The Power of Zeal:

Teddy Roosevelt's Life and Writing

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This is the fifth article in a series about the writing qualities and habits of our most eloquent American presidents. The focus of all the articles is on the lessons modern legal writers can learn from the presidents. The previous articles have examined one defining quality for each eloquent president and then explored the major influences on that president's writing style. Thomas Jefferson's classical education influenced his use of metaphor.[1] *James Madison's shyness and hesitation to speak extemporaneously made him recognize the value of preparation, so he wrote with rigor.*[2] *Abraham Lincoln's legal career taught him that brevity persuades.*[3] *Ulysses Grant's military service made him value clarity so much that it became the defining feature of his writing.*[4] *The major influence on Theodore (Teddy)*[5] *Roosevelt's writing style was his personality. Roosevelt's writing was like his life—full of passion, conviction, confidence, and energy. I use the word "zeal" in this article to capture all those qualities. It was the combination of Roosevelt's conviction and energy that resulted in his zeal. And it is zeal that made both Roosevelt and his writings so effective. A few examples of Roosevelt's writings, including a speech honoring Ulysses Grant, Roosevelt's autobiography, and several of his famous one-liners, are*

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1 Julie A. Oseid, *The Power of Metaphor: Thomas Jefferson's "Wall of Separation between Church & State,"* 7 J. ALWD 123, 127–29 (2010).

2 Thomas C. Berg, Julie A. Oseid & Joseph A. Orrino, *The Power of Rigor: James Madison as a Persuasive Writer*, 8 Leg. Comm. & Rhetoric: JALWD 37, 45–51 (2011).

3 Julie A. Oseid, *The Power of Brevity: Adopt Abraham Lincoln's Habits*, 6 J. ALWD 28, 32–35 (2009).

4 Julie A. Oseid, *Ulysses S. Grant as a Model of Writing "So That There Could Be No Mistaking It,"* 9 Leg. Comm. & Rhetoric: JALWD 49, 56 (2012).

5 Roosevelt's pet name as a boy was "Teedie." Henry F. Pringle, *Theodore Roosevelt: A Biography* 5 (1931). Roosevelt was resigned to the public's knowing him as "Teddy," but he was not fond of the nickname. Edmund Morris, *The Rise of Theodore Roosevelt* xxiii (1979).

reviewed. Roosevelt's writing habits of working hard, writing what he believed, and using vivid language are inspirational for modern legal writers trying to make their own writing more persuasive.

If ever there was a man who could not be captured in just one word, it is Teddy Roosevelt. The potential descriptors are endless: enthusiastic, courageous, smart, strong, powerful, loyal, adventurous, disciplined, confident, charismatic, resolute, patriotic, determined, and energetic. Yet the best single word to describe Roosevelt's personality and his persuasive writings is "zeal." There is simply no way to extract Roosevelt's personality from anything he did, including his writing. Thus the main influence on Roosevelt's writing style was simply Roosevelt himself. As he lived his life with zeal, so he wrote with zeal.

In virtually every way, Roosevelt was almost superhuman. He had multiple and varied careers: he was a historian, a rancher, an ornithologist, a military leader, a civil servant, Governor of New York, President of the United States, and a writer. The days of his life were packed with work, adventure, and joy. Roosevelt was a curious man who had numerous interests.[6] He had a passionate enthusiasm for all animals, but he had a special fondness for birds,[7] which he could identify by sight or sound. He is remembered for many accomplishments: his conservation efforts, his devotion to Progressive Republican politics, his fearlessness in tackling big business, and his contributions to natural history.

The focus here is on Roosevelt's achievement as a persuasive writer and speaker. This article's first goal is to examine one defining feature of Roosevelt's writing. Jefferson persuaded with metaphor, Madison with rigor, Lincoln with brevity, and Grant with clarity. At his literary best, Roosevelt combined his energy with his conviction to create zeal, which he used to persuade. This article reviews the meaning of zeal and considers why it is such an important quality for modern legal writers hoping to persuade others. Section II presents a brief biography of Roosevelt's life. Section III examines Roosevelt's writing habits. Those habits were closely tied to his personal values: his belief in the vigor of life motivated him to work hard as a writer, his moral certainty and belief in action led him to write with conviction, and his appreciation for stories inspired him to use vivid language. This article concludes by analyzing three of Roosevelt's writings: a speech honoring Ulysses Grant, passages

6 Louis Auchincloss, *Theodore Roosevelt* 35 (2001).

7 *Id.* at 95 ("When Roosevelt claimed to have been the last person to spot a passenger pigeon in the wild, the ornithologists believed him.").

from his autobiography, and several of his one-liners as examples of how his zeal made his writing persuasive.

The article's other goal is simply to share Roosevelt's story, particularly the story of his life as a writer. Roosevelt was the first author to become President of the United States, and he remains the only American president whose most identifiable occupation outside of politics was, or is, writing. Only three of our presidents likely could have become professional writers: Thomas Jefferson, Abraham Lincoln, and Roosevelt.[8] In that elite group, Roosevelt produced the greatest volume of written work.[9] Some historians believe that Roosevelt, because he read voraciously and wrote prolifically, was the most literary of all our presidents.[10]

I. The Importance of Zeal in Legal Writing

A writer's zeal will help persuade the reader. Zeal is "fervor for a person, cause, or object; eager desire or endeavor; enthusiastic diligence; ardor."[11] The word "zeal" is used here not as an appeal to the emotions or passion of the reader but as a way to convince the reader that the author actually believes what the author writes. Michael R. Smith, a rhetoric scholar, suggests that advocates "should evince . . . *zeal*" by "project[ing] passion, conviction, and confidence in a client's position."[12]

"Zeal" is a term familiar to lawyers. Advocating for our clients with zeal has long been part of our American legal tradition.[13] The early

8 Theodore C. Sorenson, former special counsel to President John F. Kennedy notes, "Lincoln was a superb writer. Like Jefferson and Teddy Roosevelt, but few if any other presidents, he could have been a successful writer wholly apart from his political career." Theodore C. Sorenson, *A Man of His Words*, Smithsonian 96, 98 (Oct. 2008). Many believe that President Barack Obama should be added to the list of presidents who could be a successful professional writer. *See, e.g.* Janny Scott, *The Story of Obama, Written by Obama*, N.Y. Times (May 18, 2008).

9 *See infra* n. 107 and accompanying text (Roosevelt authored 38 books.). David McCullough noted that a study of even part of Roosevelt's life is "almost overwhelming" because so much has been written about Roosevelt, plus "he wrote and published so much himself *and* read so much that had a direct bearing on his life." David McCullough, *Mornings on Horseback* 11 (1981).

10 *The Wisdom of Theodore Roosevelt* xi (Donald J. Davidson ed., 2003) (After listing all of Roosevelt's accomplishments, Davidson concludes, "Finally, and not least, he was a literary man, undoubtedly the best among our presidents, not excluding Jefferson, Adams, Madison, Lincoln, and Wilson.").

11 *Webster's American Dictionary* 915 (2000).

12 Michael R. Smith, *Advanced Legal Writing* 135 (2008) (emphasis in original).

13 Most scholars trace the idea of zealous advocacy to Henry Lord Brougham's representation of Queen Caroline in 1820. Monroe H. Freedman, *Henry Lord Brougham and Zeal*, 34 Hofstra L. Rev. 1319, 1319–20 (2006). Brougham defended Queen Caroline against a charge of adultery in a divorce proceeding by threatening to expose King George IV's own illicit marriage. *Id.* at 1320. Lord Brougham explained at the trial,

> [A]n advocate, in the discharge of his duty, knows but one person in all the world, and that person is his client. To save that client by all means and expedients, and at all hazards and costs to other persons, and, amongst them, to himself, is his first and only duty . . . .

Id. at 1322 (quoting 2 *Trial of Queen Caroline* 3 (1821)).

