

# The Court of Communication: Pedagogy and Practice in Public Relations and Their Relationship to Freedom of Speech

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**T**HIS week celebrates the five-week anniversary of the peaceful transfer of power from the Bush Administration to the Clinton Administration. Some of us celebrated that singular marvel of democracy more happily than others, and some other political cultures marveled at it more wondrously than did most Americans. Next Thursday, March 4, however, marks the one hundred ninety second anniversary of the first peaceful transfer of power in the United States from one political party to another. Some historians argue convincingly that this somewhat anguished decision on the part of John Adams to peacefully leave the White House and turn over the federal government to Thomas Jefferson marks the true genesis of America's commitment to democratic decision-making. While I am not prepared to argue with that claim, I would suggest that there is another dimension of our national genius which explains more of our success: our long commitment to freedom of expression. It was James Madison who told us in 1822 that "A popular government, without popular information, or the means of acquiring it, is but a Prologue to a Farce or a Tragedy; or, perhaps both. Knowledge will forever govern ignorance; And a people who mean to be their own Governors, must arm themselves with the power which knowledge gives" (1822). Though our national history records episodes both farcical and tragic, on balance we have been and continue to be an epic testimony to the wisdom of the author of the First Amendment.

But James Madison could never have foreseen the communication environment which governed the ascendancy to the Oval Office of Thomas Jefferson's ideological heir in 1993.

We are still a democratic republic, but we are also now a political landscape shaped by mass media, “power fax” machines, Lexis-Nexus networks, and perhaps most troubling for some, “spin doctors.” And that, gentle students, is where you come in. Tonight, I want to explore with you the question: What is (or ought to be) the proper relationship between the profession of Public Relations and our long national commitment to freedom of expression, and how does (or should) that relationship affect public decision-making in the United States?

In preparing this speech I re-read more closely than I ever had the Public Relations Society of America’s “Code of Professional Standards for the Practice of Public Relations” adopted in 1950 and revised most recently in 1988. It is a commendable document, and one of which I think James Madison would approve—on its face. Its Declaration of Principles states that “Members of PRSA base their professional principles on the fundamental value and dignity of the individual, holding that the free exercise of human rights, especially freedom of speech, freedom of assembly, and freedom of the press, is essential to the practice of Public Relations.” The Code then goes on through seventeen paragraphs to specify a commitment to such ideals as “the public interest,” “honesty and integrity,” “deal[ing] fairly with the public,” “accuracy and truth,” avoidance of disseminating “false or misleading information,” and prohibitions against “corrupting the integrity of channels of communications or the processes of government” (Wilcox, Ault, and Agee, 1992). That’s very impressive, and it is probably more comprehensive than similar codes adopted by other associations of professional communicators.

But my worry is that this Code of Ethics, like those for journalists, doctors, lawyers, and college professors is both generated and enforced by those whom it governs. Most of our professional associations, and PRSA is no exception, have established ethical systems which assign the dogs to guard the meat house. In a thirty-three year period of time, PRSA’s Board of Ethical and Professional Standards disciplined a *TOTAL* of ten members, and only two of those received the ultimate sanction of expulsion from the Society. Even this “death penalty” is relatively meaningless, since PRSA has no power whatsoever to discipline nonmembers, and by its own estimates fewer than 10% of an estimated 157,000 Public Relations practitioners are members (Wilcox, Ault, and Agee, 1992). A recent National Public Radio story quoted Edward L. Bernays, the Moses (and now the Methuselah at age one hundred and one) of American Public Relations as lamenting the general absence of real sanctions in the profession, not to mention the fact that (and I am only slightly paraphrasing him) “any fool, knave, or scoundrel may pronounce himself a ‘Public Relations professional’ and hang out a shingle to that effect.”

It is not my propose to indict by innuendo the ethical behavior of Public Relations professionals. My agenda, and I press for it whenever and wherever I find a captive audience, is to advance the cause of freedom of expression generally. Since I now am Head of a department which boasts a proud and growing chapter of the Public Relations Student Society of America, I feel even more urgently motivated to preach my sermon because I think I know where part of the answer to my question for you tonight lies. It lies in the answer to another question I have been putting to students throughout my career as a student of the First Amendment.

