

# Mudslinging

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It is five days before a major election. The candidate is energized. Polls are moving his way, and the election will be a slam-dunk. Suddenly, the opponent runs TV ads accusing the candidate of sexually harassing women. Major newspapers and network affiliate TV stations pick up the charges when a witness steps forward who stammers while she weeps on camera that the candidate tried to rape her. The next day, four other women step forward and say the candidate sexually assaulted them too. The story rockets through newspapers, TV, radio, cable and the Internet. Weblog writers debate charges furiously. Floods of e-mails chase and report rumors.

The polls tilt away from the candidate. The race is tighter: The candidate's ratings plummet. The polling director has a worried look as nightly numbers come in and he is summoned to the candidate's office. The candidate, campaign manager and three senior operatives are there. "What do we do now?" the candidate asks.

While this is fiction, it is also real. Campaigns can be low and dirty. In a war for voters, candidates work to destroy each other. There is no pretense of civility. With mudslinging, victory is destruction. All-out communications warfare also affects corporations and other organizations, especially when targeted by activists.

Consider a few examples from politics and business:

- In Texas, e-mail assaults on candidates are part of campaigning. For example in Houston's 2001 mayoral race, one candidate was forced to apologize to another because of a mass e-mailing that put the opponent's wife in a bad light.
- In the US, party members bash each other, as Democratic candidates for President proved in 2003 by mudslinging at each other publicly.
- In Korea, mudslinging is art. Opposing parties charge candidates with corruption, tax and military service evasion and vote buying.
- Taiwan is a country so expert in smearing that a minister denied he fathered a child with a mistress even before the opposition claimed it.
- When Oracle Corp tried to take over PeopleSoft in a hostile and unsuccessful merger, Oracle's CEO targeted PeopleSoft's CEO for abuse.

- It is a favorite sport of companies opposing Microsoft to hurl epithets at Microsoft's CEO, Steve Ballmer, and Founder Bill Gates.

There is no answer to mudslinging but there are techniques to parry attacks. Openness, good research and a strong defense are among techniques one can use. But, they are not guaranteed to protect against subversion of public opinion. Mudslingers can win, especially when charges are true, and the accused cannot defend against them easily.

### **Ancient form of communication**

Mudslinging is not new. It is part of rhetoric and has roots in invective Demosthenes spewed against Philip of Macedon and, later, Cicero against Antony. Name-calling was an art in ancient times. For example, this from Cicero's Second Oration against Mark Antony

Do you...grieve that these armies of the Roman people have been slain? It is Antonius who slew them. Do you regret your most illustrious citizens? It is Antonius, again, who has deprived you of them. The authority of this order is overthrown; it is Antonius who has overthrown it. Everything in short, which we have seen since that time (and what misfortune is there that we have not seen?) we shall, if we argue rightly, attribute wholly to Antonius. As Helen was to the Trojans, so has that man been to this republic – the cause of war, the cause of mischief, the cause of ruin.

Vituperation has been part of American politics since the beginning when Jeffersonians and Hamiltonians attacked each other and even George Washington while he was in office. There was no pretense of truth. Attacks were cries of outrage that included accusations and insinuations of sexual impropriety, fraud, duplicity and anything else the polemicist could muster. We have heard echoes of Cicero's rhetoric in recent days against the president in the White House.

Mudslinging has an important role in communications. It pierces the veil of perception one has about an individual or organization and allows one to see in another -- and less favorable -- way. Image building works if one works hard enough to implant an image. That is why candidates lean heavily on TV advertising and why corporations run image campaigns. If you hammer long and frequently enough, people who have no reason to know differently tend to accept the messages conveyed about a person or organization. Mudslinging shows perception is wrong; that the individual and/or corporation has weaknesses and that the weaknesses are harmful to consumers and citizens.

Mudslinging goes wrong when it is used indiscriminately and becomes noise that few listen to and most condemn. This was the case with former governor of California, Gray Davis, who depended on mudslinging to tear down opponents

during his many successful campaigns for office. In his last campaign to prevent himself from being recalled, even his friends warned him publicly to avoid using mudslinging. When the major California paper, *The Los Angeles Times*, printed accusations of sexual harassment against the eventual winning candidate, many Californians accused Gray Davis of orchestrating a smear campaign, although there is no evidence he did so.

Like any communications technique, mudslinging requires judgment. There is a time to do it and a time to abstain. Communicators must depend on experience and insight to determine when to engage in name-calling, but they also must prepare for mudslinging to be used against them. There is no excuse for failing to defend oneself because of a lack of preparedness.

## Openness

Communicators should know potential problems before they become headaches in a communications campaign. Openness starts at the beginning. And, it should be a key indicator to a communicator whether to work with a company or candidate based on how open the person and/or organization is.

Sometimes, there is little a communicator can do to control damage from mudslinging. For example, Larry Ellison, the founder and CEO of Oracle, the computer software company, has a controversial reputation. His personality and combativeness were a factor in his unsuccessful effort to acquire another major software maker, PeopleSoft Inc. Ellison made no effort to endear himself to the other company, which the company used against him, and indeed, he was a mudslinger. Further exacerbating tension was Ellison's public remark that he would fire almost everyone at PeopleSoft, if he took the company over, and subordinate PeopleSoft's products to Oracle's software. PeopleSoft used this remark to motivate opposition along a broad front. Ellison knew what he was saying and hurt his own case. A communicator cannot turn a lion into a lamb.