American ethical and professional-responsibility rules used the word "zeal" explicitly, and the word remains a part of the preamble and commentary to the ethical rules.[14] The most familiar reference states, "A lawyer should act with commitment and dedication to the interests of the client and with zeal in advocacy upon the client's behalf."[15] Many lawyers acting in an advocacy role identify zeal as "*the* fundamental principle of the law of lawyering."[16]

As a component of persuasion, zeal is part of the credibility of the writer.[17] The zealous writer receives two benefits: "[F]irst, the substance itself helps to persuade, and second, the credibility of the advocate's argument is enhanced by the zeal and commitment reflected in the advocate's effort."[18] The author's effort in researching and writing the legal document must be thorough—and it must be signaled as such, as through the quality of its citations or footnotes and the well-reasoned logic and

14 The American Bar Association's first code of ethics, published in 1908, instructed, "[A] lawyer owes entire devotion to the interest of the client, warm zeal in the maintenance and defense of his rights and the exertion of his utmost learning and ability." Lawrence J. Vilardo & Vincent E. Doyle III, *Where Did the Zeal Go?* 38 Litig. 53, 56 (Fall 2011) (emphasis omitted). The Model Code of Professional Responsibility Canon 7, published in 1969, noted, "A lawyer should represent a client zealously within the bounds of the law. *Id.* (emphasis omitted) The 1983 Model Rules of Professional Conduct include the word "zeal" in the preamble and commentary, but the rules themselves do not reference zeal. *Id.*

15 Model R. Prof. Conduct 1.3 cmt. 1 (2004). The Preamble to the Model Rules of Professional Conduct contains three additional references to zeal:
1. "As advocate, a lawyer zealously asserts the client's position under the rules of the adversary system." *Id.* at preamble ¶. 2.
2. "Thus, when an opposing party is well represented, a lawyer can be a zealous advocate on behalf of a client and at the same time assume that justice is being done." *Id.* at ¶ 8.
3. "These principles include the lawyer's obligation zealously to protect and pursue a client's legitimate interests, within the bounds of the law, while maintaining a professional, courteous and civil attitude toward all persons involved in the legal system." *Id.* at ¶ 9.

16 Freedman, *supra* n. 13, at 1324 (quoting Geoffrey C. Hazard, Jr. & William Hodes, *The Law of Lawyering: A Handbook on the Rules of Professional Conduct* 17 (Supp. 1998) ("The authors wrote this five years after the Model Rules were adopted. In their third edition the authors changed the phrasing, but expressly equated "diligence" in Model Rule of Professional Conduct 1.3 with zeal, for example, referring to "the basic duty of diligence (or zealousness)".") (emphasis in original). There is a current debate about the use of "zeal" to describe legal representation. On one side are those claiming that a requirement of zealous representation leads to incivility among lawyers. *See e.g.* Paula Schaefer, *Harming Business Clients with Zealous Advocacy: Rethinking the Attorney Advisor's Touchstone,* 38 Fla. St. U. L. Rev. 251, 254 ("The complaint that is most frequently lodged against zealous advocacy is . . . that lawyers use zealous advocacy as an excuse for incivility."); Allen K. Harris, *The Professionalism Crisis—The "z" Words and Other Rambo Tactics: The Conference of Chief Justices' Solution*, 53 S.C. L. Rev. 549, 569 (2001) ("The phrase 'zealous advocacy' is frequently invoked to defend unprofessional behavior and a 'Rambo,' or 'win at all costs,' attitude."), John Conlon, *It's Time to Get Rid of the "z" Words*, Feb. Res Gestae 50 (Feb. 2001) (zealous advocacy used as excuse for rudeness, incivility, and offensive behavior). Those on the other side claim that zealous representation never allows for a violation of other ethical duties, and that our advocacy system depends on opposing parties being represented by lawyers who will zealously put their clients first. Anita Bernstein, *The Zeal Shortage*, 34 Hofstra L. Rev. 1165, 1169, 1186 (zeal is a "great ideal" and the shortage of zeal has affected law practice and impacts lawyer pro bono work); Vilardo & Doyle, *supra* n. 14, at 57; *see also* Paul C. Saunders, *Whatever Happened to 'Zealous Advocacy'?* 245 N.Y. L.J. No. 47 (March 11, 2011) (suggesting that New York should have had an open debate before eliminating the word "zeal" from the New York Code of Professional Responsibility). One scholar suggests that even if lawyer ethics move back toward a client-centered approach, many lawyers will still consider that "lawyers have duties that go beyond those owed to their particular clients, but rather extend to third parties and the public at large as well." Steven K. Berenson, *Passion Is No Ordinary Word*, 71 Albany L. Rev. 165, 193 (2008).

17 Smith, *supra* n. 12, at 135.

18 *Id.*

organization of the text—to give the reader the desired confidence.[19]

The language and tone of the written product also should reflect zeal. "An advocate generally should present his or her arguments using forceful and confident language."[20] Here is an example of such terse, direct, and vivid language from Ruth Bader Ginsburg: "'*Goesaert* is a decision overdue for formal burial.'"[21]

The word *zeal* sometimes elicits a negative reaction, but only because some equate zeal with overzealous behavior—behavior that trespasses the boundaries of honesty. As used in this article, though, zeal implies conviction and passion, but it also implies honesty.[22] This honesty has two components: both a genuine belief in the merits of the case, and absolute candor about the strengths and weaknesses of the case. The lawyer can evince zeal only if convinced that the client should win.[23] But even the zealous advocate knows that there are some weaknesses on every side; zealous advocacy should never trump realism.[24]

Judges notice whether the lawyers have zeal for their case, and a lack of zeal can be revealed by the language they use. Patricia Wald, former Chief Judge, United States Court of Appeals for the D.C. Circuit, gives this advice: "Too many young lawyers today are afraid to show strong feelings of any kind; the jargon in which they write illustrates all too graphically their insecurity about stating what they believe in."[25] Legal writers must demonstrate their confidence in the merits of their client's case.[26] In the case of brief writing, "[p]ersuasion is the only test that counts."[27] Of

19 A zealous writer will be thorough. "Someone said that the easy writing makes for damned hard reading; the converse is also true, and easy reading is likely to be due to the zeal with which the writer has checked and rechecked every chapter, paragraph, sentence, word, and comma." Frederick Millet Salter, *The Art of Writing* 56 (2004).

20 Smith, *supra* n. 12, at 135.

21 Ross Guberman, *Point Made: How to Write like the Nation's Top Advocates* 161 (quoting Amicus Curiae Br. of the Am. Civ. Liberties Union in Support of Petrs., Craig v. Boren, 1976 WL 181333 at *11 (Feb. 26, 1976)).

22 *See* Wayne Schiess, *Writing for the Legal Audience* 90 (2003) ("So in every court paper you submit to a trial judge, be honest.").

23 Antonin Scalia & Bryan A. Garner, *Making Your Case: The Art of Persuading Judges* 13 (2008) (Scalia and Garner accept that it is appropriate for an advocate to believe the advocate's side should win); *see also* Aviam Soifer, *MuSings*, 37 J. Legal Educ. 20, 24 (1987) (discussing the importance of writing about "what you believe").

24 *See* Ruggero J. Aldisert, *A Judge's Advice: 50 Years on the Bench* 240 (2011) (noting that successful advocates "are realistic about their cases and candid with the courts.").

25 Guberman, *supra* n. 21, at 280 (citing Patricia M. Wald, *19 Tips from 19 Years on the Appellate Bench*, 1 J. App. Prac. & Process 7, 11 (1999)). If that lack of conviction stems from a moral objection, then the lawyer should consider whether another lawyer could better represent the client; *see* Gregory C. Sisk, *Litigation with the Federal Government* § 103(b) 24–26 (2006) (quoting Patricia M. Wald, *"For the United States:" Governmental Lawyers in Court*, 61 L. & Contemp. Probs. 107, 121 (1998)) (noting Judge Wald's comment that the lawyer's discomfort is "often discernible to the court").

26 Helene S. Shapo, Marilyn R. Walter & Elizabeth Fajans, *Writing and Analysis in the Law* 367 (2008) (Shapo, Walter and Fajans also suggest that the author should convey positive feelings for the client); Smith, *supra* n. 12, at 135.

27 Aldisert, *supra* n. 24, at 135.

course, the ultimate act of persuasion is to convince the reader that the writer has reached the correct conclusion.[28]

Though the word *zeal* best captures the strengths of Roosevelt's personality and persuasive writing, certainly Roosevelt had other writing strengths. His writing was scrupulously accurate,[29] simple,[30] complete, [31] and full of joy.[32] These strengths also permeated his presidential speeches in which Roosevelt "was careful to make his ideas clear, his language direct, and his message striking."[33] But Roosevelt's zeal was the primary quality that made him so persuasive. He was absolutely committed to his message;[34] he combined that conviction with energy to both live his life with zeal and write with zeal.

II. Roosevelt's Biography

Roosevelt's life story is difficult to summarize, not only because he had so many different careers,[35] but also because he had so much energy, enthusiasm, and stamina that his sixty years would equal three times as many years in virtually any other human life. Historian Edmund Morris, who received the Pulitzer Prize for his Roosevelt biography, [36] noted that Roosevelt was the "fastest moving human being I've ever studied," adding that Roosevelt was "lightning quick" in his deliberative qualities yet he was not impulsive.[37] As for zeal itself, a humorous story about Roosevelt's childhood understanding of the word "zeal" is telling. As a child, Roosevelt

28 *Id.* at 137.

