of substance—that is, the difference between this revision being a change of substance or only form—accounts for the substance-focused feedback from insiders, especially experts like CCL1 who use the document frequently and for technical tasks unavailable to others.



I return to the Charter’s impacts on use in Chapter 5, but here CCL1’s point also marks attention to some finer-grained changes of form. The Charter Commission went to great lengths to re-envision the charter to be more consistent and “inter-genre-al” with Minnesota state laws and other chartered cities, and most insider feedback responded to those broad “high levels” of form (i.e. organization and the fundamentals principle of provisions) as potential changes of substance. The finer-grained changes of form—in Devitt’s terms, the words and symbols used and not used—were not nearly as prominent as a subject of insider feedback. The following sections address the sentence- and word-level changes throughout the charter.

### **Style in the Charter Revision**

The more traditional stylistic elements of the plain language charter are conceptually a critical part of this revision, as they speak most directly to the claim for public accessibility. Yet, while extensive insider feedback sought to prevent substantive change, very little effort was put toward evaluating whether the public could actually read the charter. Outsider accessibility was measured primarily through adherence to the plain-language guidelines included in Bryan Garner’s (2001) book.

This section overviews the stylistic strategies the Charter Commission—especially its primary drafting member—re-wrote the city charter. It also augments that overview with quantitative data depicting stylistic differences between the unrevised and revised versions.

**Garner’s Guidelines.** Brian Garner’s (2001) *Legal Writing in Plain English: A Text with Exercises* is a well-established and popular guidebook for plain language in

law. Garner advances the general principle that clear thinking is linked to clear writing (p. 3). The book includes a series of guidelines and exercises to figure out precisely what one wishes to communicate and how to express it in succinct, plain English. An abridged version of these principles are overviewed below in Table 7.

**Table 7: Garner’s (2001) principles for plain legal writing.**

<p>Principles Mainly for Legal Drafting</p> <ol style="list-style-type: none"><li>1. Draft for an ordinary reader, not for a mythical judge who might someday review the document</li><li>2. Organize provisions in order of descending importance</li><li>3. Minimize definitions. If you have more than just a few, put them in a schedule at the end—not at the beginning</li><li>4. Break down enumerations into parallel provisions. Put every list of subparts at the end of the sentence—never at the beginning or in the middle</li><li>5. Delete every <i>shall</i></li><li>6. Don’t use provisos</li><li>7. Replace <i>and/or</i> wherever it appears</li><li>8. Prefer the singular over the plural</li><li>9. Prefer numerals, not words, to denote amounts. Avoid word numeral doublets</li><li>10. If you don’t understand a form provision—or don’t understand what it should be included in your document—try diligently to gain that understanding. If you still can’t understand it, cut it.</li></ol>
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The Charter Commission identified the section “Principles Mainly for Legal Drafting” as being especially relevant to their revision, and they credited these guidelines overall with contributing to a “far more readable [charter] document” (p. 14). Garner’s guidelines are like many other style and plain language guides, including Joseph Williams’ foundational *Style: Lessons in Clarity and Grace*, the Center for Plain Language’s Checklist, and the plainlanguage.gov guidelines for the Federal Plain Writing Act,

although they are obviously geared specifically toward legal writing and provide examples exclusively in that area.

Like other plain-language resources, Garner provides strategies that transform lengthy, complex prose into shorter, streamlined, and more active statements. Some of his general principles include omitting excess words and nominalizations, keeping subject/verb/object together, maintaining active voice whenever possible, and avoiding negatives. In addition, Garner includes suggestions specific to legal writing, including removing “shall,” legal jargon, and provisos. T

Below I provide an example of the active voice in the plain language charter. The charter itself is invoked directly as an actor in many new sentences. Consider the opening provision:

§ 1.1. Name

*This charter governs* a city named the “City of Minneapolis” in Hennepin County, Minnesota.

[...]

Restatement and supersession. *This charter fully restates and supersedes* every prior version of, and any ordinance or other municipal act inconsistent with, this charter.

In the original charter, there are no sentences in which *charter* is used as a subject in an active sentence. For comparison, the old charter’s first provision stated the following:

§1. The City of Minneapolis in the County of Hennepin in the State of Minnesota shall continue to be a municipal corporation under the name and style of the City of Minneapolis [...]. (Chapter 1, §1)

In some sense, this sentence-level change reflects a more explicit awareness on the part of the committee of the work and authority exerted through the charter genre. This example also demonstrates the effects of reducing sentence length.

Few word- or sentence-focused issues were recorded in formally documented feedback on the charter, although insiders did identify concerns related to terminological consistency or clarification. For example, in the City Attorney's work-group reports, the Finance Department indicated:

At one time, the existing Charter referred to the Finance Officer as the 'Comptroller-Treasurer.' Currently, the Charter still makes mention of both the Finance Officer and the 'City Comptroller.' The proposed Charter generally refers to the City's Chief Financial Officer as 'Finance Officer,' but also, on occasion, makes reference to 'Treasurer.' In the event that revisions are being considered, it would make sense to ensure that all these references are consistent throughout. ('Finance Department Issues' Analysis Memorandum, n.d.).

More substantial word-level questions were also addressed, such as in the case below:

The proposed Charter amendment changes the requirement that the Mayor 'address' the City Council annually on the state of the city, to a requirement that the Mayor must 'report' annually. This could be construed to allow/limit the Mayor to deliver a written document to the City Council rather than appearing in

person and addressing the City Council on the state of the city. (“Powers of the Mayor” Memorandum, n.d.)

The internal revision occurring within the Charter Commission’s committee work addressed substantial word-based and sentence-based issues, however these exchanges did not often reach the level of formal documentation. I was provided access to a Commissioner’s personal notes from a portion of one internal review. Some concerns included the appropriateness of certain terms used in the revision, brought into question by members of the Commission. For instance, there was some discussion about the use of the term “citizen” in place of “resident” or “inhabitant” as the way to describe people living in the city. The notes indicate that there are different legal interpretations for these terms, and therefore it must be included and defined for the “purposes of the charter” (Personal notes, 2008). The notes indicate “Inhabitant or resident is more neutral, but citizen is most appropriate in terms of the law.” Ultimately the revised charter included “resident” in the definitions:

“a “resident” means an inhabitant who resides within the City, regardless of whether he or she is a citizen within the meaning of the federal or state constitution or any other law” (1.3 (d) (5).

Another Commissioner expressed that the Charter Commission committees discussed various interpretations of re-written plain provisions, saying that plainness didn’t necessarily “mean neutral” (CCC3).

Despite these examples and the immeasurable time and energy put into careful re-wording of the charter by the primary drafter, the documentation surrounding the plain-

language revision showed strikingly little attention to any *specific* controversies around the plainness guidelines applied to the text. Attention to these elements—which again, served the main purpose of the entire revision—came through holistic statements, like that of the City Attorney on MPR, stating that she couldn’t guarantee any previous interpretations based on the new language, and various other officials’ concerns stated earlier, such as “Words mean things” (CAO3) and “I think they made substantive changes because language matters” (CCL1). Ultimately, much of the attention that was paid to the application of Garner’s guidelines was a product of concern over avoiding substantive change, similar to the attention toward the genre-focused changes.

The comparative invisibility of the stylistic changes speaks to an older assumption in the plain language and readability movements that public access and comprehension can be measured simply through plain prose and requires no further attention. Plainness in this case refers to many of the same traditional elements of plainness championed in readability formulas and early iterations of plain language. I will return to this tradition of plainness, but first I must elaborate the stylistics elements of plainness reported about the revised charter.

**Quantitative Differences Between Charter Versions.** Plain language advocates have long hoped for quantitative features that could accurately and sophisticatedly predict the accessibility or readability of documents. Readability formulas, which have largely been challenged by scholars, continue to be used in many professional and technical contexts as indicators of reading level. They are often based on word and sentence length and other countable factors. While in the present case the City Charter Commission did not

use such formulas to *generate* text, they did offer the Flesh-Kinkaid Reading Ease level score and a common Grade Level score to act as evidence of the new charter’s readability compared to the old one. The Commission provided these scores and quantitative information supporting their adherence to Garner’s guidelines in the following chart (Figure 6), submitted to City Council upon final submission of the Plain Language Charter:

	<b>Charter</b>	<b>Revision (Comparison)</b>
<b>Pages</b>	192	63 (33%)
<b>Words</b>	70,905	13,862 (20%)
<b>Words per Sentence</b>	43.7	12.7 (29%)
<b>Passive Sentences</b>	14%	3% (21%)
<b>Reading Ease score<sup>28</sup></b>	31.6	48.6 (154%)
<b>Grade Level score<sup>29</sup></b>	12.0	9.6
<b><i>Doth</i></b>	4	0
<b><i>Shall</i></b>	1,848	0

**Figure 5: Charter Commission’s self-reported quantitative changes to the charter.**

This chart shows some basic quantitative data which helps to demonstrate the reduced overall length, as well as the results of several of Garner’s guidelines, such as the

removal of “shall” and limiting sentence length and passive sentences. The differences between the original charter and the revision are quite striking, although these concepts rely on features that do not in themselves define plainness or accessibility, or provide insight into whether specific audiences’ reading needs are met. Rather, they are assumed to serve the “ordinary reader” referenced by Garner (p. 91).

To augment these self-reported claims, I used Docuscope, a text analysis program, to investigate any other quantitatively discernible significant differences between these texts. Through this analysis, Docuscope identified two differences that I elaborate in the sections below. First is a difference in syntactic complexity. Specifically, the old charter had nearly twice as many coordinators and prepositions as the revised charter. While it was already clear that the sentence length was substantially shorter, this finding provides insight into one way the writers achieved the shorter length through bulleting. Second, Docuscope showed significantly less usage of archaic municipal-legal terminology in the revised charter. Below I expand on each of these findings.

**Syntactic Complexity.** In the original city charter, information was relayed in lengthy sentences, sometimes 200 words or more. One strategy—motivated by Garner’s suggestions described in an earlier section— was to construct sentences with an average of 20 words, use active sentence structure, strong subjects and verbs, and minimize wordiness. Docuscope shows that a key result of these revisions is fewer coordinators and prepositions. This result makes a great deal of sense, given that conjunctions and prepositional phrases are a major generator of length.



A closer look at how this affected the charter language shows that another of Garner's plain language suggestions may be in part responsible: Garner encourages the use of bulleted or enumerated lists. Many of the lengthy sentences in the original charter contained long lists of authorities, qualifiers, and caveats. With bullet or enumerated formatting, these elements are removed from traditional sentence structure and their relationships can be indicated more directly through hierarchical, multi-level organization. Quantitatively, these breakdowns are also counted as fewer words per sentence.

Below I provide an example of content being re-organized into enumerated points and sub-points. The following example shows how a 103-word chunk from chapter 20 of the original charter has been revised into a series of multi-level sub-headings and points.

The original charter stated:

§3 Certain Laws Excluded.

No law heretofore passed by the Legislature of the State of Minnesota and expressly made applicable only to cities of the first class having a home-rule charter or governed under a charter adopted pursuant to Section 36, Article 4, or the State Constitution, and in force at the time of the adoption of this Charter, shall apply to the City of Minneapolis or any of its departments, boards or officers, and no such law shall confer or impose upon or vest in the City of Minneapolis or any of its departments, boards or officers any rights, powers, duties, functions, privileges or immunities whatever. [ch. 20, § 3]

This chunk was revised to the following:

(c) Laws.

(1) Inconsistent laws superseded. This charter supersedes any special law in effect at the time of the charter's latest revision on January 1, 2015, to the extent of any inconsistency between them.

(2) Certain laws preserved. The charter does not affect any special or other law to the extent that it—

(A) confers upon the City, or upon any board, commission, committee, department, or officer for which this charter or an ordinance provides, a power, right, duty, or role in addition to those for which the charter or ordinance provides; or

(B) covers a matter that this charter does not cover.

This enumeration of the text allowed for more streamlined signaling of content and help indicate the relationships between content points.

Another use of bullets served to visually break apart lists. See the following example below, where the order of candidates on a ballot is codified.