Each time I have taught my course in Freedom of Speech for the last fifteen years, I have organized it around two questions: “What do you believe ought to be the proper relationship between the individual and the government *viz a viz* the communication environment?” and “What do you believe is the greatest threat to our system of freedom of expression?” I’ve gotten many diverse and fascinating answers to both questions, but tonight I want to share with you only *my* answer to the second question. I believe the greatest threat to our system of freedom of expression is **IGNORANCE OF OUR SYSTEM OF FREEDOM OF EXPRESSION**. For present purposes, I believe that many organizations who adopt Codes of Ethics, though such Codes may be sincere, high-minded, and internally consistent, would

benefit by educating their members about, and infusing into their Codes the philosophical underpinnings of the American tradition of freedom of expression. Forgive me, but as nice-sounding as the PRSA Code of Professional Standards may be, I can't escape the haunting suspicion that it was written by a Public Relations professional and is, at least in part, an act of Public Relations. On its face, this code "walks the walk and talks the talk" of a solid commitment to freedom of expression. But I worry that it may be a better index of an astute awareness of the "political correctness" of a public genuflection toward the valuing of freedom of speech than it is a measure of a thorough-going understanding of the origins, arguments, and obligations of our system of freedom of speech.

How would I assuage my fears? Although my primary purpose is not to revise the PRSA Code of Ethics, I would begin with one suggestion in the form of an analogy to another much-maligned profession: lawyers. They, too, labor under widespread public suspicion and bear the brunt of a large opus of unsympathetic humor. They, too, have articulated copious Codes of Conduct. And they, too, generally enforce their own rules on their own members. But I think one aspect of their professional culture may be worth emulating. Individual attorneys consider themselves, and are considered in the eyes of the law, to be "officers of the court." When viewed in this role by themselves and others, ethical and responsible lawyers are, I think, forced to take a perspective which transcends the instant case or client and requires a loyalty to the global integrity of the entire legal system in which they work.

I would urge this model on the Public Relations profession. You must accept the fact that your professional obligations include being stewards of the integrity of public discourse in the United States—you are an Officer of the Court of Communication. Words and pictures are your stock-in-trade. If you allow them to become devalued by misuse on the part of unscrupulous PR practitioners, it is your ox that is gored. You in this room tonight are on the threshold of a fascinating and often quite lucrative profession. If my sermon fails to do it, then enlightened self-interest should motivate you to police your own profession more vigorously and more meaningfully than apparently is now the practice.

My second suggestion, and at least in my own back yard I have the tools to enforce this one, would be to require of Public Relations students courses in Ethics and in Freedom of Speech. I am confident that I can rebut accusations of being guilty of institutionalizing Orwell's "thought police," because I know from fifteen years of experience that courses in freedom of speech do absolutely nothing to indoctrinate anyone into any particular political orientation any more than a statistics course seduces students to add up any particular set of scores in a particular way—both are, in essence, *methods* courses. What I am equally confident of, however, is that people who have been taught the philosophical, historical, and legal bases of our system of freedom of expression are much less likely to allow their own rights to be trampled upon. Once this self-interest is sensitized, it must follow that these people will have a much harder time being a party to the trampling of anyone else's rights. That, at least is my prayer.

When one has read philosophers like John Stuart Mill, John Milton, and Thomas Jefferson, judges like Louis Brandeis, William O. Douglas, William Brennan, and Thurgood Marshall, and teachers like Zechariah Chafee, Alexander Meikeljohn, Thomas Emerson, and Franklyn S. Haiman, one will be either changed or challenged. If students do not like these staunch proponents of the liberal tradition of free speech, then they will be moved to better understand the contrary arguments of more conservative authors such as Plato, Ernest Van den Haag, Lord Patrick Devlin, and Richard Randall, Judges like Felix Frankfurter, Warren Burger, or Antonin Scalia, or writers like Catherine MacKinnon and Andrea Dworkin. In either case, future professional communicators will be reading and thinking about important issues that impact their industry, and their profession will be better off for their trouble.

So, what is the proper relationship between Public Relations and freedom of expression, and how might that relationship affect public decision-making? First, your profession cannot

exist without a viable system of free speech and press to protect it. If you do not know it, you should be aware that only in the last twenty years have the courts granted First Amendment protection to so-called "commercial speech." Without that protection, much of what some Public Relations firms collect large amounts of money for would be on thin constitutional ice. Second, the efficacy of your product depends entirely on your credibility with your publics. If you are not good stewards of the language and other symbols, then all public communication suffers. When that happens, the public's embrace of free speech loosens. In other words, those of you whose entire professional focus is on the construction of public messages must recognize that when public trust in the media diminishes, then public support for free speech and tolerance for robust discussion of controversial issues also diminishes. Your sins can damn us all.