29 Morris, *The Rise of Theodore Roosevelt*, *supra* n. 5, at 24 (Roosevelt was "scrupulously accurate" in his diaries and writings.).

30 *Id.* at 66.

31 *Id.* at 136.

32 *Id.* at 35. His writings about American birds were "lyrical, sometimes even songlike." Douglas Brinkley, *The Wilderness Warrior: Theodore Roosevelt and the Crusade for America* 19 (2009) ("His sparkling writings are often good enough to put him in the company of . . . first-rate naturalist writers . . . .").

33 Lewis L. Gould, *The Presidency of Theodore Roosevelt* 10 (1991). Some claim that Roosevelt was so attached to his message that he did not always pay attention to the way he said it, but he did not leave his audience confused. Jacob A. Riis, *Theodore Roosevelt The Citizen* 413–14 (1903).

34 After Roosevelt spoke, his audience left knowing exactly what he meant because he was so committed to his message. Riis, *supra* n. 33, at 413–14.

35 Roosevelt noted, "A man should have some other occupation—I had several other occupations—to which he can resort if at any time he is thrown out of office . . . ."). *The Autobiography of Theodore Roosevelt* 37 (Wayne Andrews ed. 1975).

36 Morris, *The Rise of Theodore Roosevelt*, *supra* n. 5 (covering the time from Roosevelt's birth in 1858 through his vice presidency in 1901) (winner of the Pulitzer Prize); Edmund Morris, *Theodore Rex* (2001) (covering Roosevelt's presidency from 1901–1909); Edmund Morris, *Colonel Roosevelt* (2010) (covering Roosevelt's post-presidency years until the time of his death in 1919). Morris's work is highly regarded and admired, and many consider his three-volume biography to be the quintessential work on Roosevelt. *See* Janet Maslin, *Final Scenes from a Life of Bully Adventure*, N.Y. Times C1 (Nov. 18, 2010) (Morris's three-volume biography series described as "the magnum opus . . . [that] deserves to stand as the definitive study of its restless, mutable, ever-boyish, erudite and tirelessly energetic subject.").

heard the word "zeal" during church sermons. He was afraid of "zeals," thinking they were scary spirits lurking in darkened corners. Once he finally learned what "zeal" meant, he decided that he believed in it, but he did not want to plagiarize Scripture, so he called the quality "strenuousity."[38]

Roosevelt was born on October 27, 1858, in New York City to a wealthy family.[39] He was plagued by asthma,[40] so he studied at home. Even as a child, he was fascinated with nature, and he collected specimens of animals and birds. As a seven-year-old boy, he opened the Roosevelt Museum of Natural History in his home,[41] and he contributed specimens to New York's American Museum of Natural History at the age of 14.[42] He later studied biology and natural history at Harvard University.[43] He attended one year of law school at Columbia, but dropped out when he discovered that his normally passionate nature did not include interest in legal study.[44] Instead, politics and nature were Roosevelt's lasting passions.[45]

His political career started at the age of 23, when he was elected as a New York State Assemblyman.[46] Only two years later, on February 14, 1884, Roosevelt's beloved mother Mittie and his adored wife Alice died on the same day.[47] Alice died of Bright's disease shortly after delivering Roosevelt's first child, also named Alice.[48] Grief stricken, Roosevelt left his daughter Alice in the care of his sister and moved to the frontier.[49] On his

37 Bob Edwards, Morning Edition, Radio Broad., *Interview with Edmund Morris* (Natl. Pub. Radio Nov. 27, 2001) (available at http://www.npr.org/programs/morning/features/2001/nov/morris/011127.edmund.morris.html) (hereinafter *Interview*). Morris noted elsewhere that "[t]he President was obviously an adroit politician. Speed was his most astonishing characteristic, combined improbably with thoroughness." Morris, *Theodore Rex, supra* n. 36, at 8. Morris emphasized as well that Roosevelt was a jokester who wrote comic pieces. Morris admitted that if Roosevelt "hadn't been such a funny man" he could not have devoted so many years to writing about him. *Interview*. *See also The Autobiography of Theodore Roosevelt, supra* n. 35, at x ("[Roosevelt] had a sense of humor, even if, like many of us, he occasionally misplaced it.")

38 George William Douglas, *The Many-Sided Roosevelt* 18–19 (1907).

39 *The Autobiography of Theodore Roosevelt, supra* n. 35, at 5.

40 *Id.* at 11.

41 *Id.* at 13 (At the same age he began his habit of recording his findings "in simplified spelling, wholly unpremeditated and unscientific."); *see also* Morris, *The Rise of Theodore Roosevelt*, *supra* n. 5, at 17–18.

42 Candice Millard, *The River of Doubt: Theodore Roosevelt's Darkest Journey* 23 (2005).

43 Morris, *The Rise of Theodore Roosevelt*, *supra* n. 5, at 54–79.

44 *See* Pringle, *supra* n. 5, at 32–34.

45 Millard, *supra* n. 42, at 24 (politics was Roosevelt's vocation, but "he never lost his passion for natural history."); *see also* Morris, *The Rise of Theodore Roosevelt*, *supra* n. 5, at 147 ("Theodore Roosevelt was addicted to politics from the moment he won his first election until long after he had lost his last.").

46 Morris, *The Rise of Theodore Roosevelt*, *supra* n. 5, at 140.

47 *Id.* at 229–30.

48 *Id.* at 228–32.

49 *See id.* at 270.

way to North Dakota, Roosevelt stopped in Chicago and served as a delegate to the Republican convention. In the "great and deciding moment" of his life, he stuck with his party by backing a candidate he personally opposed.[50] He then became a rancher in western North Dakota, where he also hunted and studied wildlife.[51]

After returning from the West, Roosevelt wrote several books[52] and worked for the Civil Service Commission in Washington, D.C.[53] He left the Civil Service to become president of New York City's Board of Police Commissioners, where he cleaned up the notoriously corrupt New York City Police Force.[54] He worked hard to make the police force more honest, even traipsing through the city at night to ferret out and fire police officers who were abandoning their patrols or drinking while on duty.[55] Roosevelt later served as Assistant Secretary of the Navy.[56]

Adventure and challenge were constant enticements for Roosevelt. He led the Rough Riders, a volunteer group of cavalry, up San Juan Hill in Cuba during the Spanish-American War in 1898.[57] After his glorious return from Cuba, he was elected Governor of New York. Then, in 1900, Roosevelt reluctantly accepted his nomination as the vice president on the Republican ticket with William McKinley.[58]

When President McKinley was assassinated, Roosevelt was 42. He remains the youngest man to hold the office of the president,[59] which he held, as the 26th President of the United States, from 1901 through 1909.[60] Roosevelt is credited with numerous achievements during his presidency. He won the Nobel Peace Prize for negotiating an end to the Russo-

50 Auchincloss, *supra* n. 6, at 19.

51 *See id.* at 17.

52 Morris, *The Rise of Theodore Roosevelt*, *supra* n. 5, at 373–99. The topics of these books ranged widely. *See infra* section III.

53 *Id.* at 404.

54 For a recent book recounting Roosevelt's work on the Police Commission, *see* Richard Zacks, *Island of Vice: Theodore Roosevelt's Doomed Quest to Clean Up Sin-Loving New York* (2012).

55 Brinkley, *supra* n. 34, at 287.

56 Auchincloss, *supra* n. 6, at 26.

57 *See* Pringle, *supra* n. 5, at 182.

58 Roosevelt did not want to be vice president both because he had a "personal dislike" for the role of the vice president and because he did not want to leave his position as governor of New York to face accusations that he was leaving because of difficult politics. G. Wallace Chessman, *Theodore Roosevelt's Campaign Against the Vice-Presidency*, 14 The Historian 173, 186 (1952).

59 Morris, *Theodore Rex*, *supra* n. 36, at 8–9 ("At age 42 he was the youngest man ever called upon to preside over the United States . . . ."); *Theodore Roosevelt*, http://www.whitehouse.gov/about/presidents/theodoreroosevelt (accessed March 6, 2013) (Roosevelt is still "the youngest president in the Nation's history.").

60 Historians note that he was qualified to be president because of the "breadth of his intellect and the strength of his character." Morris, *Theodore Rex*, *supra* n. 36, at 10.

