

Nightmare Public Relations – Defending An Unpopular Person, Company or Issue

James L. Horton
Robert Marston And Associates, Inc.

Defending an unpopular person, organization or issue in the media is a tough PR challenge. Unlike a court of law where rules of argumentation and fact apply, PR practitioners face uncontrolled media, citizen rumors, political opinion, falsehoods and conclusions based on partial fact. Public relations in such times can be thankless and a losing effort. Yet, a successful defense can be a career high point. Practitioners learn what they are made of and how well they have mastered communications.

The news is filled with articles in which prosecutors, regulators, journalists, and others get facts wrong and damage individuals and organizations. The number of death row convicts released on the basis of new DNA evidence speaks of how often courts err. But irrespective of facts, individuals and organizations working on the wrong side of public perception such as the National Rifle Association or anti-abortion activists, constantly face criticism. Anything they say and facts they cite are considered biased and suspect. Finally, coordinated efforts of interest groups and others thrust individuals and organizations into disrepute, whether or not the individuals or organizations are clearly in the wrong. For example, corporations frequently find themselves on the defensive when tort lawyers charge them with heinous acts they had nothing do with.

A case in point is firms that acquired businesses that once had used asbestos. The acquirers are accused of harming individuals with asbestos when they never used the material, and they assume the liabilities and negative perceptions of a business they bought.

When any of this happens, a PR practitioner defends the indefensible. Sometimes, one can turn around opinion, if one acts quickly, but in many cases, PR practitioners must wait for reluctant CEOs, lawyers or others who control communications. Sometimes, one can delay condemnation by disclosing enough fact to keep an issue open. Sometimes there is nothing one can do. An end is ordained. The Union Carbide plant blowout in Bhopal, India was thousands of miles from company headquarters in Connecticut. Hundreds died in two hours. By time Union Carbide knew what was happening, the tragedy was complete. Nothing the company said after that point was defensible in the eyes of Indians. Even when the company reconstructed a plausible scenario that indicated employee sabotage, the Indian government rejected the explanation instantly.

The Best Defense

The first rule of defending the indefensible is to start with and stick to facts as much as possible. Unfortunately, in

many, if not most situations, facts are missing or incomplete.

Facts put to rest speculation and opinion, and they stop a natural tendency to assume there is more behind an issue or event than meets the eye. This means PR practitioners should be trained in gathering and checking facts quickly then getting them out fast to interested parties. However, facts can tell an ugly story, a story that an individual and/or organization do not want to have told. In addition, facts may tell stories that must not be narrated because of personal, political or other confidentiality. PR practitioners often know more than can be said to journalists, and journalists are dedicated to finding out what practitioners cannot say.

Silence

PR practitioners are taught that silence is harmful. During a crisis, they are told that individuals or organizations must do something with media calls, skittish investors, unhappy suppliers, fearful employees and grandstanding regulators. But silence is not always harmful. There are times when silence is best even though others talk about you, especially when defending unpopular individuals, organizations or issues.

An old cliché attributed to British royalty is, “Never complain, never explain.” This stiff-upper-lip approach covered up many activities that royalty did not want to expose to public scrutiny. It worked for decades until U.K. media in search of circulation boosts broke a compact of silence about the doings of the palace.

Nonetheless, silence helps when:

- **Pressure to speak is not intense.** If the public, regulators, media and others are not pushing to get answers, it might work well not to volunteer them. This is especially true for individuals and organizations that wish to remain in shadows. It was said, for example, that Hughes Aircraft, a company owned by reclusive billionaire, Howard Hughes, hired public relations counsel simply to tell the media there would be no comment. This was useful for the secret projects that Hughes pursued for clients like the Central Intelligence Agency.
- **When the issue might be a passing one.** If an issue arises that is a one-day headline, “no comment” might suffice. For example a bus company had one of its vehicles go off the road and crash during an ice storm. No one was hurt. The company refused all comment and covered up its sign on the outside of the bus. The crash was a short story in the newspaper and on TV then disappeared.
- **When there is nothing one can say.** When a mother was caught on a surveillance camera beating her child in a parking lot, anything she said from that point on (and she did) was going to be used against her in the popular press (and was). The only justifiable expression at that point was confession and remorse.
- **When speaking makes the situation worse.** Pete Rose, the should-have-been Hall of Fame baseball player, was banned from the sport for betting on baseball games. Rose

made his case worse for years by speaking out against baseball's commissioners for banning him.

