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ARTICLES & ESSAYS

The Power of Clarity:

Ulysses S. Grant as a Model of Writing "So That There Could Be No Mistaking It"[1]

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This article is the fourth in a planned series of articles about the writing qualities and habits of our most eloquent American Presidents.[2] *The focus of all the articles is on the lessons modern legal writers can learn from the Presidents. Ulysses S. Grant's writing was notorious for its clarity. His war dispatches left no reader—either then or now—wondering what he meant. This clarity was also the defining feature of Grant's* Personal Memoirs*, written while he was destitute and dying. Grant's habits of considering audience, using a simple and direct style, and writing with precision and scrupulous accuracy combined to make his writing a model of clarity.*

It may come as a surprise that Ulysses S. Grant makes anyone's list of eloquent writers. Most will recall that Grant led the Union army to victory in the Civil War. But then, many will likely remember a couple of unflattering things. Didn't he have a serious drinking problem?[3] Wasn't he called

* ©Associate Professor, University of St. Thomas School of Law, Minneapolis, Minnesota. I owe thanks to several people for helping me with this article. Prof. Michael Paulsen heard about my project and suggested that I add Grant to my list. I also benefited from comments received during my presentation at the Third Biennial International Applied Storytelling Conference in July 2011 at the University of Denver, Sturm College of Law. My research assistant Marc Spooner provided valuable insight, and we both became quite attached to Grant. Peter D. Gray was a wonderful source of Civil War information. Subia Beg ably reviewed the article. Mary Wells helped me locate several sources. I also thank Jessica Clark, Joan Magat, Sue Painter-Thorne, Ruth Anne Robbins, and Melissa Weresh, my editors at *Legal Communication & Rhetoric: J. ALWD*, for their helpful suggestions and tireless work on this article.

1 Ulysses S. Grant, *Personal Memoirs of Ulysses S. Grant* 631 (Konecky & Konecky 1992) [hereinafter *Personal Memoirs*].

2 The prior three articles in the series explore Thomas Jefferson's use of the "wall of separation between Church & State" metaphor, James Madison's rigor, and Abraham Lincoln's brevity. Julie A. Oseid, *The Power of Metaphor: Thomas Jefferson's "Wall of Separation between Church & State,"* 7 J. ALWD 123 (2010); Thomas C. Berg, Julie A. Oseid & Joseph A. Orrino, *The Power of Rigor: James Madison as a Persuasive Writer*, 8 Legal Communication & Rhetoric: J. ALWD 37 (2011); Julie A. Oseid, *The Power of Brevity: Adopt Abraham Lincoln's Habits*, 6 J. ALWD 28 (2009).

3 Joan Waugh noted that "as almost every Civil War history professor can testify, one of the most commonly asked questions from students and public alike is, 'Was Ulysses S. Grant a drunk?'" Joan Waugh, *U.S. Grant: American Hero, American Myth* 40 (U.N.C. Press 2009).

the "butcher" for his willingness to sacrifice Union soldiers?[4] Wasn't his Presidency noted for its corruption?[5] Didn't he die penniless?[6] These vague memories are likely a result of our generation's lack of knowledge about Grant's accomplishments.[7] Frankly, many of us don't know much about Grant at all.

Part of the problem is that Grant is perplexing. For much of his life he was considered a failure,[8] yet he is recognized as one of the most accomplished military leaders in world history.[9] Thousands of Union soldiers were killed under his command,[10] but he could not stand the sight of blood.[11] He was determined and deliberate in achieving his goal of victory over the Confederacy, but he was magnanimous in his treatment of Southerners both during and after the War.[12] He was probably an alcoholic (today we would label him a binge drinker),[13] but his drinking was the only "element of the spectacular" in Grant's otherwise calm, self-contained, and

4 James M. McPherson, *Introduction* in Ulysses S. Grant, *Personal Memoirs of U.S. Grant* xiii, xxiv (Penguin Bks. 1999); *see also* Josiah Bunting III, *Ulysses S. Grant* 3, 5–6 (Times Bks. 2004).

5 *Presidential Leadership: Rating the Best and the Worst in the White House* 98 (James Taranto & Leonard Leo eds., Free Press 2004).

6 Grant was financially ruined at the end of his life, but the posthumous publication of his *Personal Memoirs* netted $450,000 for his family. McPherson, *supra* n. 4, at xv.

7 Joan Waugh was inspired by this ignorance to write her book about Grant:

> My project began with a question about Grant's life, and his death. Why did Grant's star shine so brightly for Americans of his own day, and why has it been eclipsed so completely for Americans since at least the mid-twentieth century? Most Americans indisputably are ignorant of the *extent* of the once-powerful national legacy of Ulysses S. Grant.

Waugh, *supra* n. 3, at 2.

8 The first chapter of William B. Hesseltine's Grant biography is labeled simply, "Forty Years of Failure." William B. Hesseltine, *Ulysses S. Grant: Politician* 1 (Dodd, Mead & Co. 1935) (Hesseltine says that Grant's first forty years of "dismal failure" were "neatly severed" from the second half of his career, which began in the Civil War). Josiah Bunting noted that Hesseltine's biography of Grant is often condescending toward Grant. Bunting, *supra* n. 4, at 2–3 (Bunting's book is part of The American Presidents series, edited by Arthur M. Schlesinger Jr.).

9 William S. McFeely notes,

> [Grant] had been through a lifetime of great contrasts between anonymous failure and vast public acclaim, and only a relentless plunge into the obscene exhilaration of war enabled him to achieve what others perceived to be a steady grasp on the world.

William S. McFeely, *Grant* 3 (W.W. Norton & Co. 1981).

10 Bunting, *supra* n. 4, at 34 ("The Civil War was the most terrible in our history . . . . Deaths attributable to combat, both sides together, were 698,000; adding in the wounded, the casualty total is 1,168,000 . . . ."); *see also* Michael Korda, *Ulysses S. Grant: The Unlikely Hero* 56–57 (HarperCollins Publishers 2004) (Grant recognized that the Civil War "would be incalculably more bloody than anyone supposed, and would be won only by brute force and killing on a scale that would eclipse all previous wars."); Waugh, *supra* n. 3, at 8 (Grant believed the Civil War was worth its cost.).

11 Korda, *supra* n. 10, at 20 (Grant avoided eating meat whenever possible, and ate only meat that was burned because he could not stand the sight of blood on his plate.).

12 Waugh, *supra* n. 3, at 5, 252–53; Bunting, *supra* n. 4, at 70 ("[The Appomattox surrender] was Ulysses Grant's finest hour, as it was Lee's.").

13 Grant was "a sporadic and then spectacular drunk." John Keegan, *The Mask of Command* 204 (Penguin Bks. 1987).

modest personality.[14] He was the most popular man in America when he died in 1885, but he is remembered only vaguely today.[15] He was flat broke at age 62, but his *Personal Memoirs* were a huge financial and literary success. He was in pain and dying from throat cancer in his final year of life, but he rallied to start and complete his *Personal Memoirs*.[16] So historians debate whether Grant was gifted or ordinary,[17] a butcher or a savior,[18] a success or a failure.[19]

Notwithstanding these apparent inconsistencies, not everything about Grant is seriously debated; everyone seems to agree about some things. Grant did not make an impressive first impression.[20] At 5'8" tall and 135 pounds,[21] he was smaller than expected.[22] He wore only a rumpled part of his military uniform, so many did not recognize him as General Grant.[23] President Lincoln described Grant as "the quietest little fellow you ever saw."[24] He was a devoted family man.[25] He was a spectacular horseman

14 *Id.* McPherson points out that excessive drinking in Grant's day was "considered a moral defect and a matter of deep shame," but that "[Grant] should have felt pride rather than shame" because he overcame his alcoholism "to achieve success and fame." McPherson, *supra* n. 4, at xxv. Grant drank when he was lonely; he did not drink when surrounded by his family. Keegan, *supra* n. 13, at 204.

15 *See supra* n. 7.

16 *See infra* nn. 259–76.

17 *See* McFeely, *supra* n. 9, at xii ("There are historians who, when asked to contemplate Grant, insist that he must have had some secret greatness . . . . I leave to others the problem of accounting for a Mozart or a Marx, but I am convinced that Ulysses Grant had no organic, artistic, or intellectual specialness."). Michael Korda believes Grant had, at least to some degree a "quick glance of genius . . . the ability to see at once on the battlefield where the enemy's weakness lay and how to exploit it with one unexpected blow."). Korda, *supra* n. 10, at 152.

18 *See* Jean Edward Smith, *Grant* 15 (Simon & Schuster 2001) (noting that academic historians have attributed Grant's victories to a "willingness to sacrifice [Union soldiers] in battle . . . despite the fact that Grant's casualty ratio was considerably lower than Lee's.").

19 It is difficult to fit Grant into a box labeled either "success" or "failure." Korda noted, "[Grant], who had failed at almost everything he tried, succeeded quite suddenly as a general, infused with unmistakable self-confidence and unshaken by the noise, carnage, and confusion of battle." Korda, *supra* n. 10, at 11.

20 Lieutenant Horace Porter described his first sighting of Grant:

> In an arm-chair facing the fireplace was seated a general officer, slight in figure and of medium stature, whose face bore an expression of weariness. He was carelessly dressed, and his uniform coat was unbuttoned and thrown back from his chest. He held a lighted cigar in his mouth, and sat in a stooping posture, with his head bent slightly forward. His clothes were wet, and his trousers and top-boots were spattered with mud.

General Horace Porter, *Campaigning with Grant* 1–2 (Cent. Co. 1897).

21 *Id.* at 14.

22 *Id.* (Popular press at the time depicted Grant as a "swash-buckler," but he was instead a slight, gentle man.).

23 *See e.g.* Jean Edward Smith, *supra* n. 18, at 233 (Even new recruits would not recognize him as the general because he dressed so plainly.); *Id.* at 289 (Grant's arrival in Washington, D.C. was so inconspicuous that a hotel clerk gave him a small room on the top floor of the hotel because he did not recognize Grant.).

24 *Id.* at 307 (referencing a conversation between Lincoln and his third secretary William O. Stoddard, who was ill when Grant arrived in Washington, so he did not have a chance to meet Grant personally).

25 Ulysses and Julia Dent Grant had a very successful marriage. *See* Korda, *supra* n. 10, at 32 ("[C]ertainly the Grants would have one of the great marriages of the nineteenth century). Grant was also a devoted parent. McFeely, *supra* n. 9 at 63 (Grant had a "deep love for and confidence in his children.").

and seemed more comfortable riding than walking.[26] He smoked cigars, almost continuously.[27] He did not use profanity.[28] He remained calm in all circumstances.[29] Grant had the moral courage to lead.[30] His troops admired and respected him.[31] Lincoln recognized that, in Grant, he had finally found his military leader: "Grant is the first general I've had. He's a general."[32] In his time, Grant was the most popular living American.[33]

One other Grant trait is not seriously debated—his writing was a model of clarity. Josiah Bunting suggested that Grant was "one of the most talented writers to occupy the White House."[34] His military strategy, including his orders, is still studied in military schools.[35] Thousands of Americans proudly displayed his two-volume *Personal Memoirs* in their homes.[36] Even the critics lauded *Personal Memoirs*. Mark Twain and Gertrude Stein were vocal admirers of Grant's writing.[37] Twain admired Grant's "clarity of statement, directness, simplicity, manifest truthfulness, fairness and justice toward friend and foe alike and avoidance of flowery speech."[38] All agreed that Grant's clarity is what made him such an astonishingly effective writer.

