

To Comment or Not to Comment? The Great Debate



Key terms

- Comment
- Dialogue
- Disclosure laws
- Editor
- Journalist
- Privacy policy
- Public relations spokesperson
- Reporter

SIX

CHAPTER

Public relations spokespeople often disagree about whether to say “no comment” if asked a potentially difficult, sensitive, or controversial question—and journalists, of course, dislike the very idea of a spokesperson refusing to comment in the first place. Historically, the no-comment zone has been familiar territory for many spokespeople. Today’s spokespeople, however, find themselves defaulting to “no comment” less and less often—and for some very good reasons.

Some Good Reasons to Avoid “No Comment”

1. A “no comment” answer, especially when delivered in the face of a crisis or an attack on an organization, can make the organization look as if it has something to hide. When the going gets tough, journalists and their audiences want answers—not evasion.
2. A “no comment” response can make an organization—and its spokespeople—look as though they don’t know what’s going on or don’t have the right answers. This is a significant concern for public relations people, who above all else want to appear knowledgeable and to provide information when asked.
3. A “no comment” response—particularly when you have invited media to conduct an interview or to cover an event—erodes the trust of journalists. When that happens, they must go to a source other than the spokesperson or the company to get comment—and for a journalist, that means more work, less credibility of sources, and an increased chance that the response might be incomplete or inaccurate.
4. Finally (and in the authors’ view, perhaps the best reason to avoid a “no comment” position), the story will march on, even if the organization declines to comment. Declining to comment means that the spokesperson’s organization will lose its opportunity to have a voice in the initial dialogue. After that point, anything the organization says will simply be responsive.

Some Good Reasons to Avoid Commenting

However, just as there are good reasons for avoiding “no comment” responses, there are some equally good reasons why spokespeople should think twice before deciding to answer a question—even if they believe they have the information a reporter wants. In some cases, declining to answer at all may be the best choice.

However, in a very few cases, the temporary pain and discomfort of having a reporter write “the organization refused comment” may be preferable to seeing inaccurate, incomplete, or confidential information published. As a corporate public relations spokesman, one of the authors was once actually advised not to comment by the editor of a publication that covered controversial issues about the spokesperson’s company. During one such controversy, the editor freely acknowledged that any comments made by the spokesperson would be printed immediately and as-is, even though the situation was still unfolding and the spokesperson did have all the necessary information to respond. The spokesperson appreciated the editor’s honesty, and the logic of not responding was evident to everyone—including the editor. Instead, the spokesperson agreed to a hold a personal follow-up interview with the editor as soon as all the important details about the situation had been gathered.

Here are some common scenarios in which a “no comment” response may be the best approach:

- The question involves private information about employees, students, customers, or clients. Such information is often covered under company privacy policy or (in the case of students or employees) by law, and you can make this point to the journalist.
- The question involves a matter that is under investigation or involved in litigation. In such cases, your organization is likely to be advised by legal counsel to refrain from commenting. Follow that advice. For any questions involving legal action, lawsuits, or product/service liability complaints or investigations, always consult with an attorney—either in-house or retained outside counsel.
- The question involves providing information that may be covered by regulatory or financial disclosure laws—e.g., you work for a publicly held company and someone has asked you to comment about the company’s earnings two days before they are to be made public.
- You don’t know the answer. As mentioned earlier, this situation is a challenge for public relations professionals because their job is to provide information, to tell a story, and generally to be helpful. It is very counterintuitive for a spokesperson to decline to “help” someone—even a reporter asking for sensitive information. This sometimes causes the spokesperson to think that saying “I don’t know” is weak or incompetent, and so instead he will guess or speculate. However, it is far easier (and better for everyone) to delay a journalist long enough to get the correct answer rather than to deal with cleanup when something inaccurate gets reported.

- The final point in this list probably creates the biggest gap between public relations and journalistic thinking. Public relations professionals generally agree that if a spokesperson (or his organization) and the reporter asking the question have a consistently bad track record—meaning that the organization feels it has been consistently misquoted, misrepresented, or has been the target of repeated attacks by the journalist—the organization may decide that the temporary pain of saying “no comment” is better than the longer term discomfort of seeing inaccurate information published. However, again, take this approach sparingly; as noted earlier, a “no comment” is a guarantee that your voice will not be heard in whatever discussion results from the reporter’s story.