But if a candidate or company doesn't seem to have negatives, what should communicators do? Ask hard questions anyway. This is called vulnerability research, and it goes into painstaking analysis of a candidate or company's history. There is a rule among defense attorneys to avoid asking the accused if the accused is guilty. Knowing the answer makes defense more difficult. However, public communications are not done in a courtroom with rules of evidence and a judge to guide the trial. Public communications admit to few or no rules when there is an attack. It is only afterwards, often when it is too late, that one might seek justice for slanderous and untrue statements. A good communicator should know in advance what to defend against and how.

Unfortunately, candidates and company CEOs are not always honest, and they forget incidents and actions that can be used against them – even if seemingly innocent. Companies, especially, can be victims of changing mores. What was

acceptable behavior yesterday is now considered inappropriate or even, illegal. Executive compensation is such an issue. The fat paydays CEOs had during the Economic Bubble became shareholder rip-offs when the Bubble ended.

There is no substitute for knowing a candidate's or company's background, just as there is no substitute for delving into an opponent's history. Know the facts of potential negatives early on. Prepare and rehearse questions and answers for use if needed.

For example, you discover your candidate might be a womanizer. There are rumors about him, and there might be documented instances of cheating on his wife. The candidate is determined to run. He has money and driving ambition, and he is going to be the next holder of high office. If you are the Clintons when Bill first ran for President of the U.S., you arrange a national TV appearance early in the campaign. Bill and Hillary were interviewed about Bill's past, and Bill gave carefully scripted answers while Hilary looked adoringly at her man. The message was clear: Bill slipped up, but Hillary supported him. It neutralized temporarily a range of accusations against him, but it also set him up for humiliation when he was caught abusing a White House intern. If you are Arnold Schwarzenegger, the governor of California, you apologize generically then have your wife, Maria Shriver, a television journalist, step in and witness for your character against accusations from women claiming sexual harassment.

The Clintons used inoculation. They got the story out in their own words before others used it against them. Once the story was known, Clinton was protected against surprise disclosures, rumors and twisted truths. Maria Shriver was her husband's inoculation. Schwarzenegger had never denied stories about himself but he hadn't made much of them either. When he was forced to defend himself, he said he would address the charges once the campaign was over. But, he didn't. When the sexual harassment charges were raised during his first post-election news conference, he dismissed the reporter's question as "old news," which by then it was.

Companies can use inoculation as well by announcing they have discovered a condition or situation and have moved already to remedy it. This is especially true in cases of fraud or embezzlement. Firms will announce they have discovered a situation, fired an employee and turned evidence over to the authorities in a press release that both reveals the situation and essentially ends discussion about it. Such announcements can take the wind out of opposition, but not always. Activist groups can use a company's statement as self-incriminating evidence and pillory it. That is why lawyers are concerned about telling too much to the public. Bad news sparks lawsuits.

## **Opposition research**

The best defense against mudslinging is a good offense. Opposition research is an established craft in political campaigning, and campaign firms offer it as a regular service.

Several caveats come into play when doing research. Here are a few one should know:

- Everyone has something that can be used against him. No one is perfect.
- No one remembers everything he or she has done.
- If one enters a public arena, one's life is an open book. Look into public records on property, lawsuits, court cases, traffic tickets etc. Investigate newspaper stories, and if dealing with a politician, statements of economic interest, voting records, government budget analyses, campaign finance disclosures and interest group ratings. In political campaigning, one should not use non-public records or facts obtained through unlawful means to avoid litigation. In the corporate arena, holding to a similar principal protects one against criticism.
- Verify resumes. It is a place where embellishment frequently exists. Starting with an opponent's bio or an organization's self-reported history can provide valuable clues for fact digging. There are also former associates and employees who can yield important clues to the background of an individual or organization. One should interview them, even if it requires a third-party between you and those interviewed to screen one from criticism.
- Build on facts: Avoid chasing or fostering rumors. If one cannot verify a fact, don't use it. Further, one must have hard-copy verification of facts. When using such research against an opponent, stick with facts. Don't make accusations: State the fact.
- Use images. If one can videotape another saying or doing something that is a contradiction, do so.
- Be discreet: Don't let the opposition know what you are doing.
- Analyze: Raw facts mean little. Understand the story the facts tell.
- Organize: Facts should be stored for easy reference and retrieval whether in a database or binders.

It might require the services of a professional researcher to track backgrounds of opposing parties. Sometimes, this might even require the services of a detective agency, such as Kroll Associates (<http://www.krollworldwide.com/>), a firm that specializes in uncovering evidence through financial records and other hard-to-find data. Such research is expensive and it can challenge one's sense of fairness and concern for privacy. But, if it makes you queasy, remember the opposition is doing it to you.