Japanese War.[61] He was the driving force behind the construction of the Panama Canal.[62] He intervened to end a coal miners' strike.[63]

Historians believe that Roosevelt's most lasting legacy as president was his effort on behalf of conservation.[64] During his presidency, "Roosevelt . . . increased our national forests from 42 million acres to 172 million and created 51 national wildlife refuges."[65] Roosevelt believed that wildlife protection and forest conservation were moral imperatives.[66]

After his presidency, Roosevelt made a lengthy big-game hunting trip to Africa.[67] He also embarked on a successful tour of Europe.[68] Unhappy with his Republican successors, but unable to secure a Republican nomination for president, he ran for president as the progressive Bull Moose candidate in 1912,[69] losing to Woodrow Wilson.[70] Then, at the age of 56, he embarked on a journey to descend and map the unexplored River of Doubt through the Amazon jungle, and his harrowing journey was ultimately successful.[71] The River of Doubt is now known as the Rio Roosevelt (The Roosevelt River).[72] Roosevelt died at Sagamore Hill [Roosevelt's home on Long Island] at age 60.[73]

As for his physical appearance, Roosevelt is remembered for a few defining features: his glasses, his prominent teeth, and his steely eyes. He began wearing glasses at age 13, which he remembered "opened an entirely new world to me. I had no idea how beautiful the world was until I got those spectacles."[74] Woe to the man who mocked Roosevelt's glasses because he would find himself on the receiving end of Roosevelt's right-left-right punching sequence.[75] Roosevelt's teeth were large and "extremely white."[76] His voice was high and reedy, and his laugh was infectious, "rising gradually to falsetto chuckles."[77]

Several features of Roosevelt's personality are defining. He was a magnetic person, and he charmed both women and men.[78] He had a photographic memory, not just for words but also for names and faces.[79]

61 Auchincloss, *supra* n. 6, at 67–69.

62 David McCullough, *The Path Between the Seas: The Creation of the Panama Canal 1870–1914* 245–69 (1977).

63 Auchincloss, *supra* n. 6, at 45–47. He was never afraid to confront big business, even while he was president. *Id.* at 49.

64 Brinkley, *supra* n. 32, at 20–21.

65 Auchincloss, *supra* n. 6, at 97.

66 Brinkley, *supra* n. 32, at 20. Douglas Brinkley calls Roosevelt's conservation efforts "the high-water mark of his entire tenure at the White House." *Id.*

67 Morris, *Colonel Roosevelt*, *supra* n. 36, at 3–26.

68 *Id.* at 40.

69 Auchincloss, *supra* n. 6, at 117–20.

70 *Id.* at 122.

71 *See* Millard, *supra* n. 36, at 330–35.

72 *Id.* at 240.

73 Morris, *Colonel Roosevelt*, *supra* n. 36, at 549–52.

74 *The Autobiography of Theodore Roosevelt, supra* n. 35, at 14.

75 *Id.* at 79–80 (Roosevelt details an event that started with a cowboy in North Dakota calling him "four-eyes.").

76 McCullough, *Mornings on Horseback*, *supra* n. 9, at 160. McCullough notes, "The teeth and glasses were the outstanding features, though he preferred his ears . . . ." *Id.* at 161.

77 Morris, *The Rise of Theodore Roosevelt*, *supra* n. 5, at xxi.

78 *Id.* at xxvii, xxix.

79 *Id.* at xxx.

He retained a childlike enthusiasm for the world throughout his life; his friend British Ambassador Cecil Spring Rice famously remarked, "You must always remember . . . that the President is about six."[80] He was nonetheless a devoted husband and father.[81]

Roosevelt loved publicity and used the power of the press to his advantage, particularly when he was president.[82] For example, shortly after he became president, Roosevelt told the publisher of the Chicago *Times-Herald* that he intended to replace two Cabinet members, even though he had no such intention, because he knew the publisher would attempt to convince him to retain them. Believing he had great influence, the publisher made a personal appeal to one of those very two Cabinet members, whom Roosevelt feared would resign.[83]

Manipulating the power of the press in this way was perhaps related to Roosevelt's actor's flair for drama, including the drama of a well-timed entrance.[84] On the night his nomination as Mayor of New York was ratified, he waited to enter until every seat in Cooper Union was filled, allowing every eye to follow him as he entered.[85]

Woven into everything Roosevelt did was a seemingly inexhaustible supply of sheer joy. He had an absolute zest for life.[86] Roosevelt used two words constantly—"dee-lighted"[87] and "bully,"[88] by which he meant "wonderful." Hunting in the pouring rain for four days was "bully." On a trip with John Muir to Yosemite, Roosevelt yelled, "This is bully," while enjoying an outdoor fire, only to proclaim, "This is bullier," when he awoke under four inches of snow.[89] At age 56, after a jaguar hunt in Brazil that exhausted every other hunter, a concerned reporter asked Roosevelt if he was all right; Roosevelt responded, "I'm bully."[90]

80 *Id.* at xxii.

81 *The Wisdom of Theodore Roosevelt, supra* n. 10, at xiv. Roosevelt had one child with Alice Lee, and after her death he married Edith Carow and had five more children. *Id.*

82 Morris, *Theodore Rex*, *supra* n. 36, at 18–19.

83 *Id.*

84 Morris, *The Rise of Theodore Roosevelt*, *supra* n. 5, at 143–44.

85 *Id.* at 346.

86 Roosevelt never lost his "boyish good cheer." Morris, *Theodore Rex*, *supra* n. 36, at 15. McCullough believes that "[b]lack care . . . clung to him more than he let on," but that the world knew Roosevelt for his "brave and cheerful front." McCullough, *Mornings on Horseback*, *supra* n. 9, at 366.

87 Morris, *The Rise of Theodore Roosevelt*, *supra* n. 5, at xx–xxi. "Phonetically, the word is made for him, with its grinding vowels and snapped-off consonants." *Id.* at xxvi.

88 Roosevelt's constant use of the word "bully" was memorialized in the play *Arsenic and Old Lace*. *See* McCullough, *Mornings on Horseback*, *supra* n. 9, at 9 (McCullough dates his interest in Roosevelt to watching his older brother play the role of Teddy Brewster in that play.).

89 Morris, *Theodore Rex*, *supra* n. 36, at 231.

90 Millard, *supra* n. 42, at 84. Roosevelt was often known to declare that something was "bully" when everyone else thought that same something was a complete disaster. Morris, *The Rise of Theodore Roosevelt*, *supra* n. 5, at 59 (describing a college incident when Roosevelt skated in an icy wind for three hours while all his freezing companions marveled at his attitude).

People were not neutral about Roosevelt; his admirers were absolutely devoted, but "those who hated Roosevelt did so with passion[.]"[91] He has been criticized for being egotistical,[92] an imperialist,[93] and a war romanticizer.[94] Some found it hard to forgive him for breaking with the Republican party, running for the presidency on the Bull Moose ticket, and facilitating Woodrow Wilson's election as president.[95] But the men in Roosevelt's regiment remembered that he knew each of them by name, spent his own money to give them better food, and courageously led them in battle.[96]

III. Roosevelt's Literary Life: Intertwined Personal Traits and Writing Habits

Roosevelt was so completely comfortable with himself that his personality governed all aspects of his life. This was true of his writing; his personality, more than anything else, was the main influence on his writing. In short, he wrote as he lived—with zeal. Three specific aspects of Roosevelt's personality—his belief in the strenuous life, his moral certainty compelling a belief in action, and his love of stories—spawned three specific writing habits—hard work, conviction, and the use of vivid language. It is the combination of these personality traits and of his reading and writing habits that made Roosevelt's writing persuasive.

Roosevelt was a voracious reader.[97] He admitted that he was addicted to reading and commented that "reading with me is a disease."[98] He read 20,000 books during his lifetime.[99] During his presidency he found both

91 Morris, *The Rise of Theodore Roosevelt*, *supra* n. 5, at 118.

92 *Id.* Other critics have found Roosevelt "selfish, vindictive, melodramatic . . . dishonest, [and] shallow." *See* Auchincloss, *supra* n. 6, at 6 (quoting Nathan Miller).

93 Auchincloss, *supra* n. 6, at 72.

94 *See* Brinkley, *supra* n. 32, at 310.

95 Auchincloss, *supra* n. 6, at 122. Auchincloss further comments, "What he may have done to his party may still affect it to this day. Has the Republican Party ever really recovered the liberal wing which abandoned it to follow TR in 1912?" *Id.* at 122–23.

96 Murat Halstead, *The Life of Theodore Roosevelt: Twenty-fifth President of the United States* 145 (1903). One cowboy lieutenant said Roosevelt did the bravest thing he ever saw. The Spaniards appeared at the top of the hill, but then the anxious men "saw Colonel Roosevelt walking calmly along the top of the entrenchment with a faded blue handkerchief flapping from the back of his hat, wholly unmindful of the bullets which hummed around him like a hive of bees. A cheer went up and calls for the colonel to come down, and that was the end of the [anxiety]." *Id.* George Cherrie, an ornithologist and explorer who accompanied Roosevelt on the River of Doubt expedition, eulogized Roosevelt shortly after his death: "I have always thought it strange . . . since I had the opportunity to know him and know him intimately—because I feel that I did know him very intimately—how any man could be brought in close personal contact with Colonel Roosevelt without loving the man." Millard, *supra* n. 42, at 352.

