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Why Government Has Difficulty Communicating

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The following is an updated excerpt of a chapter that I wrote for a book titled Plain Language Principles and Practice, *published by Wayne State University Press in 1991 and edited by Erwin R. Steinberg of Carnegie Mellon University. Unfortunately, government has made little progress in communicating over the past 15 years, so the problems I explored then are still prevalent and in need of solutions.*

Government and paperwork are closely related kin. Yet thousands of forms, applications, letters, and notices written by government agencies result in little communication. One of the most recent and well-publicized examples of this phenomenon was the introduction of Medicare Part D in 2006 to provide prescription drug insurance coverage to seniors. The excessive number of choices (as many as 60 plans available in any one state), the amount of information needed to determine which plans were suitable, and the frailty of consumers culminated in a program that was confusing and underutilized. Looking back, this was simply a repeat of similar misguided communication attempts by other agencies. A classic example was the W-4 Withholding Form introduced by the Internal Revenue Service (IRS) in 1987. Responding to the mass confusion that the form created, the IRS introduced a second "easier" version midyear. When its second attempt also failed, the IRS conceded that taxpayers who had too little tax withheld should not be penalized because of the complexity of the form.

+ WHO'S TO BLAME—THE WRITERS OR THE READERS? DO GOVERNMENT AGENCIES FACE A UNIQUE COMMUNICATIONS PROBLEM? WHAT CAN BE DONE TO LESSEN THE PAPERWORK BURDEN?

In this article, I discuss these questions and present case histories of several successful simplification projects.

Why Government Has Difficulty Communicating

For those who relish irony, the need for clear communication in government is a particularly delightful example. The unique responsibility of government to avail its citizens of their rights and obligations as well as its duty to tackle society's most fundamental and complex problems makes clear communication critical.

In fact, it is possible that clear communication is most important in government, where the course of history is determined by mutual understanding. Yet, ironically, the very nature of government—a collective entity with many voices—undermines its ability to communicate. Government communicates in many ways, including letters, notices, pamphlets, forms, and applications.

It is especially difficult for government to communicate, however, for a variety of reasons:

(over)

- The vastness and diversity of government's audience. No corporation has an audience as broad as all taxpayers, all citizens, or all retirees. The audience's diversity makes it difficult to determine a proper tone and level of communication.

- Constantly changing laws. To remain accurate and up-to-date, government documents must constantly be revised and patched. And as we all know, patchworks are characterized by loose threads and inconsistent patterns.

- A misguided belief that government writing must sound "official." Too often, "official" sounds pompous and convoluted.

- A tendency to write to protect rather than to communicate clearly. Documents that are written to serve as records or legal proof often bury requests for action and important instructions in a maze of factual detail.

- The need to give all citizens equal access to information. In an attempt to be comprehensive and to anticipate the needs of its citizens, writers of government documents often unintentionally make their readers victims of "information overload."

- A tendency to practice "false economies." For example, the Internal Revenue Service counts the number of lines on a form to measure its complexity. This results in forms with multipart lines (8 a, b, c, d) rather than individual line numbers (8, 9, 10, 11), because shorter is easier. Not in this case.

In fact, multipart line numbers complicate computation because it is easy to overlook or skip parts of lines when adding them up.

Why Government Documents Must Be Simplified
What is the result when the government fails to communicate clearly? At least, frustration. At most, injustice. And always, excessive costs to its citizens.

In the United States, for example, citizens who fail to provide certain information to the federal government may be penalized (census and income tax information are two notable examples). This "penalty-carrying" information constitutes 42% of the U.S. federal paperwork burden.[1] Yet citizens who attempt to comply with the law are often frustrated by confusing, lengthy, or redundant paperwork.

The level of frustration can be best appreciated by noting specific examples of documents received by the public. Consider this excerpt from a letter sent to a Medicare claimant:

> Our Medicare Department has reviewed these claims and have [sic] determined that no additional allowances are warranted. They were paid correctly to the doctors' new and old profiles.[2]

This letter triggered a class action lawsuit. The person who received it—an elderly man covered by government Medicare insurance—sought to determine why he received different amounts when he submitted a series of identical claims for his wife's cancer treatments.