Facts

When General Motors was unfairly accused of building pickups whose gas tanks caught on fire, GM struck back by showing that gas tank fires shown on network TV were started by a testing agency using igniters. This required tracking down the test truck in a junkyard and examining it and doing a frame-by-frame analysis of the video taken during the tests. When GM's general counsel gave a press conference, he laid out the evidence systematically and in such a damning way that NBC's "Dateline" program had to publicly back away from the story. GM had been on the defensive about gas-tank fires in its trucks. It was able to turn the indefensible into a powerful and successful counterattack. Note that GM's general counsel presented the evidence. Unfortunately for PR practitioners, this is often the case. Sometimes companies feel that facts are too important to be left to communicators to deliver.

When Pepsi was accused of having foreign objects in its soda cans, the company quickly shot footage of its cans on the filling line and being turned upside down just before the Pepsi was poured in. Pepsi also rushed out a store security camera video of a complaining individual that showed the person slipping an object into a Pepsi can. The crisis ended there.

The key to getting facts is to get to the scene. One cannot report facts from afar: It requires ground presence. The

PR practitioner might not be the one to go to the scene but someone in close touch with the PR practitioner should go. This person should be a careful investigator in substantiating fact and speculation and demand solid evidence to support the case. Most evidence will come from other investigators on the scene, who are trained to know what is true and what is speculation, but even so, the journalist's three-source rule is a good guideline. One should question who the sources are and whether they can know the facts. It is one thing to find three witnesses to a plane accident, each of whom will have a common set of facts – i.e., the plane was flying up there then plummeted over there – as well as a different set of facts that may or may not be accurate – e.g. the plane was on fire, or maybe not. It is another thing to have an investigator say that the plane was definitely on fire. It is a more difficult to find three sources who can verify that an individual committed a fraud on the company. That might take months of forensic accounting to determine, especially if the individual was clever.

But, failure to get facts right dooms any defense of the indefensible. Every PR practitioner is familiar with damage caused by making a statement that had to be reversed later. The telecommunications giant, WorldCom, publicly wrote off billions in revenue because of fraud, but then later returned to write off billions more when it discovered it had not found all the problems. Investors were spooked and would not believe any of the company's accounting was accurate. WorldCom's stock plunged, and it went into bankruptcy. Even after the bankruptcy, forensic accountants continued to find fraud. The case deteriorated.

rated and the temporary CEO was also tarred with allegations that made the situation more desperate.

Speed

It is PR 101 to get out factual information as quickly as possible. Delay is a mistake that happens too frequently because of internal battles, concerns for liability and dictates of privacy. But, when lawyers and CEOs stonewall, there may be little a PR spokesperson can do to speed facts to waiting audiences, especially in light of an unpopular stance.

A PR practitioner is in a peculiar position as spokesperson. Nominally, the practitioner speaks for an organization. In reality, the practitioner speaks for an individual – the CEO or leader. These are not the same thing, as we have learned with the number of indicted CEOs. Moreover, practitioners retained to defend individuals must be wary of those same individuals speaking out of turn and subverting them. This is a common case when a politician goes “off-theme.”

Practitioners must somehow communicate the little they are allowed to say while maintaining their own reputations with audiences in order to communicate credibly in the future. This is not always easy. In fact, a practitioner can become part of the problem because a CEO stonewalls and the PR practitioner goes along with it. Media are forced to circumvent PR and cease believing anything the spokesperson says.

There are no right answers in situations like this. A practitioner can:

- **Say “No comment,” and follow orders.** It is the worst course of action in an enduring story growing by the hour with no signs of slowing, but a practitioner may have to decide between a job and silence.
- **Deliver some kind of statement, even if inadequate.** “I have been instructed to tell you.... That is all that I can say at this time.” The practitioner is publicly responding for the company or individual and making it clear the practitioner has been told what to say.
- **Let another take over.** Actually, one may have little choice in the matter. Sometimes when matters get sticky, a lawyer will take over communications. The practitioner is as much a victim as the company itself in failing to disclose information quickly.
- **Fight hard.** Collect the emerging media stories and go to the CEO to make a forceful case for what is happening to the firm’s reputation by failing to disclose the facts speedily. Senior PR practitioners with ready access to a CEO can do this. Others – and that appears to be most PR practitioners – cannot.
- **Resign:** This is an extreme option unless a company or CEO is so far in the wrong that a practitioner can be considered complicit by acting as a spokesperson.

