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A Plain-Language Approach to Using the Rhetorical Situation
in Public Speaking Outside the Courtroom**

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Jason K. Cohen*

I. Introduction

The general public typically has the unrealistic expectation that all lawyers are effective and persuasive public speakers who, when called upon, have the innate ability to say “just the right thing.” In fact, not all of us have that innate ability. And even though we may have some level of legal genius swirling around in our minds, that genius is sometimes poorly communicated in speeches that ultimately don’t meet audience expectations or needs. Certainly, law school has taught us how to think and write like lawyers, but the ability to effectively communicate orally isn’t as frequently emphasized.¹ This lack of emphasis on effective public speaking is unfortunate because lawyers are frequently forced to engage in some public speaking outside the courtroom, including speaking to lay groups about various matters of legal controversy; making appearances before legislatures, city councils and municipal boards; presenting at bar association luncheons; making client pitches; or participating in media interviews on behalf of clients. All of these occasions require the attorney–speaker to organize content, consider the audience, and deliver the most effective message possible.

Understanding the rhetorical situation—a theoretical concept with huge practical implications—before crafting the response helps the

* Clinical Associate Professor of Law, Rutgers-Camden. The author would like to thank Ruth Anne Robbins, Linda Berger, David Carboni, and Jessica Donoghue for their assistance with this article.

¹ A few law schools offer a form of a public-speaking course. For example, in 2007, Rutgers-Camden’s faculty approved *Public Speaking for Lawyers*, a three-credit course that qualified as a required lawyering-skills course. See also Samuel H. Pillsbury, *Valuing the Spoken Word: Public Speaking for Lawyers*, 34 Cap. U.L. Rev. 517 (2006) (detailing arguments that justify why public-speaking should be included in law school curriculum).

speaker meet these crucial components to effective speaking. Rather than focus merely on the mechanics of speech delivery or the flourishes of theatrical speaking, the speaker should first identify the rhetorical situation, which will force the speaker to concentrate on specific content for the speech. Admittedly, this can be difficult. Indeed, meeting the expectations of multiple audiences and satisfying audience needs (all of which are parts of the rhetorical-situation analysis) requires the speech writer to become somewhat vulnerable, to place the writer in the shoes of the audience, after first understanding exactly who that audience is—a process that is sometimes impeded by attorney ego and blinded by a zeal to represent the client.

The good news for those attorneys who want to become more successful public speakers is that if they understand the rhetorical situation, they will be better able to meet audience expectations. This is true because their analysis of the situation gives the attorney–speaker the tools to understand the environmental context of the speech (what is happening in the world outside the speech) and the audiences affected by this context. Together, these understandings ultimately permit the speaker to craft a speech that can aid, persuade, or satisfy those affected.

This short article first introduces the theoretical definition of the rhetorical situation. Translating the theory into plain language, it then offers a checklist for the attorney in preparing for any speaking scenario. These steps embody the rhetorical-situation analysis. Finally, the article illustrates the recommended approach by guiding the reader through an analysis of the rhetorical situation surrounding President Reagan’s Challenger speech.

2 There has been a recent resurgence of interest by legal scholars, and in particular, legal writing scholars, in the interplay between the study of rhetoric and the practice of law. Much of this interest gained steam after the seminal article by Teresa Godwin Phelps. See Teresa Godwin Phelps, *The New Legal Rhetoric*, 40 Sw. L.J. 1089 (1986), and recent articles by Linda L. Berger, *Studying and Teaching “Law as Rhetoric”: A Place to Stand*, 16 Leg. Writing 3 (2010); Linda L. Berger, Linda H. Edwards & Terrill Pollman, *The Past, Presence, and Future of Legal Writing Scholarship: Rhetoric, Voice, and Community*, 16 Leg. Writing 521 (2010); Michael R. Smith, *Rhetoric Theory and Legal Writing: An Annotated Bibliography*, 3 J. ALWD 129 (2006).

Within the past few years, this journal alone has published prominent pieces on rhetoric and the law. See e.g. Douglas M. Coulson, *Legal Writing and Disciplinary Knowledge-Building: A Comparative Study*, 6 J. ALWD 160 (2009); Michael H. Frost, *With Amici Like These: Cicero, Quintilian and the Importance of Stylistic Demeanor*, 3 J. ALWD 5 (2006); Robert F. Hanley, *Brush Up Your Aristotle*, 3 J. ALWD 145 (2006); Lillian B. Hardwick, *Classical Persuasion through Grammar and Punctuation*, 3 J. ALWD 75 (2006); Roger J. Klurfeld & Steven Placek, *Rhetorical Judgments: Using Holistic Assessment to Improve the Quality of Administrative Decisions*, 5 J. ALWD 58 (2008); Laura E. Little, *Characterization and Legal Discourse*, 6 J. ALWD 121 (2009); James Lupo, *Court Speech as Political Action: Isocrates’ Rhetorical Ideal and the Legal Oratory of Daniel Webster*, 3 J. ALWD 48 (2006); Kristen Konrad Robbins, *Philosophy v. Rhetoric in Legal Education: Understanding the Schism Between Doctrinal and Legal Writing Faculty*, 3 J. ALWD 108 (2006); Kurt M. Saunders, *Law as Rhetoric, Rhetoric as Argument*, 3 J. ALWD 166 (2006); John C. Shepherd & Jordan B. Cherrick, *Advocacy and Emotion*, 3 J. ALWD 154 (2006); Richard K. Sherwin, *The Narrative Construction of Legal Reality*, 6 J. ALWD 88 (2009); Michael R. Smith, *Rhetoric Theory and Legal Writing: An Annotated Bibliography*, 3 J. ALWD 129 (2006); Stephen E. Smith, *The Poetry of Persuasion: Early Literary Theory and Its Advice to Legal Writers*, 6 J. ALWD 55 (2009); Kathryn Stanchi, *Persuasion: An Annotated Bibliography*, 6 J. ALWD 75 (2009).

II. The Rhetorical Situation

The concept of “rhetoric” is at the heart of the study of communication, whether the communication is oral or written.² Rhetoric is not the mere study of language—that would be linguistics or grammar. Rhetoric is the study of how messages affect people, and how those people envision the world around them. The discipline focuses on the role that messages play in shaping values, bringing people together or separating them, creating a sense of individual or collective identity, affirming or changing people’s beliefs, and leading people to action.³ The study of rhetoric, in essence, is the study of how messages communicate and create meaning.⁴

A rhetorical situation requires a response—not just any response—but an *appropriate* response. In the context of public speaking, very simply, a good speech must respond appropriately to the needs of the situation, which are generated by the context of the situation. More specifically, a good speech must respond to the problems that various potential audience groups have developed as a result of whatever is happening in the world around them. To respond appropriately, then, the speaker must know his audiences; what problems they’re experiencing; how the groups are collectively and individually affected by these problems; and what factors led to these problems. Ultimately, he must figure out how his speech can best do something about these problems. This in a nutshell embodies the intersection of rhetorical-situation analysis and effective public speaking.