The names of all candidates to be voted on at any general City election, City primary election or special election for City purposes shall be placed on one ballot. Regardless of whether they are contested or uncontested, the offices on the ballot shall be in the following order: Mayor; Council Member; Board of Estimate & Taxation Member; Park and Recreation Commissioner at Large; Park and Recreation Commissioner by District; Library Board Member. [ch. 1, § 9]

This large chunk was revised into the following:

(2) Order. The candidates' names must appear on a single ballot, which lists the offices being elected in this order:

(A) Mayor;

(B) Council member;

(C) Board of Estimate & Taxation member;

(D) Park & Recreation commissioner at large;

(E) Park & Recreation commissioner by district; and

(F) Library trustee. (3.1.2)

In addition to multi-level enumerated bulleting, the committee simply limited sentence length. In the following example, a lengthy sentence is reduced into shorter ones.

The City Clerk shall give notice of the time and places of holding general city elections, which notice shall be given at least 15 days before the general city election, and unless otherwise specifically provided for in this Charter, the City Clerk shall give 15 days' notice of the time and places of holding special elections (Chapter 2, Section 10).

The revised charter reads:

(c) Administration. The City Clerk administers each election under the City Council's direction. The clerk must give public notice of the time and place of holding each election at least 15 days before the election. (3.1(c)).

This example also demonstrates the elimination of the proviso, “unless otherwise specifically provided for in this Charter,” in accordance with Garner’s guideline 36.

**Archaic Municipal and Legal Terminology.** Docuscope confirmed a significant reduction of legal jargon, such as “therefor”, “aforesaid,” and many others. Limiting technical terms is consistent with other plain language, such as plainlanguage.gov and the Center for Plain Language, as well as with other more traditional notions of the plain style as I mentioned in Chapter 2. In cases related to law, simplifying these terms can be a difficult issue, given the long-established meaning of specific terms and their links to precedent. Some opponents of plain language see it as a question of jeopardizing accuracy for simplicity’s sake, although advocates refute this claim.

#### **Chapter Summary: What is Plain Language in the Plain Language Charter?**

The task of this chapter was to present findings that answer the research question, “What is plain language in the plain language charter?” I explored the dimensions of Charter revision through three main categories: Audience, Genre and Style. My data showed that the Charter Commission promoted and supported this revision as a public service, enabling democratic access to the charter for public, non-experts. However, a context-driven revision led the Commission to consult mainly insiders and experts—the primary audiences of the charter—for feedback. Guided by Devitt’s (2009) rhetorical refiguring of form, I examined the changes to the charter based on a city charter genre model and Bryan Garner’s (2001) *Legal Writing in Plain English*. The former contextualized the Charter within other laws and cities within Minnesota, and the latter within a tradition of strategic plainness. These two sources and the changes they guided

raised questions about the relationship between form and substance in genre. The Commission defined revisions as non-substantive if they did not impact city government structure and authority. This appears, on a high level, to be supportable by a social action-based understanding of genre. However, a perspective closer to the ground in city government—a perspective based on *use*—suggests that form and substance are more complexly linked in the city charter. I examine the use-based perspective of insiders and experts in the next chapter.

## Chapter 5: The Impacts of Plain Language for Insiders

As I showed in Chapter 4, the Minneapolis City Charter Commission held fast to the claim that the plain-language revision—which covered the scope of contextually appropriate content, organization, and style—made no substantive changes to the Charter. Accordingly, substance was treated as the existing structure and authority of the Minneapolis City government as it was defined by the previous charter. As one interviewee described it, this engages a high-level understanding of substance as structure and authority, and theoretically I contend that such a claim supports a conception of genre based on social action. But the plain language revision did have effects, and in this chapter I report those effects from the perspective of insiders. Specifically, this chapter answers the following research questions:

RQ1: How does plain language affect the way city government insiders make sense of the city charter?

RQ2: How does plain language affect the tasks city government insiders must complete with the charter?

I report and discuss areas of impact reported by insiders and experts on the way they make sense of and use the revised charter. The three areas of impacts that emerged in my data were contingent on the fact that the charter was not a new document, but a revision. The history and context of the unrevised charter, as well as the range of experience current government insiders had with the document, played a critical role in their perceptions and reported uses of the revised charter. I term this core concept *interplay*. Interplay includes any residual connections between unrevised and revised charters—in

text, meaning, or practice—after the PLC was adopted. Dimensions of interplay span across all categories of impact, and they have bearing on the way insiders report their experiences. In complex ways, this interplay surfaces through the meaning-making process of and practical application of the provisions. In a simpler example, interviewees might say “the new charter is *easier* to read than the old one.” Whereas in the case of a newly composed plain-language document, with no preceding version already entrenched in an organization or community, interviewees might simply report that the “charter is *easy* to read.”

The comparative aspect is important to consider in my interviewees’ perception-based accounts of use because this is not a comparative study. No *in situ* uses were observed of the old charter as a control for systematic comparison. As an exploratory study into the reported impacts of plain language on insiders, these data only begin to address a common but unattended phenomenon in law and other TPC contexts. Numerous legal texts are being revised in plain language, and they have complex user histories and a long lineage of interpretations. Understanding the perceptions of insider users—a group from which plain-language opponents often emerge—is a place to start understanding how these histories and practices may change with plain language revision.

This chapter reports the three main areas insider and expert (primary) audiences saw or experienced the effects of plain language. First, in an **interplay of authority**, the plain-language revision affected the ways insiders—especially experts—interpreted charter powers and authorities. Second, different sorts of what I call **interplay of practice** emerged. Specifically, the PLC impacted individual insiders’ reading strategies,

mainly in terms of navigation and organization. In addition, the revision had effects on several government processes involving insiders and the charter, including the proposing, clarifying and evaluating of new charter amendments, as well as outsider-to-insider enculturation. Lastly, there was **inter-genre-al interplay** between the PLC and city ordinances.

These impacts help to show the complex rhetorical effects of altering form and redefining genre boundaries. My findings show that users' genre knowledge and the surrounding activities linked to the charter are affected by the language, organization, and scope of the document. In addition, my findings show the plain language revision of this case has expanded the charter's audience to more firmly include non-expert insiders. At the same time, in what a judge described as "transactional costs" (Willerton, 2015), expert insiders experienced some ongoing additional work as they learn to make sense of the new document in relation to the old, especially in highly technical tasks.

### **Interplay of Authority**

One form of interplay reported in my data were the interplay of authorities between the old and revised charters. In this section, I report the ways insiders identify—through law and practice—the old charter affecting the purview and powers of the new charter, and conversely, how the new charter can rewrite the old.

### **Persistence of the Old Charter**

As I described in Chapter 4, there was a great deal of concern across insider feedback that the revision would constitute substantive change. In the media coverage



that preceded the revision’s ballot referendum, a journalist included the following passage which captured that broad picture of concern:

“Although [the city attorney] agrees that the current charter is overly long and complicated, she said that complexity hasn't caused any problems. On the contrary, she said, thanks to 93 years of legal opinions and precedents, *there is no confusion about what the document means.*

On the other hand, [she] said, the new one would create uncertainty.

‘As a lawyer, I really can't say that you can change wording and be guaranteed of the same interpretation and the same result,’ she said. ‘It inevitably leads to questions about, what does this provision mean? *Does it really mean the same thing that it did before?*’” (Gilbert, 2013, emphasis added)

To quell worry about substantive changes, and to prevent unintentional changes to the structure and functioning of the city government, the following provision, which carries through the intent of the old version, was included in the revised plain-language charter:

Construction. For this charter's purposes, except as this charter otherwise provides—

[...]

(4) the settled interpretation of any term or provision from a version of the charter before its latest revision on January 1, 2015, is valid in interpreting the revised charter to the extent that the charter carries forward the interpreted provision or term;

Here the revised charter is explicitly and lawfully linked to the original charter, guaranteeing the persistence of the old charter and the “93 years of legal opinions and precedents” that established its meaning.

In practice, this means that one impact of the plain-language charter is to, in some sense, create two lawful charters; the old charter’s intent (and practically its material text) persists and remains relevant to making sense of the plain language charter. For example, when the City Attorney’s Office member makes a judgment about an ambiguity in the plain-language charter, they may seek guidance from the unrevised charter and earlier legal opinions and court precedents. Other users refer back, as well. A total of 5 respondents indicated the persistence of the old charter, included below in Table 8.<sup>6</sup>

**Table 8. Participant statements regarding the persistence of the old charter in their work.**

Participant ID	Interview Excerpt
PBC1	Something will come up, and it will be just a little bit-- you know the plain language has many benefits, but it’s a very general way of talking. And so, it’s helpful to go back sometimes- ok, what did we used to say about this. And it informs how we interpret the new plain language charter.
PBC1	it’s the intent of the change that these other -- no powers are being added or subtracted, and if there’s ever an issue we’ll go back and figure this out.
CAO2	You know the recent ordinance the city passed, “paid safe and sick”. So one question is what kinds of powers have we claimed in our charter, and all the cases talk about a general welfare clause. So we don’t have anything that talks about general welfare anymore; we did in our original charter. And there’s this simple sentence now, that says we claim all powers that were available at common law. And there was no intent to

<sup>6</sup> Although I coded based on T-Unit, I present findings here clustered in relevant groups drawn from a single interview. Sometimes participants mentioned relevant items at multiple points in their interview, and I have separated those entries in tables.

	change the scope and so we reason back to the old one and we carried over that broad general welfare provision in our current charter.
CCM2	I think generally speaking, when you get to something very obscure, we can certainly go back to the old document to know what it's intent was, and how to move forward with how the interpretation should be.
CCM2	I know we can always go back and look at the old charter if we had to, and I haven't had to.
CAO1	I definitely refer back to the old charter at times, still. [...] like, "what did this mean?" yeah. What did this used to say, right.
CAO1	And the old charter was a convoluted mess, but it contained great detail, and sometimes it's helpful to look back to see what it used to say.
CCL1	In fact right now we have a total of four proposals to amend the charter. And so the process for amending the charter is statutory but then finding in the charter where it is, so I'm going back and forth between that and [the old charter] saying, is that a proper subject for the charter? What is the process for that? Two of the proposals are being proposed by amendments by the City Council. Two of them are being proposed by citizen petition and there's a signatory requirement for that, and my office is part of shepherding that through.
CAO1	depending on the question there could be slightly different nuances or another provision that comes into play or way we've interpreted it in the past, or how it works in the past
CAO2	So it's a legal construct then of how you interpret it, and if there is, they say this language is ambiguous, then you can say, this other section says no substantive change, here's the corresponding section of our old charter, which much more clearly spells out this is what it's supposed to mean, if it does.
CAO1	And in the last year and half since it's been in effect, a lot of times we 'd have legal questions and we'd look at the new one and say, well, that doesn't answer that.
CAO3	So most of the attorney's office, we look at this, then we look at the old charter, then we go back to the new charter. I'm not sure what it means, because it's not clear, so we go back and look at the old one in this circle. For us, we were looking at some questions were like, well this is how we would have answered it in the old charter, and the new charter is even more unclear because we cut so much language out, so we just develop under the new charter-- you know the new charter says you use the old interpretations to the extent that it's consistent, so we just go back to "what'd we say before?" and we grant that back into it. You know we'd go back and read it, read the other opinions on how they'd interpreted and how this affects, and say ok this is what we think it is.

This persistence, in practice and in law, reifies reservations about plain language in that it implies that plain-language might be insufficient or inaccurate for the needs of insiders and experts. Kimble (2012) credited insufficiency and inaccuracy as central objections to plain language in law. My data shows that various interpretations of these risks were present in this case study, and I explore how insiders characterize these risks and their implications.

**Amplification versus Transparency.** As I mentioned in Chapter 2, part of what defines the status of insiders is their unique tasks, which are not performable by the public. In the case of some experts, like the City Attorney's Office, one of these tasks is to provide opinions for emergent or unforeseen future ambiguity. This focus on potentialities is key to understanding the reservation about whether or not plain language is sufficient for experts and other insiders. Several interviewees, all trained lawyers, pose questions about whether the elaborate detail of the original charter provided more material and nuance for clarifying authorities and addressing unforeseen questions, or whether it was redundant and inhibited transparent interpretation. For example, participant PBC1 stated:

“That was always the challenge of ok, we're losing potentially some things where -- you know, what does that mean, and is there an easier way to express it, is there redundancy, and in human communication, Is redundancy a good thing or a bad thing? Does it change the meaning or amplify the meaning? And, by repeating, is fewer better or not? [...] There have been a few other times when I've sort of

looked at the language [...] when things might've been seen in kind of a different light that kind of gets to the richness of the language about having it use 3 adjectives to describe the same event or circumstance would have been more helpful, more fully understandable.”