The hardest part of delivering facts quickly is to accept them for what they are even when they do not support your case. It did little good for cigarette

companies to fight medical evidence that smoking harms one's health. That the companies did this for more than 40 years put them in an indefensible position in public opinion and increasingly, with juries. Nothing the companies can say or do has credibility – even changing the company name as Phillip Morris did.

Speedy delivery of information should not bog in mechanics. The following kinds of errors just should not happen (but unfortunately do.)

- One does not have access to a Web page in a time of crisis.
- The on-site fact-gatherer does not have a cell phone.
- The approval process bogs down because the general counsel is unreachable.

Rehearse communications scenarios regularly to make sure all processes are accounted for and operable. In severe situations, systems tend to break down: Practitioners defending the indefensible don't need to fight through the process while attempting to communicate quickly.

Damage Control

When compelling facts are not readily available, practitioners must use damage control to defend the indefensible individual or organization. Damage control is risky and frequently fails when a story is running heavily through news cycles. There is no way to stop reporting, and tantrums excoriating the media usually make things worse. Public af-

fairs practitioners are masters in handling wild stories because they do it regularly. It is good training to observe presidential press secretaries and how they handle leading questions, allegations and follow-on queries from the White House press. These reporters are masters at generating stories from seemingly insignificant pronouncements because they know the background, and they know who will have views about the information in Congress. In essence, appearing before them is entering a boxing ring. One mistake can lead to a knockout.

Damage control is of two kinds – communicating to gain time until the full story is out or communicating to ameliorate a situation. When defending the indefensible company or client, there may be little time to do either because bias arises quickly.

Bias has an overwhelming influence on situations in which facts are not explicit. Unfortunately, many events do not have exculpatory facts embodied in them when first revealed. They look bad, smell bad and are bad in nearly every way. It is only later, sometimes much later, that facts come out.

We talk and write often in the U.S. about politically correct points of view. Politically correct points of view are generally accepted biases that may not be right or truthful. They may be lies that we tell ourselves to feel better. If a company or individual runs afoul of such views, the damage to reputation can be considerable and fatal. This has been the case with hearings over judicial appointments for more than two decades in Washington, D.C. Opponents of a candidate to a high court will

find any excuse to derail a nomination whether from the right or left. Reasons for their actions are based on their views of what is proper for society rather than facts of a nomination.

Gaining time in the face of bias might include, for example, frequent repetition that a client is innocent until proven guilty. Ameliorating the situation might include a strong statement that the client is a victim of smear tactics – a frequent occurrence in politics where snippets of facts are used to build pyramids of insinuation. It is the defense that Supreme Court Justice Clarence Thomas used at his confirmation hearings when he stated that he was a victim of a “high-tech lynching.”

There are several techniques, as old as rhetoric, that PR practitioners can use to gain time or ameliorate bad situations. They all rely on partial facts and “spin” – i.e. building a positive case out of fragmentary evidence.

- **Refutation:** Paint a story as false. One attacks the teller of the story (“Consider the source.”) and the story itself as meaningless, incredible, impossible or illogical. Sometimes this is easy because, for example, an individual might not have been in a place where he or she was said to be. (“He couldn’t have said this. He wasn’t there. Besides he loves animals.”) This does not mean the individual never said it. He just didn’t say it there. One must be careful when refuting a story based on partial facts to have enough facts in hand to build a case. This may be difficult to do. Sometimes the best one can do is raise doubts and then to hammer at the “innocent-until-

proven-guilty” theme. This is what President Clinton and his staff did until Monica Lewinsky’s dress showed up. Clinton damaged his reputation when the facts came out. It would have been better had he been honest from the beginning.