There are several scholarly definitions of the rhetorical situation, many of which are as complex as the concept itself, and some of which are simply confusing. According to the scholar who first introduced the concept, Lloyd Bitzer, a rhetorical situation can consist of “a complex of persons, events, objects, and relations presenting an actual or potential exigence that can be completely or partially removed if discourse, introduced into the situation, can so constrain human decision or action as to bring about the significant modification of the exigence.”⁵

In other words, a speech happens because the situation demands it, much as an answer comes into existence as a response to a question, or a

³ David Zarefsky, *Public Speaking: Strategies for Success* 13 (5th ed., Allyn & Bacon 2008).

⁴ Legal writing’s fascination with the concept of rhetoric is unsurprising, since legal writing teaches a lawyer how to construct legal argument by considering and presenting a persuasive, interpretive variation of the same precedent and facts available to the lawyer’s adversary. Armed with the knowledge of this fluid definition of “reality,” legal writing scholarship has begun to seize upon the kindred tenets of rhetoric theory. See Jason K. Cohen, *Know Your Client: Maximizing Advocacy by Incorporating Client-Centered Principles into Legal Writing Rhetoric Practice*, 1 *Charlotte L. Rev.* 253 (2009); see also *supra* n. 2.

⁵ Lloyd F. Bitzer, *The Rhetorical Situation*, 1 *Phil. & Rhetoric* 1, 6 (1968).

solution in response to a problem.⁶ On a very simple level, take for example a eulogy delivered by a grandson at his grandmother's funeral. The eulogy does not happen in a vacuum. It happens because someone has died, and those who have survived expect some sort of formalized communication that celebrates the life of the deceased. This produces the need for the speaker, here a grandson, to give a speech doing just that. As another example particular to attorneys, imagine the criminal-defense lawyer who has just taken on a high-profile client accused of a murder that has unnerved the community. The attorney's initial statement to the media comes about because, among other reasons, her client has been charged with murder, the community is in an uproar, the media is frenzied, and many different groups of people are expecting some sort of communication from the accused murderer's advocate. Again, the attorney's comments don't happen in a vacuum. They happen because of these events and because different groups have expectations of the attorney, based on those events.

From Bitzer's perspective, before someone actually gives a speech, the speaker should examine three important considerations: (1) an audience, (2) an exigence, and (3) constraints on the situation.⁷ Put plainly, a speech needs an audience, a reason that the speech should be made (the exigence) based upon that audience, and the speech must also adhere to certain conventional and societal rules or constraints. And although each of these three concepts has additional offshoots and dozens of further considerations, at their core, these three concepts make up the rhetorical situation.⁸

6 As Lloyd Bitzer puts it, "a particular discourse comes into existence because of some specific condition or situation which invites utterance." *Id.* at 4.

7 *Id.* at 6–8. In analyzing the rhetorical situation, Bitzer and others reverse the order of the analysis, first reviewing the exigence, then the audience. I believe the order becomes less important to the practitioner, who, as part II(B) suggests, should begin with asking certain questions first, and worrying less about whether the questions relate strictly to an exact exigency inquiry or to an audience inquiry. Indeed, the plain-language portion of this article asks the speaker to consider that something in the world has happened that the speaker notices and the audiences notice. The audience then needs something as a result. In the end, based on audience needs and the limitations on meeting those needs, the speaker plans the speech. Even academically, there are significant conceptual overlaps between audience and exigence. This leads to a "chicken or egg" paradox: does the identified audience create the exigence? Or does the exigence define the audience?

Richard E. Vatz's criticism of Bitzer's theory touches on this paradox. See Richard E. Vatz, *The Myth of the Rhetorical Situation*, 6 *Phil. & Rhetoric* 154 (1973). Bitzer takes a more objective approach by claiming that only an intrinsic situation leads to rhetorical discourse. Vatz in contrast takes a more fluid and subjective approach by noting that rather than being intrinsic, the situation is actually interpreted by the speaker, based on his selective identification of the audience and his determination of what's important or troubling to that audience. See *e.g. id.* at 154, 157. Since the checklist *infra* II(B) focuses on the speaker's consideration of the audience and the exigences that are particular to that audience almost simultaneously, it follows more of the subjective Vatz approach than the objective and linear Bitzer approach. See also *infra* n. 9. Thankfully, the attorney–speaker merely needs to follow the checklist and does not need to solve the academic Bitzer vs. Vatz dilemma in order to use the rhetorical situation to create an effective speech.

8 To see how this concept is developing within the law school classroom, see Linda L. Berger's recent article, *Studying and Teaching "Law as Rhetoric": A Place to Stand*, in which she describes how her course in law and rhetoric uses the "Bitzer" approach to the rhetorical situation. 16 *Leg. Writing* 3 (2010).

A. Audience, Exigence, Constraints

Every speech has an audience. Most speeches have several audiences, each displaying diversity in age, sex, education, social status, and myriad other classifications. Most speakers want their speeches to identify with as many audiences and to have the broadest appeal possible. In the eulogy example, several audiences may be present at the funeral: friends and peers of the grandmother; family members of all generations; friends and supporters of those family members; business associates or colleagues, just to name a few. Some may be very religious. Some may belong to Christian, or Jewish, or pagan sects; some may be vehemently opposed to religion in all forms. In the criminal-defense example, many different people with different interests may be waiting for the attorney's statement regarding the accused. Certainly the community at large is interested in what the attorney has to say to the media, but even within that community, there is the media, with its expectations; the other members of the bar, with their expectations; and even the judge and prosecution, each with its respective needs and urgencies. Both examples only begin to scratch the surface of the complexity of audience groups and what each brings to any given rhetorical situation.