Clearly this letter did not adequately answer his question, although it ended with "We trust we have clarified the matter for you." The federal judge who heard the case was not satisfied with the answer either and ordered gobbledygook removed from Medicare forms: "The language used is bureaucratic gobbledygook, jargon, double-talk, a form of officialese, federalese and insurancese and doublespeak…It does not qualify as English."[3]

This excerpt from a Department of Energy Request for Proposals is yet another example of "governmentese":

> Technical evaluation criteria are listed below in descending order of importance. The relative importance of Criterion 1 is approximately 1-1/2 times as important as Criterion 2. Criteria 2 and 3 are of equal importance; combined they are four times as important as Criterion 5. Criterion 5 is approximately 1/3 as important as Criterion 1. Subcriteria are listed in generally descending order of importance.[4]

What Government Is Doing to Reduce the Paperwork Burden
A few government agencies have chosen "to light a candle rather than curse the darkness." Citizens' increasing clamor for the "right to know"—as evidenced by the consumer movement—has not gone unheeded. In the United States, support for a plain-English movement has grown considerably since its first stirrings in the mid-1970s. By then, the consumer movement had gained momentum, and consumers demanded more information, greater rights, and self-help remedies. Market research studies indicated an increase in public participation and a growth of participatory democracy, a conviction that with proper information people would make informed decisions about their lives. Support grew at the state level, and early efforts focused on writing consumer contracts in plain English (primarily banking and insurance documents).

The signing of the Paperwork Reduction Act of 1981 marked a turning point in the United States, when the federal government acknowledged the "paperwork burden" imposed on its citizens and instructed federal agencies to reduce paperwork and eliminate gobbledygook from regulations.

Some members of the executive branch have made plain English personal crusades. Most notably, when Malcolm Baldridge became secretary of commerce in 1980, he decreed an end to obfuscation in the department. Recalling he "literally could not tell whether he was saying yes or no" in many of the letters being drafted for his signature, he called a meeting of department letter writers and ordered, "Write directly and clearly…and always say yes or no." He also had the department's word processors reprogrammed to reject words such as "optimize, interface, prioritize, and finalize."[5] During the Clinton administration, Al Gore also initiated a "streamlining government" program giving awards to agencies that cut out unnecessary processes and paperwork.

Perhaps the most far-reaching organization of plain-English advocates is in Canada. The Canadian Law Information Council was established to improve the quality and timely delivery of legal information to lawyers, law schools, judges, and the public. The Council acts as a national clearinghouse, a resource center, and a research organization. The movement for plain language is a worldwide concern and is not confined to English.

Efforts to write documents in language that ordinary people can understand are underway in the Netherlands, Sweden, Nigeria, Romania, and Ireland.

Shortcomings of Existing Government Efforts

If government agencies have undertaken simplification projects, why hasn't greater improvement been realized? In general, government simplification efforts can be characterized by a number of shortcomings:

a) Government's "mechanistic approach" to simplification. Legislation that mandates the use of readability formulas is a typical symptom of the mechanistic approach.

b) The use of inappropriate measures for calculating the public's "paperwork burden."

   The current formula for estimating the burden imposed by IRS tax forms only measures the time to fill out the forms and does not take into account time taxpayers spend keeping records and obtaining information, nor the time and money spent for processing incomplete forms and correcting errors.

c) The focus, particularly in the United States, on reduction rather than simplification.

   Reducing volume without simplifying the content does not adequately address such issues as the time required to fill out a form, to read and understand the instructions, and to develop, compile, and review the information collected. Changing filing requirements and eligibility rules is only one aspect of simplification.

   In addition to reducing the amount of information collected and the quantity of paperwork required to elicit such data, the government must ensure that the essential paperwork is written in clear, readable language appropriate for its intended audience, and formatted in a manner that is suitable for its use.

d) Incremental rather than comprehensive change.

   Government agencies tend to phase-in changes rather than introduce an entire document or system of simplified documents. Unfortunately, this patchwork approach adds to the overall complexity because the public must acclimate to a slightly different form or document each time it is issued.

   Problems also arise when changes, such as the use of graphics, are introduced without a real understanding of the simplification process. The results can be "technical confusion."

e) Narrow definition of communications.

   There is often immediate acceptance of the need to simplify forms, but a lack of carry-over to all forms of communications—letters, leaflets, guides, and manuals.

The situation, however, is not hopeless. There have been several successful government simplification projects.

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IRS Forms Simplification Project
Perhaps the most significant government-sponsored simplification effort was undertaken in 1981, when the U.S. Congress mandated that the IRS simplify the entire system of federal income tax forms and instructions.

From 1979 to 1982, Siegel+Gale, a private consulting firm specializing in document design, was retained as the primary contractor to simplify the IRS's system of personal income tax forms. The project called for a complete restructuring of these forms, rather than cosmetic changes in language and design.

