

DISCUSSION KEY FOR CASE 2

Representing Front Groups with Undisclosed Sponsors and Engaging in Deceptive Practices While Representing a Front Group

Case Summary:

The agency you work for has been retained by a manufacturer of light-rail and subway cars to monitor public transit funding and identify local and regional government agencies with plans to develop or expand transportation systems. Among several strategies, the agency is responsible for organizing and managing citizen groups to influence the funding and political decision-making process regarding rail cars. The client does not want to be identified as the funder of Citizens Advocating for Affordable Transit (CAAT). A reporter who covers transit approaches you at a CAAT meeting and asks if one of your clients is backing CAAT and the identity of the client. You have a good and trusted relationship with this reporter but your boss has said that the agency will lose the client if its association with CAAT is publicly disclosed. What do you do?

General Guidance:

For details on the issue of representation of front groups with undisclosed sponsorships and/or deceptive or misleading descriptions of goals, causes, tactics, sponsors or participants, including background, relevant sections of the Code, examples and recommended best practices see Professional Standards Advisory 3 - Representing Front Groups with Undisclosed Sponsors: <http://www.prsa.org/AboutPRSA/Ethics/ProfessionalStandardsAdvisories/PSA-03.pdf> and Professional Standards Advisory 7 - Engaging in Deceptive Practices While Representing a Front Group: <http://www.prsa.org/AboutPRSA/Ethics/ProfessionalStandardsAdvisories/PSA-07.pdf>

1. Define the specific ethical issue and/or conflict.

Is it ethical to omit sponsor information regarding the citizens group, Citizens Advocating for Affordable Transit (CAAT), which my firm has been asked to organize and manage to influence the funding and political decision-making process regarding rail cars?

Is it ethical to reveal the client's sponsorship to an inquiring journalist, knowing that it will result in your firm's loss of the client's business?

2. Identify internal/external factors that may influence the decision.

Do local, state or federal laws require a particular decision?

What do my company values, policies or procedures require?

What action do I believe is in the public's best interest?

What action do I believe is in the best interests of my client and my firm?

3. Identify key values.

- Honesty – I am obligated to tell the truth when communicating with the public.
- Fairness – I must deal fairly with my client, competitors, peers, vendors, the media and the general public.

- Independence – I will provide objective counsel to my client. I am accountable for my actions.
- Loyalty - I am faithful to those I represent, while honoring my obligation to serve the public interest.

4. Identify the publics who may be affected by the decision and define the public relations professional's obligation to each.

Citizens of communities considering transit upgrades, voters, government officials and media; public relations profession; colleagues/employees; the client, myself.

5. Select ethical principles to guide the decision making process.

A core principle of the PRSA Member Code of Ethics regarding "Disclosure of Information" is: "Open communication fosters informed decision making in a democratic society." The stated intent of this provision is: "To build trust with the public by revealing all information needed for responsible decision making." The Code guidelines that address this situation require that members: "Reveal the sponsors for causes and interests represented; Be honest and accurate in all communications; and Avoid deceptive practices."

Another Code guideline under "Enhancing the Profession" that applies to this case advises members to: "Decline representation of clients or organizations that urge or require actions that are contrary to this Code."

However, a potentially conflicting provision, "Safeguarding Confidences," also exists, along with the core value of loyalty, which might suggest that you would be acting unethically if you simply confirmed to the reporter that your client was, indeed, the sponsor behind CAAT.

6. Make a decision and justify.

Although the potential for conflict between loyalty to client and revealing your client's involvement exists in this situation, the value of honesty helps resolve this conflict. Appropriate counsel would require the public relations professional to truthfully respond to the media by disclosing your client as the sponsor of the citizen's group, CAAT, and advising your client of the reasons for acting in the best interest of the public.

This decision also would serve your client's best interest since deceiving the media and the public(s) could contribute to declining public trust in the association, not to mention potential legal liabilities associated with local, state and federal disclosure requirements. This decision would preserve the integrity of processes of communication and also help the association (and the public relations professional/firm) maintain important relationships with citizens, voters, media and government officials.

However, before this dilemma ever presented itself, the best ethical practice would have been to inform the client that it must identify itself as a sponsor of the citizen's action group, and to give the client advance notice that if the media inquired about its sponsorship you would be ethically bound to identify them. The client should have been counseled that disclosure of its sponsorship would help position the organization as being honest and transparent in its goals and would help avoid the potential for negative publicity, which the current situation is likely to engender.