This article has two goals. The first goal is to examine Grant's writing qualities and habits to see how he achieved the clarity that remains a critical writing skill. In many ways clarity is the most important quality of all legal writing. The law is complex, changing, and organic. A persuasive

26 *See* Charles Bracelen Flood, *Grant's Final Victory: Ulysses S. Grant's Heroic Last Year* 108 (Da Capo Press 2011).

27 Jean Edward Smith, *supra* n. 18, at 302. Grant's nearly constant cigar smoking began only after the Fort Donelson capture. Newspapers reported that Grant continued to hold the stump of a cigar throughout the battle, and Northern well-wishers sent as many as 10,000 cigars to Grant, "thinking, no doubt, that tobacco was [Grant's] chief solace." Porter, *supra* n. 20, at 381.

28 *Personal Memoirs*, *supra* n. 1, at 66 ("I am not aware of ever having used a profane expletive in my life; but I would have the charity to excuse those who may have done so, if they were in charge of a train of Mexican pack mules at the time.").

29 *See e.g.* Jean Edward Smith, *supra* n. 18, at 295, 329; Bunting, *supra* n. 4, at 61 (Grant had a "calm, clear mind"); Edmund Wilson, *Patriotic Gore: Studies in the Literature of the American Civil War* 134 (Oxford U. Press 1962).

30 Grant took charge; he did not expect or want Lincoln to be involved in his military strategy. Jean Edward Smith, *supra* n. 18, at 307.

31 The enlisted men in the Union Army instantly liked Grant. "They liked Grant's reticence, his disregard for pomp and ceremony, his eye for the essential." *Id.* at 306.

32 *Id.* at 307 (Lincoln's response when Stoddard asked about Grant's military ability).

33 Bunting comments, "From the end of the Civil War and the assassination of Abraham Lincoln five days later, and until his own death in 1885, Ulysses S. Grant was first in the hearts of his countrymen. They saluted him as a savior of the Union. He was the most famous and most carefully scrutinized American." Bunting, *supra* n. 4, at 1.

34 *Id.* at 117.

35 *See* Korda, *supra* n. 10, at 153.

36 McFeely, *supra* n. 9, at 501 ("The result was an astonishing number of two-volume sets sitting proudly on parlor tables in America in the 1880's."). Over 300,000 copies of the two-volume set were sold. Waugh, *supra* n. 3, at 209.

37 Wilson, *supra* n. 29, at 139–40.

38 Flood, *supra* n. 26, at 130–31.

writer must work hard to clarify the law for the reader. In fact, the more complicated the law is, the more important it is for the writer to be clear.[39] This article reviews the meaning of clarity and considers why it is such an important quality for modern legal writers hoping to persuade others. The article then examines the habits Grant used to achieve clarity in his writing which included his consideration of audience, his simple and direct style, and his scrupulous accuracy. The article then analyzes several of his writings as examples of his clarity. Like the other subjects in this series, Grant was an American President.[40] The Grant writings selected for analysis however, do not come from his presidential years, in large part because his presidential writings are not known for their clarity.[41] Instead, Grant's military dispatches and *Personal Memoirs* provide the best examples of Grant's clarity.[42]

The second goal is to share Grant's story, particularly the story of his life as a writer. Readers who are not familiar with Grant's dramatic race against a deadline—his own imminent death—to complete his *Personal Memoirs* will be impressed with Grant's fortitude and courage. Clarity is the defining feature of Grant's *Personal Memoirs*. Many passages "read so simply that we can hardly realize how every paragraph was drenched in pain."[43] For all Americans, Grant provided a book classifiable as great American literature.[44] For lawyers, Grant provided writing classifiable as a great example of clarity. Grant was resolute, straightforward, disciplined, calm, and determined. These characteristics influenced his writing style, so that when he was at his very best as an author he wrote with clarity.

39 Michael R. Smith noted,

> The substance of legal analysis is complicated enough without adding to the confusion by using unnecessarily complex sentence structures and complicated wording. Thus, a clear, understandable writing style—commonly referred to as "plain English"—is essential to a legal writer's credibility as an intelligent, articulate advocate.

Michael R. Smith, *Advanced Legal Writing* 182 (2d ed., Aspen Publishers 2008).

40 Grant is rated as 32 out of 39 Presidents reviewed, which puts him in the "below average" category. Taranto & Leo, *supra* n. 5, at 12, 94. Even an official White House website about all the Presidents reports that Grant, as President, "provided neither vigor nor reform. Looking to Congress for direction, he seemed bewildered." U.S. Govt., *About the White House*, *Presidents*, *18. Ulysses S. Grant*, http://www.whitehouse.gov/about/presidents/ulyssessgrant (last accessed Mar. 2, 2012). Several scholars believe that Grant's presidency was not quite as bad as historians suggest. *See* Bunting, *supra* n. 4, at 2 ("Grant was the only American president to serve two complete and consecutive terms between Andrew Jackson and Woodrow Wilson.").

41 See *infra* n. 180 and accompanying text.

42 Grant wrote all his own military orders and the *Personal Memoirs*, but he did not write all his presidential communications. McPherson, *supra* n. 4, at xiii.

43 Louis A. Coolidge, *Ulysses S. Grant* 564 (Riverside Press 1922).

44 Korda calls *Personal Memoirs* "the most successful book in American literature." Korda, *supra* n. 10, at 151.

I. The Importance of Clarity in Legal Writing

"Clarity" means easily understood.[45] The word derives from the Latin noun "claritas," which means "clearness" or "vividness"[46] and the Latin verb "claro" meaning "clear" or "explain."[47] Clarity, as a quality of writing, means that the written words accurately reflect the ideas or arguments of the author.[48] Clarity in the written product leaves no trace of doubt in the reader about exactly what the writer means. "Ambiguity is the penalty for lack of clarity."[49] Clarity has long been recognized as important. Confucius said, "If language is lucid, that is enough."[50]

Grant best described his own writing in terms similar to the terms I use when defining "clarity." Recalling the events of April 9, 1865, at Appomattox Court House, Virginia when General Robert E. Lee surrendered the Army of Northern Virginia, Grant wrote,

> When I put my pen to the paper I did not know the first word that I should make use of in writing the terms. I only knew what was in my mind, and I wished to express it clearly, so that there could be no mistaking it.[51]

Grant revealed the two essential aspects of clarity in writing: clear thought and clear expression. Clear thinking can precede clear writing.[52] At least at Appomattox, Grant had no difficulty with clear thought, so his clear thinking came before his clear expression there. Most of us are not as fortunate as Grant at Appomattox in knowing exactly what is in our minds.[53] Before we begin writing we often have a vague sense of the important issues, potential arguments, and best organization. But it is

45 *Webster's American Dictionary* 146 (2d college ed., Random House, Inc. 2000).

46 *Oxford Latin Dictionary* 332 (P.G.W. Glare ed., Oxford U. Press 1983).

47 *Id.*

48 Kristen Robbins (Tiscione) argued that clarity is an elusive and opaque concept. Kristen K. Robbins, *The Inside Scoop: What Federal Judges Really Think About the Way Lawyers Write,* 8 Leg. Writing 257, 283 (2002). She described the traditional concept that ideas exist separate from the writing about those ideas, but further noted that more-recent theories emphasize the importance of the process of writing and social construct to formulate ideas. *Id.*

49 A. Sidney Holderness Jr. & Brooke Wunnicke, *Basics of Writing,* Leg. Op. Ltrs. Formbook § 2.01 (3d ed., Aspen Publishers 2010).

50 Confucius, *XV Analects*, ch. 40 (Ltd. Ed. Club 1933).

51 *Personal Memoirs, supra* n. 1, at 631 (describing the events of April 9, 1865 at Appomattox Court House, Virginia).

52 Elaine A. Grafton Carlson noted,

> Of all the attributes of a good brief, the greatest is clarity. To have clarity of writing there must first be clarity of thought. It is only when the brief writer understands the issues clearly that he or she can write about them in clear terms.

Elaine A. Grafton Carlson, *Elements of Well Written Briefs, Clarity of Meaning*, 6 McDonald & Carlson Tex. Civ. Prac. App. Prac. § 20:5 (2d ed. 2010).

53 McFeely suggested that Grant's clear thinking did not always precede his clear writing. McFeely, *supra* n. 9, at 498. Instead, "Grant himself did not know what he thought until he wrote it." *Id.* Still, McFeely believed that writing was easy for Grant. *Id.* at 504. McFeely wryly suggested that Grant may have been more successful as a President if he had governed by writing notes of instruction instead of holding cabinet meetings. *Id.* at 498.

often the process of writing itself that helps us writers formulate, hone, and simplify those thoughts and ideas. This is particularly true of legal writing. The physical and mental act of writing forces the legal writer to develop the legal arguments, face the strengths and weaknesses of the case, and organize those arguments into a comprehensible product.[54] So clear thinking is typically a process, as is the process of clear written expression, which often requires multiple edits. Sometimes clear thinking comes first. Sometimes thinking is not clear until after writing. In any case, both the thinking and the writing must be clear in the final product.

Once thinking is clear, whether that happens before or during the writing process, the writer faces the second challenge of conveying those ideas in a direct and simple way. The ultimate goal is for the reader to read the words and come to only one—the intended—understanding of the words.[55] Clarity eliminates ambiguity and confusion.

The primary goal for any legal writer should be to make things easier for the reader. Clarity "makes reading effortless."[56] Some readers may be willing to work to understand what an author is writing, but most are not. Even a willing reader will tire of the effort required to understand an unintelligible written document. And who should we be visualizing when we think about that reader? We should follow the lead of Bayless Manning who said his target audience was "a reasonably intelligent, English-speaking, fourteen-year-old" because "if he could explain something to her, anyone would understand it."[57]

It is not easy work to write with clarity. Multiple drafts help the writer through the tortuous work of analyzing the problem and laboriously

54 *See* Linda H. Edwards, *Legal Writing and Analysis* 70 (3d ed., Aspen Publishers 2011) ("Your working draft is where you 'grasp the case.' It guides, deepens, and tests your analysis, and it forms your ideas into the kind of structured, linear reasoning that lawyers must master."). Dean and former judge Donald Burnett explained, "Through the discipline of putting an argument into words, we find out whether the argument is worth making. . . . Each issue is defined by a cluster of facts and governing legal principle. If you cannot articulate this nexus of law and fact, you do not yet have a grasp of the case." Donald L. Burnett Jr., *The Discipline of Clear Expression*, 32 Advoc. 8 (June 1989) (quoted in Linda H. Edwards, *Legal Writing: Process, Analysis, and Organization* xxv (5th ed., Aspen Publishers 2010)).