Next, given what is happening around them, and of course, based on who they are, the audience develops certain needs triggered by that context, both collectively and individually. These triggered needs embody the exigences of a rhetorical situation.⁹ According to Bitzer, an exigence "is an imperfection marked by an urgency."¹⁰ Explained further, "it is a defect, an obstacle, something waiting to be done, a thing which is other than it should be."¹¹ In a very general sense, with the eulogy example, the context

⁹ Again, this analytical setup of identifying the audience first and seeing what exigences are created in those audiences that the speaker could address highlights the Vatz criticism of the Bitzer theory. This article's analytical framework more closely adheres to Vatz's idea that it is not an objective, inherent situation that triggers a response but that instead it is an audience's response that means there is a situation. And who that audience is and what exigences affect that audience is in the eye of the beholder—rhetor. However, a reasonable interpretation of Vatz's criticism is not so much that Bitzer was wrong, but that Vatz's theories merely add to the core of the Bitzer theory of the rhetorical situation. For example, Vatz stakes his challenge on Bitzer's idea that *the situation* brings rhetoric to life. Vatz philosophically counters that *rhetoric* brings the situation to life. In truth, Vatz simply starts the analysis one step before Bitzer, by adding the beginning of the analysis. Put another way, Vatz's theory is *rhetoric creates meaning which creates a situation*. Bitzer's theory simply starts at that point and notes that *the resulting situation prompts or creates more rhetoric*. Vatz's theory implies an endless cycle; Bitzer's theory just examines finite points of beginning and end within the cycle. For more scholarly analysis on the differences between Bitzer and Vatz, see e.g. Barbara A. Biesecker, *Rethinking the Rhetorical Situation from Within the Thematic of Différance*, 22 *Phil. & Rhetoric* 110, 112–15 (1989); Scott Consigny, *Rhetoric and Its Situations*, 7 *Phil. & Rhetoric* 175 (1974).

¹⁰ Bitzer, *supra* n. 5, at 6.

¹¹ *Id.* Bitzer writes that only those exigences that can be modified are rhetorical. For example he believes that "weather" and "death," two unchangeable concepts, cannot be considered exigences. *Id.* It is true that death cannot be modified, but death certainly creates exigences, to be sure. To the dying person, imminent death creates an exigence in the form of a search for answers that the priest as rhetor, for example, can address. To the person starting her workday, the weather creates an exigence when she wants to know how to dress, which the weatherman as rhetor can address. Once it has occurred, no

is that someone has died and the overarching urgency is the need to have the grandmother's life honored and her death respectfully noted. Bitzer would call this the "ruling exigence," one that emerges from the situation as essentially more important than other exigences.

This linear view, though, is of limited value and does not quite capture the complexity of audiences and their contexts, and the needs or urgencies created in the process. In reality, there is no single exigence in any given rhetorical situation; and any given communication, oral or otherwise, has multiple tiers of considerations—multiple audiences with multiple needs. There may be an overall perceived exigence that emerges as predominant in the situation and around which other aspects of the rhetorical situation may have to be constructed or prioritized, but there will always be multiple audiences. With the eulogy, although the audience as a whole may need to have Grandma's life honored and her death noted, Grandma's friends from the condo association may also have a particular need to hear in the eulogy what a good canasta and mahjong player she was. The younger grandchildren might want to be reminded what a great brownie baker she was. Some might need comfort by use of religious references, while some might recoil from religion. Still others might have an urgency for sect-specific religious comfort by reference to Grandma's Jewish ideology or whatever other belief system the audience member brings to the situation.

The criminal defense attorney example further highlights the varied exigences of various groups of audiences. The murder in the community creates a context that affects people differently. The community as a whole may want its curiosity satisfied. If the client is guilty, community members would want a detailed statement from the attorney as to the reasons why the defendant murdered someone so they could decide for themselves whether it would be justified. If the client was not guilty, community members may have an expectation that the attorney again will give a detailed account proving the defendant's innocence in that forum. The judge and prosecution may have needs divergent from the community at large. The judge would expect the attorney's statement to be ethical and not prejudicial to her client, which also might mean an expectation that the attorney not give too much detail. The prosecution would be looking for hints as to what the defense's theory of the case might be. The media may be looking for a sensationalized statement that would bring in good ratings and be a top clip for the "News at 11" commercials. In contrast,

audience member can do anything to modify the occurrence itself. But the occurrence sets into motion a million additional rhetorical situations, which rhetors can respond appropriately to. In other words, an exigence can be much broader than just death or the weather. It's also the urgency or needs created in people by death and the weather, which speakers can address.

members of the local bar, interested in maintaining a certain level of respect and decency for the profession at large, would want a dignified, nonsensationalized media statement.

These two examples show that not all exigences and the needs created by these exigences can, or in some cases should, be satisfied by the speech. Some are mutually exclusive. This demonstrates Bitzer's third element of the rhetorical situation: constraints. Constraints involve the limitations placed on a speaker's achievement of every single goal generated by every single audience need from every single group of audiences. A constraint is simply something that has the power to affect the rhetorical decisions the speaker makes. This in turn affects the potential influence the speaker has on the audience. Typical sources of constraints are the audience's beliefs, attitudes, traditions, interests, and motives; the actual facts pertaining to the situation; the nature of the occasion, time, resources; and the speaker's style and character.¹² In the eulogy example, the conflict between some audience members' religious beliefs and other members' aversion to religion affects or constrains the speaker's choices. Moreover, one cannot eulogize Grandma's delicious brownies when, in fact, Grandma did not even know how to use the oven.¹³ Many potential constraints also affect what the criminal-defense attorney can and will say in her media statement and, in turn, that will affect whether the various audiences will be persuaded and have their needs met. In that example, one constraint might include applicable rules of professional responsibility that may limit what can be included in media statements.¹⁴ Similarly, the values that the nonlegal community places on its right to know information at that very moment may conflict with the legal concepts that the defendant is innocent until proven guilty, that the prosecutor has the burden to prove guilt, that the lawyers have the obligation to follow certain processes and requirements of a trial, and that the lawyers want to avoid tainting a

¹² An academic distinction between constraints has been identified and fully discussed by Bitzer and others who have identified two classes of constraints: (1) those constraints generated by the speaker's own method of communication and (2) those stemming from the situation itself. *See id.* at 8 (explaining the difference between the two main classes of constraints as Aristotle's "artistic proofs"—stemming from the speaker, and "inartistic proofs"—stemming from the situation); *see also* Linda Levine & Kurt M. Saunders, *Thinking Like a Rhetor*, 43 J. Leg. Educ. 108, 116 (1993) (same). This scholarly difference has less relevance, I believe, to the practicing attorney seeking to make his or her public speaking more effective. In the end, the attorney–speaker simply has to know that there are certain situational limitations on the planning and delivery of the speech, and the speech has to account for those limitations.

¹³ Constraints are not negative for the speechwriter. When used properly, constraints can actually turn into opportunities for the speaker to make the speech even more effective. A speaker who is aware of the audience and the concomitant exigences, and who is then able to tailor the speech and make appropriate (and factually accurate) rhetorical choices around the situation, can more effectively deliver the intended message.