A member of the City Attorney's Office described the old charter as “a pretty amazing document that covered a lot of situations,” and claimed that “[W]ithout being able to reason back to that document, we would be in a world of hurt right now with the plain language charter” (CAO2).

Another member of the City Attorney's Office elaborated:

Something will come up, and it will be just a little bit-- you know the plain language has many benefits, but it's a very general way of talking. And the old charter was a convoluted mess, but it contained great detail, and sometimes it's helpful to look back to see what it used to say. The notion was that we want it to end up where our structure of government is the same, it's not changed, and all the powers that the various departments exercise and the elected officials exercise, it's not changed either. And so, it's helpful to go back sometimes- ok, what did we used to say about this. And it informs how we interpret the new plain language charter. (CAO1)

Conversely, Charter Commissioner CCC3 objected to the complexity of interpretation: “It was often said that we had to interpret the charter to understand what our authority was. That seemed just like a ridiculous process. That you shouldn't need an interpretation.” Ideally, then, the plain language charter would make authority clear, thus

*preventing* future ambiguities. Numerous participants referenced the transparency of powers sought through the plain-language charter, even participants who also identified the lost amplification. CCC3 stated, “It added clarity and purpose to their authority [...] it added clarity for the departments.” CCM6 stated, “the plain language makes the process more transparent [...] the more transparent the better.”

Embedded in these contentions is the perennial question about the relationship of substance and form. According especially to some experts, the original, ornate style of the charter provided additional clarifying substance. Revising that style to plain language purportedly removed that substance, thus requiring insiders to take additional action to ascertain meaning in ambiguous situations: “Now it’s a three step process. Look at the new one, old one, new one” (CAO3).

This additional action is mainly identified by legal experts, especially members of the City Attorney’s and Clerk’s offices, as well as the Park Board Counsel. Table 8 above shows that although two City Council members indicate the possibility of returning to the old charter if necessary, they either imply or state that it hasn’t happened yet. The expert insiders who mention going back to the old charter make it very clear that it is already part of their process for some tasks—tasks that insiders with less expertise are not responsible for.

The persistence of the old document through the link between the original intent and the meaning of the new charter may challenge the goals of plain language. If the new charter does not preserve meaning sufficiently and users must revisit the old, is plain language doing its work effectively? Is it recognizing an inevitable relationship between

style and form that disputes the efficacy of plain-language revision? Or, alternatively, is this link rhetorically navigating the needs of multiple audiences by both providing experts the resources they need to complete their unique tasks, and providing other insiders (and outsiders) access to the more general substance of the charter for their own tasks, needs, and knowledge? My data appears to support the latter, given that several experts champion the persistence of the old document for informing their work. However, as the next section shows, the link of authority could be ineffective in some ways.

### **Rewriting Authority through the Plain-Language Charter**

To this point I have examined the ways the old charter persists into the interpretation and use of the new charter; however, the interplay of authority works backward, as well. The revised charter can have implications which override any link to the original charter's intent. Below I describe three areas—two in terms of law and one in terms of practice—that emerged in my data where the plain-language version is prioritized despite the textual link to the old charter's intent.

**“Plain on its face”: Unintended changes.** In Minnesota and elsewhere, there exist construction statutes that govern the process of interpretation for law and provide definitions. Common in these construction statutes are statements that bind courts to interpretations when the meaning is clear. A member of the City Attorney's Office described the way that, due to these statutes, a plain-language charter can inadvertently override the intention of the original despite the provision excerpted above:

[...]There's a state statute about how to interpret state statute-- if the language is plain on it's face, you don't go to any other secondary sources [...] So the concern

is if you're changing all the words, then there's always the potential the court's going to say, 'it's plain on it's face, I don't care if you have a statement in here that says there was no intent to change the meaning of the old one in the new one.' (CAO2)

This interviewee was the only source who specifically described this statute as a concern for the impacts of plain language. Most others identified a more general concern about causing unintended changes to existing laws. A Charter Commissioner explained:

A charter and the special law both have the same rank as law, and so it's the more recent of the two that controls. So if the legislature passes something that conflicts with the charter, the legislature wins. But if the city wants to undo that they just have to amend the charter. You have to know which is more recent. [...] And there are many places in the charter that say, "except as a charter otherwise provides," because we *didn't want to repeal those special laws just by updating the charter*. So, we wanted to make it clearer that a special law of long standing was still enforced even though we didn't specifically reference it the revision.

That was something that got everyone really up tight. (CCC1, emphasis added)

Other interviewees voiced similar concerns, included below in Table 9.

**Table 9. Participant statements regarding the prevention or concern of unintended changes.**

Participant ID	Interview excerpt
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PBC1	First we're saying the inconsistent laws are gone, but we also want to preserve certain laws so we don't-- so if there was an authority granted to the par board or the city or some other department, it's not the intent of this plain language charter effort to repeal or revoke this power. So that creates this gray area so we're kind of in this new one but not really.
CCM6	There were some difficulties because inevitably when you transition, when you shift the language, you try not to simultaneously shift the substance, but sometimes there are unintended consequences that aren't foreseeable.
CCC2	So one thing we tried to do is get rid of ... basically make the charter and the special laws be consistent.
CCC2	We didn't want to accidentally repeal something that we didn't mean to.
CAO1	Does this change do anything to special law that we're aware of or not?
CAO3	We were trying to bring some things into compliance with state law. Like, you don't want to reference it with too much detail, because those are in flux... You want to make it a little more vague-- like "as provided by state law".
CAO2	So we still have some provisions that in fact may or may not be consistent with those other sources
PBC1	If they have a power that can be exercised municipally, and it's not in conflict with the state law, you can go ahead and do it, but then the question is, what's conflict?
CAO1	And our fear was, ok, what-- we don't know what we don't know-- what is the true effect of this thing going to be.
CAO1	You know, small things that can have big unintended consequences.
CCM3	The second level of questions will be, "are there going to be impacts that are really particular to the document, but that reach into our ordinances?" Wasn't anything specific, but was sort of a concern.

**Inaccuracies and Errors.** Another reservation about plain language implicit in the link between the old charter's intent and the revised charter's meaning is to do with overt inaccuracies. Nearly every insider, across the range of expertise, identified the technical errors that were missed in the revision, or the potentiality of emergent errors surfacing in the future. At the time of interviews, the Charter Commission was

composing a technical amendment containing several technicalities—as minute as comma placement in some cases—to be passed with a unanimous vote in City Council in December 2016. I provide a list in Table 10 below of the interview data, as well as some textual documentation which illustrates the impacts of watching for and addressing inaccuracies and errors in the new revised charter.

**Table 10. Participant statements regarding errors and inaccuracies to be addressed in the charter.**

Participant ID	Interview Excerpt	
CAO1	What are we going to miss? And we did miss some things. Right now there’s a raft of 15 or 16 technical amendments going through, that i think will pass with a 13-0 vote, with just little things we missed here and there. For instance, only about a thousand people looked at this but nobody caught this. There’s a provision for how to fill a vacant council seat before March 1st in an election year, and the provision deals with how you fill it before that date, and how you fill it after March 1st, but not on March 1st. So we’re going back in to say “on or after March 1st”.	Member of City Attorney’s Office
CAO3	One of the problems we’re going to have is that there are going to be problems that make it through the process, we won’t know until the problem comes up. Even this last summer we had to make some corrections.	Member of City Attorney’s Office
CAO2	Although we have found a raft of technical things that needed to be fixed, and we found numerous things during the drafting process that we -- you know, where did this go, what happened to this, this doesn’t make sense, we need to fix that.	Member of City Attorney’s Office
CAO2	Yeah, because “where is it in the new charter” “what section should I be citing” or “was a mistake made in the new charter” and something that was there under the old charter-- there’s some little thing that we’re correcting about notice periods, because they added on because of a change in wording, an extra 10 days. And we’re going to change it back because it’s an extra	Member of City Attorney’s Office

	hoop, and why do we need it? So there are little surprises like that that we find on occasion.	
CCM3	I think that what happened was this notion of, when you clean things up and you have things that were based on the charter when it wasn't "cleaned up", you might have things in ordinance that were informed by a previous charter [provision] that now over time also need to be corrected.	City Council Member
CCM3	They're sort of going to be "they come up when they come up". We'll catch as many as we can moving forward, but just, it's kind of like, be forewarned, we might have to clean up our ordinances down the road because they're tied to an old charter...there might have been some small minor effects.	City Council Member
PBC1	There was one thing in the Park Board section about the signature of the mayor and 5 days -- that had to get fixed...Call it an oversight, but that's been remedied. There have been a few other times when I've sort of looked at the language.	Counsel for the Park Board
CCM6	But there were a few chapters that were cross-referenced, and the plain language omitted the cross-referenced	City Council Member

While the larger unintended consequences for other laws or city ordinances may have more significant impacts in the future, the effects of most of the inaccuracies are transitional and typically minor. As several interviewees point out, the simple effect is that officials must "fix" the issues that emerge as time goes on. The "raft" of ordinances to address technical errors which was adopted by City Council vote in 2016 included fifteen corrections. Below I include an example:

Section 1. That Article II, §2.2(c)(3)(A) of the Minneapolis City Charter be amended to read as follows:

§ 2.2. Wards

(c) Redistricting.

(3) Schedule. Subject to any applicable ordinance, general or special law, or judicial decree:

(A) Plan. The Commission must adopt a ward-boundary plan, which includes each ward's population and boundaries—

(i) after a decennial census, ~~on February 1 in the calendar year ending in 2, or after the legislature has been redistricted, whichever is later as the Minnesota election law provides;~~

(ii) when required by law or judicial decree, as the law or decree provides; or

(iii) when the number of wards changes, 60 days after the amendment takes effect (even if the change takes effect later).

**Figure 6: 2016 Charter proposal of technical corrections to the PLC.**

This example puts into perspective the majority of the plain-language charter's impacts on city authorities. As several interviewees put it:

- “The ship is still sailing.” (CCL1)
- “The world hasn't stopped...Life goes on administratively.” (PBC1)
- “We've got what we've got! Such is life.” (CAO2)

The reality is simply that problems are addressed as they come up. Many interviewees, despite describing potential problems or issues with the revision process, embodied a positive tone about the plain language charter as their governing text. The next section elaborates a shade of interplay that occurs simply through organizational practice and culture—the interest and acceptance of the new charter by personnel—the new charter can exert authority backward regardless of the link to the original's intent.

**“It's a New Day”:** Using only the Plain-Language Charter. The PLC authority was recognized in practice by insiders, especially City Council Members and Charter Commissioners who report that they've made the switch entirely. Their tasks may not include the highly technical uses of the charter that expert insiders can perform, and even if they did, they can rely on the City Attorney's Office for guidance. Table 11 below

includes a brief overview of statements reflecting many insiders’ exclusive use of the new charter.

**Table 11. Participant statements regarding their transition to use of the new charter.**

<b>Participant ID</b>	<b>Interview Excerpt</b>
CCM1	I certainly think that there is a strong effort to move from the old to the new, and keep as much of the meat as possible from the old to the new.
CCM2	And the new one, I’m just using the one. Partly because it’s the authority now, if this is what I need to justify what I can do or whatever.
CCM6	I would say it’s substantially replaced by the plain language charter.
CAO2	And that’s what the new charter provides, so we better be following the new one even though the old one didn’t.
CCL1	I would say in the first year of its adoption, I was able to put away the side by side. I sort of forced myself-- it’s a new day, and I need to use this one [charter].

Despite the use of the revised charter, especially by the City Council, many still report relying on the City Attorney for Charter interpretation, which suggests that in some sense, Council Members and others asking the City Attorney’s office for guidance are indirectly still relying on old charter interpretation.

### **Interplay of Practice**

The interplay between charter versions informs many of the more short-term effects of plain language revision on individual and collaborative practices, as well, and these impacts are detailed in this section.

### **Impacts on Individual Reading Strategies**

Interplay between documents also appears in the personal knowledge and practice of insiders, or their individual reading and meaning-making strategies. The process of

adapting to any document revision when many people—especially insiders—are accustomed to the old one naturally comes with a transitional period. In some sense, the findings in the following sections identify the factors that comprise what Willerton (2015) called the “transactional costs” of restyling documents that have already been in use (p. 120). “Costs,” however, is perhaps too negative a term. While there can be difficulties with any change to routine, many of the impacts of plain language documented in the present study are recognized as improvements by most insiders.