97 Pringle, *supra* n. 5, at 4.

98 Auchincloss, *supra* n. 6, at 17 (quoting Theodore Roosevelt).

99 Allyson Lewis, *The 7 Minute Difference* 56 (2008).

distraction and comfort in reading.[100] Even on his expeditions he carefully chose the books he would bring, and he became desperate for additional books after he had read and reread his own books.[101] His taste in reading was wide ranging.[102] As just one example, Roosevelt read some of his son Kermit's books on the River of Doubt expedition after he had read and reread his own copies of Thomas More's *Utopia*, the plays of Sophocles, the last two volumes of Edward Gibbon's *Decline and Fall of the Roman Empire*, Marcus Aurelius, Epictetus, and others.[103] He sometimes read two books in one evening,[104] and reading "was about the only thing that could make him sit still."[105]

Roosevelt was a writer throughout his life. He began a daily journal at age 10[106] and continued it until his death. He published his first book, *The Naval War of 1812*, at the age of 18. The book was widely acclaimed and helped him become established as both a historian and writer. Roosevelt ultimately published 38 books.[107] These books, like his reading, were wide ranging and included topics such as natural history, hunting, the frontier, the outdoors, and politics. He even wrote several biographies in addition to his autobiography. Roosevelt also wrote his own speeches, and sometimes he spoke several times a day without ever giving the same speech twice.[108] He wrote 150,000 letters during his lifetime.[109] He wrote daily, even when the conditions for writing were challenging.[110] He was a fast writer, once writing a 92,000-word manuscript in just over three months.[111] Roosevelt had a "compulsion to write," and his "habit, in moments of joy or sorrow, had always been to reach for a pen, as others might reach for a rosary or a bottle."[112]

100 Auchincloss, *supra* n. 6, at 44.

101 *See* Millard, *supra* n. 42, at 311–12. Roosevelt special-ordered lightweight books for his African expedition, which allowed him to take more books with him. *Id.*

102 *The Autobiography of Theodore Roosevelt, supra* n. 36, at 309 ("I like very many and very different kinds of books, and do not for a moment attempt anything so preposterous as a continual comparison between books which may appeal to totally different sets of emotions.").

103 Millard, *supra* n. 42, at 311–12.

104 Morris, *The Rise of Theodore Roosevelt*, *supra* n. 5, at xxxiii.

105 McCullough, *Mornings on Horseback*, *supra* n. 9, at 367. Roosevelt read constantly, even as a child. *See* Pringle, *supra* n. 5, at 4.

106 Morris, *The Rise of Theodore Roosevelt*, *supra* n. 5, at 20.

107 *Id.* at 135–36.

108 *See id.* at 718, 768–69.

109 Auchincloss, *supra* n. 6, at 6.

110 *See* Millard, *supra* n. 42, at 108. Roosevelt often wrote at the beginning of the day on the River of Doubt expedition. *Id.* His co-commander marveled that Roosevelt did so, even when he was sick with fever. *Id.* at 253.

111 Morris, *The Rise of Theodore Roosevelt*, *supra* n. 5, at 385 (Roosevelt wrote this fast for his biography entitled *Gouverneur Morris.*).

112 *Id.* at 120. Even as early as his teenage years, Roosevelt had also begun to write to an audience. *Id.*

It is impossible to separate Roosevelt's personality traits from the habits he developed to attack life, including his life as a writer. First, his belief in a vigorous life made him work hard at everything, including his writing. Second, his moral certainty and compulsion to take action influenced his habit of writing with conviction. Third, his appreciation for good stories led him to use vivid language. These are the three habits—hard work, certainty, and use of vivid language—that we modern legal writers can use to help us persuade.

A. Roosevelt's belief in "the vigor of life" motivated him to work hard as a writer.[113]

Despite his sickly nature, Roosevelt loved the outdoors and exercise, even as a child. In a famous father–son encounter, Theodore Sr. decided to present a challenge to Theodore Jr., then almost twelve years old: "Theodore, you have the mind but you have not the body, and without the help of the body the mind cannot go as far as it should. You must make your body. It is hard drudgery to make one's body, but I know you will do it."[114] Teddy agreed, and spent the rest of his life fulfilling his boyhood promise to "make my body."[115]

He achieved this vigorous life through legendary hard work. With unending persistence, he worked diligently to make his body strong.[116] He made daily visits to a gym, exercised at home, swam in icy rivers, and hiked up mountains.[117] The result of this rigorous life was that Roosevelt had "unbounded energy and vitality[,] [which] impressed one like the perennial forces of nature."[118] He found such healing in rigorous physical activity that he engaged in intense physical challenges throughout his life, particularly when faced with sorrow or setbacks.[119] The most notable example was his heading out to Dakota territory to ranch and spend days alone in the wilderness after his wife and mother died on the same day.[120]

113 Roosevelt himself preferred that his life be described as "vigorous," instead of "strenuous." His speech entitled "The Strenuous Life" was translated in Italian as "The Vigor of Life," and Roosevelt noted, "I thought this translation a great improvement on the original, and have always wished that I had myself used 'The Vigor of Life' as a heading to indicate what I was trying to preach, instead of the heading I did use." Theodore Roosevelt, *An Autobiography* 50–51 (1920). He did use "The Vigor of Life" as a chapter heading in another autobiography, *The Autobiography of Theodore Roosevelt*, *supra* n. 35, at 26.

114 Morris, *The Rise of Theodore Roosevelt*, *supra* n. 5, at 32.

115 *Id.*

116 Pringle, *supra* n. 5, at 4.

117 Morris, *The Rise of Theodore Roosevelt*, *supra* n. 5, at 32–33.

118 Millard, *supra* n. 42, at 178a (quoting naturalist John Burroughs).

119 *Id.* at 15. "When confronted with sadness or setbacks that were beyond his power to overcome, Roosevelt instinctively sought out still greater tests, losing himself in punishing physical hardship and danger—experiences that came to shape his personality and inform his most impressive achievements." *Id*.

120 *See* Morris, *The Rise of Theodore Roosevelt*, *supra* n. 42, at 261–65.

"The impulse to defy hardship became a fundamental part of Roosevelt's character, honed from early childhood."[121]

In his autobiography, Roosevelt proposed that two separate kinds of human ability resulted in success: genius or hard work.[122] He declared, "I need hardly say that all the successes I have ever won have been of the second type. I never won anything without hard labor and the exercise of my best judgment and careful planning and working long in advance."[123]

Roosevelt applied this belief in the vigorous life to his writing. He admitted that "[w]riting is horribly hard work to me; and I make slow progress. My style is very rough and I do not like a certain lack of sequitur that I do not seem to be able to get out of it."[124] When Roosevelt's hopes for a political appointment failed, he would turn again to his other occupation—writing.[125] He was so disciplined that he would position his desk to face a wall so that he would not be distracted by a beautiful view out a window.[126]

It is encouraging to know that even Roosevelt suffered from doubt in his early days as an author. While on his honeymoon in Europe with Alice, he admitted that work on his first book had suffered. We can sympathize with his lament to his sister: "I have plenty of information, but I can't get it into words; I wonder if I won't find everything in life too big for my abilities."[127] Still, he harbors that common hope that we can also understand, "Well, time will tell."[128]

Hard work never stopped Roosevelt, and it would not stop him from what he considered his essential duties as the president. He knew that he could lead the nation only if he was able to "vividly portray the path down which he wished to take [Americans]."[129] Writing was very hard work for Roosevelt, but it was absolutely essential to his ability to lead the United States, so he persisted.

121 *Id.*

122 Roosevelt, *An Autobiography*, *supra* n. 113, at 51.

123 *Id.* at 52.

124 George Grant, *Carry a Big Stick: The Uncommon Heroism of Theodore Roosevelt* 109 (1996) (quoting James Austin Wills, *The Letters and Speeches of Theodore Roosevelt* 94 (1937)); *see also* Morris, *The Rise of Theodore Roosevelt*, *supra* n. 5, at 319. Morris commented, "Like many voluble men, he was a slow writer, painfully hammering out sentences which achieved force and clarity at the expense of polite style." Morris, *The Rise of Theodore Roosevelt*, *supra* n. 5, at 64.

125 Morris, *The Rise of Theodore Roosevelt*, *supra* n. 5, at 378–79.

126 *Id.* at 382.

127 *Id.* at 130 (quoting *The Letters of Theodore Roosevelt* 50 (John Blum & Elting E. Morison eds., 1951–54); Carleton Putnam, *Theodore Roosevelt Vol. I: The Formative Years, 1958–1886* 221 (1958)).