Third, more and more these days PR firms are being hired by law firms, government agencies, and even national governments to influence public opinion and decision-making on significant issues. Over twenty-five years ago Ed Bernays, in the preface to his landmark work *The Engineering of Consent*, hoped that his book would "enable the public-spirited citizen to assert his leadership effectively to solve some of the problems with which our society is confronted, from gun control to civil rights" (1955, 1969). Sadly, both of those examples of social problems are as unsolved in 1993 as they were in 1968, and so Mr. Bernays' advice remains just as timely. If the advice you give your clients or employers is not grounded in sincere and solid knowledge of the values of freedom of expression, you will be a party to sabotaging the processes of public decision-making rather than enhancing them, and the blood of your own industry will be on your hands.

There was a time when the academic profession of communication viewed Public Relations as being guilty of our worst accusation: sophistry. There may have been some justification for that view. But when our discipline began to embrace Public Relations as a field of study, at least in the universities with which I have been privileged to be associated, it did so only on the condition that our instruction in it would be grounded in sound rhetorical and communication theory, and be conducted according to the rigorous methods of social science. Those conditions, I think, have enhanced the professional credibility of Public Relations, and you should give much credit to the academic discipline of communication.

I think the next contribution that our discipline can make to the Public Relations industry should be an insistence upon ethical and free speech components to Public Relations education. Organizations such as PRSA have taken good first steps toward raising the saliency of ethical and free speech issues, but I question whether Codes that are generated, informed, and enforced only by the priests of your own order ever can serve you best. You would be better served by opening your *sanctum sanctoria* to outside ideas and scrutiny.

Here's a laundry list of other suggestions: Don't make the mistake of concluding that the presence of a Code of Ethics insures ethical conduct. Such Codes often are mere Band-Aids worn more to be seen than to actually heal anything. Insist upon a view of your profession which requires that Public Relations be seen as a communication function of *management* for which *management* must assume full responsibility. To allow the work of communication professionals to be divorced from policy development is to fall prey in the Twentieth Century to the Ramist fallacies of the Sixteenth Century which broke the classical cannon of rhetoric apart, assigning *inventio* and *dispositio* to dialectic and relegating the responsibilities of rhetoric to mere ornamentation. Let's don't make that mistake again. Instead, demand that communication planning and policy planning always be integrated. Next, beware of "crisis communication plans" which often are nothing more than corporate or institutional gag orders. Consider Public Relations careers in the public service fields. One study several years ago revealed that there was a direct relationship between rank in law school class and likelihood of joining a public interest law firm: the best students tended to turn their talents to public service. Greenpeace needs PR just as much as Exxon, though it probably does not

pay as well. Emulate that model.

And finally, learn to love free speech. I often have said that freedom of speech is like bourbon on the rocks: hard to take at first, but serious drinkers will have nothing else. It has been said that no amount of judges or laws pronouncing on behalf of free speech can replace a commitment to free speech in the hearts of the people. If this is true generally, then surely it is true particularly in the case of Public Relations professionals.

If you will consider my arguments tonight, then I will be content that our tradition of political freedom is in safer hands. I would leave you with the words of one of the great heroes of the American tradition of freedom of speech, Justice William O. Douglas. He was dissenting from a Supreme Court opinion called *Dennis v. United States* which sent the leaders of the Communist Party of the United States to the federal penitentiary in 1951 for doing nothing more than teaching their faith. His summary of the values of free speech is perhaps the best I have seen:

Full and free discussion has indeed been the first article of our faith. We have founded our political system on it. It has been the safeguard of every religious, political, philosophical, economic, and racial group amongst us. We have counted on it to keep us from embracing what is cheap and false; we have trusted the common senses of our people to choose the doctrine true to our genius and to reject the rest. This has been the one single outstanding tenet that has made our institutions the symbol of freedom and equality.

Tonight, I challenge you as aspiring Public Relations professionals to accept the challenge and the grave responsibility of being guardians of this precious tradition. Thank you.

## REFERENCES AND NOTES

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