55 Paul H. Anderson, Lecture, *A Judicial Perspective on Legal Writing and Oral Argument* (U. of St. Thomas Sch. of L., Minneapolis, Minn. Mar. 31, 2011).

56 Mayanne Downs, . . . *And I am Here to Help!*, 85 Fla. B.J. 4, 4 (Feb. 2011) (Downs compliments an appellate lawyer, Kris Davenport, for her "gift for crafting the most complex concepts into easily digested small bites, writing with a clarity that makes reading effortless and the point she's making the only possible conclusion."); *see also* Philip J. Padovano, *Writing Style*, 2 Fla. Prac., App. Prac. § 16:19 (2011) ("Clarity in legal writing is best achieved by placing oneself in the position of the reader.").

57 James J. Hanks Jr., *Legal Capital and the Model Business Corporation Act: An Essay for Bayless Manning*, L. & Contemp. Probs. 211, 212 (2011) (quoting Bayless Manning). Bayless Manning, who is now living in Boise, Idaho, had a successful legal career as a lawyer, professor at Yale Law School, dean at Stanford Law School, and president of the Council on Foreign Relations. *Id.* at 211–12. Hanks reports that Manning, "avoids grand words when simpler ones will do" and "does not need or want to show off in his writing." *Id.* at 212. Hanks concludes, "[a]lthough [Manning] writes with greater elegance than any lawyer I have known, it is the elegance of uncluttered clarity, focus, and brevity—like the writing of another great lawyer, Lincoln." *Id.*

trying to clarify and explain the pertinent facts, issues, and law.[58] But this is exactly the value that lawyers add when writing. It is this hard work of thinking, analyzing, and clarifying that makes a legal brief so much more effective than simply providing a stack of cases for the judge to read.[59] Not surprisingly, clarity in judicial opinions is equally important.[60]

One thing is certain: "[I]t's impossible to separate good writing from clear thinking."[61] Perhaps that is why judges routinely ask for more clarity in legal briefs.[62] For legal writers, "Clarity is mistress of all."[63]

II. Grant's Biography—Learning the Power of Clarity

[C]ircumstances always did shape my course different from my plans.
—Ulysses S. Grant[64]

The most significant influence on Grant's writing occurred during his service in the United States Army, but several other experiences in Grant's life helped shape his devotion to clarity. This section briefly reviews Grant's story, with a particular emphasis on those parts of his life experience that influenced his writing style.

Before telling Grant's story, one of his defining features should be mentioned. Ulysses S. Grant simply was Ulysses S. Grant, and he made no apologies for that fact. He did not gaze at himself and wonder if he made the most of his talents. A reader of Grant's writings will not learn the answers to any of these questions: Did he ever doubt himself? What did he consider as his weaknesses? Did he have regrets?[65] How does he explain

58 *See* Hon. Bruce S. Jenkins, *The Legal Mind in the Digital Age*, 58 Fed. Law. 28, 30–31 (Feb. 2011).

59 *Id.* at 30. Some suggest that lawyers have a professional ethical obligation to improve the legal system by writing with clarity. *See* Robert Rich, Student Author, *The Most Grotesque Structure of All: Reforming Jury Instructions, One Misshapen Stone at a Time*, 24 Geo. J. Leg. Ethics 819, 829 (2011) (noting that jury instructions should be written so that they are understandable); *see also* Charles C. Tucker, *The Evolution of Legal Language*, 40 Colo. Law. 91, 91 (Jan. 2011) ("Thus, it seems courts are especially inclined to promote clarity in legal documents [like jury instructions] that are intended to communicate substantive legal principles to nonlawyers.").

60 *See* John D. Feerick, *Judge Denny Chin: A Student of the Law*, 79 Fordham L. Rev. 1491, 1493 (2011) Feerick compliments Judge Denny Chin, United States Court of Appeals for the Second Circuit: "A review of his decisions reveals a person who pays close attention to the facts and applicable law and expresses in his judicial writings a clarity and directness . . . , leaving little room for guessing at his reasons for deciding a particular matter."

61 Bryan A. Garner, *Legal Writing in Plain English* xiii (U. Chi. Press 2001).

62 Robbins, *supra* n. 48, at 284. In 2000, Robbins conducted a thorough study asking federal judges to rate lawyer writing and indicate the qualities of good brief writing. Robbins noted, "Of all the advice offered by judges to improve legal writing . . . , the need to be concise and clear appeared most often." *Id.* at 264.

63 Joseph R. Nolan & Kerry A. Durning, *Writing the Brief—Writer's Discipline*, 41 Mass. Prac., App. Proc. § 3:4 (3d ed. 2011). Justice Antonin Scalia and Bryan Garner advise that clarity trumps all other elements of style. Antonin Scalia & Bryan A. Garner, *Making Your Case: The Art of Persuading Judges* 107 (Thomson/West 2008).

64 *Personal Memoirs*, *supra* n. 1, at 28.

the huge number of Union casualties? How could he have had so little business sense?[66] Grant was a doer, not an explainer.[67] "He addressed his problems, discharged his mission, and moved on."[68] Further, Grant believed that his destiny was not in his own hands.[69]

Despite Grant's preference for forward movement instead of backward introspection, Grant does give readers glimpses into his feelings, his values, and his heroes. He was sad when Lee finally surrendered.[70] He intensely disliked being humiliated; he could not stand to see anyone else humiliated either.[71] He knew fear. Grant loved and adored his family.[72] He supported the preservation of the Union.[73] He believed that slavery had caused the Civil War.[74] He admired and respected many men—particularly Zachary Taylor[75] and Abraham Lincoln.[76] This brief biography highlights those experiences that influenced Grant's writing.

Grant's famous traits of tenacity, honesty, fairness, discipline, and practicality contributed to his great success in writing with clarity. Grant was not one to give up, and this persistence and tenacity when writing translated to a product that was clear and precise. He knew what his goal was, and he wanted his readers to understand and accomplish those goals. Grant was also honest, fair and straightforward, so his writing never

65 The exception to this is that Grant does write briefly about his regrets at Vicksburg and Cold Harbor. Waugh, *supra* n. 3, at 205–06; *see also* McFeely, *supra* n. 9, at 511 ("He apologized only for one hideously bloody day outside Vicksburg and for Cold Harbor . . . .").

66 Waugh argues that an audience in the late 19th century would not have expected an autobiography to contain personal revelations or apologies. Waugh, *supra* n. 3, at 205. But Bunting argues that Grant's reluctance to explain or justify made him "a profound puzzle to his own generation." Bunting, *supra* n. 4, at 2.

67 *Id.*

68 *Id.*

69 *Personal Memoirs*, *supra* n. 1, at 65. Of course Grant did not believe that there was anything unique about him. He often noted "how little men control their own destiny." *Id.*

70 *Id.* at 629–30.

71 *See infra* nn. 93–100 and n. 262 and accompanying text.

72 Grant was always faithful to his wife Julia. He also wept openly and nearly constantly through his daughter's wedding at the White House. *See* McFeely, *supra* n. 9, at 402; *see also* Waugh, *supra* n. 3, at 147. Korda believes Grant "found in his family life a happiness that eluded him in his public life." Korda, *supra* n. 10, at 134.

73 Waugh, *supra* n. 3, at 1 (Grant had a "resolute determination to defeat those who would split the Union.").

74 *Personal Memoirs*, *supra* n. 1, at 659.

75 *See supra* nn. 116–22.

76 Grant stood for hours at the head of Lincoln's casket and stated, "He was incontestably the greatest man I have ever known." Waugh, *supra* n. 3, at 112 (quoting Bruce Catton, *Grant Takes Command* 479 (Little, Brown & Co. 1968)). Grant recalled, "It would be impossible for me to describe the feeling that overcame me at the news of . . . the assassination of the President. I knew his goodness of heart, his generosity, his yielding disposition, his desire to have everybody happy, and above all his desire to see all the people of the United States enter again upon the full privileges of citizenship with equality among all." *Personal Memoirs*, *supra* n. 1, at 641.

masked reality. Instead, Grant got right to the point.[77] Grant was disciplined both physically and mentally,[78] and he wrote with such concentration that he was not aware of his surroundings.[79] Finally, Grant was practical. He had a tendency to treat dramatic matters in a very matter-of-fact way.[80] As a result, his writing did not exaggerate, obfuscate, or confuse his readers.

A. 1822–1843—Grant's early years (until age 21)

I read but few lives of great men because biographers do not, as a rule, tell enough about the formative period of life. What I want to know is what a man did as a boy. —Ulysses S. Grant[81]

Grant's *Personal Memoirs* are devoted primarily to the Civil War, but he does tell the story of his childhood and years at West Point. In these early pages of *Personal Memoirs* Grant reveals several features of his personality: his resolve, his courage, his sensitivity to embarrassment and humiliation—both his own and that of others, and his belief that he was equal to others.[82] Some historians wish Grant had devoted more pages to his early years,[83] but even in these scant pages Grant shares what he himself considered the truly defining events.[84]

Ulysses S. Grant was born on April 27, 1882, in Ohio and lived there until he entered West Point at age seventeen.[85] He thought of himself as a westerner.[86] He described his childhood as idyllic. He preferred farming to his father's tanning business, so he was allowed to complete his chores on the family land and then spend the remainder of his time fishing, swimming, and riding horses.[87]

Perhaps the most defining feature of Grant's personality was his resolve. When Grant, a horse lover for his entire life, was about eight years old, he saw a colt and wanted to buy him. Grant's father offered the colt's

77 Flood, *supra* n. 26, at 102.

78 *Id.* at 112.

79 *See infra* n. 167 and accompanying text.

80 Flood, *supra* n. 26, at 194.

81 Korda, *supra* n. 10, at inscription.

82 Korda believes that "Grant's virtues—his reserve, his quiet determination, his courage in the face of adversity—were all present in the shy, awkward, withdrawn child who seemed unable to please his father and toward whom his mother showed an indifference that was remarked on even at the very beginning of his life." *Id.* at 13.

83 *See id.* at 16–17 *(*Korda counts only seven pages out of 1200 devoted to Grant's childhood).

84 Charles Bracelen Flood notes,

> By deciding to give his work the full title, *Personal Memoirs of Ulysses S. Grant*, he did himself a great favor. He could write about the things he wished to put before the reader, and omit those he did not. At one stroke, he relieved himself of the obligation to include everything he might know about a battle or a person, while reserving the right to dwell on a smaller matter of fleeting perception.

Flood, *supra* n. 26, at 71.

85 *Personal Memoirs*, *supra* n. 1, at 19.

86 Bunting, *supra* n. 4, at 7.

87 *Personal Memoirs, supra* n. 1, at 20–21.