128 *Id.*

129 Grant, *supra* n. 124, at 109.

B. Roosevelt's moral certainty and belief in action led him to write with conviction.

Moral certainty contributed to Roosevelt's zeal. Roosevelt was obsessed with virtue, something he attributed to his Victorian upbringing.[130] Roosevelt's father taught him a strong sense of right and wrong, and strengthened Roosevelt's own intolerance of injustice.[131] This moral certainty meant that Roosevelt did not spend time second-guessing himself.[132] Although he did not sleep much, his sleep was not troubled by thoughts of indecision or regret.[133] He did not reflect on his actions, but instead believed in the "rightness of his own decisions."[134] Invariably, Roosevelt's moral certainty drove him to act. Henry Adams, an intellectual man of thought, said that his friend Roosevelt was "'pure act.'"[135]

A perfect example of Roosevelt's practical approach and decisive action was his response to the news that President McKinley had been assassinated, making him the new president. "'It is a dreadful thing to come into the Presidency this way,' he wrote [to his friend] Henry Cabot Lodge, 'But it would be a far worse thing to be morbid about it. Here is the task, and I have got to do it to the best of my ability; and that is all there is about it.'"[136]

At least part of Roosevelt's moral certainty stemmed from his self-confidence and strong ego. He did not hesitate to talk about himself, and his sentences often started with "I."[137] He believed that he was fully capable of performing difficult tasks, and this belief often extended even further to a conviction that he was usually the best man for a difficult job. Roosevelt was fiercely devoted to his principles and passionately put those beliefs into action.[138]

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130 James R. Holmes, *Theodore Roosevelt and World Order: Police Power in International Relations* 10 (2006).

131 *Id.*

132 Morris, *Theodore Rex*, *supra* n. 36, at 302.

133 H.W. Brands described this as "the sound Roosevelt sleep of moral self-assurance and physical exhaustion." H.W. Brands, *American Colossus: The Triumph of Capitalism 1865–1900* 550 (2010) (referring specifically to the night following Booker T. Washington's dinner visit to the White House when President Roosevelt "awoke the next morning to the self-righteous rage of the white South.").

134 *Id.*

135 *Theodore Roosevelt: An Autobiography* vi (Elting E. Morison ed. 1985) (quoting Henry Adams).

136 Brands, *supra* n. 133, at 546 (quoting H. W. Brands, *TR: The Last Romantic* 415–18 (1997)).

137 Morris, *The Rise of Theodore Roosevelt*, *supra* n. 5, at xxvi. In telling the story of his charge up San Juan Hill in Cuba in his book *The Rough Riders*, this egotism was predominant:

> The book swelled to bursting with Roosevelt's pride in himself and his men. "Is it any wonder I loved my regiment?" he asked after recounting one gallant deed of many. Reviewers poked fun at Roosevelt's egotism. Rumor claimed that the publisher had run out of the uppercase letter *I* in setting the type.

Brands, *supra* n. 133, at 521.

138 Millard, *supra* n. 42, at 81.

C. Roosevelt's appreciation for stories inspired him to use vivid language.

Stories held a special place for Roosevelt—he loved hearing stories, reading stories, and telling stories. Beginning in his childhood, stories were an essential part of his life. His mother Mittie was a wonderful storyteller with a "gift for mimicry."[139] She told stories with "marvelous detail."[140] She also had a wonderful sense of humor.[141] Mittie's sister Annie Bulloch, who lived with the Roosevelts and taught the children, was also an excellent storyteller.[142] Even before he could read, Roosevelt would carry a book around with him and ask adults to tell him the stories that fit with the illustrations.[143] These early experiences with the power of story stuck with Roosevelt; in his writing he became a storyteller who strove to make his narrative active, vivid, and educational.[144]Here Roosevelt tells the story of the decline of the American bison:

> Gone forever are the mighty herds of the lordly buffalo. A few solitary individuals and small bands are still to be found scattered here and there in the wilder parts of the plains . . . but the great herds . . . have vanished forever. The extermination of the buffalo has been a veritable tragedy of the animal world. . . . The most striking characteristics of the buffalo, and those which had been found most useful in maintaining the species until the white man entered upon the scene, were its phenomenal gregariousness . . . its massive bulk, and unwieldy strength.[145]

Oral storytelling was as natural to Roosevelt as breathing. He loved to regale his audience with stories of his adventures.[146] His co-commander on the River of Doubt expedition was stunned by just how much Roosevelt could talk: "He talked endlessly"—while swimming, during meals, "traveling in the canoe," and "around the camp fire"—and "on all conceivable subjects."[147]

Roosevelt believed that good writing should be interesting. He lamented that many scientific books rarely had "literary value," but added,

139 McCullough, *Mornings on Horseback*, *supra* n. 9, at 43.

140 *Id.* at 45.

141 Morris, *The Rise of Theodore Roosevelt*, *supra* n. 5, at 6.

142 *Id.* at 14.

143 *Id.* at 15.

144 *See id.* at 15.

145 Theodore Roosevelt, *The Adventures of Theodore Roosevelt* 27–29 (Anthony Brandt ed. 2005) (Roosevelt also describes, in great detail, hunting buffalo.).

146 *See* Millard, *supra* n. 42, at 155.

147 *Id.* (quoting Cândido Mariano da Silva Rondon).

"Of course a really good scientific book should be as interesting to read as any other good book . . . ."[148] He was not afraid to criticize himself for failing to make writing interesting. He admitted the following about his initial work on *The Naval War of 1812*: "Those chapters were so dry that they would have made a dictionary seem light reading by comparison."[149] He recognized that a writer must take an interest in the subject to achieve success;[150] it was his interest in politics and natural history that ultimately made his writing on those subjects so persuasive.

IV. Examples of Roosevelt's Zeal in His Writing

Many, indeed most, of Roosevelt's writings and speeches show his zeal. The challenge in choosing which works to analyze is a common problem when choosing to focus on anything about Roosevelt—there is an astonishing amount of material to choose from.[151] The following three examples demonstrate how Roosevelt's zeal made him persuasive and how Roosevelt's zeal permeated his speeches and his written work.

A. Roosevelt's speech delivered at Galena, Illinois in 1900[152]

Roosevelt made a speech on April 27, 1900, in Galena, Illinois, to commemorate Ulysses Grant.[153] Roosevelt's zeal was the tool he used as he urged his "Fellow Citizens" to be brave people of action, to be determined, and to value personal character.[154] All of Roosevelt's habits are at work in this speech—his hard work, his conviction, and his vivid language. His hard work is evident in the simple fact that he wrote this speech himself. Roosevelt was a prolific public speaker and he wrote individualized speeches for every event.[155] His diligence in preparing the Galena speech is reflected in his in-depth study of Grant as contrasted

148 *The Autobiography of Theodore Roosevelt*, *supra* n. 35, at 307.

149 *Id.* at 19.

150 *Id.*

151 *See* McCullough, *Mornings on Horseback, supra* n. 9, at 11 (Roosevelt "published so much . . . read so much[,]" and became the subject of so much additional scholarship.).

152 Theodore Roosevelt, *Grant Speech Delivered at Galena, Illinois* (April 27, 1900) in Theodore Roosevelt, *The Strenuous Life: Essays and Addresses* (1902) at 205–25 [hereinafter *Grant speech*].

153 Halstead, *supra* n. 96, at 139.

154 Although the speech is an example of Roosevelt's zeal, it is also an example of some of his common flaws. He is sometimes a bit overdramatic and repetitive. *See* Morris, *The Rise of Theodore Roosevelt*, *supra* n. 5, at 291 (noting that Roosevelt's book *Hunting Trips of a Ranchman* was "lyrical, lush, and cheerfully rambling," but Roosevelt sometimes repeated his anecdotes). He uses the Grant celebration to support his own expansionist views—in this case, the United States' involvement in the Philippines.

155 *See id.* at 718, 768–69.

with a boilerplate, laudatory speech. Roosevelt praised Grant for his "tenacity" and "stubborn fixity of purpose."[156] He admitted, "In the Union armies there were generals as brilliant as Grant, but none with his iron determination."[157] Roosevelt goes even further and suggests that without this determination neither man nor nation can succeed: "A nation that has not the power of endurance, the power of dogged insistence on a determined policy, come weal or woe, has lost one chief element of greatness."[158] Roosevelt also made it clear that he had considered the alternatives to Grant's strong qualities, then he systematically showed how these alternatives produced unsuccessful men, and in turn, unsuccessful nations.[159]

The Galena Address exemplifies how Roosevelt translated his lifelong personal convictions into rhetorical themes. His policy of "speaking softly and carrying a big stick"[160] is reflected in his statement that "our three leaders [Washington, Lincoln, and Grant] were men who, while they did not shrink from war, were nevertheless heartily men of peace."[161] Grant "was slow to strike, but he never struck softly."[162] Roosevelt's belief that the true credit belongs to the "man in the arena"[163] is reflected in his admonition that "in the long run our gratitude was due primarily, not to the critics, not to the fault-finders, but to the men who actually did the work; not to the men of negative policy, but to those who struggled toward the given goal."[164] Roosevelt praised Grant as a man of action: "His promise squared with his performance. His deeds made good his words."[165] Roosevelt further admired Grant because "he faced facts as they were, and not as he wished they might be."[166] Roosevelt not only admired this quality of Grant's realism, he also adopted the same approach to the issues he faced.