¹⁴ For example, Model Rule of Professional Conduct 4.1 regarding Truthfulness in Statements to Others states, "In the course of representing a client a lawyer shall not knowingly . . . make a false statement of material fact or law to a third person . . ." Model R. Prof. Conduct 4.1 (ABA 2006). This could interfere with the media's desire for a sensationalized, ratings-driven statement, or the community's need for detailed facts that simply aren't true or aren't yet discovered.

potential jury pool—all of which influence what and how much the criminal attorney can and should say.¹⁵

B. Plain Language Questions That Embody the Rhetorical Situation

Although the study of rhetoric and the audience, exigence, and constraints components of the rhetorical situation are intellectually interesting, they also have significant pragmatic implications for the attorney–public speaker. To aid the speaker in assessing the rhetorical situation, the following is a plain-language checklist of questions that incorporate the academic principles of Bitzer’s audience, exigence, and constraints.¹⁶ Although we may have a common-sense awareness of these considerations, the attorney faced with a public-speaking exigence will benefit from a systematic analysis. This set of questions can help the attorney prepare carefully for every speaking occasion. Just how these questions apply to a speaking scenario, and just how they are factored into the content of a speech, are analyzed more fully in section II.

The big-picture questions the speaker must ask herself are the following:

1. What outside events have prompted the need for a speech?
2. Which audiences are affected and what are their needs?
3. What limits will make it difficult to meet audience expectations?
4. How can the speech meet the needs of each audience group?

Questions one and two concern Bitzer’s “audience” and “exigency” and are designed to be asked and contemplated simultaneously. Question three deals with Bitzer’s “constraints.” The final question combines all three considerations and is the “how to” portion of the preparation.

¹⁵ Using the rhetorical situation to more effectively communicate isn’t limited to just public-speaking scenarios. It has also been used to create more effective written communication. See e.g. Elizabeth Fajans & Mary R. Falk, *Untold Stories: Restoring Narrative to Pleading Practice*, 15 Leg. Writing 3 (2009) (“When the complaint is viewed . . . as a plot line to be developed effectively, the careful drafter’s job is to use traditional storytelling techniques to the client’s advantage. How the drafter employs these techniques depends on the drafter’s analysis of the *rhetorical situation—the exigencies of audience and purpose.*”) (emphasis added); see also Angela J. Campbell, *Teaching Advanced Legal Writing in a Law School Clinic*, 24 Seton Hall L. Rev. 653, 673 (1993) (noting that good writers should be trained to pay attention to the rhetorical situation of the project from that beginning, and be cognizant of “the purpose of the project, the intended audience and the applicable constraints at the beginning of the project, as well as throughout the project.”). Rhetorical-situation analysis has also been used to analyze a lawsuit in general. See Levine & Saunders, *supra* n. 12, at 118–20 (in a court case identifying the “exigence” of a plaintiff as the need to recover damages; the “audience” as judge, jury, parties or opposing counsel; and the “constraints” as the evidence presented and the arguments that could be presented).

¹⁶ Simplified versions of the rhetorical situation have also been offered in practitioners’ guides. See e.g. Thomas A. Moore, *Medical Malpractice: Discovery and Trial* § 12:1 (7th ed., PLI 2002 & Supp. 2010) (defining the rhetorical situation as occasion, setting, audience purpose, subject, and speaker).

To begin to see how these questions factor into a speech, consider, for example, the hypothetical practitioner who is asked to give remarks to a local bar-association luncheon on tort reform. Whether that speaker is a prominent personal-injury attorney, an insurance-defense lawyer, or a first-year associate newly embarking on her career, most attorneys under these circumstances would not want to speak merely on the fly with thoughts and opinions off the tops of their heads. Most attorney–speakers will want to offer some form of a verbal “crowd pleaser” while still informing or persuading or otherwise achieving their individual and ideological goals. Even a quick rundown of the four questions set forth in this article will force the speechmaker to thoroughly think about the preparation process.

Further explanatory considerations for each question, as well as application to the example, are set forth below.

1. What outside events have prompted the need for a speech?

This question requires that the speaker ask, from a big-picture perspective, what has happened or is going on in the world directly outside the speaking engagement? Starting first with determining what the occasion or context is for the speech, the attorney–speaker must be aware of the sequence of events that have led up to the speech, both locally and globally. Since questions one and two go to the heart of the audience and exigency, they must be examined at the same time. Therefore, considering what’s happening, from a very big-picture perspective, Who will actually hear the speech? From this point, a more-detailed analysis of audience and their needs is analyzed.

2. Which audiences are affected and what are their needs?

After the big-picture idea of who will be hearing the speech, the next question more clearly defines the groups of people who are affected. For example, how do those who are affected break down into audience groups? What groups of people are particularly affected by this sequence of events? Is a singular, overarching need common ground for all audiences? Additionally, are there differences between those who might be locally affected versus those who might be affected globally? And individually, does each separate group of people have specific needs? After identifying the audience groups, the speaker should be aware of the cultural, demographic, and individual diversity differences among the groups. Finally, as a result of these considerations, what does each group of audiences ultimately expect to hear?

Considering steps one and two together in the context of the hypothetical speech on tort reform the attorney is giving, the speaker would

need to think about what is going on in the world directly outside the bar-association luncheon. In particular, the speaker would need to think about the state of tort litigation in that particular microcosm and in the nation as a whole, being aware of any recent, notable jury verdicts or case dismissals in the public eye. In this step, an attorney's generic knowledge of "what is happening" around her may not be enough; in fact, targeted research into current events, local, state and national laws, customs, status of pending legislation or relevant cases, grass-roots movements and organized lobbying—all regarding the topic of tort reform—may be necessary.

Moreover, assessing who is affected by events leading up to the speech must take into account the fact that the audience groups in this example would include both plaintiffs' attorneys and the defense bar, and would also include judges. If the speech were televised, the speaker would have to be concerned about a broader audience beyond the lunching attorneys directly in front of her.¹⁷ Each group comes with particular needs and expectations, in light of who they are politically, professionally, collectively, and individually—all of which affects how they react to what is happening around them, as researched by the speaker in step two. This will be unique to every situation. In a speech about tort reform, regardless of the political bent of the attorney–speaker, there will obviously be groups of audiences who will expect support for tort reform, those who will expect opposition, those who seek a middle-of-the-road position grounded in reasonableness, and those who seek a more nuanced approach based solely on reform of punitive damages, class-action suits or frivolous claims, or all three.

¹⁷ Speeches delivered to both a live, local audience and televised beyond that audience present a particular problem for the speaker in assessing the rhetorical situation. Oftentimes, speakers may tailor their content and delivery to the audiences and exigences that are directly in front of them, forgetting about the audiences and exigences watching the speech from their living rooms. Howard Dean's January 19, 2004, speech after his defeat in the Iowa Democratic primary is a notorious example of unplanned-for discrepancies in audience expectations. The Dean Scream, as the speech has become known, was a shrill, fiery, and strange speech in which Dean listed states that he predicted he would win in the primary and ended with, "[A]nd then we're going to Washington D.C. to take back the White House, Yeah!" See YouTube, *Howard Dean's Scream* (nrao123 posted June 29, 2006) (available at <http://www.youtube.com/watch?v=D5FzCeV0ZFc>). The clip, played over and over to the watching American public, created a public-relations nightmare for the candidate, as voters generally thought the speech and Dean's demeanor to be unstable and un-presidential. However, locally in Iowa, the speech delivered to 3500 disappointed campaign staffers and supporters might have been entirely appropriate, and just what that local and live-audience tier needed in order to invigorate support for a dying political campaign. A reporter on location in the Iowa Dean campaign headquarters explained what the American viewing public was not seeing on camera:

What you are not hearing is a room with thousands of people screaming and cheering.