Siegel+Gale's work led directly to many substantial improvements in the current system:

- Taxpayers' aids, including work charts, examples, easy-reference charts, and tax tips that have been adopted by the IRS
- Introduction of the 1040EZ
- Simplified schedules for itemized deductions, income averaging, and child care credits
- The testing procedure used to evaluate and refine the prototype forms, which has become an integral part of the IRS's forms development program

Overall, the prototype tax forms were highly successful when judged by a number of measures:

- Reduced error rates
- Shorter completion time
- More positive taxpayer attitudes

Revenu Ministry of Quebec Tax Forms Simplification
In 1982, under the leadership of a new minister, Revenu Quebec undertook an extensive program to humanize its forms and services. The department retained Siegel+Gale to redesign and rewrite the individual tax forms and instructions as the leading edge of this program.

Siegel+Gale developed prototype versions that consisted of tax forms, instructions, special tax schedules, and government allowances. The system included long- and short-form versions in both French and English and redesigned tax records (similar to our W-2s) to further simplify tax preparation.

The entire system took nine months to develop, test, and refine, and was implemented for tax year 1983. The new forms were extremely well received by taxpayers and tax professionals alike and produced immediate cost savings in processing.

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Model Census Form

During the 1970s, the U.S. Bureau of the Census conducted several nationwide pre-tests in preparation for the 29th Decennial Census of April 1980 that replaced census takers, or "enumerators," with self-contained questionnaires. However, many of the questionnaires were completed incorrectly, resulting in costly follow-up visits by enumerators.

National studies had also concluded that the census form's appearance evoked "unnecessary anger, hostility, and resistance" and recommended that the questionnaire be rewritten and redesigned to be clear and attractive to the respondent. The Bureau of the Census retained Siegel+Gale to develop a people-oriented model census form that incorporated state-of-the-art computer techniques.

The content of the existing census form was analyzed, and the information needed by the bureau was determined. Computer experts were consulted in order to provide computer formats and to identify ways to eliminate duplication and simplify data collection through computerized checks and matches. The instructions were incorporated directly onto the questionnaire, and a clear question-and-answer format was used. Additionally, the questionnaire was redesigned using an attractive format to encourage respondents to complete it. To improve readability, a larger, more legible typeface was used, and the questions were arranged in distinct columns.

Food Stamp Form for the U.S. Department of Agriculture

New federal regulations required the development of a single set of food stamp forms that could be used nationwide. These had to be simply written, clearly designed forms oriented to the needs of the public, rather than the administrators. Siegel+Gale was retained to develop new forms that would simplify the application process and make it easier for recipients to understand changes in their status.

Applicants, caseworkers, and regulators were interviewed, and language aimed at a sixth-grade reading level was used because many applicants and recipients have little formal education. A letter format was created to inform recipients of changes in their status, and a tear-off portion was developed that could be mailed back to request a hearing. To "humanize" the forms, two different colors of ink were used to make clear distinctions between the various parts of the forms and to highlight the instructions.

Nine prototype forms were tested in five locations around the country. Comments were gathered from food stamp officers, consumer groups, and the business community, and revisions were made to the prototypes based on this field-testing.

Cost Benefits

A strong paperwork simplification policy offers immediate cost benefits as well as long-term social benefits.

Fewer, simpler forms and applications offer immediate savings in printing, storage, and photocopying. Less obvious, but more dramatic savings are realized from fewer completion errors, shorter training time for employees, and prompter, more accurate processing.

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The potential social benefits of simplification arise from the unique responsibility of government to avail citizens of their rights and obligations. Paper, in the form of government perceived as a clear, forthright communicator stands to gain respect and allegiance from its citizens.

Summary

Conducting paperwork audits, rewriting reports, and redesigned forms will take time and effort, and in some cases, can be facilitated by the expertise of outside consultants. Similarly, setting standards for measuring degrees of simplification and demonstrating results requires some research and considerable effort. Methods for establishing, communicating, and maintaining design and language standards also must be determined to ensure the success of a simplification policy. However, none of these obstacles is insurmountable.

The tremendous, ongoing benefits to be realized from a comprehensive paperwork simplification policy far outweigh the expense and effort needed to implement the policy.

1. "Information Collection Budget of the United States Government," Fiscal Year 1984, Executive Office of the President, Office of Management and Budget

2. Letter to Joseph David explaining why he was denied additional benefits.

3. Opinion of a U.S. federal judge, July, 1984.

4. Request for proposals issued by the U.S. Department of Energy's Western Area Power Administration, April, 1984.

5. Baldrige, Malcom, U.S. Secretary of Commerce. "Plain English in Business and Government," January 5, 1983, address at the FORUM on the Productivity of Plain English sponsored by the U.S. Department of Commerce.