Roosevelt's extensive explanation of Grant's character drives home his point that Americans should value personal character above all other virtues. "[Grant's] greatness was not so much greatness of intellect as greatness of character, including in the word 'character' all the strong, virile virtues."[167] Like Roosevelt, Grant also believed in mercy, and Roosevelt commends this virtue with the example of Grant's allowing the

156 *Grant speech, supra* n. 152, at 212.

157 *Id.*

158 *Id.* at 214.

159 *Id.* at 213.

160 *See infra* n. 196.

161 *Grant speech, supra* n. 152 at 209.

162 *Id.* at 217.

163 *The Wisdom of Theodore Roosevelt, supra* n. 10, at 48.

164 *Grant speech, supra* n. 152 at 216.

165 *Id.* at 217–18.

166 *Id.* at 224.

167 *Id.* at 219. Roosevelt then lists several specific qualities, "sobriety, steadfastness, the sense of obligation towards one's neighbor and one's God, hard common sense, and, combined with it, the lift of generous enthusiasm toward whatever is right." *Id.*

Confederate soldiers to take their horses back to "their little homes because they would need them to work on their farms."[168]

To support his argument, Roosevelt used vivid language and gave specific examples. He noted that the Romans had been successful because they "had character as well as masterful genius, and when pitted against peoples either of less genius [barbarians] or less character [Greeks and Carthagenians], these peoples went down."[169] Here is his imagery: "If the great silent soldier, the Hammer of the North, had struck the shackles off the slave only, as so many conquerors in civil strife before him had done, to rivet them around the wrists of the freemen, then the war would have been fought in vain."[170] Even describing Grant's determination, his "supreme virtue as a soldier," as "doggedness"[171] evokes a visual, vivid image of a dog who will not release a bone.

At the end of his speech Roosevelt urged Americans to honor our mightiest heroes by emulating their qualities of bravery, action, determination, and strong character:

> To do our duty—that is the sum and substance of the whole matter. We are not trying to win glory. We are not trying to do anything especially brilliant or unusual. We are setting ourselves vigorously at each task as the task arises, and we are trying to face each difficulty as Grant faced innumerable and infinitely greater difficulties.[172]

There was no mistaking Roosevelt's zeal for his values, his heroes, and his call to action in this speech honoring Grant.

B. Roosevelt's autobiography

Of the 25 American presidents to hold office before Roosevelt, only Ulysses Grant had published an autobiography before 1913, when Roosevelt published his own.[173] Roosevelt's habits of hard work, writing with conviction, and vivid language are evident throughout the work, which many consider to be his best book.[174] Roosevelt wrote virtually all of the lengthy work, and he extensively revised and corrected the manu-

168 *Id.* at 218.

169 *Id.* at 221.

170 *Id.* at 210.

171 *Id.* at 216.

172 *Id.* at 225.

173 *See* Carolyn Vega, The Morgan Library & Museum Blog, *Theodore Roosevelt on his Presidency: "In the End the Boldness of the Action Fully Justified Itself,"* http://blog.themorgan.org/theodore-roosevelt-on-his-presidency-in-the-end-the-boldness-of-the-action-fully-justified-itself.aspx (May 17, 2011, 11:30 a.m.).

174 Roosevelt's autobiography may be his "finest book" because it "re-creates this strong man in strong prose so vivid that it has a value transcending its historical accuracy." Auchincloss, *supra* n. 6, at 21. Others believe that Roosevelt's best work was *Winning of the West*. *Id.* at 20.

script.[175] The autobiography is praised for its complete coverage of Roosevelt's life as president, but also for his lively and engaging stories about his life as an ornithologist, rancher, big-game hunter, and soldier.[176] The joy and enthusiasm with which Roosevelt embraced life permeates the work.[177] His delight with life shines through in this sentence: "At Sagamore Hill we love a great many things—birds and trees and books, and all things beautiful, and horses and rifles and children and hard work and the joy of life."[178]

In his autobiography, Roosevelt omitted some important events from his life—notably he failed to even mention his first wife Alice.[179] But with the exception of events that he found too painful to revisit,[180] his autobiography is full of anecdotes about his life, explanations of his beliefs, and observations about his intellectual interests. His vivid description of one White House jaunt bubbles with mischief:

> While in the White House I always tried to get a couple of hours' exercise in the afternoons—sometimes tennis, more often riding, or else a rough cross-country walk . . . . Most of the men who were oftenest with me on these trips . . . were better men physically than I was; but I could ride and walk well enough for us all thoroughly to enjoy it. Often, especially in the winters and early springs, we would arrange for a point-to-point walk, not turning aside for anything—for instance, swimming Rock Creek or even the Potomac if it came in our way. Of course under such circumstances we had to arrange that our return to Washington should be when it was dark, so that our appearance might scandalize no one. On several occasions we thus swam Rock Creek in the early spring when the ice was floating thick on it. If we swam the Potomac, we usually took off our clothes. I remember one such occasion when the French ambassador, Jusserand . . . was along; and just as we were about to get in to swim, somebody said, "Mr. Ambassador, Mr. Ambassador, you haven't taken off your gloves," to which he promptly responded: "I think I will leave them on; we might meet ladies!"[181]

175 Vega, *supra* n. 173.

176 Morison, *supra* n. 135, at v.

177 *See id.* ("[Roosevelt] believed in what one of his favorite poets called the joy of life, 'the mere living of it,' and the pages that follow may be taken as a celebration of that belief.").

178 *The Autobiography of Theodore Roosevelt*, *supra* n. 35, at 171.

179 Morris, *The Rise of Theodore Roosevelt*, *supra* n. 5, at 233. Nor did Roosevelt did mention his father's lack of service in the Civil War in his autobiography. *Id.* at 10. McCullough notes that Roosevelt also says nothing of his defeat in his race for the mayor of New York City or of his brother Elliott's tragic life. McCullough, *Mornings on Horseback*, *supra* n. 9, at 366. Roosevelt also fails to mention an incident when he discharged "without honor" the entirety of an all-black military regiment after a riot in Brownsville, Texas. Auchincloss, *supra* n. 6, at 89.

180 Roosevelt had a lifelong habit of not writing about anything tragic or disgraceful. "Triumph was worth the ink; tragedy was not." Morris, *The Rise of Theodore Roosevelt*, *supra* n. 5, at 93.

Roosevelt was so certain that hard work was important in every aspect of life that he confidently shared a story to make his point:

> As with all other forms of work, so on the round-up, a man of ordinary power, who nevertheless does not shirk things merely because they are disagreeable or irksome, soon earns his place. There were crack riders and ropers who, just because they felt such overweening pride in their own prowess, were not really very valuable men. . . . [In contrast], the man [who] steadily persists in doing the unattractive thing [such as chasing a cow for two hours out of the bulberry bushes] . . .[is] an asset of worth in the round-up, even though neither a fancy roper nor a fancy rider.[182]

Roosevelt admired other men, particularly men of action. Even as a boy, he admired both real men and fictional characters and admitted, "I felt a great admiration for men who were fearless and who could hold their own in the world, and I had a great desire to be like them."[183] Roosevelt believed that private virtue should transfer to an improvement of public welfare for the common good of all humanity.[184]

We are never left to wonder what Roosevelt really meant: "I have always had a horror of words that are not translated into deed, of speech that does not result in action—in other words, I believe in realizable ideals and in realizing them, in preaching what can be practised and then in practising it."[185]

Roosevelt wrote his autobiography with his usual writing habits. He worked hard when drafting and editing.[186] He was honest and crystal-clear as he shared the convictions he held most dear. Finally, he told his story with vivid language, especially when telling specific stories from his life.

181 *The Autobiography of Theodore Roosevelt, supra* n. 35, at 32–33. His life is "presented in splendid prose with the aid of engaging and often funny anecdotes and with—at least from time to time—a recognition that opinions and conclusions alternative to those here given do exist. But you do know at all times exactly where [Roosevelt] stands." Morison, *supra* n. 135, at vi–vii.