What you are not seeing are hundreds upon hundreds of American flags waving.

What you are not hearing are members of the audience shouting out state names urging Dean to list more.

What you are not seeing is the way Dean's supporters were lifted out of their slump by the speech.

In a nutshell, you are not seeing that Dean's speech fit the tone of the room.

Joel Roberts, *Dean's Scream: Not What It Seemed: An On-The-Scene Report On Howard Dean's 'I Have A Scream' Speech*, CBS News (Jan. 26, 2004), <http://www.cbsnews.com/stories/2004/01/26/politics/main596021.shtml> (emphasis added).

3. What limits will make it difficult to meet audience expectations?

Knowing first who the audiences are, and what their needs are as triggered by events surrounding the speech, the attorney–speaker must set about figuring out what stands in the way of meeting all the needs that the situation is creating. An easy place to start is to ask, What are the conventional limits on the speech—like constraints of time, physical space, and limited resources? Also, in considering the sequence of events, what are the facts as they exist, not how the speaker or audience might wish them to exist? How do tradition, societal values and mores, ethics, language, or the law all affect the content of the speech? Moreover, what type of speech is expected? Is it a political speech? A garden-party conversation? An oral argument? A media appearance on behalf of a client? A speech to a neighborhood zoning board? These factors regarding the nature of the occasion for the speech might affect the right tone to be adopted. One of the most important questions to ask regarding the individual differences of audience groups is, Do all of these differences create competing needs?

With the bar-luncheon example, certain realities limit the attorney–speaker’s ability to be all things to all people. Perhaps the biggest constraint in this scenario comes from the speaker herself. This is where being a personal-injury attorney, insurance-defense lawyer, or young associate will make a difference. Each might hold a different opinion on the topic and therefore have different agendas for the speech. Similarly, some needs and expectations of the audience groups will coincide, but some may be inherently contradictory.

In addition, not all limitations here will be political and ideological. There would also be conventional and mundane limits to the luncheon speech, like time restrictions and technological constraints (will there be a microphone, a podium, and a PowerPoint program for visuals?) All of these constraints will inform the last step of the planning process, which forces the attorney–speaker to make rhetorical choices, considering her objectives and overlapping expectations of audience groups. At times under all of these circumstances within the rhetorical situation, the speaker will have to choose sides with competing expectations (including her own). It also means choosing handouts over PowerPoint if the technology doesn’t exist, and it may mean cutting out the twelfth example in response to these time considerations.

4. How can the speech meet the needs of each audience group?

After identifying the big-picture events, the audience groups affected by those big-picture events (both collectively affected and individually affected), and their expectations that develop as a result, and after determining what the limits are on meeting those expectations, the attorney–

speaker has all the information she needs—audience, exigences, and constraints. The content of the speech must then be built around this rhetorical situation. One place to start picks up on the competing needs identified in the prior step. The attorney–speaker should know whether satisfying one audience group’s needs mean excluding other group’s needs. In other words, is there a way to reconcile the needs? Does the attorney–speaker actually want to? After that threshold consideration, the rest deals with the logistics of content and delivery. This involves the rhetorical choices that should be made to make the speech successful; in other words, what messages will the speaker select and send under all of the other circumstances? The attorney–speaker can employ any number of tools associated with spoken language: narrative and metaphor; the choices one makes in words, examples, references, allusions, dress; both personal and speaking style, tone, nonverbals like gestures, stance and body language; and written language that might also accompany the speech. The attorney–speaker should be aware that all of these tools, and in fact every choice made in preparing and delivering the speech, convey meaning within the rhetorical situation.

An example of how a speaker actually used language to meet the rhetorical situation follows.

III. The Rhetorical Situation Surrounding the Challenger Speech

The best way to clarify these plain-language steps and to demonstrate how they function is to analyze how they have previously been applied in a notable speech.

This year marks the twenty-fifth anniversary of the explosion of the space shuttle Challenger. Using the plain-language questions from section I(B), the following is a brief analysis of the rhetorical situation surrounding President Reagan’s 1986 speech to the nation following the explosion. It offers a clear example of a big-picture event; the audience groups affected and their own expectations, needs, and urges, which led to individual group exigences; the constraints on President Reagan as a speaker; and ultimately how he implemented the rhetorical situation into his speech.

A. Background

On January 28, 1986, the Challenger space-shuttle crew died tragically in the explosion of their spacecraft seconds after the launch from the Kennedy Space Center. According to NASA,

The explosion occurred 73 seconds into the flight as a result of a leak in one of two Solid Rocket Boosters that ignited the main liquid fuel tank. The crewmembers of the *Challenger* represented a cross-section of the American population in terms of race, gender, geography, background, and religion. The explosion became one of the most significant events of the 1980s, as billions around the world saw the accident on television and empathized with any one of the several crewmembers killed.¹⁸

Especially poignant for the American public was the death of crewmember Christa McAuliffe, the first teacher to fly in space. Selected from among more than 11,000 teacher applicants, “[s]he had an immediate rapport with the media, and the teacher in space program received tremendous popular attention as a result. It is in part because of the excitement over McAuliffe’s presence on the Challenger that the accident had such a significant impact on the nation.”¹⁹

After the explosion, President Reagan addressed the nation.²⁰ He had planned to deliver his annual State of the Union address on that day. He instead used the occasion to deliver a targeted speech, regarded by many leading scholars as one of the top ten speeches of the twentieth century.²¹

B. Rhetorical-Situation Analysis

1. What outside events prompted the need for a speech?

The space shuttle Challenger exploded shortly after take-off, killing all crewmembers on board, including the first teacher to fly in space, Christa McAuliffe. Because of Christa McAuliffe’s connection with the media and the American public at large, a significant amount of attention was focused on this shuttle launch in particular. Media coverage leading up to the launch was detailed and gave a human and personal touch to a space program usually mired in hard science and superhuman astronauts.²² This extra attention led to a large audience who had gathered around their television sets to watch coverage of the launch. In particular, and because

18 NASA, *The Crew of the Challenger Shuttle Mission in 1986*, <http://history.nasa.gov/Biographies/challenger.html> (updated Oct. 22, 2004).