88 *Id.* at 22.

owner, Mr. Ralston, $20, but Ralston wanted $25. Grant wanted the colt so desperately that he "begged to be allowed to take him at the price demanded." His father relented and told Grant that he should start by offering $20, increase the offer to $22.50, and offer $25 if Ralston did not accept the earlier offers. Grant rode to Ralston's house and announced, "Papa says I may offer you twenty dollars for the colt, but if you won't take that, I am to offer twenty-two and a half, and if you won't take that, to give you twenty-five." Grant concludes, "It would not take a Connecticut man to guess the price finally agreed upon."[88] Some suggest that this story foreshadows Grant's later business failures.[89] But another view of the story is that it shows Grant's determination and resolve. He likely had a fair idea of the value of the colt.[90] He knew he wanted this horse, he was willing to do what it took to get it, and he was ultimately successful.[91]

Another horse story from Grant's childhood shows his courage, common sense, and ability to solve problems. When he was fifteen, Grant acquired a new saddle horse that had evidently never before worn a collar or a harness. Having traded one of his two carriage horses for the new one, Grant nonetheless hitched the horse to the carriage and started toward home. At one point a "ferocious dog" frightened the horses, and they bolted. Though Grant stopped and calmed them, the new horse soon began to kick and run again. Grant managed to stop them at the very edge of a twenty-foot precipice. The new horse, "frightened and trembl[ing] like an aspen," refused to move on. Finally, Grant calmed the agitated horse logically and humanely by blindfolding it with his bandana.[92]

Grant could not bear humiliation, whether it be his own or that of any other person. Grant shared three stories—more than on any other topic—about his dislike of feeling embarrassed. Grant's sensitivity to embarrassment was part of the reason he was reluctant to write his memoirs.[93] He recalled how the Ralston transaction "caused me great heartburning" when the hometown boys teased him after learning the story.[94] Grant wryly noted, "Boys enjoy the misery of their companions, at least village boys in that day did, and in later life I have found that all adults are not free from the peculiarity."[95] Grant was next embarrassed after he proudly wore his new infantry uniform, wanting "my old schoolmates, particularly the girls, to see me in it."[96] He had the "conceit . . . knocked out of me" by two incidents.[97] He was riding on a horse in

89 Bunting, *supra* n. 4, at 12.

90 *Id.*

91 *See* Waugh, *supra* n. 3, at 17 (Grant was honest and honorable in the exchange).

92 *Personal Memoirs, supra* n. 1, at 21–22.

93 *See infra* n. 262 and accompanying text.

94 *Personal Memoirs, supra* n. 1, at 23

95 *Id.*

96 *Id.* at 30.

97 *Id.*

Cincinnati "imagining that every one was looking at me [with great admiration]," but a street urchin teased him.[98] Grant was still feeling the sting from that humiliation when a stable hand in Grant's hometown wore "a pair of sky-blue nankeen pantaloons—just the color of my uniform trousers—with a strip of white cotton sheeting sewed down the outside seams in imitation of mine."[99] Grant admitted that the mocking of his uniform also "gave me a distaste for military uniform that I never recovered from."[100]

These stories about Grant's personal humiliations show another Grant personality trait—he believed in human equality. Grant opens his *Memoirs* with the following sentence: "My family is American, and has been for generations, in all its branches, direct and collateral."[101] Grant's pride in his American lineage supported his belief that he was equal to other men. Michael Korda elaborates, "The Grants may not have thought themselves *better* than anyone, but they certainly thought themselves as *good* as anyone—a very American attitude."[102] Grant claims that he watched his personal hero General Winfield Scott review the West Point cadets and thought, "I could never resemble him in appearance, but I believe I did have a presentiment for a moment that some day I should occupy his place on review . . . . "[103] Again, he recalled the Ralston horse trade and explained that he did not share this presentiment with even his closest friends, fearing that he might again be the subject of ridicule.[104]

Grant gives some insight into his intellectual habits by contrasting his own casual study habits to his father's disciplined study habits. Grant admired his father Jesse's "thirst for education" despite Jesse's formal schooling of only six months.[105] Grant recalled that his father "learned rapidly" and "read every book he could borrow."[106] Because books were scarce, Jesse was a studious reader, "so that when he got through with a book, he knew everything in it."[107] Grant himself attended school from age six until he left for West Point at age seventeen, but he admitted, "I was not studious in habit, and probably did not make progress enough to compensate for the outlay for board and tuition."[108]

98 *Id.*

99 *Id.* at 31.

100 *Id.* at 30.

101 *Id.* at 15. Grant provides evidence supporting this statement by tracing his family history on both his maternal and paternal sides. *Id.* at 15-19.

102 Korda, *supra* n. 10, at 16.

103 *Personal Memoirs*, *supra* n. 1, at 29.

104 *Id.*

105 *Id.* at 17.

106 *Id.*

107 *Id.*

108 *Id.* at 19 (The "board and tuition" Grant referred to was the cost of his attendance at two boarding schools during the winters of 1836–37 and 1838–39.).

Grant's lackadaisical attitude toward studying continued at West Point: "I did not take hold of my studies with avidity, in fact I rarely ever read over a lesson the second time during my entire cadetship."[109] But, importantly, Grant did read voraciously. He explained that cadets could check out books: "I devoted more time to these, than to books relating to the course of studies. Much of the time, I am sorry to say, was devoted to novels, but not those of a trashy sort."[110] He may have considered it a waste of his time, but these novels influenced Grant's writing style in a positive way.[111] Grant's reading improved his style more than any time he could have spent on Jomini's text on tactics.[112] It was at this time that Grant recognized the value of clarity[113] and when he began his lifelong habit of writing with clarity: "[Grant's] prose is direct, clear, and never ambiguous, as it was to be for the rest of his life . . . . "[114] At age seventeen Grant was "already a writer of confident, limber English prose."[115]

B. 1843–1861—Grant after West Point and until reenlisting during the Civil War

[O]n paper [General Zachary Taylor] could put his meaning so plainly that there could be no mistaking it.
—Ulysses S. Grant[116]

Grant's admiration for Zachary Taylor, which resulted in Grant's adopting Taylor's best qualities, is the most significant legacy from these years. After West Point, Grant was sent to the Mexican War, where he served under both Taylor and Scott.[117] Grant respected Taylor and adopted several of Taylor's personality traits, including Taylor's preference for plain

109 *Id.* at 27. Grant never wanted to be at West Point, and in fact hoped that Congress would approve the 1839 bill proposed to abolish West Point so that he could honorably leave the Military Academy. *Id.* at 28. It was Jesse's wish, not Ulysses', to have Ulysses attend West Point. *Id.* at 23–24. Grant admitted that his time at West Point dragged, recalling that his years there "seemed about five times as long as Ohio years." *Id.* at 29.

110 *Id.* at 27.

111 *See* Stephen King, *On Writing: A Memoir of the Craft* 145 (Scribner 2000). Stephen King advised, "If you want to be a writer, you must do two things above all others: read a lot and write a lot."

112 Korda, *supra* n. 10, at 38.

113 *See id.* ("Like the young Winston Churchill, also a failure at school and military college, Grant learned how to master the English sentence.").

114 *Id.* at 38.

115 Bunting, *supra* n. 4, at 16.

116 *Personal Memoirs, supra* n. 1, at 85 (Grant made these comments recalling the leadership of Zachary Taylor during the Mexican War when comparing the "modes of expressing thought" of Taylor and General Scott.).

117 Grant fought valiantly in that war; he also was a quartermaster. Bunting, *supra* n. 4, at 24–25. Even though he was not guilty of a theft of $1,000 while he was a quartermaster in Mexico, Grant was held responsible for the missing money and had to repay the sum. Korda, *supra* n. 10, at 49.

military dress,[118] calm demeanor,[119] obedience,[120] and a taciturn nature.[121] Grant followed Taylor's lead in not "troubl[ing] the administration much with his demands, but . . . [doing] the best he could with the means given him."[122] In fact, this was the quality that Lincoln admired in Grant. Lincoln noted that all his previous Union commanders would complain that they could not win battles without additional resources, generally cavalry, but "[Grant] doesn't ask me to do impossibilities for him, and he's the first general I've had that didn't."[123]

Grant also embraced Taylor's habit of writing orders with clarity. Grant could have been describing his own writing style when he recalled that Taylor wrote plainly and clearly.[124]

Grant also served under Scott; his admiration for Scott began during his West Point days.[125] Grant believed both generals were "great and successful soldiers; both were true, patriotic and upright."[126] But Grant preferred Taylor. "Scott saw more through the eyes of his staff officers" where "Taylor saw for himself."[127] In addition to his head-on approach, Grant respected Taylor's sense of camaraderie with his soldiers: "Both [Scott and Taylor] were pleasant to serve under—Taylor was pleasant to serve with."[128] Taylor and Grant were both known and respected by their soldiers.[129] Grant evoked "familiar reverence" from his soldiers.[130]

When recalling this time of his life, Grant reveals one of his superstitions: "[W]hen I started to go any where, or to do anything, not to turn back, or stop until the thing intended was accomplished."[131] Many claim that this trait was the secret to his success as a general—he moved forward, he pressed on, he pursued the enemy, he would find an alternative so that he could continue making progress.[132] Lincoln admired this

118 Grant wrote, "General Taylor never made any great show or parade, either of uniform or retinue. In dress he was possibly too plain, rarely wearing anything in the field to indicate his rank, or even that he was an officer . . . ." *Personal Memoirs*, *supra* n. 1, at 63.

119 Grant wrote, "No soldier could face either danger or responsibility more calmly than he. These are qualities more rarely found than genius or physical courage." *Id.*

120 Grant explained that if Taylor "thought that he was sent to perform an impossibility with the means given," he would tell the authorities, let them decide what to do, and "[i]f the judgment was against him he would have gone on and done the best he could with the means at hand." *Id.*

121 Grant noted that Taylor would not "parad[e] his grievance before the public." *Id.*

122 *Id.*

123 Jean Edward Smith, *supra* n. 18, at 307 (referencing a conversation between Lincoln and Stoddard).

124 *Personal Memoirs, supra* n. 1, at 85; McPherson, *supra* n. 4, at xvii.

125 *See supra* n. 103 and accompanying text (Grant was impressed with General Scott when he reviewed the West Point cadets).

126 *Personal Memoirs, supra* n. 1, at 85.

127 *Id.*

128 *Id.*

129 *Id.*; McPherson, *supra* n. 4, at xvii.

130 Keegan, *supra* n. 13, at 234 (Keegan labeled Grant an "unhero," but this is a compliment).

131 *Personal Memoirs*, *supra* n. 1, at 35. Grant continued, "I have frequently started to go to places where I had never been and to which I did not know the way, depending upon making inquiries on the road, and if I got past the place without knowing it, instead of turning back, I would go on until a road was found turning in the right direction, take that, and come in by the other side." *Id.*

tenacity and reportedly commented, "When Grant once gets possession of a place, he holds on to it as if he had inherited it."[133]

After the Mexican War, Grant served an additional six years "in a succession of dreary posts."[134] Ultimately, Grant resigned from the Army, likely due to his drinking, which was always exacerbated by his separation from his family.[135]

During the next seven years, before Grant reenlisted during the Civil War, he tried several occupations including farming, selling wood, and selling real estate.[136] He was not successful in any of these endeavors. At one point, people were rumored to cross the street when they saw Grant because they feared he would ask them for a loan.[137] He eventually settled in Galena, Illinois to work for his two younger brothers in their leather goods store.[138]

C. 1861–1865—Grant in the Civil War

Whatever [Lee's] feelings, they were entirely concealed from my observation; but my own feelings, which had been quite jubilant on the receipt of his letter, were sad and depressed. I felt like anything rather than rejoicing at the downfall of a foe who had fought so long and valiantly, and had suffered so much for a cause . . . .
Ulysses S. Grant[139]

Grant's recollections of the Civil War years constitute the bulk of his *Personal Memoirs*.[140] Naturally, Grant writes about only those battles in which he was involved.[141] These were the years when Grant both realized the value of clear directions and practiced his clear writing.