182 *The Autobiography of Theodore Roosevelt, supra* n. 35, at 74–75. Here are Roosevelt's thoughts about basic equality: "The only kinds of courage and honesty which are permanently useful to good institutions anywhere are those shown by men who decide all cases with impartial justice on grounds of conduct and not on grounds of class." *Id.* at 51.

183 *Id.* at 26.

184 Holmes, *supra* n. 130, at 13.

185 *The Autobiography of Theodore Roosevelt*, *supra* n. 35, at 101. Roosevelt was a man of "violent likes and dislikes," and he was never afraid to reveal exactly what fit into each of those categories. *Id.* at x (Andrews Introduction).

186 *See supra* section III.A.

C. Roosevelt's one-liners

Roosevelt was not always a concise writer or speaker, but he had a talent for capturing his thoughts in now-famous one-liners. In these "golden sentences" Roosevelt shares his thoughts and "vividly sketches his ideals[.]"[187] In fact, many of Roosevelt's one-liners can be furthered reduced to short phrases such as "big stick," "bully pulpit," "strenuous life,"[188] and "man in the arena" that have become part of our American lexicon.[189]

Roosevelt's one-liners are akin to the "theme" of the case lawyers use when writing persuasive briefs. A theme summarizes the essence of the case—the real heart of the controversy.[190] A good theme will capture the litigant's persuasive argument in a sentence.[191] When expressed to a judge, who has no time "for leisurely, detached meditation," Ruggero Aldisert advises, "You'd better sell the sizzle as soon as possible; the steak can wait."[192]

The following examples of Roosevelt's one-liners sizzle with all the best qualities of zeal—conviction, confidence, passion, and vivid language:

- In reference to Justice Oliver Wendell Holmes Jr., who had dissented from a United States Supreme Court decision upholding the breakup of the Northern Securities monopoly: "I could carve out of a banana a judge with more backbone than that."[193]
- "I have about the same desire to annex it [the Dominican Republic] as a gorged boa constrictor might have to swallow a porcupine wrong end to."[194]

187 Halstead, *supra* n. 96, at 143.

188 Roosevelt gave a speech entitled "The Strenuous Life" in Chicago on April 10, 1899, and later included the speech in his book *The Strenuous Life*. *The Strenuous Life*, *supra* n. 152, at 1–21. Here is the first line of his speech:

> In speaking to you, men of the greatest city of the West, men of the State which gave to the country Lincoln and Grant, men who preëminently and distinctly embody all that is most American in the American character, I wish to preach, not the doctrine of ignoble ease, but the doctrine of the strenuous life, the life of toil and effort, of labor and strife; to preach that highest form of success which comes, not to the man who desires mere easy peace, but to the man who does not shrink from danger, from hardship, or from bitter toil, and who out of these wins the splendid ultimate triumph.

Id. at 1.

189 *The Wisdom of Theodore Roosevelt, supra* n. 10, at xiii; *see also* Gould, *supra* n. 33, at 10 (noting that Roosevelt's phrases "captured national attention and represented Roosevelt's deft use of language").

190 *See* Guberman, *supra* n. 21, at 1.

191 *See* Richard K. Neumann, Jr. & Sheila Simon, *Legal Writing* 177 (2008) ("A *theme* is a sentence or two or even just a phrase that summarize the theory . . . a way of looking at the controversy that makes your client the winner.").

192 Guberman, *supra* n. 21, at 1 (quoting Ruggero J. Aldisert, *Winning on Appeal: Briefs and Oral Argument* 142 (2003)).

193 Morris, *Theodore Rex*, *supra* n. 36, at 316.

194 *Id.* at 319.

- In response to attacks about his River of Doubt expedition: "I want to call your attention to the fact that I am using my term to scientific precision, and when I say 'put it on the map,' I mean what I say,"[195]
- "I have always been fond of the West African proverb: 'Speak softly and carry a big stick; you will go far.'"[196]
- "I suppose my critics will call that preaching, but I have got such a bully pulpit!"[197]
- "I have only a second-rate brain, but I think I have a capacity for action."[198]
- "A man who is good enough to shed his blood for his country is good enough to be given a square deal afterwards."[199]

The following is perhaps Roosevelt's best known single-sentence statement.[200] It is a very long sentence, but what a sentence!

> The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood; who strives valiantly; who errs and comes up short again and again because there is no effort without error or shortcoming; but who does actually strive to do the deeds; who knows the great enthusiasms, the great devotions; who spends himself in a worthy cause; who at the best knows in the end the triumph of high achievement, and who at the worst, if he fails, at least fails while daring greatly, so that his place shall never be with those cold timid souls who know neither victory nor defeat.[201]

195 Millard, *supra* n. 42, at 340. Roosevelt added, "I mean that . . . [the River of Doubt] is not on any map, and that we have put it on the map." *Id*.

196 Holmes, *supra* n. 130, at 19; *see also The Wisdom of Theodore Roosevelt, supra* n. 10, at 9 (quoting a January 26, 1900, letter from Roosevelt to Henry L. Sprague). Roosevelt first used this phrase when he was Governor of New York to remove an influential but corrupt Republican. Roosevelt explained that the African maxim meant "being absolutely inflexible on matter of principle while remaining flexible in less critical areas—all leavened with the utmost in tact and good humor." Holmes, *supra* n. 130, at 19. Roosevelt's Big Stick philosophy, which he extended to apply to international affairs, meant that the United States should have strong diplomacy backed by a strong navy. *Id.* at 121.

197 Lyman Abbott, *A Review of President Roosevelt's Administration* 430, *The Outlook*, (Feb. 27, 1909).

198 *The Wisdom of Theodore Roosevelt*, *supra* n. 10, at 70 (quoting Owen Wister, *Theodore Roosevelt: The Story of a Friendship* 65 (1930)).

199 *Id.* at 74 (citation omitted).

200 Admittedly, the sentence before this one is often included in the quotation. That sentence reads, "It is not the critic who counts; not the man who points out how the strong man stumbles, or where the doer of deeds could have done them better." *Id.* at 48 (quoting Theodore Roosevelt, Speech, Citizenship in a Republic, (April 23, 1910) (transcript available at http://design.caltech.edu/erik/Misc/Citizenship_in_a_Republic.pdf)).

201 *Id.*

The sentence works because, despite its superfluities, it expresses Roosevelt's theme that striving is both arduous and continuous. Roosevelt is describing a man he knows very well—himself. But he is not describing only himself; he met many men in North Dakota; New York; Washington, D.C.; and Cuba who fit this description just as easily as he did. His use of the word "arena" evokes a boxing ring, but it also evokes the larger arena of the world itself. We can see the man "whose face is marred by dust and sweat and blood" because those vivid words paint a picture of that struggling man. Roosevelt describes a man of action devoted to "a worthy cause"—precisely the way he viewed his own life. And that man, though he may fail, will not be a "cold timid soul."

Again, Roosevelt's hard work, conviction, and vivid language are what persuade his audience. Many of his one-liners capture themes that he worked on and refined throughout his life. His confidence and conviction are also at work here. He was blunt because he believed wholeheartedly in his message. He was transparent because he had no doubt that he was correct. He used vivid language because he wanted his message to be memorable.

Conclusion

As advocates, one of our roles is to educate others about both the law and the facts. Elihu Root, who served in several cabinet positions under Roosevelt, said that "a President first and foremost was an educator and… Theodore Roosevelt was the greatest educator [I] ever knew."[202] As advocates, however, our role is not only to educate but also to persuade others that our client's position is correct. Advocacy is an art, not a science, but we do know some things about how to persuade others.[203] People are more likely to be persuaded by someone who has zeal—a combination of conviction, confidence, and belief in the message being delivered. There is no better model for zeal than Roosevelt. Certainly, it may have been easier for Roosevelt to have "fervor for a person, cause, or object; eager desire or endeavor; enthusiastic diligence; ardor"[204] because he was speaking on behalf of himself instead of representing and speaking on behalf of another. Still, our clients deserve lawyers who can support their causes with zeal. When writing for our clients, we can adopt

202 Morison, *supra* n. 135, at ix.

203 Kathryn M. Stanchi, *Moving beyond Instinct: Persuasion in the Era of Professional Legal Writing*, 9 Lewis & Clark L. Rev. 935, 950 (2005). Stanchi also points out that there is something "mysterious and unknowable" about persuasion. *Id.*

204 *Webster's American Dictionary*, *supra* n. 11, at 915.

Roosevelt's habits of working hard, writing with conviction, and using vivid language. Those habits will help us convey to our readers that we have been thorough, we are committed to our clients, and we have confidence in the client's position. The result will reflect zeal, which will help as we strive to increase our persuasiveness.