19 *Id.*

20 See *infra* Appendix for a full text of President Reagan’s speech.

21 This ranking is based on a list of “137 leading scholars of American public address” compiled by professors at the University of Wisconsin-Madison and Baylor University. The speech is ranked number 8 of the Top 100 Speeches of the twentieth century. Michael E. Eidenmuller, *American Rhetoric Top 100 Speeches*, <http://www.americanrhetoric.com/newtop100speeches.htm> (accessed Mar. 14, 2011).

22 YouTube, *ABC News Vault: Space Shuttle Challenger Disaster* (Jan. 28, 1986) (ABCWorldNewsNow posted Jan 28, 2011) (available at <http://www.youtube.com/watch?v=wmOuBh2fnbk>).

McAuliffe was a schoolteacher, this audience included a large number of school-aged children.²³ As a result, then, on a macro level, the big picture exigence was the explosion itself. This created distinct groups, which in turn resulted in individual micro-exigences unique to each group.

2. Which audiences were affected and what were their needs?

Much like other galvanizing tragedies in American history, the Challenger explosion could fairly be described as affecting the nation as a whole. But underneath that collective group, there were other groups of people who seemed to be uniquely affected. The subsections below demonstrate just who was affected and what their needs were as a result. Steps one and two, therefore, illustrate the audience and exigences portions of the rhetorical situation.

a. What groups of people were particularly affected by this sequence of events?

These subgroups included schoolchildren who had become personally invested in the launch or who had witnessed the explosion as it was happening,²⁴ the families of the crewmembers killed,²⁵ and NASA workers worried about the continuation of the shuttle and other programs.²⁶

b. Is there a single, overarching need that is common ground for all audiences? And, individually, does each group of people have particular needs? As a result, what do the tiers of audiences expect to hear?

²³ See *id.*; see also Richard Connelly, *Disaster Stuns Student Viewers*, Dallas Morn. News 25a (Jan. 29, 1986) (available at 1986 WLNR 1680059) (“For students across . . . the nation, the fact that a teacher was aboard the Challenger made Tuesday’s shuttle tragedy more than just another headline.”). McAuliffe’s son’s elementary-school class had even traveled to Florida from New Hampshire to watch the liftoff. See Carolyn Lumsden, *Stations Air N.H. Program On Disaster’s Impact On Children With AM-Space Shuttle*, Associated Press (Jan. 30, 1986) (available at WL, ASSOCP database).

²⁴ “Many school districts had planned to tune in for Mrs. McAuliffe’s televised lessons from space later this week. Students and teachers had been planning projects in connection with the flight for weeks, and some watched the launching on television Tuesday.” Connelly, *supra* n. 23. In total, “millions” of schoolchildren had tuned in for the launch, including students from McAuliffe’s high school in New Hampshire, who had gathered in an assembly to watch the launch. Howard Goldberg, *Some Schools Plan to Watch Shuttle Launch; Organized Effort Falls Through*, Associated Press (Sept. 28, 1988) (available at WL, ASSOCP database).

²⁵ “The families of the astronauts were among some 2,500 guests invited by NASA to witness the launching from an open-air grandstand about four miles from the pad.” William E. Schmidt, *The Shuttle Explosion; For the Families, the Moment of Doom*, N.Y. Times A3 (Jan. 29, 1986) (available at 1986 WLNR 805771); see also Geraldine Baum, *Remembrances as a New Shuttle Is Readied for Launch, the Families Who Lost Loved Ones in the Challenger Explosion Relate Their Feelings, Their Struggles, and How Their Lives Have Changed Since That Tragic Day*, Newsday 5 (Aug. 29, 1988) (available at 1988 WLNR 161328) (“Family, country, space flight, dedication to a cause—all were in varying degrees the fulcrum of the lives of the Challenger families before the disaster. But nothing prepared these widows and children, parents, siblings . . .”).

²⁶ Mary E. Stuckey, *Slipping the Surly Bonds: Reagan’s Challenger Address* 96–99 (Tex. A&M U. Press 2006).

²⁷ Peggy Noonan was the primary speechwriter who wrote President Reagan’s address to the nation regarding the Challenger explosion. Peggy Noonan, *What I Saw at the Revolution: A Political Life in the Reagan Era* 254 (Random House 1990). Professor Mary E. Stuckey in researching presidential archives also describes the Challenger speechwriting process as involving several other contributors as well. Stuckey, *supra* n. 26, at 60–81.

Aware of all these potential audience groups for his speech, Reagan and his speechwriters²⁷ next asked themselves, What were those special needs that had been created in those special groups of audiences, and how could the speech meet those needs?²⁸ For the nation as a whole, the primary need was one of a sense of mourning, of seeking guidance from its leader during a difficult time. The collective national audience needed words that demonstrated cool-headed, yet empathetic, understanding and comfort. At the same time, there was a collective need for answers: how could this have happened? The primary exigence, however, created discrete audience groups, each with its own needs. For example, the audience of schoolchildren, many of whom had never witnessed death and who did not understand it as an inevitability of life, had an urgent need for an accelerated lesson on life's unfairness, to understand why bad things happen.²⁹

Additionally, the families of the crewmembers in all likelihood also had needs of mourning, but of a much more specific kind than the mourning needs of the nation. The families needed to know that their loved ones had not died in vain, that their lives were dedicated to something important, a universal good that was vital to the country.³⁰ Similarly, NASA workers had to know that their pursuits were still noble, and notwithstanding the tragedy, that the program and their scientific and professional pursuits would still be supported.³¹

3. What limits made it difficult to meet audience expectations?

As with any exercise in verbal communication, President Reagan was rhetorically restrained by a stream of circumstances that affected his ability to achieve his goals. This led to the constraints portion of the rhetorical situation. The following are a few of those possible limitations: First, not much was known about the accident—i.e., the how and why—at the time the President delivered his speech. To the extent any audience group was looking for answers, the reality was that there just weren't any

28 As a speechwriter for a speaker other than herself, Noonan had to perform this analysis based on her own assessment of the rhetorical situation, but also, and perhaps more importantly, from the President's answers to these questions. To do so, she received verbatim notes from a colleague who had been with the President as he was reacting to first news about the explosion. Noonan, *supra* n. 27, at 254 ("What can you say," her notes quote him as saying, "[I]t's a horrible thing. I can't rid myself of the thought of the sacrifice . . . I'm sure all of America is more than saddened.").

29 Noonan writes in her memoir that on the day of the explosion, she received the call from a Reagan Administration official telling her to write the speech. She was told, "The president has to speak to the children and reassure them that the world isn't ending and that there is both inherent purpose and danger in scientific exploration." *Id.* Notes from the President's initial reaction quote him as saying that with regard to children as an audience group for his speech, "The problem is that it's more of a shock to all as we see it happening, not just hear about something miles away—but we must make it clear [to the children] that life goes on." *Id.* at 255.