No Comment and the Role of the Reporter

Journalists loathe a no-comment response when they ask a direct question; not being able to get answers runs counter to the basic nature of their job. They will press (and very likely try multiple questioning approaches) to get a response. If a spokesperson does successfully dodge the question, the journalist will, in most cases, report that the spokesperson (or the company) refused to comment—and it won’t look good.

Public relations spokespeople should understand that a journalist isn’t pressing for a response simply to make life difficult for the organization, or because the person is convinced the spokesperson is hiding something (although the journalist may come to that conclusion if there aren’t straight answers.) It is the job of a journalist to ask any and all questions that might potentially shed light on some aspect of the story she is covering.

At the same time, journalists should realize that spokespeople may have some very good reasons for not commenting—and that a “no comment” response doesn’t automatically mean there is something to hide. In some cases, spokespeople may be prohibited from responding. For example, as discussed earlier, disclosing personal information about employees or disclosing information about a merger before it is publicly announced, could be, respectively, a violation of privacy or securities law.

Deciding whether to comment can be difficult and stressful for spokespeople. In the authors’ view, spokespeople should engage in dialogue with the media with the intent to provide information and make “no comment” the exception rather than the other way around. When the circumstances clearly dictate that a comment can’t be made, provide reporters with a clear explanation of the reasons why. By doing so, spokespeople can navigate these tricky waters and effectively maintain relationships with their media counterparts.

Deciding Whether to Say “No Comment”—Tips for Public Relations Spokespeople

Here are a few other points spokespeople should keep in mind when determining whether or not to comment to a question asked by a journalist:

- Don't use “no comment” as a cover for being unprepared. Anticipate what reporters may ask and have the information ready.
- Don't use “no comment” as a reason to be evasive or to put someone off. There is a difference between “I don't know” and “no comment.” “I don't know” implies that you can probably find out, and that, if you do, you'll share the information. “No comment” means no more information is forthcoming now—or possibly ever. Don't insult journalists' intelligence; tell them which one you mean, and why.
- Give a reason for the “no comment”—it's an employee privacy issue, it's the subject of an investigation, the company is prohibited by financial disclosure regulations from sharing the information, etc.
- If a spokesperson cannot comment on a specific question, it's a good approach to try and give the journalist some other information that will be helpful. Ultimately, journalists are interested in information they can use. It is perfectly appropriate (and often helpful) for the spokesperson to say something like “I can't comment on the launch date of our newest product, because disclosing that information now would jeopardize our competitive advantage. However, we can tell you just how excited our customers are about the forthcoming product. Here are some verbatim comments from our customer Web site . . .”

Tips for Journalists

- While spokespeople may feel pressure not to comment on an ongoing controversy, they often forget that saying something—including saying *why* they can't provide information—is better than “no comment.” Sometimes, journalists have to explain that the article will say “no comment” and ask if they could at least explain the current situation without violating privacy or financial regulations or other reasons for non-disclosure.
- Remember that not all spokespeople are created equal. There are different rules of the game when reporting about a seasoned politician versus a local PTA president. Journalists may need to educate

spokespeople about the role they play and dispel the false belief held by an untrained spokesperson that a non-response means the media won't run the story.

- Just because spokespeople say “no comment” doesn't mean the reporter shouldn't seek other ways to report the story. While a spokesperson's role is to advocate and protect the client or organization, the journalist's role is to seek the truth and report it. These roles are often at odds. Sometimes seeking the truth does cause some harm, which, as the Society of Professional Journalists Code of Ethics suggests, should be minimized. Journalists should continue to pursue other means of seeking difficult answers when spokespeople can't comment. Journalists may tap employees, people who once worked at an organization, or other sources to verify news stories. In one author's experience, a spokesperson agreed to help confirm facts about an important announcement on “background” before an official news conference and also helped steer the reporter in the right direction to seek information. Part of the ethical justification that led to this arrangement was that the spokesperson understood that the announcement did involve a public institution and public money. The reporter also agreed to protect the spokesperson's identity from disclosure.