**General “Ease” and Readability.** The first group of impacts are clustered under the broader category of “ease” of reading and readability. This category is reminiscent of Herbert Spencer and his principle of economy, as well as the readability formula movement. I provide below in Table 12 interview and other textual data showing insider perceptions of ease and readability.

**Table 12. Participant statements regarding the generally improved “ease” of the revised charter.**

<b>Participant ID</b>	<b>Interview Excerpt</b>
CCC3	I think it makes it much easier to read it.
CCM2	So I think this is much more usable. It was just that it could be improved and made simpler and easier for everybody to understand.
CCC2	I think it’s a lot easier certainly for Charter Commissions and I think whether they’ll admit it or not, for the City Attorney’s Office, as well. I think it makes it much easier to understand.
CCC4	It just made it more clear.
CCC4	it’s very easy today. the beauty of it today is that it is way more interpretable by someone who has got an 8th or 9th grade education.
CAO1	I’m actually like the way the new charter reads, and it’s much easier to use.

CAO3	Now that said, it might be easier to use than the old one, because you really had to know what parts you were looking for
CCL1	It was much easier to find in the plain language...Clearer.

The notion of ease or readability surfaced across many different kinds of insiders, even those who levied objections toward the revision.

I asked interviewees to elaborate on their experiences or perceptions of ease, and from that data emerged several categories of the types of components made the charter easy to use. In the remainder of this section I chronicle these components and how they impact use. I first address the navigational tools provided through the plain-language revision. Then I explore reports related to stylistic changes and organization. Third, I consider the attitudes of readers and their changed trust in the document. Lastly, I consider the claims against ease that were reported by my interviewees.

***Navigational tools.*** Nearly any action with the charter is contingent on a user’s successful navigation of the document. Some elements that made the plain-language charter reportedly easier for insiders were navigational tools deliberately included in the revision because the original charter was not developed with genre conventions or the ease of users in mind. In addition, navigation in the new document had an additional layer of importance because it was a revision; insider users were not coming to the document for the first time. Their insider knowledge and experience of the original charter guided their approach to the revised one and marks another site of interplay. The plain-language writers provided tools both to facilitate navigation, which linked the old and revised texts.

*Table of contents.* Many interviewees identified a very basic navigational tool that made the charter easier to use: the table of contents. The original charter had no table of contents, and given its ~200-page length and disorganization, a missing table of contents was hard to do without. In the PLC, a table of contents outlining the nine articles facilitated easier use. The need for this tool was so present that in an early report (2004) to City Council on the progress of the Charter Commission, the table of contents was identified as one of three key defining factors in the revision, along with plain language and topical revision (p. 11). Two participants, both with legal expertise and one without, mentioned the table of contents explicitly.

*Side-by-side comparison tools.* The status of the charter as a revision prompted another, more context-specific, form of interplay through navigational assistance. Recall that the original charter was highly disorganized, redundant, and had references for singular topics scattered throughout the text. Since many insiders were accustomed to that disorder or avoided the charter because of it, the primary writer from the Charter Commission saw the need for an effective comparison tool. This Commissioner created two “Side-by-Side” documents. One version was organized by the original charter with the corresponding revised charter provisions next to each section, and another was organized by the new charter. This navigational tool allowed readers to examine the precise differences between the old and revised charters during the feedback stages, and also enabled users to use their previous knowledge of the charter to help them navigate



the new version. An example of the side-by-side comparison text is presented in Figure 7.

<b>Article I General Provisions</b>	
<b>§ 1.1. Name</b>	
This charter governs a city named the “City of Minneapolis” in Hennepin County, Minnesota. For this charter’s purposes, the “City” means the City of Minneapolis, and its provisions refer to the City unless the context clearly indicates otherwise.	The City of Minneapolis in the County of Hennepin in the State of Minnesota shall continue to be a municipal corporation under the name and style of the City of Minneapolis . . . [ch. 1, § 1]
<b>§ 1.2. Status</b>	
The City is a municipal corporation having adopted this home-rule charter under the Minnesota Constitution, article XII, section 4. This charter is effective as of January 1, 2015, subject to any amendment after that date.	The City of Minneapolis in the County of Hennepin in the State of Minnesota shall continue to be a municipal corporation . . . [ch. 1, § 1]
<b>§ 1.3. Authority</b>	
(a) <b>Basic authority.</b> Subject to applicable law, this charter and action taken under its authority are the basis for the conduct of all the City’s business.	

**Figure 7: Sample of side-by-side charter comparison document.**

Numerous participants mentioned the aid this document provided their use of the new document. A member of the City Attorney’s Office was especially vocal about its benefit for their work:

Now with the new plain language charter I’ve got this. And then, I’ve got the side-by-side, which I’m sure people have showed you. So I’ve got that, and they’re the two documents that I use. We’re constantly having to reference back and forth from the charter we were used to working with and the plain language charter. [...] [The side-by-side document] created this amazing index, and that may have been the biggest gift of the whole process for people [to] have access to the side-by-side. (CAO2)

A member of the Clerk’s Office similarly stated:

The best tool was that [redacted] had done this amazing side by side comparison of every single draft he did. [...] it was] the best learning key. [...] through his

side-by-side comparison I was able to concurrently learn what is the current charter, what are they proposing. I was better able to track. [...] that was one of the biggest helping aids for me, the side by side comparison. (CCL1)

This document is still available on the Charter Commission's website as a tool for reference.

*Stylistic changes.* Another category that emerged from a broader sense of “easier” reading fell under the more traditional scope of stylistic change. While a great deal of stylistic change occurred in the revision, as I elaborated in Chapter 4, only three main types emerged in interviews as having major impacts on insiders: general length, bullets, and simplicity.

*General length.* Having a significantly shorter document to use was—even by experts who resisted the revision—a positive impact of the plain language charter for insiders. Across interviews, “shorter” seems to apply to several different dimensions of length, including number of words overall, shorter sentences, and resulting in a shorter document. The general assumption in this case is that “shorter” means easier to use. As scholars like Selzer (1981) have shown, these kinds of claims diminish the complex factors that contribute to comprehension, but in the case of the charter, the difference between 200 pages and 60, and an average sentence length of 40 to 12 (with some sentences exceeding 200 in the original), undoubtedly has practical implications on a broad scale. A member of City Council stated, “It is a much shorter document, so kind of the ability just to take a look and kind of conceptualize what areas of the city does the charter impact and how is it organized” (CCM4). A member of the City Attorney's

Office similarly said, “It’s much easier for anyone to pick up. It’s shorter, it’s got bullets in it, it’s got shorter sentences [...]” (CAO2).

*Bullets and multi-level enumeration.* As I indicated in chapter 4, one reason sentences were significantly shorter was the syntactic short cut of using bulleted or enumerated lists instead of lengthy sentences. Bullets rendered many complex lists more scannable and concrete. A few participants remarked:

- I love [bullets]. Love it! It’s much easier. It just is. We used to read the paragraph, ‘therefore and provided that in this situation..’ And you’d sort of say, what they’re saying is, and in your mind you’d do that, ok -- this, this, this, that’s what they’re saying. [...] And visually it is now, ‘the following applies if boom boom boom boom.’ Got it! Done! Much more -- greater clarity and much more streamlined so there’s not a lot of -- ok I’m going to read it out loud, make sure I got it right, then I’m going to call the attorney’s office and consult with them, and they’re going to have an opinion and I’m going to have an opinion then we’re going to meet to confirm it. Now it’s like, I got it. And for the public that’s good, but internally that’s REALLY Good. because there’s less ambiguity or misunderstanding about what I’m expected to do. I’m expected to do these things, clearly set forth. (CCL1)
- One of the things that makes the document far more easy to use [...] it is one of the things that makes it more approachable and makes it more usable and understandable. (CAO1)

On the other hand, bullets are a site of minor tension for plain language in this context. A member of the City Attorney’s Office identified bullets as an example of the seemingly straightforward nature of the plain language charter, but pointed out that they sometimes eclipse the complexities of the law: “So in one sense it’s easier because it appears to be collected and in all one spot. In another sense, if you compare it to some other section of the charter, some other appointment process, you ask, how does this fit in over here” (CAO3). Tufte (2003) critiques bullets found in PowerPoint presentations for similar reasons, including the seemingly ordered and scientific presentation of unambiguous points. Another member of the City Attorney’s Office felt that the bullets didn’t impact their work for better or worse, but could help new people “visually capture” the content of the charter (CAO2).

**Organizational principles.** As I explored in Chapter 4, a key aspect of plain language revision in this case and in others is effective organization. The original charter had no clear organizational principle aside from some loose topical boundaries, so the Charter Commission organized the revision based on a model city charter put forth by the League of Minnesota Cities. This model called for 9 sections, presented in Table 13 below. Over half of participants across the spectrum of experts and insiders indicated the benefit of this reorganization.

**Table 13: Model City Charter Sections Overview**

<b>Model City Charter Sections</b>	
<b>I.</b>	<b>General Provisions</b>

<b>II.</b>	<b>Boundaries</b>
<b>III.</b>	<b>Elections</b>
<b>IV.</b>	<b>City Council</b>
<b>V.</b>	<b>Board of Estimate and Taxation</b>
<b>VI.</b>	<b>Park &amp; Recreation Board</b>
<b>VII.</b>	<b>Administration</b>
<b>VIII.</b>	<b>Officers and Other Employees</b>
<b>IX.</b>	<b>Finance</b>

Not only were these headings more intuitive and standardized with other charters, they were reliable topically. The article headings in the unrevised charter were not necessarily or intuitively linked with the materials therein. The plain-language revision, however, maintained careful consistency between the headings and their following contents.

**Trustworthiness of the Charter.** Another change evident in individual reading practices hinged on the plain language charter's contextual consistency and, by extension, the trust in any given provision's legitimacy. The former charter contained many conflicting provisions due to an unwieldy process of amendment. A Charter Commission described the amending process in the following way:

And the way it's gotten amended over the years, is, instead of somebody rewriting a section so it made sense, they would just slap a patch somewhere and say this overrides everything earlier. And they didn't repeal the old pieces. So you would have, for example, a piece that was there in 1920, and then a change that got made

in 1960 and then another change that got made in 1985. And if somebody wanted to make a change in 2000, they would just write something new saying, this overrides what was there before even though we're going to leave it in there.

(CCC1)

An example the Charter Commission identified in their 2013 recommendation report to City Council was to do with learning how department heads were appointed—a process which is confusingly articulated across three different chapters and appear to conflict without careful contextual knowledge.

The unrevised City Charter authorities also required a great deal of decoding in relation to existing state and special laws that might override them. One example of this problem the Commission described for readers was the provisions that defined a Library board. If a person was seeking to determine who was on the library board, they could determine from the original charter that “Said Library board shall consist of the Mayor...the President of the Board of Education...the President of the University of the State of Minnesota...and six other members” (Ch. 17, Section 2). However, due to 2007 legislation, there is no longer a Library Board, nor was that list accurate for 42 years prior to 2007 (2013 Recommendation Report, p. 8). Any inquiry into the unrevised charter contained risks of inconsistency like this one without further research.

At the time of the plain-language charter’s final draft in 2013, the Charter Commission sought to keep it internally consistent and make it reflect all other superseding laws to that point. A Charter Commissioner claimed they intended to “make the charter and the special laws be consistent. Now...that ended as soon as the charter

was amended because there have been special laws since then, and it’s always going to be that way. You’re never going to keep them up to date, and amend them in parallel. We at least try to bring it from 1920 to 2013, and I think we did it pretty successfully” (CCC1).

In practice, this affected users a great deal. Any given provision in the unrevised charter was potentially suspect without the laborious process of verifying other areas of the charter, as well as special and state laws. In the revised version, provisions are much less likely to be nullified elsewhere and therefore require less verification.

**Reports of No Impact on Ease of Use.** While most interviewees described the ways the charter was easier to use, there were several who did not recognize any impact. Two expert insiders—a member of the City Attorney’s Office and Counsel for the Park Board—stated directly that the revised charter was no easier for them to use personally in their tasks. Two City Council members, both of whom were lawyers by trade, expressed similar statements that the plain language itself posed no marked change in their use of the charter because they were already well versed in legalese.