30 Stuckey, *supra* n. 26, at 88–92.

31 *Id.* at 96–99.

yet. From a mourning perspective, and with regard to the nation as a whole audience, some limitations might have been his political party and a nation that did not all subscribe to the same political ideology. How would this affect his message to the nation as a whole? Ultimately, as testament to the speech, one needn't share President Reagan's political ideology to recognize the speech's effectiveness. Indeed, when the rhetorical situation demands so many things for so many people, the speech and delivery (and for the moment the speaker) must transcend politics. The devil, however, is in the details: how could he transcend politics to accomplish his goal of providing cool-headed, yet empathetic, words of comfort and leadership? He was also limited by the relative age and experiences of the schoolchildren he needed to address. Although many witnessed the explosion, how graphic could he be? Would he be inappropriately inserting himself into the parent-child relationship by trying to explain the inevitability of death?

Regarding the crews' families, should he devote more time to acknowledging McAuliffe's family, since she was the best known?³² What if the families held divergent views on NASA's breaking of tradition and allowing a civilian teacher to be aboard the shuttle amongst the professional astronauts? Another limitation involved NASA employees and the fact that some were directly connected to the launch while others had nothing to do with it. Did this fact create a separate tier of NASA employees who should be "blameless" versus those who may have acted negligently? Or, could there be a sufficiently homogenous sentiment among NASA workers that "we're all in this together"? The other, more conventional, constraints included the fact that the speech would be televised, the time limitations, and President Reagan's own speaking style and delivery, to name a few.

4. How did the speech meet the needs of each audience group?

At 5:00 p.m., on January 28, 1986, President Reagan delivered his speech to a waiting American public.³³

Regarding the nation as a whole audience, President Reagan's speech allowed for national mourning and addressed the collective need for answers. In several parts of the speech, he made explicit reference to

³² Indeed, President Reagan himself was disproportionately affected by McAuliffe's death since he had personally spearheaded the idea of sending a schoolteacher into space. David Hoffman, *'The Shuttle's Blown Up!': Numbing News Reaches Reagan During State-of-Union Briefing*, Wash. Post A4 (Jan. 29, 1986) (available at <http://www.washingtonpost.com/wp-dyn/content/article/2006/01/24/AR2006012401037.html>).

³³ Eidenmuller, *supra* n. 21, at <http://www.americanrhetoric.com/speeches/ronaldreaganchallenger.htm>; see also YouTube, *Challenger: President Reagan's Challenger Disaster Speech—1/28/86* (ReaganFoundation posted Apr. 2, 2009) (available at <http://www.youtube.com/watch?v=Qa7icmqgsow&feature=related>).

mourning, first personalizing it,³⁴ and then taking his personalized mourning and, by extension, including it as part of the nation's mourning.³⁵ The entirety of the speech then made consistent references to the mourning, permitting the nation to feel saddened by the tragedy.³⁶

The national exigency of the need for answers was severely limited by the reality that, at that stage, there simply weren't any answers. Facing this constraint, in lieu of providing concrete explanation, President Reagan offered the nation metaphorical themes of scientific progress and advancement as part of the exploration process. And logically, as part of progress and discovery, comes sacrifice and setbacks. The speech solidified the metaphors of discovery and its costs by, among other things, noting the death of explorer Sir Francis Drake off the coast of Panama. He then reasoned by analogy and compared the principles of exploration and progress that Drake stood for to the same principles that the shuttle crew had died for. Progress, exploration, and advancement then became part of the answer to each audience tier's exigences, tailored, though, to meet the unique needs of each group.

The audience tier of schoolchildren similarly required answers and explanation, but in a slightly different manner. The major constraint was the fact that many children did not yet have a point of reference for death. In response, the speech still stuck with the themes of progress and advancement, but first offered a threshold life lesson: bad things happen sometimes for the sake of a greater good.³⁷

The speech also directly addressed the audience of the crew's families by first naming in full each astronaut aboard the Challenger.³⁸ Next, the speech referenced the national mourning, but delicately noted that nothing in our collective grief could compare to the anguish the families would be personally experiencing.³⁹ Further, in response to the concern that the crew may have died in vain, the speech offered clear assurances

³⁴ "Nancy and I are pained to the core by the tragedy of the shuttle Challenger." Eidenmuller, *supra* n. 21, at www.americanrhetoric.com/speeches/ronaldreaganchallenger.htm.

³⁵ "We know we share this pain with all of the people of our country. This is truly a national loss." *Id.*

³⁶ "Today is a day for mourning and remembering." *Id.* "We mourn seven heroes. . . . We mourn their loss as a nation together." *Id.* "The crew of the space shuttle Challenger honored us by the manner in which they lived their lives. We will never forget them, nor the last time we saw them, this morning, as they prepared for their journey." *Id.*

³⁷ "And I want to say something to the schoolchildren of America who were watching the live coverage of the shuttle's take-off. I know it's hard to understand, but sometimes painful things like this happen. It's all part of the process of exploration and discovery. It's all part of taking a chance and expanding man's horizons." *Id.*

³⁸ "We mourn seven heroes: Michael Smith, Dick Scobee, Judith Resnik, Ronald McNair, Ellison Onizuka, Gregory Jarvis and Christa McAuliffe." *Id.*

³⁹ "For the families of the seven, we cannot bear, as you do, the full impact of this tragedy. But we feel the loss, and we're thinking about you so very much." *Id.*

that they had not, again in the context of thematic progress and exploration.⁴⁰

Finally, for the fourth audience tier, NASA workers, President Reagan offered unconditional support for the agency and for the space program in general. The speech continued its reference to exploration as “our quest in space” and ultimately chose not to divide NASA into those who were responsible versus those who were not. Instead, it addressed NASA collectively.⁴¹

President Reagan’s decisiveness in this regard offers perhaps the best example of how competing exigences and their accompanying constraints force rhetorical choices in the public speaker. In fact, multiple needs of a multiple audiences may be incompatible in some sense. As speakers, we often think that we’d like to be all things to all people and satisfy everyone’s needs. Certainly, some politicians strive for this, too. But sometimes, as part of the rhetorical-situation analysis, choices have to be made that may result in some needs being met to the exclusion of other needs. For example, perhaps there were those who saw the disaster as a sign that tax dollars should not continue to fund the program. This group would have had a need to see their leader affirmatively discontinue what they saw as wasteful spending. However, this group’s need was in direct conflict with NASA and with those Americans who wanted their leader to commit to the program, notwithstanding whatever had caused the explosion. Both of these groups were part of the rhetorical situation, both presenting unique exigences, resulting in unique constraints. Ultimately, as the speaker who was responsible for addressing the nation, President Reagan made the decision to commit to the program, deciding not to meet the needs of one potential audience group.⁴²