132 James Longstreet, who knew Grant at West Point and served with him in Mexico, was one Confederate who did not underestimate Grant, "I tell you that we cannot afford to underrate him and the army he now commands. We must make up our minds to get into line of battle and stay there; for that man will fight us every day and every hour till the end of this war." Porter, *supra* n. 20, at 47; *see also* Bunting, *supra* n. 4, at 35 ("Grant was willing to make decisions and live with their consequences" because of his "constant faith in victory."); Jean Edward Smith, *supra* n. 19, at 357 (Grant had a "head-on style.").

133 Porter, *supra* n. 20, at 223 (quoting Lincoln).

134 Wilson, *supra* n. 29, at 134.

135 Korda, *supra* n. 10, at 51.

136 *Personal Memoirs, supra* n. 1, at 125–26.

137 Wilson, *supra* n. 29, at 134.

138 *Personal Memoirs, supra* n. 1, at 126; McFeely, *supra* n. 9, at 64–66. Grant did not mind leaving that business, "I never went into our leather store after that meeting, to put up a package or do other business." *Personal Memoirs, supra* n. 1, at 138.

139 *Id.* at 629–30 (describing how he felt on the way to the Appomattox Court House).

140 Even when discussing the Mexican War, Grant often foreshadows events from the Civil War. *See e.g. id* at 59 ("As I looked down that long line of about three thousand armed men, advancing towards a larger force also armed, I thought what a fearful responsibility General Taylor must feel, commanding such a host and so far away from friends."); *id.* at 73 ("My pity was aroused by the sight of the Mexican garrison of Monterey marching out of town as prisoners, and no doubt the same feeling was experienced by most of our army who witnessed it."); *id.* at 93 ("It is always, however, in order to follow a retreating foe, unless stopped or otherwise directed.").

141 Wilson, *supra* n. 29, at 152 (The Union victory is made "to seem a great deal easier than it actually was" because Grant writes only about "those operations in which he himself figured.").

Grant was a superb military leader and particularly suited for a war like the Civil War. He did not believe much in theory; he instead preferred action.[142] He recognized that his army needed no permanent base and that the soldiers could survive on the military supplies provided by river and railroad and the produce of the land through which the army passed.[143] Victory would then come with the three things Grant could provide: "drill, discipline, and belief in [the Union cause]."[144]

Grant knew fear, but that did not stop his progress. Grant, in an oft-quoted passage, explains how he learned the important lesson that his enemy was just as fearful as he was:

> I would have given anything then [before a battle] to have been back in Illinois, but I had not the moral courage to halt and consider what to do; I kept right on. . . . It occurred to me at once that Harris had been as much afraid of me as I had been of him. This was a view of the question I had never taken before; but it was one I never forgot afterwards.[145]

There was one man whom most Union soldiers feared above all others—Robert E. Lee.[146] Grant recognized that many people would attribute "almost superhuman abilities" to military commanders.[147] Lee had that heroic status for most, but not for Grant, who said, "I had known him personally, and knew that he was mortal; and it was just as well that I felt this."[148]

Some of Grant's military leadership qualities helped him write with clarity. He had common sense.[149] He was self-confident.[150] He was

142 *Personal Memoirs, supra* n. 1, at 151 (Grant admitted he had not studied tactics, but he looked at one lesson and started his command, determining that tactics "was nothing more than common sense.").

143 Keegan, *supra* n. 13, at 192.

144 *Id.*

145 *Personal Memoirs*, *supra* n. 1, at 149.

146 Almost every account of Grant's temperament suggests that he was calm in all circumstances. The following story is the exception. During The Wilderness campaign Grant heard about Lee's prowess one too many times. A Union brigadier told Grant that the Union was in crisis, he knew "Lee's methods well by past experience," and Lee would send his whole army to cut off Union communications. Porter, *supra* n. 20, at 69. Horace Porter recalled Grant's response:

> The general rose to his feet, took his cigar out of his mouth, turned to the officer, and replied, with a degree of animation which he seldom manifested: "Oh, I am heartily tired of hearing about what Lee is going to do. Some of you always seem to think he is suddenly going to turn a double somersault and land in our rear and on both flanks at the same time. Go back to your command, and try to think what we are going to do ourselves, instead of what Lee is going to do."

Porter, *supra* n. 20, at 70.

147 *Personal Memoirs*, *supra* n. 1, at 116.

148 *Id.* Grant thus likely tired of those who diminished his victories by saying, "Wait until you meet Bobby Lee." Thomas E. Griess, *The American Civil War* 194 (Square One Publishers 2002).

149 McFeely, *supra* n. 9, at xiii. McFeely notes that Grant did not have patience for theory, but he did have "ruthlessly realistic common sense."

150 *Personal Memoirs*, *supra* n. 1, at 116.

modest.[151] Grant's approach to writing seemed to mirror his direct and simple approach to military strategy, "The art of war is simple enough. Find out where your enemy is. Get him as soon as you can. Strike at him as hard as you can, and keep moving on."[152]

D. 1865–1885 Grant after the Civil War

Let us have peace.
—Ulysses S. Grant[153]

After Appomattox, Grant became a four-star general.[154] Grant remained as head of the Army until his election in 1868 to the first of his two terms as President.[155] His campaign slogan in 1868 was identical to one of the final sentences in his *Personal Memoirs*, "Let us have peace."[156] Grant's record as a politician is a subject of some controversy with some historians arguing that he is underrated as a President,[157] but many others pointing out that his "political career proved troublesome."[158] No one believed that Grant himself was corrupt; instead, he was honest and well-meaning.[159] Still, his presidential years were not the most successful years of his life. Grant's lasting legacy is as a general.[160]

After leaving the presidency, the Grants took a two-year world tour. Grant was an international celebrity.[161] The working people adored him.[162] They thought of Grant as a fellow workingman.[163] Grant was a "man of few words," and he did not make long speeches.[164] Following the tour, the

151 Keegan, *supra* n. 13, at 234. Grant did occasionally drink during the Civil War, and his muddled writing was one clue that he was drinking. Colonel John Rawlins wrote to Grant, "[The] lack of your usual promptness of decision and clearness in expressing yourself in writing tend to confirm my suspicions [that Grant had been drinking]." Jean Edward Smith, *supra* n. 18, at 232 (quoting 8 *Grant Papers* 322–23 note). Rawlins's diligence prevented Grant from backsliding into drinking. *Id.*

152 Coolidge, *supra* n. 43, at 54 (Coolidge references a conversation Grant had with a "young officer.").

153 *Personal Memoirs, supra* n. 1, at 665. This was also a phrase Grant used in his letter accepting the Republican party's nomination for President in 1868. Waugh, *supra* n. 3, at 118–20.

154 Waugh, *supra* n. 3, at 2.

155 *Id.*

156 *See supra* n. 153.

157 *See* Bunting, *supra* n. 4, at 2 ("Grant was the only American president to serve two complete and consecutive terms between Andrew Jackson and Woodrow Wilson, and as president he was bequeathed heavier and less tractable burdens than any other president in our history, save only two."); *see also* David Herbert Donald, *Overrated and Underrated Americans*, 39 Am. Heritage 52 (1988) (listing Grant as the most underrated public figure in American History).

158 Waugh, *supra* n. 3, at 2.

159 *Id.*

160 Grant is still remembered "as a general, not as a president." Bunting, *supra* n. 4, at 5.

161 Korda, *supra* n. 10, at 138.

162 *Id.* at 139.

163 *Id.*

164 *Id.*; Grant disliked public speaking. McFeely, *supra* n. 9, at 154. Grant "frequently blushed when applauded and always kept his remarks brief." Flood, *supra* n. 26, at 51.

Grants returned to live in New York City, where Grant eventually lost all his savings. He then wrote his *Personal Memoirs* during the last year of his life.[165]

III. Grant's Writing Habits: Consider Audience, Adopt a Simple and Direct Style, and Write with Scrupulous Accuracy

Grant approached his writing calmly, with diligence and concentration. Two first-hand accounts of Grant physically writing show how Grant approached the task. Lieutenant-Colonel Horace Porter vividly recalled watching Grant write,

> My attention was soon attracted to the manner in which he went to work at his correspondence. At this time, as throughout his later career, he wrote nearly all his documents with his own hand, and seldom dictated to any one even the most unimportant despatch. His work was performed swiftly and uninterruptedly, but without any marked display of nervous energy. His thoughts flowed as freely from his mind as his ink from his pen; he was never at a loss for an expression and seldom interlined a word or made a material correction.[166]

Adam Badeau, Grant's military secretary, confirmed that Grant wrote with the same calm detachment, even when writing in the field. Badeau reported that even when "[a] shell burst immediately over him," Grant's hand did not shake; instead he "continued the dispatch as calmly as if he had been in camp."[167] Grant's chief goal was clarity.[168] But he knew that to achieve clarity, he had to consider his audience, use a simple and direct style, and write with precision and accuracy.

A. Consider audience

When I put my pen to the paper I did not know the first word that I should make use of in writing the terms. I only knew what was in my mind, and I wished to express it clearly, so that there could be no mistaking it.
—Ulysses S. Grant[169]

Amazingly, Grant used the identical goal of clarity—*"there could be no mistaking it"*[170]—in both his description of Taylor's writing and that of his

165 Waugh, *supra* n. 3, at 2.

166 Porter, *supra* n. 20, at 6–7 (describing how Grant and Porter had returned from a day of inspection and Grant had then sat at his desk to write).

167 Wilson, *supra* n. 29, at 135 (quoting Adam Badeau).

168 *Personal Memoirs, supra* n. 1, at 631.

169 *Id.* (recalling the events of April 9, 1865, at the Appomattox Court House, Virginia, when General Robert E. Lee surrendered the Army of Northern Virginia).