From another perspective, several Commissioners and Council Members point out that plainness is relative. While the new charter is a marked improvement from the old charter, it may not be as plain as some might expect. Below in Table 14 are excerpts from interviewees who casually state that the plain language charter is not as plain as it claims:

**Table 14. Participant statements regarding the residual complexity of the plain-language text.**

Participant ID	Interview Excerpt
CCC3	I think in terms of the language, I’m not sure that a whole lot of it was changed other than taking out the whereas and shalls.
CCC4	There were things that were left in the charter obscure because it would have been a substantive change.

CCM4	I mean, and a lot of it is breaking up these things to sentences that are still plenty long. Clearly it's a much shorter document right now, but it's still charter language, you know, so it's not a great read
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These participants did resist the impacts of plain language on easy use, but the majority of insider interviewees elaborated on the specific components of the revision that contributed to their uses of the document in insider settings. It is not surprising that expert insiders were the source of the most complex explanations of impacts, given that they use the charter most frequently. Middle-range insiders and newer insiders, all of whom do use the charter but with less a focus on minute technical details and future potentialities, saw the charter revision as significantly impacting their use of the document, mainly under the umbrella of ease, which included consistency, navigation, trustworthiness and organization.

**Impacts on Government Tasks and Processes**

This category under interplay of practice contains from my data several specific insider tasks and processes in the city government that were affected by the revised charter.

**Formally and informally clarifying ambiguity.** Expert Charter users serve formally as charter-related contact points for other departments of the city, and are present at every City Council, Charter Commission, and other department meetings. They also serve as informal contact points for any city official who has questions regarding the charter. The General Counsel for the Park Board provides charter guidance for that Board, and the Clerk's office is highly involved in many matters of the charter, including



staffing the Charter Commission meetings. In these capacities, experts provide interpretations of the charter and clarify ambiguity.

In situations like these, where experts have to communicate with other government officials, experts in the city government report generally positive effects of the charter. For instance, one member of the City Attorney's office stated, "You can be so much more responsive to questions under the plain language because its plain language" (CAO1). Further, this participant reported:

I'm able to have conversations with people [...] and we can maybe disagree but discuss fully a provision of the charter that used to be a combined total of a page and a half scattered in 17 different parts of the charter, now a paragraph on one page. [...] I can sit down with half a dozen people with our charter in front of us now, and we can have a vigorous conversation about how to change our city government, and everyone in the room would understand it. (CAO1)

In these terms, the plain language charter appears to have some important impacts. At the same time, the more internal component of these interactions show more complicated impacts of the plain language charter. Of the three members of the City Attorney's office I interviewed, all reported that the new charter required them to go back and forth between the old and new charter when disambiguating a provision: "Now it's a three-step process. Look at the new one, old one, new one" (CAO3). Two other expert users, one from the Clerk's Office and one affiliated with the Park Board, also reported this additional step during their tasks related to answering charter questions for insiders.

Table 8 contains additional examples of this back-and-forth activity prompted by the plain-language revision.

Again, this additional step has occurred only for expert insiders and is primarily due to their close, technical tasks with the charter. For tasks that require expert interaction with non-expert insiders, however, the impacts of the plain language charter are more promising. The next section elaborates another example of expert-insider interactions.

**Process of Proposing Charter Amendments.** Historically the disorganization and redundancy of the charter made proposing amendments a laborious process. Due to tangled cross references, conflicting provisions, previous amendments, and length, it was difficult to articulate proposals or their extended effects. The plain language charter’s topicalized organization and reduced length, as well as its comparative simplicity, makes the proposal process significantly easier according to participants across the range of insider expertise. Table 15 includes participant excerpts related to the improved process of proposing amendments.

**Table 15. Participant statements regarding the improved process of proposing amendments to the Charter.**

Participant ID	Interview Excerpts
CAO1	It’s a pretty active year to propose-- there’s 2 proposals to amend the charter that the commission and council are considering this year. Having the plain language charter in place makes it <i>so</i> much easier to do that. It makes it so much easier to draft proposals. It makes it easier to understand what exactly are folks seeking to amend in the charter. Before, you know, the charter was very much a tangled bowl of spaghetti, and you didn’t know what effect pulling a couple strands out was going to have. And now, I think, it’s organized very clearly, and it’s a finite enough document that you can start to already remember, ok, what are the 2-3 sections in the charter that this proposed change might affect. So it’s much easier to work with.

CCC3	The simple thing is that when the subject comes up, you can find the provision in the document, and be fairly confident that it's not going to show up in 4 other places. When we used to get proposals to change the charter, it would be this long piece of paper that had about four or five paragraphs or sections/articles. Section 1, section 2, all the same thing, but you had to change it every place in the document. And if you want to make sure you're doing it right, it takes even more work. This is much better. I guess there are still some things--like with the board of estimates and taxation there may be a couple of places in here where it comes up.
CCC4	I don't think it needs interpretation like it did. I'm just getting used to the fact that, wow, this is just so simple! We can go right here if someone wants a change!"
CAO1	it's got shorter sentences, and probably simpler for people to suggest amendments (Member of City Attorney's Office).

The benefit to proposing amendments is particularly interesting because charters, as a genre, are generally designed to be difficult to change. As I have established elsewhere, the only ways for a charter provision to change is through unanimous City Council agreement or by a city-wide referendum. That being said, participant CCL1 pointed out that while the plain-language charter shouldn't "encourage more change" for no reason, it should make the charter more flexible and able to accommodate change. He stated, "you need [the charter] to be able to say, yep and that will slide right in here." This statement raises another important component of the revision that contributed to easing the amendment process: the numbering system.

The Model Charter provided a numbering system which was navigation- and amendment-oriented. Each provision number starts with the chapter it is from rather than the first provision of each chapter beginning with 1. The chapter number is followed by a decimal and letter system which can accommodate added and removed amendments

without confusion. This system also permits decontextualized provisions to be easily associated with their home sections, eventually supporting a topic-based familiarity with the charter's organization for insiders who use it regularly. The Charter Commission opted to use this numbering system over the previous system, and it had a logistical impact for insiders.

**Outsider to Insider Enculturation.** City-level government, unlike state and federal, can be a common entry-point for outsiders who wish to become involved with government. As a result, the process of outsiders becoming insiders is important. Two interviewees referenced the improvement the revised charter provided to new insiders. The first interviewee, who entered his city government position during the revision process, described his own experiences with the old and new charter, crediting the new charter and the side-by-side document with helping him to learn the old charter, which was still the authority at the time. I include his words below:

The best tool was that [redacted] had done this amazing side by side comparison of every single draft he did...The best learning key. The best way I found for me to learn the old charter, the one that was in place at that time, because it was just a complete -- somebody had done an analysis of where you can feed things in and say what reading level is that? And it was a sophomore or junior level in college, just to understand it! And the provisions were scattered all over the charter rather than all in one place. Every time they made a change they just tacked it on the end, so you really had to know the charter. But through his side-by-side comparison I was able to concurrently learn what is the current charter, what are

they proposing. I was better able to track. It helped my on-boarding as [redacted], because many departments look to my office and me in particular for questions about the charter and the code, and what's enforced and what isn't and what's replaced and what isn't. What were the previous versions and when did that change. And so, that was one of the biggest helping aids for me, the side by side comparison.

[...]

It was much easier to find the plain language. Because not only did they do the plain language revisions, they reorganized it. Let's put everything about elections in one area. Let's put everything about the council in one area. So I would go to the area in the plain language draft and reference back where over here, then I'd go find it. OK! So it did serve as a fast aid to get up to speed. (CCL1)

The plain language charter also may have beneficial impacts for *non-expert* insiders who recently joined the city government community. A City Council member who expressed her own resistance to read the old charter when she was elected, pointed to the way the plain language charter might impact that attitude in a new outsider-turned-insider: "I think that's easier to get a hold of, and maybe if I was a new council member, I might think differently about wanting to take a read of the charter" (CCM4). This notion of one's attitude toward the charter or its approachability came up frequently in relation to outsiders. This impact of plain language was consistent with existing research that studied public audiences (Derthick et al., 2009; Jones et al., 2012; Williams, 2010). For example, participant CAO1 felt very strongly about the approachability of the charter for

encouraging government participation, both in terms of the public and in terms of having people interested in running for office:

Having the charter be approachable, I think is so important for people to feel like...to give them confidence enough to engage. You try to read the old charter and you were a citizen interested in something, you'd quickly get discouraged. You were never going to understand that. Being able to look at our ordinances and our charter --many of our ordinances are a huge mess, although a few of our new council members, they're "plain languaging" those, too, which is great-- but you know, I think the plain language approach gives people the confidence they need to conclude "I can be a part of this. I can be a part of engaging with my city and I can be a voice in how they do things" And I think that's really important so we don't all become this cloistered weird group of Minneapolis government freaks, like it was 15 years ago... How can people access their government if they can't even understand what the charter says? They can't. (CAO1)

A City Council person admitted her own difficulties with the legalese language, even as Council member: "That's [legalese] certainly a challenge for people! I mean I'm not a lawyer, and I have trouble sometimes reading our ordinances" (CCM5).

### **Inter-genre-al Interplay**

The final impact of plain language I report in this chapter is to do with other texts in the government and the audiences that use them. Recalling from chapter 4, Devitt (2009) calls for a rhetorical and cultural refiguring of form in any analysis of genre, which

among other things includes recognizing the “inter-genre-al” nature of form, that it affects and is affected by other genres.

### **Impacts on City Ordinances.**

In the case of the charter document, the inter-genre-al role of plain-language forms is most evident in city ordinances. Two expert interviewees and two non-expert insider interviewees report the form-based influences plain language revisions had on ordinances.

Members of the City Attorney’s Office and the City Clerk’s Office, as well as a Council member brought my attention to an unattended task resulting from the revision. As I reviewed in Chapter 2, numerous provisions were reported as demoted to ordinance. However, this limited description, which was present in the 2013 recommendation report from the Charter Commission to City Council, occluded a long and detailed process of assessing and adjusting those ordinances. There was already consensus that those provisions that were removed from the charter would be adopted by City Council vote over the interim year between the plain language referendum (November 2013) and its taking effect (January 2015), so there was no concern about those ordinances being challenged politically. As such, little public attention was paid to their fate once they were struck from the charter. But in fact, they were the subject of quite a lot of revision.

The City Attorney’s Office and the Clerk’s Office worked with each department and reviewed the demoted provisions, but instead of simply shifting them to ordinance, they took that opportunity to, according to participant CCL1, to revise them in much the same way as the charter:

Every department has to be presented, where did that provision go? And a lot of the stuff we took out of the charter-- put into an ordinance [...] we had to say, here's where it is now that it's not in the charter. [We had to] identify all those things that were moved, then conduct table meetings with all the departments affected. And sometimes one provisions would affect 4 or 5 departments, not just one, and [redacted] and I would sit around and say, ok, do you really need this power in a code, or are we happy to let it go? Do we think we have that authority through state statute, or do we need it in an ordinance?

[...] [T]he intent was that the charter would bleed into the code. As we continue to amend code, it would also reflect plain language. We'd say, this is what we had, but is this simpler? Is this a more accurate representation? You know, gender neutral language, less archaic legalese? It has opened the door for us to continue that effort to shape the code. (CCL1)

A member of the City Attorney's Office, CAO3, similarly reported this process:

They took so much out of the charter. My office had the second step, do we need to put this into ordinances. Some sections of the charter just disappeared. We'd ask, was this already covered in state law? Or was it covered in Special law? Is it even legal anymore? Would we we even do this anymore? The council said we'd take things and put them into ordinance, but except in a couple instances where it made sense to keep that language, we'd have to look into it. We'd sometimes say we'd just not need it. That was a second step to that project that the Charter



Commission wasn't involved with. They just said we suggest you take a look at it.

(CAO3)

Beyond this influence of plain-language form is a continued effort on the part of City Council to incorporate plain language in ordinances. Another member of the City Attorney's office stated: "many of our ordinances are a huge mess, although a few of our new council members, they're 'plain languaging' those, too, which is great" (CAO1)! A City Council member brought up their interest in another interview: "Yeah, I think it's great. I mean, we have this code of ordinances that's another whole layer we have to deal with, that we really mess with more than [the charter] and work with and we have to implement it and all that. And I wonder how we can implement plain language for that layer, too" (CCM2)!

CCM2 is pointing to the fact that City Council is a more direct primary audience of ordinances than the charter. I contend that this interviewee's statement is demonstrating the way form can have rhetorical inter-genre-al effects through audience networks.