40 “Your loved ones were daring and brave, and they had that special grace, that special spirit that says, ‘Give me a challenge and I’ll meet it with joy.’ They had a hunger to explore the universe and discover its truths. They wished to serve, and they did. They served all of us.” *Id.*

41 “I’ve always had great faith in and respect for our space program. And what happened today does nothing to diminish it.” *Id.* “We’ll continue our quest in space.” *Id.* “I want to add that I wish I could talk to every man and woman who works for NASA, or who worked on this mission and tell them: ‘Your dedication and professionalism have moved and impressed us for decades. And we know of your anguish!’” *Id.*

42 In a final nod to the speech’s themes, President Reagan ended the speech with a literary reference: “We will never forget them, nor the last time we saw them . . . as they prepared for their journey, and waved good-bye and ‘slipped the surly bonds of earth’ to ‘touch the face of God.’” Noonan, *supra* n. 27, at 257. The last sentence was a literary reference to the poem “High Flight” by John Gillespie Magee Jr., an American pilot who died in combat in 1941. See Lou Cannon, *Space Program Will Go on, Reagan Vows; Voicing Grief for Crew, President Says ‘Future Doesn’t Belong to the Fainthearted,’* Wash. Post. A4 (Jan. 29, 1986) (available at LEXIS, WPOST file). Although this line is now one of the most famous aspects of the speech, it almost didn’t make the final cut. At the last minute, Noonan was told by White House staffers to change the quote at the end from “touch the face of God” to “reach out and touch someone—touch the face of God” because the staffer had heard it in a commercial. See Noonan, *supra* n. 27, at 257. Thankfully for Noonan, and the rest of America, cooler heads prevailed, and Noonan and the President stuck with the literary reference, instead of paying homage to an old AT&T commercial.

IV. Conclusion

Public speaking seems to consistently rank as one of the top fears that Americans have.⁴³ Perhaps this number decreases slightly when attorneys are asked their greatest fear, but it is safe to say that regardless of profession, speaking in public causes the great majority of us some level of concern. Few of us will ever be as skilled a speechwriter as Peggy Noonan, or as talented an orator as President Reagan.⁴⁴ However, experts in the field generally agree that thoughtful preparation of the speech helps to combat the fear.⁴⁵ For any public-speaking scenario an attorney may be thrust into, Bitzer's analysis, reduced to these plain-language questions, can offer a checklist to help the speaker prepare for the occasion. The combination of Bitzer's scholarly definition of the rhetorical situation with the practical considerations for implementing the rhetorical situation in everyday speaking scenarios puts the speaker in the best position not only to combat fear and stage-fright, but also to deliver an effective message with import for multiple groups of audiences.

Appendix

President Reagan's Challenger Speech⁴⁶

Ladies and Gentlemen, I'd planned to speak to you tonight to report on the state of the Union, but the events of earlier today have led me to change those plans. Today is a day for mourning and remembering. Nancy and I are pained to the core by the tragedy of the shuttle Challenger. We know we share this pain with all of the people of our country. This is truly a national loss.

Nineteen years ago, almost to the day, we lost three astronauts in a terrible accident on the ground. But, we've never lost an astronaut in flight; we've never had a tragedy like this. And perhaps we've forgotten the courage it took for the crew of the shuttle; but they, the Challenger Seven, were aware of the dangers, but overcame them and did their jobs brilliantly. We mourn seven heroes: Michael Smith, Dick Scobee, Judith Resnik, Ronald McNair, Ellison Onizuka, Gregory Jarvis and Christa McAuliffe. We mourn their loss as a nation together.

⁴³ See Stephen E. Lucas, *The Art of Public Speaking* 8 (7th ed., McGraw-Hill 2001) (noting one study in which the largest percentage of respondents listed public speaking as their greatest fear).

⁴⁴ Interestingly, although regarded as one of the most effective speeches in recent history, Noonan writes that Reagan thought he had failed. In a conversation after the speech, Reagan told Noonan, "I thought that I'd done badly and I hadn't done justice. . . . And I got off the air and I thought, Well, not so good." Noonan, *supra* n. 27, at 258.

⁴⁵ See generally David J. Dempsey, *Legally Speaking: 40 Powerful Presentation Principles Lawyers Need to Know* (Rev. and updated ed., Kaplan Publ. 2009).

⁴⁶ The source of this version of the speech is Mary E. Stuckey, *Slipping the Surly Bonds: Reagan's Challenger Address* 3–4 (Texas A&M U. Press 2006).

For the families of the seven, we cannot bear, as you do, the full impact of this tragedy. But we feel the loss, and we're thinking about you so very much. Your loved ones were daring and brave, and they had that special grace, that special spirit that says, "Give me a challenge, and I'll meet it with joy." They had a hunger to explore the universe and discover its truths. They wished to serve, and they did. They served all of us. We've grown used to wonders in this century. It's hard to dazzle us. But for twenty-five years the United States space program has been doing just that. We've grown used to the idea of space, and perhaps we forget that we've only just begun. We're still pioneers. They, the members of the Challenger crew, were pioneers.

And I want to say something to the schoolchildren of America who were watching the live coverage of the shuttle's take-off. I know it's hard to understand, but sometimes painful things like this happen. It's all part of the process of exploration and discovery. It's all part of taking a chance and expanding man's horizons. The future doesn't belong to the fainthearted; it belongs to the brave. The Challenger crew was pulling us into the future, and we'll continue to follow them.

I've always had great faith in and respect for our space program, and what happened today does nothing to diminish it. We don't hide our space program. We don't keep secrets and cover things up. We do it all up front and in public. That's the way freedom is, and we wouldn't change it for a minute. We'll continue our quest in space. There will be more shuttle flights and more shuttle crews, and, yes, more volunteers, more teachers in space. Nothing ends here; our hopes and our journeys continue. I want to add that I wish I could talk to every man and woman who works for NASA or who worked on this mission and tell them: "Your dedication and professionalism have moved and impressed us for decades. And we know your anguish. We share it."

There's a coincidence today. On this day 390 years ago, the great explorer Sir Francis Drake died aboard ship off the coast of Panama. In his lifetime the great frontiers were the oceans, and a historian later said, "He lived by the sea, died on it, and was buried in it." Well, today, we can say of the Challenger crew: Their dedication was, like Drake's, complete.

The crew of the space shuttle Challenger honored us by the manner in which they lived their lives. We will never forget them, nor the last time we saw them, this morning, as they prepared for their journey and waved goodbye and "slipped the surly bonds of earth" to "touch the face of God."

Thank you.