170 *Id.* at 85, 631.

own goals at Appomattox. This goal of clarity is written with the reader in mind. The writer is envisioning the reader and is writing so that any reader will know exactly what the writer means. Grant envisioned one very specific audience member when he wrote his military orders—the addressee on the dispatch. That reader was always Grant's primary audience. He knew that others, including the public, would read his dispatches. But Grant did not let these shadow audiences dictate his objective of making sure that the addressee knew his precise meaning. In contrasting Scott with Taylor, Grant focused in part on whom each envisioned as his primary audience. Scott prepared his orders "with great care and evidently with the view that they should be a history of what followed";[171] Taylor "gave orders to meet the emergency without reference to how they would read in history."[172]

The audience for Grant's *Personal Memoirs* was the American public, who loved and revered Grant.[173] During his courageous effort to complete the book, he "was serving up to his future readers a masterful overview of his campaigns and battles,"[174] so that all Americans could benefit from his experience and wisdom.[175] There is no doubt that Grant also envisioned his beloved soldiers and sailors as he was writing his *Personal Memoirs*. He completed his dedication on May 23: "These volumes are dedicated to the American soldier and sailor."[176] Grant's son suggested that his father revise his dedication to specify only the Northern soldiers and sailors, but Grant made no change because he wanted to include all those who fought in the Civil War.[177] He hoped his dedication would help restore harmony in America.[178]

Grant's presidential writings, as opposed to his wartime writing and memoirs, are not the best examples of clarity, primarily a result of Grant's

171 *Id.* at 85. Grant gave a detailed comparison between the writing styles of Scott and Taylor:

> In their modes of expressing thought, these two generals contrasted quite as strongly as in their other characteristics. General Scott was precise in language, cultivated a style peculiarly his own; was proud of his rhetoric; not averse to speaking of himself, often in the third person, and he could bestow praise upon the person he was talking about without the least embarrassment. Taylor was not a conversationalist, but on paper he could put his meaning so plainly that there could be no mistaking it. He knew how to express what he wanted to say in the fewest well-chosen words, but would not sacrifice meaning to the construction of high-sounding sentences.

Id.

172 *Id.*

173 Even young Americans, not born until long after the Civil War ended, appreciated Grant's role in preserving the Union and flooded him with letters during his last year of life. Flood, *supra* n. 26, at 165–66.

174 *Id.* at 127.

175 *Id.* at 129.

176 *Personal Memoirs, supra* n. 1, at dedication.

177 Flood, *supra* n. 26, at 182.

178 *Id.*

discomfort with his audiences during the period of his presidency. Josiah Bunting III explains,

> Ulysses Grant, one of the most talented writers to occupy the White House, labored in writing his inaugural addresses and annual messages to Congress not to disappoint the expectations of his audiences. He imagined that such lofty occasions require a certain kind of language. It is extraordinary, the difference in tone and syntax between these set pieces, on the one hand, and the headlong clarity of his military orders and correspondence, not to mention the limber prose of his *Memoirs*.[179]

B. Adopt a simple and direct style

[General Taylor] knew how to express what he wanted to say in the fewest well-chosen words, but would not sacrifice meaning to the construction of high-sounding sentences.
—Ulysses S. Grant[180]

When the goal is clarity—to have the reader understand exactly what you mean in your writing—a writer will write with simplicity and directness. General Meade's chief-of-staff recognized that "[Grant's] style inclined to be epigrammatic without his being aware of it."[181] Grant's simple and direct style may be more common in our modern times, but Grant was writing "[i]n an age of eloquent oratory and chivalrous circumlocution."[182] Grant's style contrasted dramatically from this flamboyant style; he used "plain and unmistakably clear words." Like Lincoln, Grant preferred words of Saxon derivation, so his words were shorter (than those derived from Latin) and had more punch.[183]

Grant's writing was crisp, forceful, and clear.[184] He used the active voice, which made his sentences shorter and more direct.[185] In the same way that Grant ran his army, he wrote by going directly from a starting point to an end point without being distracted.[186]

Grant noted that his war writings and official Presidential documents had been published and thus "[t]he public has become accustomed to my style of writing. They know that it is not even an attempt to imitate either a literary or classical style; that it is just what it is and nothing else."[187] His

179 Bunting, *supra* n. 4, at 117.

180 *Personal Memoirs, supra* n. 1, at 85.

181 Wilson, *supra* n. 29, at 143.

182 Taranto & Leo, *supra* n. 5, at 95.

183 Flood, *supra* n. 26, at 68; *see also* Oseid, *The Power of Brevity: Adopt Abraham Lincoln's Habits*, *supra* n. 2, at 52–53.

184 Keegan, *supra* n. 13, at 200.

185 Mark Adler, *Clarity for Lawyers* 98 (2d. ed., Law Socy. 2007).

186 McPherson, *supra* n. 4, at xv–xvi, xviii.

187 Waugh, *supra* n. 3, at 176 (quoting Bruce Catton, *U.S. Grant: Man of Letters*, 109 Am. Heritage 97, 98 (1968)).

goal was to tell his story "so that others can see as I do what I attempt to show."[188]

C. Write with precision and accuracy

I would like to see truthful history written. Such history will do full credit to the courage, endurance and soldierly ability of the American citizen, no matter what section of the country he hailed from, or in what ranks he fought.
—Ulysses S. Grant[189]

Grant believed that he should always be precise and scrupulously accurate. He had an excellent memory for both events and topography,[190] but he double-checked all dates and facts.[191] Grant "used the English language as precisely as any military commander before or since."[192] Further, Grant was honest.[193] He wrote his *Personal Memoirs* objectively and honestly, which set the book apart from other self-serving accounts of the Civil War. Edmund Wilson noted, "Perhaps never has a book so objective in form seemed so personal in every line."[194]

Precision and accuracy are essential qualities for legal writers. Readers trust writers who are precise.[195] Lawyers have an ethical obligation to be truthful.[196] Even without Grant's memory, modern lawyers have an ability to retrieve the law. Grant enjoyed a tactical benefit because of his thorough knowledge of terrain, troop movements, and the traits of the opposing commanders.[197] Lawyers gain a tactical benefit by precision and honesty, too. A distinction or analogy to a prior precedent depends on our careful analysis and comparisons. Further, other lawyers and judges will trust lawyers who thoroughly research and analyze the law, and then accurately report that law.[198]

188 *Id.*

189 *Personal Memoirs, supra* n. 1, at 103.

190 *McPherson, supra* n. 4, at xviii.

191 Jean Edward Smith, *supra* n. 18, at 625–26 (relating Mark Twain's recollection of the "constant and painstaking search of the records" conducted while Grant wrote *Personal Memoirs*).

192 *Id.* at 226.

193 *See* Catton, *supra* n. 187 at 98 (Grant considered it a matter of honor to be honest).

194 Wilson, *supra* n. 29, at 143.

195 Michael R. Smith, *supra* n. 39, at 187.

196 Model R. Prof. Conduct 4.1 (ABA 2004).

197 *See, e.g.* Bunting, *supra* n. 4, at 35 (Grant had faith in victory and could deal with chaos with calm objectivity and a consideration of all relevant factors); Jean Edward Smith, *supra* n. 18, at 343 (Grant knew topography, could remember maps, and was a "master" at maneuvering troops).

198 *See* Stephen D. Easton, *My Last Lecture: Unsolicited Advice for Future and Current Lawyers*, 56 S.C. L. Rev. 229, 248 (honesty will help your reputation).

IV. Grant's Use of Clarity

The intersection between Grant's two amazing accomplishments as the leader of the Union Army and as the author of *Personal Memoirs*—Grant's writing during and about the Civil War—provide the best examples of his clarity.[199]

A. War dispatches—Union Army

Grant knew the importance of clarity in his orders—active warfare is no place for confusion. Unfortunately, "[t]he Civil War had many instances of vague, ambiguous, or confusing orders that affected the outcome of a campaign or battle."[200] In contrast, Grant provided plain, clear, and concise orders.[201] He preferred to write out his instructions, rather than give oral instructions.[202]

Clarity was such a defining feature of Grant's writing that virtually any of his Civil War orders could exemplify his clear writing.[203] A few orders, selected from his *Personal Memoirs*, show that clarity.

Grant wrote the following to General George Gordon Meade on April 9, 1864:

> *In Field, Culpeper C. H., Va.*
> *Maj.-General Geo. G. Meade,*
> *Com'd'g Army of the Potomac*
>
> . . .
>
> *Lee's army will be your objective point. Wherever Lee goes, there you will go also.*
>
> *U.S. GRANT,*
> *Lieutenant-General*[204]

Meade knew exactly what Grant meant, and so do we: do not be distracted, you must follow Lee. Grant's objective was always to destroy the Confederate army; he did not care about capturing the Confederate capital.[205] Grant knew that Meade was capable, and that his reluctance to lead the Army of the Potomac to launch an offensive in northern Virginia

199 Joan Waugh notes that Grant's authorship of his *Personal Memoirs* was not "starting his career as a writer from scratch" because he had started his writing during the war. Waugh, *supra* n. 3, at 175.

200 McPherson, *supra* n. 4, at xvii.

201 *Id.*

202 Waugh, *supra* n. 3, at 88.

203 *See* Keegan, *supra* n. 13, at 200. (explaining that Porter was amazed that the dispatches he saw Grant writing were "both models of lucidity and of the highest importance," and further noting, "But all Grant's despatches were of that quality").

204 *Personal Memoirs*, *supra* n. 1, at 415–16.

205 Jean Edward Smith, *supra* n. 18, at 303.

resulted not from Meade's shortcomings, but from Meade's obedience in following Major-General Halleck's cautious lead.[206] Meade would excel under "a more audacious general in chief."[207] Grant provided just the direction and encouragement that Meade needed.[208]

The Meade dispatch is simple and direct. But the dispatch is also lyrical. Grant's language has a Biblical counterpart in the *Book of Ruth* when Ruth tells her mother-in-law, Naomi, "Where you go, I will go."[209] Except for the word "wherever," every other word in the second sentence is only one syllable long. The sentence is compact, yet packed with meaning.

Several other dispatches show Grant's clarity:

Perkins' Plantation, La.,
April 27, 1863
Major-General J. A. McClernand,
Commanding 13th A. C.

Commence immediately the embarkation of your corps, or so much of it as there is transportation for. Have put aboard the artillery and every article authorized in orders limiting baggage, except the men, and hold them in readiness, with their places assigned, to be moved at a moment's warning.[210]
May 14, 1863
To: Blair

Their design is evidently to cross the Big Black . . . . We must beat them. Turn your troops immediately to Bolton; take all the trains with you.[211]

* * * * *

City Point, Va. December 6, 1864—4 p.m.
Major- General Thomas,
Nashville, Tenn.

Attack Hood at once and wait no longer for a remnant of your cavalry. There is great danger of delay resulting in a campaign back to the Ohio River.[212]

206 *Id.* at 291–92.
207 *Id.* at 292.
208 *Id.* at 293.
209 *Book of Ruth* 1:16.
210 *Personal Memoirs*, *supra* n. 1, at 280–81.
211 *Id.* at 299.
212 *Id.* at 567.

* * * * *

Near Spottsylvania C. H.
May 11, 1864—8:30 a.m.
Major-General Halleck, Chief of Staff of the Army
Washington, D.C.