### **Chapter Summary: Plain-Language Impacts for Insiders**

The three sites of interplay that surfaced from this case study—interplay of authority, interplay of practice, and inter-genre-al interplay—illuminate several important factors about how plain language can affect insider audiences and plain language. The effects of plain-language revision vary across different sorts of insiders. Expert insiders, like members of the City Attorney's Office or Clerk's Office, usually have background in law and perform the most technical and unique tasks with the charter, and therefore it is

not surprising that they report some significant changes following the revision, both in their daily practices and in legal terms. After all, plain language is specifically characterized as challenging the exclusive and barrier-building knowledge of experts in various contexts, so it is to be expected that there would be ‘transactional’ effects of shifting to plain language, resulting from charter-to-charter interplay. Expert tasks that occur internally in the City Attorney’s office, like disambiguating questions and close, formal interpretations of the charter’s authority, were reported as requiring an extra step of comparison with the old charter. However, expert tasks that required external contact, like responding to questions from other insiders, were reportedly easier with the plain language charter because the other insiders were better able to understand the charter from the onset.

Categorized under interplay of practices, non-expert insiders responded consistently with reports of the plain-language charter being “easier” for their individual practices and tasks. Reasons paralleled the revision strategies explained in Chapter 4, including redefined and more contextualized genre boundaries, simpler language, shorter overall document, navigation tools, and reliable, topical organization. These “ease” factors influenced the confidence and trust insiders put into reading the charter. They were also more contextualized than many conceptions of “ease” over the history of plainness, and again spanned across the levels of style, design, and scope.

Issues of authority and individual practices naturally are bound up with different charter-related processes that occur in the city government, which were also reported as being affected by plain language. Specifically, the process of proposing an amendment to

the charter was reportedly improved. Not only could parties (public or internal) better understand what they were proposing due to the plainer language, but the Charter Commission could more reliably evaluate the impacts of proposals on other charter provisions and authorities due to the topical organization.

My data also contained some evidence to suggest that plain language was beneficial for the enculturation process of outsiders becoming insiders. One expert interviewee, who entered during the revision period, not only felt the new charter was easier, but used that charter, along with the side-by-side comparison, to learn the old charter, which was still the authority. A non-expert interviewee, a Council member, speculated that she would have been less avoidant of the long, legalese charter as an incoming official if it had been the plain language version.

Interview data also offered insight into inter-genre-al interplay, or the idea that part of the rhetorical nature of form within genre is, as Devitt (2009) points out, its inter-genre-al influence on other surrounding genres. In the case of the plain-language charter, several interviewees pointed out the way the plain language of the charter was bleeding into ordinances, as well. The charter and ordinances are highly connected texts, and it comes as no surprise that changes to the charter would have implications for ordinances. The process of change provided a reflective period for revising relevant ordinances, and the charter revision encouraged council members to apply plain language to this genre they work more closely with, as well, which I contend is evidence of an audience-based inter-genre-al influence of form.

## **Chapter 6: Conclusions and Further Research**

In this dissertation, I explored a case study involving the plain-language revision of the Minneapolis City Charter, a document which constituting city government structure and authority and has a long lineage of influence and interpretation. The charter was revised by the City Charter Commission into the “Plain Language Charter” (PLC). Plain language, which is common nomenclature for a variety of language/design features and feedback strategies intended to make usable and accessible texts, is usually promoted as a strategy for reaching a wide variety of public, non-expert audiences. It has been shown to be a successful method for producing ethical and effective texts for these audiences. In this case, however, the charter’s primary audiences were city government insiders and experts. The PLC revision offered an opportunity to understand how insiders and experts experience plain-language revision, a community that, especially in cases of revision, has gained organizational structure and developed meaning over time with the original text.. Therefore, I sought to answer the following research questions:

RQ1: What is “plain language” in the plain language charter?

RQ2: How does plain language affect the way city government insiders make sense of the city charter?

RQ3: How does plain language affect the tasks city government insiders must complete with the charter?

I explored this project theoretically using a case study design (Yin, 2013) and a social approach to genre theory (Luzón, 2005)—a theoretical approach I recommend later in this chapter for future plain-language inquiries. My case study data included 19 insider

interviews, several field observations of the Charter Commission and City Council meetings, and numerous public textual artifacts, such as meeting notes and agenda, work-group memoranda and personal notes of a Commissioner. I analyzed these using Saldaña's (2011) qualitative coding methods through three cycles. Below I address my research questions.

**RQ1: What is “plain language” in the plain language charter?**

The scope and application of plain language in this case were complex, and three main coding categories emerged in my data to account for plain-language changes: audience, genre and style. Exploring the plain-language revision process from a perspective of audience highlighted the difficulties and political context surrounding revising documents to meet a primary audience's needs *and* the needs of an outsider audience. The Charter Commission framed the plain-language revision as providing democratic access to the city's constitution for a public audience, and that was a genuine goal. However, a thorough, context-driven revision led the Commission to consult mainly insiders and experts—the actual primary audiences of the charter—for feedback.

How did the Charter Commission seek—under the purview of plain language—to meet the needs of these diverse audiences? In large part the answer is through defining and meeting genre expectations. They drew on a Minnesota city charter genre model, which reinforced modern genre boundaries and a particular organizational structure. They also made stylistic revisions using Bryan Garner's (2001) *Legal Writing in Plain English*, which largely included short, active sentences, multi-level bullets, and reduced legal jargon. I contend in Chapter 4 that plainness was mobilized in this case to *invite* public,

outsider audiences—to *add* users and uses. But I found that the Commission’s sources of guidance, especially Garner’s book, comprised their sole measure of public access, while insiders were gauged much more contextually and elaborately through the eleven-year revision.

**RQ2: How does plain language impact the way city government insiders make sense of the city charter?**

**RQ3: How does plain language effect the tasks city government insiders must complete with the charter?**

I address RQ2 and RQ3 in tandem because they are linked in my data. My analysis for plain-language impacts revealed what I describe as *interplay* between the old and the new charter. This key concept included any residual connections between unrevised and revised charters—in text, meaning, or practice—and it underscores my findings regarding the impacts of plain language. I discovered an interplay of charter authorities, interplay of insider practices (individual reading strategies and improved charter-related processes), and “inter-genre-al” interplay.

The interplay of authority was rooted in the fact that the old charter’s language was legally linked to the new charter’s meaning through an explicit provision intended to maintain the precedents and authority of the past century. The result is a persistence of the old charter in practice. However, the new charter could also inadvertently re-write the authorities laid out in the old charter through interpretation and insider practices.

Interplay of insider practices surfaced in the individual reading strategies of insiders. Interviewees described the revised charter as being easier due to navigational

tools such as a side-by-side document, which allowed them to either use their knowledge of the old charter to navigate the revised one, or in some cases, use the new charter to navigate the old one. Interplay of insider practices also improved some charter-related internal processes, such as enculturating new insiders and proposing charter amendments.

What I call “Inter-genre-al” interplay (drawing from Devitt, 2009) included the influence of the plain-language revision on the form and style of some ordinances in two ways. First, during the revision process, provisions that were “demoted” out of the charter to ordinances were also revised to plain language. Second, insider audience experience with the PLC prompted insiders to apply plain language to new and existing ordinances, as well. Previous ordinances were composed in similar legalese as the old charter. This interweaving of form between the charter and other genres in the city government constituted another shade of interplay between the original and revised documents following revision.

An additional key finding across these categories was that insiders reported impacts and interplay in different ways depending on their levels of expertise. Expert insiders like the City Attorney’s Office, who perform unique and frequent technical tasks with the charter, experienced the most negative effects on their internal tasks. But in their tasks involving non-expert insiders, the plain-language charter was helpful, enabling responsiveness and more engaged conversations. Middle-range or non-expert insiders consistently found the charter beneficial to their individual and collaborative engagement with the Charter.

Ultimately this study suggests that plain language—made up of language, organization, and scope of content, and driven by audience—can have useful impacts for insiders, especially because a wide range of experiences and backgrounds shape them. In other words, the championed benefits of plainness in other, more public contexts—that it can reach and make sense to a wide audience—are in some sense mirrored on the wide range of insiders that exist in city government and probably many other organizations. The needs of insiders are more complex depending on their level of expertise and tasks, and therefore they—as primary audience members in this case—can offer important, deep feedback during the revision process to help writers meet their needs with plain language while also potentially meeting the needs of new outsider audiences.

#### **Additional Findings: The Role of Form in Genre**

Using Devitt’s (2009) “Refusing Form” as a touchstone, I approached this case study with an eye toward clarifying the role of form in defining genre, since in essence, the Commission was purporting to maintain the social action of the city charter genre while overhauling form. This approach revealed that from a high-level understanding of genre as social action (i.e. defining action as the city’s broad structure and authority), the Commission’s claims may seem vaguely to support that genres can be defined somewhat distinctly from form, but a closer look into insider uses and users of the charter, showed a more complex picture, as did a rhetorical and contextualized understanding of form informed by Devitt (2009). Below I address each of Devitt’s principles for rhetorically reconfiguring form (p. 35) as a review of the work form accomplished in the plain-language revision. I also add an additional principle—form is strategic in genre and can



be used to implement change—in which I consider the deliberate relationship between form and audience in the PLC case and in plain-language application more broadly.

- *The forms of genres are meaningful only within their full contexts—cultural, social, and individual.*

The plain language revision acted to match the charter to the genre expectations and needs of the insider audiences. The “modern” genre boundaries and features drawn from the model charter rhetorically and textually contextualize the Minneapolis City Charter within other laws and city charters within the state of Minnesota. In McCarthy’s (1991) terms, there had developed some slippage between the stabilized reality depicted by the Minneapolis city charter and the expectations and values of the Minneapolis City government and city communities. The Charter Commission addressed this slippage as under the purview of what their plain-language revision would address using the model charter.

Evolving language norms and a more prominent valuing of public or non-expert accessibility to law also contributed to this slippage. Through stylistic revisions adapted from Garner (2001), the Commission participated in a current ideology of plainness, which developed out of a long tradition of the plain style and carried with it assumptions about transparent, accessible government authorities. The reinforced genre boundaries and plainness of the PLC allowed the charter to be more contextually meaningful in the Minneapolis city government.

- *The forms of genres range widely, both synchronically and diachronically, and cannot be pinned down with closed or static descriptions.*

The flexibility of genres, a thread that has been woven throughout genre theories of recent decades, is something that is built into law systems, as well. Documents like the charter are not designed to change easily—hence the requirement of a unanimous City Council vote or city-wide referendum—but they are still flexible. The model charter is not a stiff, skeletal frame of formal features, but a series of contextualized recommendations that affected form as well as the charter genre’s scope of content. Further, the model is updated regularly by the League of Minnesota Cities to continually account for changing needs and values. Similarly, plain language guidelines like Garner’s (2001) are also flexible and reflect specific values. As plain language guidelines have become more sophisticated, the more they flex and adapt to specific genres and community preferences. In the PLC case, the Charter Commission synthesized the suggestions of the model charter and Garner, as well as those of insiders, reifying the notion that the charter genre cannot be rigid, but rather supports a range of forms. Further, the original charter, while very different from the model charter and the PLC, still operated as a Charter, thereby challenging any static description of charter form by simply existing.

- *The forms of genres vary with each unique instance of the genre, but unique instances share common generic forms.*

This principle follows directly from the preceding one. As the case showed, the charter genre is flexible in form, and each case is unique. However, even in the charter’s original form, there were some formal similarities to the model charter created three quarters of a century later. Several chapter headings remained consistent, for example,

and as some interviewees in Chapter 4 pointed out, some language form remained the same because it was most appropriate and reflective of the insider audiences' needs.

The model charter speaks even more directly to this principle. This model charter is arguably a compilation of the current common generic forms of the charter genre for Minnesota cities. And again, it speaks to a legal recognition of the importance generic flexibility that the model charter is not a requirement, but a resource for city governments to use as guidance.

- *The forms of genres are inter-genre-al, interacting with forms of other genres.*

As I described in the final category of impact above, I found evidence that the plain language charter interacted with at least one other genre's form in the city government: ordinances. This interaction occurred in one way through the revision itself, when the City Attorney's office and departments rehabilitated the charter provisions demoted to audience, writing them in plain, gender-neutral language. It also occurred through audience members' exposure to plain language. Some City Council members, for instance, now wish to see and are implementing plain language into new ordinances following the plain language charter.