The Internet has made research easier. One can look up public records and news stories more quickly than plowing through archives, but older news and records require library skills. News beyond a 10-year period and in some cases,

less, still depends on digging in newsprint archives. Governments, newspapers, magazines and other content providers have been inconsistent over the years in choosing what to make available online.

## Tactics

There are many ways to handle mudslinging: None are guaranteed to work. Like the candidate at the beginning of this article, one has to track the polls and public opinion closely to see whether an attack is damaging or not. For political candidates, this is second nature. For companies unused to the public eye, it isn't. But as a rule of thumb, any firm that is likely to be exposed to public criticism should have opinion research resources available and ready to launch. One cannot depend on a finger to the wind or haphazard internal impressions of what clients, vendors, customers, regulators and others are thinking.

Herewith are a series of tactics one can use, depending on circumstances:

- **Silence:** Ignore an opponent's charges, as long as the charges are not serious and gain no purchase in the media or in public opinion. This lets one stay focused on what needs to be done. The kind of response to an inquiry would be, "I won't dignify that question with an answer." When charges are serious, however, ignoring them doesn't work. One must respond or be a victim.
- **Riposte:** A snappy comeback can sometimes disarm and put an opponent on the defensive. For example, Schwarzenegger accused the opposition of engaging in "puke politics." There is also the reply that "the public deserves better than mudslinging." It is especially true when opponents use backhanded slaps. This approach leaves the speaker in the clear but tars the opposition. In response to a question, backhander might reply, "I have not heard that my opponent uses cocaine and takes bribes from drug dealers, and I assume rumors to that effect are not true." By denying, the speaker is implying and begging for someone to investigate the denial or at least, spread a rumor.
- **Reasoned defense:** Lay out facts that contradict the charges or at least, makes them less serious than an opponent implies they are. In response to a charge that one took bribes from a building contractor while in public office, one can prove that he or she never met the building contractor and has no acquaintance who knows the contractor either. However, this requires a command of facts because the media will look into the situation themselves and if they find evidence that corroborates the charges, the mud sticks.

- **Forgetfulness:** Say that one doesn't recall the instance or incident about which charges are made. This is at best a holding statement to gain time for a response. It doesn't stop the charges from coming, and it can make matters worse, if it is clear that one should recall the incident. It is better to have facts and parry than duck behind a faulty memory.
- **Admit it and move on (if one can):** Admit the facts are true as long as it doesn't stop one from moving forward. Apologize and get back to issues. An apology is often in the form a general expression of regret for misbehavior and a promise to do better. But, this is usually joined to a response that "the opponent is using scurrilous tactics to avoid issues. The ballot is not about me but about the issues. Here are the issues the opponent is ducking." In a corporate arena, the same approach can work as well. "Yes, this pollution occurred, and we cleaned it up more than two years ago. The XYZ group is ignoring the fact that we conducted remediation and the soil is in excellent condition."
- **Sling mud back:** This is not desirable and voters are often turned off by campaigns that descend to the gutter. But, if an opponent doesn't back off, one might be forced to come at the opponent with everything one has. Charges and counter-charges create noise that the public might tune out. Or, at least, one tries to give the public an option of the lesser of two imperfect individuals. It is harder for corporations to sling mud back at those who sling it at them because the public's bias is that charges are likely to be true. For a corporation to sling mud requires a depth of fact that is hard to controvert. If there is any ambiguity in responding to a charge or in revealing the background of an accuser, one should stay silent until facts are clear. People tend to believe that any person or organization with power and/or wealth covers up truth.
- **Stay calm and focused:** Keep your composure. Don't let voters or the enemy see you sweat, or crying on the steps of a courthouse as Sen. Edmund Muskie did before ending his presidential campaign. I saw a TV news sequence once of a candidate who was splattered with a raw egg. The candidate did not break stride through the crowd or change his expression or even look back. He peeled off his sports coat as he walked and handed it behind him to an aide. He never lost his cool or sense of purpose.
- **Don't give up:** The temptation to wilt is powerful when one's name, reputation and family are dragged down. Realize that this is a price to pay and be willing to pay it. It takes a thick skin to put oneself forward in public and a thicker skin to handle unfair and unwarranted criticism. Many a candidate and CEO have fared poorly when hit with broadsides of mud. The key is to be philosophical. That's the way the world works. The hard

part is to watch what charges can do to one's family who did not sign up for abuse and have a hard time handling it.

What happens if mudslinging works and you fail? Be gracious about the loss in public, even though the opponent has been a thug. Prepare to handle this kind of attack the next time and learn from experience what will and will not work in your case. If the mudslinging fails and you win, be publicly openhanded to the opponent and gracious, even though the opponent deserves vilification. Open vindictiveness projects a bad image that one should keep hidden.

### **The cost of doing business**

Mudslinging is part of business in campaigning and activism. There is in such low-down attacks a philosophy that the end justifies the means. There is no pretence of taking a high moral ground and concentrating on issues. The mudslinger knows issues mean nothing unless one is elected or survives the assault.

If one is not ready to fight in an arena with mudslingers, one should not enter the arena in the first place. Some candidates and companies make that mistake and cannot accept that there are people who act pragmatically to win their points of view. But there are, and there always have been and will be those kind. Get used to it.

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