He Says/She Says . . .

He says . . .

Despite the assertion that the story will move on without a comment, there are times when it is advisable for journalists to delay airing or publication and continue seeking response and explaining to a spokesperson why his comment is important. That might even take the form of agreeing to submit questions that are answered in writing. In that case, any possible future defamation action or criticism can be tempered by the fact the journalist went out of his way to get a response. This step can build credibility with the audience and the spokesperson and help the reporter avoid legal hot water.

My public relations colleagues will shudder at the next thought, but there may be times when anonymous or background disclosure as a whistle blower may be necessary to correct a greater wrong. The story of Watergate's "Deep Throat" comes to mind. Remember that in most states shield laws protect reporters from disclosing confidential sources. If such a relationship is ever suggested, both parties need to understand the applicable law and how far the confidentiality extends—for example, will the reporter disclose information if subpoenaed by a court, or is the journalist willing to go to jail to protect a source?

She says . . .

Journalists are often concerned that a “no comment” response means that the spokesperson or her company are evading the issue or have something to hide. Of course, there are a few true and unfortunate examples of this out there. But journalists who have a good, trust-based relationship with a spokesperson who has treated them fairly in the past should give the spokesperson the benefit of the doubt on this. Respect the position of a spokesperson who explains that she cannot respond to a question due to legal considerations. Pressing the spokesperson into a response could cost her job, a fine, or worse—and reporters should consider such collateral damage when they are pursuing a story line.

DISCUSSION QUESTIONS

1. The authors give four reasons why spokespeople should avoid a “no comment” answer. What are they? In the authors’ opinion, the fourth reason is the best reason to avoid “no comment.” Do you agree with that assessment? Why would it be such a problem to lose an opportunity to have a voice in the initial dialogue of an issue? What value or opportunities does having a voice in the initial dialogue bring to your organization? What value does it bring to the journalist?
2. Fill out the following table from the scenarios listed by the authors in which a “no comment” might be the best approach.

“NO COMMENT” SITUATION	PROBABLE OUTCOME OF NOT COMMENTING	PROBABLE OUTCOME OF COMMENTING
A journalist asks a spokesperson a question about an employee. The spokesperson would have to divulge personal information about the employee to answer the question.		
In the middle of an interview about a new product launch, a journalist asks the spokesperson to comment about a recently-filed lawsuit claiming that a similar earlier product was defective.		
A journalist asks a spokesperson to confirm a rumor that the company is planning a merger with another large corporation.		
A spokesperson is being asked questions by a reporter who has often misquoted him in the past.		

- From a journalist's perspective, what are some ways public relations practitioners might misuse the “no comment” approach? Why might these situations be problematic for both the journalist and the public relations practitioner? As a journalist, how can you not only deal with these situations, but also discourage them from happening in the future?
- When a spokesperson, for whatever reason, cannot comment on or respond to an important question from a journalist, what can the spokesperson do to continue to maintain trust in the relationship?
- When pressing a spokesperson for information, should a journalist consider the legal or employment ramifications for that spokesperson if she answers the journalist's questions?
- Most journalists are taught to pursue any avenue they can to get the information for a story. Can you think of any situations where there might be a viable ethical concern in doing that?

EXERCISE QUESTIONS

Mark is a reporter and has received a tip that the big chemical plant in town is dumping chemical runoff into the nearby river. While numerous sources have confirmed the story, there is no paper trail to corroborate it. Mark asks a company spokesperson for information, who however, declines to comment. Another employee, speaking on condition of anonymity, tells Mark that the only documentation of the plant's actions is locked in the office inside the facility.

Mark believes that if the information can be revealed, harm to the local ecosystem and the health of the local residents could be avoided. Is he justified in posing as the after-hours custodian at the plant in order to get into the office and find information he needs for the story?

ALL RIGHTS
RESERVED

KH
ALL RIGHTS
RESERVED