- *Form is strategic in genre and can be used to implement change.*

I add this fifth principle as a way to consider plain language—in this context and in others—more directly through a genre theory lens. In this case, form and style were used as a way to improve the charter for primary insider audiences, but they were also used more publicly to *invite new, outsider audiences*. Genres are developed in and constitutive of communities, and as I described in Chapter 2, they are defined by their

insider audiences. So it is no small thing to invite new audiences and uses for a genre, especially to do so by revising form. In cases where documents' primary audiences are already non-expert or public groups, plain language is doing clarifying work and better meeting the needs of those existing audiences. In cases like the charter, however, plain language is doing decidedly more action- or genre-level work. It is seeking out new users.

In genre theory terms, form was used strategically to change the makeup of the genre's audience, and therefore may be the cause of significant and holistic generic change in the future. Some scholars and interviewees from my study may disagree, arguing that the charter can only be understood within a context and with knowledge that the public (the newly invited audience) may not have. This is a moment when focusing on insiders can provide a middle ground. Insiders are privy to that context and knowledge at least somewhat, so while plain language may not be a quick-fix for public audiences without background, it could be the key to better access and use on the part of non-expert insiders. A range of insider audience members may be in a position to use the charter more strategically in the future, thus altering the community and action of the charter genre and revealing the high rhetorical and generic impacts form can yield.

### **Implications and Future Considerations**

In this section, I identify four areas of implications. First, I explore the implications of "interplay" for the plain language movement. I then consider broad insights into theory and research, plain language applications, and TPC instruction.

#### **Implications for Interplay**

In Chapter 5, I posed the question regarding interplay of authority: The persistence of the old document through the link between the original intent and the meaning of the new charter may challenge the goals of plain language. If the new charter does not preserve meaning sufficiently and users must revisit the old, is plain language doing its work effectively? Is this link rhetorically navigating the needs of multiple audiences by both providing experts the resources they need to complete their unique tasks, and providing other insiders (and outsiders) access to the more general substance of the charter for their own tasks, needs, and knowledge?

I believe the answer to these questions is *yes*, and it represents a key implication of this study. Even without plain language, charter documents have a long lineage of documents and history that determines their interpretations. Maintaining a link—however tenuous—between the meaning of the revised charter and original is simply another layer, and works to meet the high-stakes needs of a crucial primary audience.

Interplay of insider practices shows the significance of insiders' personal experience and knowledge in cases of plain-language revision, and the strategies writers may take to preemptively address their needs. For example, the side-by-side documents were critical for many insiders' during the period of "transactional costs" (Willerton 2015), as were tools like the table of contents. Further, the second category of interplay of practices—improved insider processes—can act as a motivation for revising in-house documents for organization. Its implications are consistent with other plain language literature that shows it successfully reduces resources.

Last, inter-genre-al interplay shows that plain language can represent an ideology within an organization that can spread both in the process of revisions and by exposing insiders to plain language. They may recognize new sites for plain language application in the organization.

### **Insights for Theory and Research**

**Genre studies as a research framework.** A key takeaway from this dissertation is the potential for using rhetorical genre studies as a theoretical and methodological framework in TPC for studying plain language. As I have shown, genre studies offered a way to understand the charter document as contextualized, audience- and action-based. Genre broadly accounts for the larger community, the goals and uses of a text, and by considering forms of plainness rhetorically and contextually (*vis-à-vis* Devitt, 2009), scholars can re-integrate style and form into genre studies. While style was, in a rejected formalist past, the key way to define a genre, we might now think of rhetorical genre in reverse as a way to robustly investigate the contextualized and action-based nature of style and form.

**Traditions of Plainness.** As I showed in Chapter 2, plainness has been an enduring category of prose. In the Classical period it was unadorned, precise language connected to giving information or teaching, often used for communicating proofs clearly and directly in oratory. In English traditions, it continued to be viewed as a direct way to present information. In utilitarian writing contexts, it served the function of reaching a variety of audiences. As Tebeaux showed, the plain style was deployed as a type of writing that could also be speak-able, and from that, visual demarcations and layout came

under its purview. In another vein of English tradition, Francis Bacon and others related to the Royal Society championed the plain style for its lack of figuration, enabling transparency and uninhibited scientific content. These traditions later underscored the development of readability formulas and the plain language movement, the latter of which encompasses a wide scope of features including sentence and word choices, as well as organization, design, and content selection.

Within these traditions, plainness has not been a static concept, and it has always been strategic. As Lanham (2003) put it, what is clear is a contextual function of when and where we live and our system of values—an intersubjective (and non-neutral) agreement about what language least inhibits substance (p. 190). I would add, too, in the practical sense demanded by TPC, it is currently an agreement about what leads to effective use by audiences.

Our moment of plainness is both noble and troublesome: on one hand, plainness is strategically being deployed by institutions to reach out, to democratize access to critical information, and to involve new audiences in spheres that were once gated. In many contexts, this ideology overlaps with other practical and scholarly TPC pursuits into areas like usability, user experience, ethical communication, and document design. And as Willerton (2015) and Kimble (2012) have shown, plain language can be successful to an impressive degree in these efforts.

On the other hand, the widespread focus on foregrounding information and making language transparent—treating style and form as a windowpane—mistakenly suggests language is neutral, and may work to marginalize groups while purporting to do

the opposite. As I mentioned in Chapter 2, Giroux (1992) cautions that an exclusive focus on who is listening (or reading) can deflect scrutiny toward who is speaking, “for whom, and under what conditions” (p. 222). I bring up Giroux’s points as a critical reminder that plain language is applied in contexts that are already bound up in institutions, privileges, and values, and while it can dramatically improve access to texts and information, it cannot do all the work. This dissertation does not permit me to solve this concern, but my case study highlights the importance of contextual considerations in any plain language revision, and the way plain language revisions are inevitably entrenched in political landscapes.

### **Insights for Plain-Language Application**

Plain language continues to surge in popularity across fields, including law, medicine, business and others. My work has several implications which may practically inform future technical and professional writers involved in plain-language applications.

**Assessing Audience.** Many plain language guidelines call for an inquiry into audience, but there is limited guidance into how writers can practically evaluate and synthesize the needs of multiple audiences, especially insiders in cases of revision. My study can help writers think through insider audiences in a way that goes beyond assuming they are already familiar, effective users of a document. Recognizing that insider audiences can have many different levels of experience and knowledge, as well as different kinds of tasks, stakes, and ownership of specific documents, could impact how writers develop and compose texts. Including insiders in the scope of those who benefit



from plain language may also carry weight for organizations that are considering some sort of application.

While I did not focus on public or non-expert audiences, my project does still have some bearing on how writers might consider them. I commented in Chapter 4 on the fact that the Charter Commission presented the revision as a public service for public access to the charter, while it spent the majority of its revision energies on addressing internal feedback. I discovered incidentally that the only measure of successful public use was Garner's plain language guidelines, despite the fact that plain language was supposed to be inviting this new audience. My research might be used as a practical reminder that if plain language is to be used to invite new audiences, sustained engagement with those new audiences is warranted beyond short public hearings or any other strategies that put the onus on the new audience. Audiences are not simply created through access; they are developed situationally based on needs or exigence. Part of engaging a new audience must be helping that audience to recognize or seek out situations when they might fruitfully use a document. I believe this point has deep implications in the plain language movement, especially its legs related to social justice and ethical communication. Willerton (2015) has shown through his BUROC model, which helps writers evaluate situations and audience for which plain language can act as an ethical means of communication, that plain language is not an all-access pass to information for all audiences and contexts, but that it must be used and developed strategically. My research supports this understanding.

**Scope of Plain Language.** A simple consideration for writers interested in composing in plain language is drawing on multiple sources. In the present case writers considered one source for language-focused revision and another for organization and content. In doing so, they broadened the scope of what “counts” as plain language beyond a set of sentence-level rules. This case has also highlighted the possibility of looking for models that may help writers rhetorically contextualize their documents within larger genre systems, such as the community of Minnesotan charter cities, or the modern drafting principles of Minnesota law. Further, being open to audience members as sources, including insider and outsider feedback or formal usability testing, helps position an application to develop from the ground up rather than top down. This approach may focus a writer on figuring out the goals or needs of an organization and its range of audiences first, then seeking guides or models that fit those needs.

**Personnel and Plain Language.** While I was unable, within the scope of this project, to delve too deeply into each individual involved in the plain language revision, I can say based on my insider reports that without the primary drafter of the document and a few others in the Charter Commission, the process likely would not have succeeded. Likewise, the objections of a few insiders significantly delayed the revision. My research contributes to other plain language research that recognizes the importance of personnel in any application of plain language (see Willerton, 2015). Organizations are made up of people and their interests, and without key, invested personnel, these kinds of projects are not successful. In practice, a critical step in plain language use may be strategically

selecting individuals to head writing projects, to become trained in plain language, or to enforce plain language standards.

### **Insights for Technical and Professional Communication Instruction**

While TPC research into plain language waned in the late 1980s and 90s, it remained consistently present in TPC textbooks through that period and still does currently. The recent resurgence of attention toward plain language, including my project, will offer TPC instruction new and effective ideas for teaching plain language to students.

**Plain-language application projects.** Plain-language application can be used as a task in technical and professional writing instruction at several different levels of intensity, ranging from short, in-class activities to long-term, high-stakes assignment. A long-term project would bring to bear rhetorical theory as well as more practical elements. For example, students would need to fully investigate a document's rhetorical situation, including the material and institutional context, primary and other audiences, specific uses, and individual needs.

Then, students would need to bring their contextual and rhetorical work to bear at the point of style and form. Many plain language guidelines are not unlike the instructions found in manuals like Joseph Williams' *Style: Lessons in Clarity and Grace*. However, framing such guidance as plain language deployment may infuse more traditional style exercises with new relevance and investment for students. Plain language also covers basic document design and content management.

Applying plain language guidelines, especially style-focused guidelines, may appear intuitively easy to students, given that it is "simplifying" language. But as Cicero

recognized over two millennia ago, “Plainness of style may seem easily imitable in theory; in practice nothing could be more difficult” (76). Indeed, translating writing into plain language is challenging work, revealing to students how habituated we often become in certain writing practices. Plain language is a way to integrate style work into the TPC classroom in meaningful, motivated ways. Further, plain language is a useful access point for discussing the ideologies embedded in style.

**Rhetorical Nature of TPC.** The intersection of rhetoric and TPC, which this project embodies, is a slippery subject to address in TPC courses. Plain language and projects like this one are tangible sites where rhetorical implications are evident and interesting. Instructors can use style and document design as concrete starting points to address questions like: What *is* plain and for whom? How is plain language a contextualized process rather than a quantitative measure? How can language practices be inclusive and exclusive for different communities? What are the stakes of language, especially in critical situations?

**Technology and Plain Language.** Plain language resources can be a supplemental component of other technology-based or web-related assignments. For example, Redish’s (2007) *Letting Go of the Words* is essentially a rhetorical plain-language guidebook for web writing. Further, in a more rhetorical sense, instructors can use plain language revision as a starting point to think about how technology alters the kinds of language we might need to use or what information or steps can be deleted in technical communication during a plain language revision. In my study, for example, the Charter Commission removed a Charter provision (under the purview of plain language)

that required the City Finance Director to distribute a monthly report to City Council. Due to the internet, this information was available and updated for Council Members at all times, so this step of communication was unnecessary. Plain language revision extended out past the language and content to the practices and technologies available to users.

In sum, plain language is a relevant, popular, and rhetorical strategy to provide accessibility across many technical fields, making it an appropriate and important component of TPC instruction and research.

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## Appendices

### **Appendix 1: Plain Language Check List available from the Center for Plain Language.**

Step 1. Identify and describe the target audience.

#### **Define the target groups that will use the document or website**

- List and prioritize top tasks by audience group
- List what people need or need to know to complete the task
- List characteristics of the groups that should influence design (for example, age, computer experience...)

The audience definition works when you know who you are and are not designing for, what they want to do, and what they know and need to learn.

Step 2: Structure the content to guide the reader through it

- Organize the content so that it flows logically
- Break content into short sections that reflect natural stopping points
- Write headings that help readers predict what is coming up

The structure works when readers can quickly and confidently find the information they are looking for.