We have now ended the 6th day of very hard fighting. . . . [I] purpose to fight it out on this line if it takes all summer.[213]

Grant's military orders "bristle with verbs of action."[214] Grant used adjectives and adverbs sparingly, and "only those necessary to enforce his meaning."[215] All of Grant's dispatches to his Army "perfectly illustrate the clarity and force of his writing style."[216]

Not all Union officers gave such clear orders. General Rosencrans issued an order to Brigadier-General Wood to "close up on Reynolds as fast as possible, and support him."[217] But the order was confusing and could not be followed. "Close up on Reynolds" suggested a lateral move, but because there was no gap in the line, that was impossible, which further suggested that "support him" would mean pulling out of the line and coming up in the rear of Reynolds which would then create a gap in the line.[218] Wood, who had been humiliated by Rosencrans's asking for clarification of an order earlier in the day, refused to ask for clarification, and pulled his three brigades out of the line even though "the order made no sense and appeared disastrous."[219] The confusing order, and Wood's insistence on following it, created "a gap in the Federal line at its weakest and most seriously threatened point."[220] Grant's orders did not cause such confusion or result in such disastrous consequences.

Meade's Chief-of-Staff complimented Grant: "There is one striking thing about Grant's orders: no matter how hurriedly he may write them on the field, no one ever had the slightest doubt as to their meaning, or ever had to read them over a second time to understand them."[221] This is the ultimate praise for an author striving to write "so that there could be no mistaking it."[222]

213 *Id.* at 473. Grant removed the word "me" after "takes" to improve the sentence. Catton, *supra* n. 187, at 99.

214 McPherson, *supra* n. 4, at xix (McPherson used other examples of Grant's dispatches with the following verbs: move, engage, disencumber, select, feel, move, start).

215 *Id.*

216 Keegan, *supra* n. 13, at 200–02 (Keegan uses Grant's dispatches written on May 16, 1863, as examples of this clarity and force).

217 Steven E. Woodworth, *Six Armies in Tennessee* 114 (U. of Neb. Press 1998) (Rosencrans gave the task of drawing up this order to a staff officer because future President James Garfield was busy writing other orders).

218 *Id.* at 115.

219 *Id.*

220 *Id.* at 116.

221 Wilson, *supra* n. 29, at 143 (quoting General Meade's chief of staff).

222 *Personal Memoirs, supra* n. 1, at 631.

B. War dispatches—Confederate Army

Grant's clarity was not limited to his correspondence with his own army. He knew that the value of clarity extended to his correspondence with the enemy. After the Union Army's victory at Donelson, Simon Bolivar Buckner formally requested a truce.[223] Grant replied with "one of the most famous dispatches in the history of warfare."[224]

> *Feb. 16, 1862*
> *General S. B. Buckner,*
> *Confederate Army*
>
> *SIR: Yours of this date, proposing armistice and appointment of Commissioners to settle terms of capitulation, is just received. No terms except an unconditional and immediate surrender can be accepted. I propose to move immediately upon your works.*
>
> *I am, sir, very respectfully,*
> *Your ob't se'v't,*
> *U.S. Grant,*
> *Brig. Gen.*

Buckner had hiked in Mexico with Grant,[225] loaned Grant money,[226] and expected some leniency.[227] Grant's dispatch dashed Buckner's hopes and gave the Civil War a "new, grim, and determined character."[228]

Buckner was Grant's primary audience, but Grant's larger audience included Americans and Europeans because Donelson was the first significant Union victory. Grant was informing this broader audience that he was changing the rules; he would make the South suffer the consequences of rebellion.[229] The South was devastated; the North was ecstatic. Europeans now saw the Civil War as a domestic affair.[230]

Grant's dispatch was simple, direct, and precise. It was perhaps not as direct as the response suggested by Brigadier General Charles Ferguson Smith, whose bayonet charge was largely responsible for the Donelson victory.[231] Grant asked Smith how he should reply to Buckner, and Smith replied, "No terms with the damned rebels."[232] Smith heard Grant read his dispatch out loud and said, "It's the same thing in smoother words."[233]

223 Jean Edward Smith, *supra* n. 18, at 162.

224 *Id.*

225 *Personal Memoirs, supra* n. 1, at 109.

226 Bunting, *supra* n. 4, at 32. (Buckner loaned Grant money in 1854 after Grant resigned from the Army and needed money to pay his hotel and return to Missouri).

227 McFeely, *supra* n. 9, at 101.

228 *Id.*

229 Jean Edward Smith, *supra* n. 18, at 163.

230 *Id.* at 165.

231 *Id.* at 159–60.

232 *Id.* at 162.

233 *Id.*

James McPherson focused on the last two sentences and observed, "Not an excess word here; the three adjectives [unconditional, immediate, your] and single adverb [immediately] strengthen and clarify the message; the words produce action—they become action."[234]

The victory at Donelson made Grant famous. The dispatch to Buckner earned Grant the moniker "Unconditional Surrender" Grant.[235] Perhaps the strongest testament to Grant's clarity in the dispatch to Buckner is that Northern schoolchildren "memorized his message."[236]

Grant's clearly written military orders can be directly contrasted with Confederate General Robert E. Lee's vague verbal orders. Historian J.F.C. Fuller suggests that Lee had two "cardinal defects" as a commander—he did not guide his subordinates once a battle started, and he relied on verbal orders.[237] Lee, unlike Grant, did not write his orders himself.[238] Lee's orders were vague and confusing.[239] On several occasions, Lee's orders created grave problems for the Confederate army.[240] Lee himself was sometimes dismayed that his orders were not understood.[241] Lee may have intended to leave some discretion about when to attack at the Battle of Malvern Hill, but Captain A. G. Dickinson translated Lee's verbal order and wrote, "General Lee expects you to advance rapidly. He says it is reported the enemy is getting off. Press forward your whole line . . . . "[242] On its face, this was an order to attack immediately and another argument for General Lee "to write his own orders instead of relying on staff officers to interpret them for him."[243]

One final example of Grant's clarity is his message to Lee. Grant's first attempt to secure surrender is "surely one of the most dignified in the history of war."[244]

234 McPherson, *supra* n. 4, at xix.

235 Jean Edward Smith, *supra* n. 18, at 165–66.

236 *Id.* at 166.

237 J.F.C. Fuller, *Grant & Lee: A Study in Personality and Generalship* 162 (Charles Scribner's Sons 1933).

238 Stephen W. Sears, *To the Gates of Richmond: The Peninsula Campaign* 323 (Ticknor & Fields 1992).

239 Fuller, *supra* n. 237, at 244 (the orders often left much to the discretion of Lee's subordinates).

240 *See id.* at 195 (Lee's orders at Gettysburg instructed his subordinates to carry out several different operations and, further, left the details to them.); Sears, *supra* n. 238, at 317 (Lee's chief of staff Colonel Robert H. Chilton drafted Lee's orders at the Battle of Malvern Hill, but the order was poorly drawn, and "Lee cannot have intended to turn over direction of the Battle of Malvern Hill to a brigade commander.").

241 Sears, *supra* n. 238, at 323.

242 *Id.* at 322–23.

243 *Id.* at 323.

244 Korda, *supra* n. 10, at 105.

Headquarters Armies of the U.S.,
5 p.m., April 7, 1865
General R. E. Lee,
Commanding C. S. A.

The results of the last week must convince you of the hopelessness of further resistance on the part of the Army of Northern Virginia in this struggle. I feel that it is so, and regard it as my duty to shift from myself the responsibility of any further effusion of blood, by asking of you the surrender of that portion of the Confederate States army known as the Army of Northern Virginia.

U.S. GRANT,
Lieut.-General[245]

Lee replied the same day, noting that he did not entertain "the opinion you express on the hopelessness of further resistance," reciprocating Grant's desire to "avoid useless effusion of blood," and asking Grant for "the terms you will offer on condition of its surrender."[246] Grant wrote back to Lee with "but one condition I would insist upon, namely: that the men and officers surrendered shall be disqualified for taking up arms again against the Government of the United States until properly exchanged."[247]

The final terms of surrender, written by Grant on a table at Appomattox, were "[c]haracteristically direct and simple:"[248]

Appomattox C. H., Va., Ap'l 9th, 1865
Gen. R. E. Lee,
Comd'g C. S. A.

Gen.: In accordance with the substance of my letter to you of the 8th inst., I propose to receive the surrender of the Army of N. Va. on the following terms, to wit: Rolls of all the officers and men to be made in duplicate. One copy to be given to an officer designated by me, the other to be retained by such officer or officers as you may designate. The officers to give their individual paroles not to take up arms against the Government of the United States until properly exchanged, and each company or regimental commander sign a like parole for the men of their commands. The arms, artillery and public property to be parked and stacked, and turned over to the officer appointed by me to receive them. This will not embrace

245 *Personal Memoirs, supra* n. 1, at 623.

246 *Id.*

247 *Id.* at 624.

248 Waugh, *supra* n. 3, at 99 (the terms also reflected Lincoln's desire not to humiliate or punish the Confederates).

> *the side-arms of the officers, nor their private horses or baggage. This done, each officer and man will be allowed to return to their homes, not to be disturbed by United States authority so long as they observe their paroles and the laws in force where they may reside.*
>
> *Very respectfully,*
> *U.S. Grant,*
> *Lt. Gen.*[249]

Grant packed much meaning into those final terms of surrender. He used "less than 200 well-chosen words"[250] to end the Civil War. Those few words are very clear: Grant's terms granted the South amnesty and were designed to begin a charitable post-war healing process.[251] Grant did not allow any firing of victory salutes.[252] He instructed his staff officers to stop the Union soldiers who had begun firing salutes,[253] saying, "The war is over; the rebels are our countrymen again . . . ."[254]

Grant forgot that he had not yet informed the government of the surrender, so he "dismounted by the roadside, sat down on a large stone, and called for pencil and paper."[255] He then wrote "perhaps the least self-congratulatory or exultant message of victory in the history of warfare."[256] The message was classic Grant: short, simple, direct, and clear:

> *Headquarters Appomattox C. H., Va.,*
> *April 9th, 1865, 4:30 p.m.*
> *Hon. E. M. Stanton, Secretary of War,*
> *Washington*
>
> *General Lee surrendered the Army of Northern Virginia this afternoon on terms proposed by myself. The accompanying additional correspondence will show the conditions fully.*
>
> *U.S. GRANT,*
> *Lieut.-General*[257]

C. Grant's personal memoirs[258]

The story of how Grant finally came to write his *Personal Memoirs* is almost as compelling as the end product.[259] Grant said in his Preface to the

249 *Personal Memoirs*, *supra* n. 1, at 630–31.
250 Jean Edward Smith, *supra* n. 18, at 405.
251 *See id.*
252 Bruce Catton, *supra* n. 76, at 468.
253 *Personal Memoirs*, *supra* n. 1, at 633.
254 Porter, *supra* n. 20, at 486.
255 *Id.* at 488.
256 Korda, *supra* n. 10, at 109.
257 *Personal Memoirs*, *supra* n. 1, at 633.