- **Confirmation:** Praise the person and story that favor your side. (“X is an honorable man. He would never lie.”) Note that a story is possible, probably, logical and fitting. (“From our careful reconstruction, this is the way that events unfolded.”) Of course, even though X is an honorable man, he might sometimes lie and careful reconstructions of stories might be logical and wrong. Confirmation is difficult when one is defending the indefensible organization or individual, because bias has already concluded that neither is honorable. Tobacco companies through their large grants to the arts tried to buy respectability but in the end, it did not work. The facts about smoking proved damning, and the companies’ attempts to continue marketing cigarettes in any way possible generated huge resistance.
- **Vituperation.** This has a more modern name – “character assassination.” It’s an all-out effort to discredit someone making allegations by going after the person’s heritage, education, background, lifestyle or whatever it takes to take away the individual’s credibility in the eyes of target audiences. Politicians understand vituperation better than most and are experts at delving into an opponent’s background to find damning evidence that an individual

cannot be trusted. Another element of vituperation is to compare someone unfavorably to another (“Everyone else contributed to the cause, but not him. He wasn’t there.”). Character assassination can verge on the unethical and plunge over the line. PR practitioners should be wary about using it especially since it drives issues to the lowest common denominator. Character assassination is difficult when defending the indefensible because bias paints the indefensible individual or organization negatively from the beginning. Lashing back at those who make charges can be – and often is – seen as skullduggery. One must use vituperation with finesse and that may be through supplying information to the news media to use without having it traced back to you. This too verges on the unethical.

- **Appeal to character:** This is an effort to build the image of an individual and cast doubt on allegations against that person. Appeals to character use all of the techniques of vituperation but puts a positive spin on them. One cites an individual’s heritage and upbringing (“War hero. Oxford scholar.”), the individual’s record (“He gave a \$100 million to charity.”) and compares the person favorably to others. Appeals to character do not mean one is innocent: They imply innocence, and they are difficult techniques to employ when defending the indefensible. One may need to build a detailed profile of character to break down bias on the one hand and to gain a hearing on the other. This, of course, takes time. John D. Rockefeller’s character was partially re-

stored late in life through shrewd public relations support that painted him as a kindly old Grandpa who gave dimes to children and millions for worthy causes. We know now, of course, that Rockefeller was intimately involved with some of the worst machinations that Standard Oil engaged in, but it took decades after his death for the truth to come out.

- **Diversion:** Create a secondary issue that obscures the first issue. A popular movie came out a few years ago that illustrated how to do this by creating a phony war. The film, *Wag the Dog*, was a cynical portrayal of how Washington political communications work. Diversion is a dangerous technique if it is easily discovered for what it is. The media and society will savage the indefensible individual or organization that is caught. Yet, diversion has been used successfully for thousands of years. The Romans delivered “bread and circuses” to the populace to distract them from political and economic troubles. The Soviet Union’s May Day parades with thousands of soldiers and masses of armament distracted the rest of the world from the hollow economy within. Cynics claimed that President Bush’s focus on invading Iraq was meant to distract the American public from the woes of the economy. Creating a successful diversion requires a plausible scenario that the media and public can latch onto and the ability to obscure the original story behind or away from it. Because the tactic is purely manipulative, there are not many instances in which it is ethical or advisable from a public relations point of view.

Why Do It

Defense of an unpopular individual, organization or point of view is probably no more successful than defending an accused in a courtroom. However, because the media and society do not follow strict rules of argumentation or precedent, the chances of a story “getting away” from the practitioner are greater.

Journalists, in a rush to publish, can – and do – get a story wrong. Going with what they know is better than not, and they trust that time will reveal details and set matters right. Individual citizens are susceptible to rumor and group hysteria that turns an innocuous situation into one of survival. Regulators in their haste to guard the public can sometimes act too forcefully. Police and prosecutors can level charges that later go away but in the meantime wreck an individual’s reputation and a company’s business.

When companies and individuals have been destroyed by negative publicity, only to be vindicated later, they can never recover what they have lost. There is little recourse in the law for such outcomes. One can sue for libel, but if the facts of a case were accurate to the time they were presented, there was no libel. One is a victim of circumstances.

The PR practitioner’s job, insofar as the practitioner is able, is to balance perception enough to take pressure off an individual or organization or, if possible, to refute allegations. There is no chance of success unless one tries.

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James L. Horton, a PR practitioner with 25 years of experience, is the founder of www.online-pr.com.