#### **Step 3: Write the content in plain language**

##### **Keep it short and to the point**

- Write short but logical sentences
- Present important information first in each section, subsection, and paragraph
- Include the details that help the reader complete the task
- Leave out details that don't help or may distract readers, even if they are interesting
- Use transitions to connect ideas, sentences, paragraphs, or sections

##### **Set a helpful tone**

- Use a conversational, rather than legal or bureaucratic tone

##### **Pick the right words**

- Use strong verbs in the active voice
- Use words the audience knows

- Make titles or list elements parallel (for example, start each with a verb)
  - For websites: Match the link wording to landing page names
- The language works when readers understand the words and grasp the intended message quickly and confidently.

#### **Step 4: Use information design to help readers see and understand**

- Use headers and sub-headers to organize the information
- Use typography (font size, color, bold, etc) to guide the reader's attention
- Use whitespace to organize the information
- Use images to make content easier to understand

The design works when users notice and use the signposts to move through the information efficiently.

#### **Step 5: Work with the target user groups to test the design and content**

##### **Test the design at multiple points**

- Were audience needs, such as top tasks, prioritized based on user research?
- Did you test that the navigation labels and information organization for predictability?
- Did you test the content for readability and understandability?
- Did you test the final product?

##### **Use evidence-based testing strategies**

- Were the participants representative of the target groups?
- Did you test your design and content with enough people?
- How was understanding and ability to act measured?
- Was there a before-and-after comparison to demonstrate improvement?

##### **Check that the final product is useful and usable**

- Ask readers to describe who and what the document or site is intended for
- Have them show you how they would find the information they want or need
- Ask them to describe key concepts or processes in their own words
- Observe whether target users can finish key tasks easily and confidently
- Note where they stumble or misunderstand and rethink those parts of the site or document

The document or site works when target users can find what they need, understand what they find, and act on it confidently.

## Appendix 2: Excerpt from Side-by-Side Charter document

**MINNEAPOLIS CHARTER COMMISSION  
CHARTER REVISION COMMITTEE**

**SIDE-BY-SIDE COMPARISON:  
SUCCESSOR PROVISIONS TO SOURCE PROVISIONS**

May 2013

<b>Article I General Provisions</b>	
<b>§ 1.1. Name</b>	
This charter governs a city named the “City of Minneapolis” in Hennepin County, Minnesota. For this charter’s purposes, the “City” means the City of Minneapolis, and its provisions refer to the City unless the context clearly indicates otherwise.	The City of Minneapolis in the County of Hennepin in the State of Minnesota shall continue to be a municipal corporation under the name and style of the City of Minneapolis . . . . [ch. 1, § 1]
<b>§ 1.2. Status</b>	
The City is a municipal corporation having adopted this home-rule charter under the Minnesota Constitution, article XII, section 4. This charter is effective as of January 1, 2015, subject to any amendment after that date.	The City of Minneapolis in the County of Hennepin in the State of Minnesota shall continue to be a municipal corporation . . . . [ch. 1, § 1]
<b>§ 1.3. Authority</b>	
(a) <b>Basic authority.</b> Subject to applicable law, this charter and action taken under its authority are the basis for the conduct of all the City’s business.	

1

Side-by-Side Comparison  
May 2013

2

(b) <b>Restatement and supersession.</b> This charter fully restates and supersedes every prior version of, and any ordinance or other municipal act inconsistent with, this charter. But except as this charter or an amendment explicitly provides otherwise, the charter does not affect—	
(1) any ordinance or other municipal act adopted before its adoption or its latest revision or amendment;	The government of the City of Minneapolis and its several boards and departments existing at the time this Charter goes into effect shall continue as the government of said city and its several boards and departments under this Charter and all ordinances and regulations then existing and in force shall continue to exist and be in force unless otherwise provided in this Charter. [ch. 11, § 1]

<p>(b) <b>Restatement and supersession.</b> This charter fully restates and supersedes every prior version of, and any ordinance or other municipal act inconsistent with, this charter. But except as this charter or an amendment explicitly provides otherwise, the charter does not affect—</p>	
<p>(1) any ordinance or other municipal act adopted before its adoption or its latest revision or amendment;</p>	<p>The government of the City of Minneapolis and its several boards and departments existing at the time this Charter goes into effect shall continue as the government of said city and its several boards and departments under this Charter and all ordinances and regulations then existing and in force shall continue to exist and be in force unless otherwise provided in this Charter. [ch. 11, § 1]</p>

<p>(2) the existence, status, function, composition, powers, or duties of any board, commission, committee, department, or other public body; or</p>	<p>The City of Minneapolis in the County of Hennepin in the State of Minnesota shall continue to be a municipal corporation under the name and style of the City of Minneapolis with the same boundaries as now are or may be hereafter established. [ch. 1, § 1]</p> <p>The government of the City of Minneapolis and its several boards and departments existing at the time this Charter goes into effect shall continue as the government of said city and its several boards and departments under this Charter and all ordinances and regulations then existing and in force shall continue to exist and be in force unless otherwise provided in this Charter. [ch. 11, § 1]</p> <p>The City of Minneapolis and the several Boards and Departments of said city, in addition to all the rights, powers, duties, functions, privileges and immunities expressly conferred upon and vested in them or any of them under and by virtue of the provisions of this charter, shall under this Charter also have, possess, perform, exercise and enjoy all other rights, powers, duties, functions, privileges and immunities held, possessed, performed, exercised or enjoyed by said city and its several departments and boards respectively at the time of the adoption of this Charter. [ch. 20, § 2]</p>
<p>(3) the office, tenure, powers, or duties of any officer.</p>	<p>Nothing in this Charter contained shall be construed as legislating out of office any elected official of the City of Minneapolis, or any officer appointed by the City Council thereof. [ch. 2, § 2]</p>



<p>(c) <b>Laws.</b></p> <p>(1) <b>Inconsistent laws superseded.</b> This charter supersedes any special law in effect at the time of the charter's latest revision on January 1, 2015, to the extent of any inconsistency between them.</p> <p>(2) <b>Certain laws preserved.</b> The charter does not affect any special or other law to the extent that it—</p> <p>(A) confers upon the City, or upon any board, commission, committee, department, or officer for which this charter or an ordinance provides, a power, right, duty, or role in addition to those for which the charter or ordinance provides; or</p> <p>(B) covers a matter that this charter does not cover.</p>	<p>No law heretofore passed by the Legislature of the State of Minnesota and expressly made applicable only to cities of the first class having a home-rule charter or governed under a charter adopted pursuant to Section 36, Article 4, or the State Constitution, and in force at the time of the adoption of this Charter, shall apply to the City of Minneapolis or any of its departments, boards or officers, and no such law shall confer or impose upon or vest in the City of Minneapolis or any of its departments, boards or officers any rights, powers, duties, functions, privileges or immunities whatever. [ch. 20, § 3]</p>
<p>(d) <b>Construction.</b> Except as this charter otherwise provides—</p>	
<p>(1) each term used in this charter has the same meaning as in the Minnesota constitution and statutes, and other law relating to the same subject;</p>	
<p>(2) the canons of construction and other principles of interpretation in the Minnesota statutes apply to this charter;</p>	<p>The use of either the masculine, feminine or neuter gender in this Charter shall be deemed to include the other genders, unless the context clearly requires otherwise. [ch. 11, § 17]</p> <p>words of one gender include the other genders [Minn. Stat. § 645.08(2)]</p>

Appendix 3: Guide questions for participant interviews.

Participant Interview Guide Questions

1. Can you describe for me how the city charter functions for you in daily practice? In other words, how do you interact with or use this document regularly?
  - a. Do you have a particular copy you use? Do you have particular staff members who also use it or use it with you? What types of actions or concerns prompt you to consult the charter?\*
  - b. Did you read the original charter at the start of your term in office? How did you go about becoming familiar with it?
2. What was your experience with the original city charter? Did you find it easily usable?
  - a. If not, could you explain what was troublesome, and how did you manage or cope with those difficulties?
3. Did you have any specific involvement with the Plain Language Charter development or drafting?
  - a. If so, what was the nature of your involvement?
  - b. If so, were there any difficulties you encountered during development and drafting? Can you tell me about them?
  - c. Can you tell me about the process of revision? How was the plain language guidebook used?
4. The PLC went into effect in January 2015. Can you tell me how (or if) you prepared to use the new charter?
  - a. Did you re-read the old and new charter? Just the new charter?
5. Since the implementation, how do you interact with or use the document?
6. Have there been any points of confusion since the implementation of the plain language charter?
7. What do you think “plainness” accomplishes in the new charter?
  - a. Do you use the charter differently? How?
  - b. What do you hope the plainness of the revised charter does for the charter and/or readers?

#### Appendix 4: Sample Theoretical Memos

**Date: 01/04/17**

**Subject: Interplay as Core Category Possibility**

I am confident a key and organizing category is “Interplay” (refer back to memo 12/15/17).

-Interplay is recursive for some participants -- back and forth from old and new.

-The newly revised charter is tethered to the meaning and intent of the old,

-The old charter is tethered to the new through the plain face statute.

-The city attorney users know the old charter, and what it means.

Some users wish only to use the new. New folks and experience-based (not expertise) folks especially.

The side-by-side comparison documents are overwhelmingly the most popular element for revision and use, showing the critical and persistent relationship between old and new-- both in meaning and in organization/structure.

Experienced users know the literal document - it's layout, it's structure.

Interplay dimensions so far are structural, personal use, and navigation.

Is interplay temporary? Maybe practice-based interplay (navigational and organization), but it seems that the interplay of authority will persist over time. Look for markers of time in interviews—is interplay framed as a transitional period or ongoing?

**Date: 01/16/17**

**Subject: Insider feedback is central. Where is the public?**

Participant CCC1 describes in his interview the way he needed to learn the “ins and outs” of the city government and municipal law in order to effectively revise the city charter. This, to me, points to the level of expertise required by technical writers during plain language revision and composition, especially because CAO1 and PBC1 gave examples of where he made errors that had to be corrected by expert users.

Second, it makes me think about the research problem of my project. While the motivations stated in this project are primarily public accessibility and simplification (referendum text; 2013 report to city council; public announcements), the activity that went into revising focused mainly on the inside users. They recognized that they would be impacted by these changes. Are the public audiences completely forgotten despite the motivation re their access? Do the public hearings count? They don't involve the Charter Commission going into the public and asking, "how do you use this? How will this revision help you?" What kind of use do they expect from the public? CCC1's interview casts a wide

net, but is that really a way to not address how the public might use the charter, to just say “any way they want?”

Appendix 5: Excerpt of Model Charter from League of Minnesotan Cities included in 2004 Charter Commission report to City Council.

**SOME COMMENTS ON THE MODEL CHARTER FOR MINNESOTA CITIES**

**General Comments**

The model charter is based on the modern drafting principles that a charter should deal only with fundamentals, leaving to the council by ordinance the authority to provide more detailed regulations as they are needed. It is, therefore, much briefer than many older charters.

The model charter provides for the council-manager plan of government since this form is democratic and responsive and provides for efficient management. There are included in Appendix A and B of these comments provisions and suggestions by which strong mayor and administrator plans may be substituted. Charter commissions interested in still other plans may obtain on loan from the League copies of Minnesota city charters containing these variations.

One of the principal virtues of the home rule charter mechanism is that it permits each city to tailor-make its charter to its own individual needs and desires. The model charter should be used, therefore, only as a guide. Used with these comments, it can provide charter commissions with a checklist of sample provisions and questions about policy alternatives.

**Section by Section Comments**

**Section 1. Name and boundaries.** Boundaries may not be changed by charter in Minnesota. For reference some charters contain a statement of the existing boundaries of the city, but because annexations change boundaries frequently, such a statement becomes quickly out-of-date and may be misleading.

To make the existing boundaries readily available to the public, some charter commissions may wish to consider adding a provision like this one, slightly adapted from Oregon model charter: "The city clerk shall keep in his office at least two copies of this charter with amendments and in each copy he shall maintain an accurate, up-to-date description of the boundaries. The copies and descriptions shall be available for public inspection at any time during regular office hours."

**Sec. 1.02. Powers of the city.** Older charters relied on a long list of specific grants in vesting power in the city, but almost all charters recently adopted in this state have included only a broad general grant such as contained in this section. Such a grant is based on the theory that the city should lay claim in its charter to all powers which the home rule provision of the constitu-