Personal Memoirs, "Although frequently urged by friends to write my memoirs I had determined never to do so, nor to write anything for publication."[260] Mark Twain was one of those encouraging Grant to write his memoirs, but Grant "wouldn't listen to the suggestion. He had no confidence in his ability to write well; whereas we all know now that he possessed an admirable literary gift and style."[261] Grant's continuous fear of being humiliated contributed to his reluctance. He confided to his doctor, "If anyone had suggested the idea of my becoming an author, as they frequently did, I was not sure whether they were making sport of me or not."[262] But then Grant was financially ruined by "the rascality of a business partner."[263] He needed money; he could no longer refuse to write his memoirs.[264]

Grant started by writing articles about Civil War battles for *Century Magazine*.[265] He "found [the work] congenial, and . . . determined to continue it."[266] Grant also made the important discovery that he was a good writer, "He wrote an article on Shiloh and was astonished at himself to find that he could make a story full of human interest as easily as he had once indited orders and reports."[267] Grant discovered, in addition, that he enjoyed writing. His *Century* editor gave Grant some suggestions and reported that he had never had "an apter pupil" who was even willing to work on his writing every day of the week.[268]

Then Grant learned that he had terminal throat cancer.[269] He was now penniless and dying. He couldn't bear the thought of leaving his beloved family destitute.[270] He dictated the first part of his *Personal Memoirs*, but

258 Readers of this article have seen Grant's clarity for themselves. The article has intentionally included as many passages from Grant's *Personal Memoirs* as possible; it is the most cited source in the article.

259 For a fascinating account of Grant's last year of life, see generally Flood, *supra* n. 26.

260 *Personal Memoirs*, *supra* n. 1, at 7.

261 Wilson, *supra* n. 29, at 131 (referencing a quotation from Mark Twain who met Grant in 1881; Twain said that Grant also feared that the book would not sell).

262 *Id.* at 139 (referencing one of Grant's letters written to his doctor shortly before his death). Grant also told his doctor that he had noticed that others were saving his notes, and thought that his English would be criticized. Horace Green, *General Grant's Last Stand* 319 (Charles Scribner's Sons 1936) (Green collected Grant's writings to his physician).

263 *Personal Memoirs*, *supra* n. 1, at 7. Grant lost his money to Ferdinand Ward in what we would today label a Ponzi scheme. Korda, *supra* n. 10, at 143. Wilson wryly notes, "It was the age of the audacious confidence man, and Grant was the incurable sucker." Wilson, *supra* n. 29, at 167.

264 Grant begins his Preface by acknowledging that men do not often have a choice in their lives. "'Man proposes and God disposes.' There are but few important events in the affairs of men brought about by their own choice." *Personal Memoirs*, *supra* n. 1, at 7.

265 *Id.* Grant admitted, "I consented for the money it gave me; for at that moment I was living upon borrowed money." *Id.*

266 *Id.* Grant wrote articles about Shiloh, Vicksburg, Chattanooga and the Wilderness. Coolidge, *supra* n. 43, at 561.

267 *Id.* Coolidge continues, "He had the faculty of narrative in an unusual degree, as he had often shown among his intimates; for all his life he was an entertaining talker, at times monopolizing conversation in choice groups of friends. His stillness fell upon him only in public or with those he slightly knew." *Id.*

268 Flood, *supra* n. 26, at 60.

eventually he could not speak without extreme pain, so he handwrote the final chapters.[271] Grant's granddaughter recalled that whenever someone suggested that Grant's book was "killing him" another adult would reply, "No, the book is keeping him alive; without it he would already be dead."[272] The nation watched as Grant made his final stand against the formidable foe of cancer.[273] At times, it seemed that Grant would not win this last battle.[274] But in the end, he finished his *Personal Memoirs* days before he died.[275] He "wrote 275,000 words in less than a year."[276]

Even in Grant's lifetime a rumor was started, and has since persisted, that Mark Twain or Adam Badeau ghostwrote Grant's *Personal Memoirs*.[277] Grant himself responded to the Badeau rumor by stating, "The composition is entirely my own."[278] Grant's uniform writing style in his military dispatches, letters, and the *Personal Memoirs* showed "[t]hat no one can have tampered much with the original text . . . . "[279]

Clarity is the defining feature of Grant's *Personal Memoirs*. Most everyone who has read and studied the book praises its clarity. William S. McFeely said, "[I]t is wonderfully clear."[280] Edmund Wilson noted, "[I]in general, the writing of the *Memoirs* is perfect in concision and clearness, in its propriety and purity of language."[281] John Keegan was even more effusive, calling the book "a literary phenomenon."[282] Gertrude Stein admired the book, and in particular its "taut prose."[283] Mark Twain pronounced it a "literary masterpiece"[284] and further announced that

269 Bunting, *supra* n. 4, at 153 (Grant had noticed a pain in his throat after swallowing a peach in midsummer 1884, and his throat cancer was confirmed in October 1884).

270 *See Personal Memoirs, supra* n. 1, at 7.

271 *See* Coolidge, *supra* n. 43, at 564; McFeely, *supra* n. 9, at 509 ("Grant with pencil and pad wrote his strong, quiet prose.").

272 Flood, *supra* n. 26, at 164.

273 The American public read almost daily newspaper updates about Grant's illness. James T. Patterson, *The Dread Disease: Cancer and Modern American Culture* 2–4 (Harv. U. Press 1987) ("Until President Ronald Reagan developed a malignancy in his colon a century later, no case of cancer received more thorough coverage in the press."); *see also* McFeely, *supra* n. 9, at 509. Grant and his family moved to a cottage in the Adirondacks in July 1865, where a "flood of visitors . . . eagerly made the pilgrimage to gaze at the dying general." *Id.* at 508. Old friends from both the North and South came to visit and pay their respects. Jean Edward Smith, *supra* n. 18, at 626. Grant remains the only American President to die from cancer. Oral Cancer Found., *People, Political Figures*, http://oralcancerfoundation.org/people/political_figures.htm (last accessed Mar. 4, 2012).

274 In March 1885, Grant nearly died. McFeely, *supra* n. 9, at 503.

275 Flood explains the poignancy of Grant's final days:

> On July 10, Grant had told Douglas that if he could have two more weeks, "I will then feel my work is done." After ten days of those two weeks elapsed, on July 20 he had put away his pencil; now, on Thursday, July 23, with thirteen days of the two weeks he had wished for gone, he lay there, his work done.

Flood, *supra* n. 26, at 227–28.

276 Jean Edward Smith, *supra* n. 18, at 627. During this same time Congress restored Grant to his rank in the Army, which gave him the pay of a retired officer. Hesseltine, *supra* n. 9, at 450–51.

277 Wilson, *supra* n. 29, at 142–43 (Adam Badeau falsely claimed that he had written Grant's *Personal Memoirs*.).

278 Flood, *supra* n. 26, at 171.

279 Wilson, *supra* n. 29, at 142–43.

"[t]here is no higher literature than these modest, simple *Memoirs*. Their style is at least flawless, and no man can improve upon it."[285]

Personal Memoirs was criticized by a few. Some Southerners believed it contained grave errors.[286] Matthew Arnold, an English poet and critic and Confederate sympathizer, categorized Grant's style as "an English without charm and without high breeding."[287] Arnold's comment is not considered a criticism to modern American readers who recognize the value of simple, direct writing. And even Arnold admitted that Grant wrote clearly: "I found a language straightforward, nervous, firm, possessing in general the high merit of saying clearly in the fewest possible words what had to be said, and saying it, frequently, with shrewd and unexpected turns of expression."[288]

Grant's writing habits are present throughout his *Personal Memoirs*. He thought about his audience and its need for an accurate account of his role in the Civil War.[289] He used a simple and direct writing style, with his characteristically active verbs.[290] It is as though Grant was back in his Civil War days, writing his famously clear dispatches.[291] Jean Edward Smith comments, "The prose is lean and elegant."[292] Grant was determined to be absolutely precise and correct.[293] He wanted his readers to know that he worked hard to be accurate and precise. He wrote, "I have used my best efforts, with the aid of my eldest son, F.D. Grant, assisted by his brothers, to verify from the records every statement of fact given."[294]

280 *McFeely*, *supra* n. 9, at 511. McFeely complimented Grant's Civil War story for its clarity even though it "does not have the flashes of fire of Sherman's *Memoirs*, or the novelist's details of Lew Wallace's *Autobiography*." *Id.* at 510. But McFeely noted that Grant's clarity does not permeate every single section of the *Personal Memoirs*. Grant was taking cocaine during the day and morphine at night during the final months of his life, so the latter parts of *Personal Memoirs* are sometimes bland and repetitive. *Id.* at 509–10.

281 Wilson, *supra* n. 29, at 142.

282 Keegan, *supra* n. 13, at 202.

283 McFeely, *supra* n. 9, at 501.

284 Waugh, *supra* n. 3, at 209.

285 *Ulysses S. Grant Homepage*, http://www.granthomepage.com/grantauthor.htmhttp://www.granthomepage.com/grantauthor.htm (last accessed Mar. 4, 2012).

286 Waugh, *supra* n. 3, at 209–10.

287 *Id.* at 210 (citing Matthew Arnold, *General Grant*, 49).

288 Wilson, *supra* n. 29, at 140.

289 *See supra* nn. 176–77 and accompanying text.

290 McPherson, *supra* n. 4, at xix (McPherson points out that Grant reverts to passive voice in some of the later chapters); *see also* Jean Edward Smith, *supra* n. 18, at 627 ("Action verbs predominate: 'move . . . engage . . . start . . . attack.'").

291 *See* Hesseltine, *supra* n. 9, at 450 ("Its style is simple yet dramatic; it shows a complete absence of personal bitterness.").

292 Jean Edward Smith, *supra* n. 18, at 627.

293 *Id.* at 625.

V. Conclusion

I think I am a verb instead of a personal pronoun. A verb is anything that signifies to be; to do; or to suffer. I signify all three.
—Ulysses S. Grant[295]

When Grant died, a record one and a half million spectators lined his funeral route through New York City.[296] "At Grant's request, the pall-bearers included an equal number of Southern and Union Generals."[297] Grant's popularity peaked at the time of his death.[298] Grant did not have confidence in his writing, but his elegant simplicity, direct style, and "crystal-clear"[299] prose prove that he was too modest. Grant believed that his accurate recording of history memorialized in his *Personal Memoirs* was his only legacy.[300] For lawyers trying to write persuasively, Grant's writings themselves are a legacy of clarity.

294 *Personal Memoirs*, *supra* n. 1, at 8.

295 McFeely, *supra* n. 9, at 516 (Grant wrote this note, days before his death, to his physician.).

296 Jean Edward Smith, *supra* n. 18, at 18 (citing the *N.Y. Times*).

297 *Id.* at 19.

298 *See Waugh*, *supra* n. 3, at 2 ("Why did Grant's star shine so brightly for Americans of his own day, and why has it has [sic] been eclipsed so completely for Americans since at least the mid-twentieth century?").

299 Jean Edward Smith, *supra* n. 18, at 622.

300 *See* Green, *supra* n. 264, at 323. Korda commented, "[Grant's] memoirs, which, along with the victory that he won, are his greatest and most lasting legacy to us." Korda, *supra* n. 10, at 158.