COUNSELING CLIENTS THROUGH PUBLIC SCANDAL AND CRISIS: ETHICAL QUANDARIES AND SOLUTIONS

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The digital age is bringing extraordinary new opportunities for businesses and organizations. But there are also significant ethical and fiduciary challenges:

- **Speed kills.** In today’s frenetic 24/7 news and social media-driven culture, embarrassing private mistakes can instantly become full-blown public crises. Our recovering politicians have personally faced the white-hot glare of the media spotlight, and have led diverse teams to transcend difficult policy, organizational, ethical and legal challenges. They often share the skills they developed to empower attorneys to work with clients as a cohesive unit to prevent, manage, and recover from career- or even freedom-threatening public crises.

- **With the arrival of the Millennial Generation, workplace culture has dramatically shifted in recent years.** Employers must be ever-vigilant to ensure that ethical and moral dilemmas are handled with integrity, to infuse team-oriented values into individual-oriented new workers, and to ensure professionalism in the next-generation workforce. Our recovering politicians have confronted serious ethical dilemmas that sometimes resulted in life-changing mistakes. They regularly share their powerful lessons to help attorneys counsel their clients on how to instill integrity among employees, and bring out the best of the newest generation of workers.

- **With the economy changing at warp-speed, businesses must rapidly innovate to avoid becoming obsolete, while workers must continually upgrade job skills simply to remain employable.** Our recovering politicians learned quickly how to adjust to changed circumstances in the political arena; and now in the private sector, they’ve reinvented themselves successfully for their own second acts. They teach audiences how to overcome significant public challenges, and share their techniques on how to reinvent your brand, refocus your career and – in especially challenging cases – rehabilitate your reputation.
The Special Ethical Challenge for Attorneys

When a client becomes embroiled in a public scandal or crisis, an attorney's natural instinct is to advise the client to remain silent. Particularly in cases involving criminal jeopardy, attorneys are acutely concerned that anything said could be used against clients in judicial proceedings.

However, a refusal to respond to press or public inquiries – or a “no comment” – can often inflict severe reputational damage on the client. What's said – or not said – in the first hours after a crisis breaks becomes conventional wisdom: A client's reputation is often enhanced or destroyed by the initial public response. Attorneys who understand political and media contexts are best positioned to effectively advise high-profile clients.

This poses a thorny ethical dilemma for an attorney: How do I zealously represent my client's best interests when their liability and reputational interests may be at odds? How do I craft and/or deliver a statement with positive public relations impact that won't come back to haunt my client later? And when does it become ethically inappropriate for me to co-sign a legally questionable statement crafted by a media adviser?

It is a difficult line to walk – and one that often causes conflict between the attorney and the client’s non-legal PR counsel. But attorneys who know how the media works and are armed with crisis management skills can best advise clients on how to best protect their future in all aspects.

The following case studies illustrate common ethical dilemmas faced by attorneys whose clients face potentially high-profile ethical crises, and will be discussed at length at the KBA Annual Meeting:

1. What happens when a potential crisis emerges in the blogosphere, or receives minimal press attention, and your client urges a prompt reaction, perhaps even a lawsuit? What if you determine it is better that your client stay silent? Jonathan Miller shares a personal tale of how keeping your mouth shut can prevent crisis.

2. What happens when your client has engaged in a minor violation and is tempted to cover it up, creating potential criminal jeopardy? Jeff Smith shares a personal tale in which minor lies led to major problems.

3. What happens when a renegade employee of your client creates a crisis situation, and your senior contacts are looking to deflect responsibility? Michael Steele shares a personal tale of the value of assuming responsibility even when it isn’t your fault.
THE RECOVERING POLITICIAN'S TWELVE STEP PROGRAM TO SURVIVE CRISIS
The Recovering Politician Second Act Strategies

1. Hold your breath…with your mouth shut.

2. Tell the truth: Don’t even go near the line.

3. Lean into, and learn from, your crisis.

4. Make an emotional connection.

5. Be first to frame your narrative in your own voice, with facts and sincerity.

6. Develop a clear, concise message, and stick to it.

7. Own your mistakes, take responsibility, and sincerely say, "I’m sorry."

8. Present your fix-it plan.

9. Listen to the people you trust and ignore all others.

10. Don’t bear grudges: Yesterday’s enemy can be tomorrow’s ally.

11. Keep your head and sense of humor when all around you are losing theirs.

12. Spread good will to prevent the next crisis.
TWELVE STEP PROGRAM TO WIN ON THE MEDIA BATTLEFIELD
The Recovering Politician Second Act Strategies

1. Know your audience; tailor your appearance and message accordingly.

2. Never lie to a reporter. It is OK not to reveal everything you know; a reporter is not a grand jury. But it is not OK to lie or provide misleading information.

3. Know your format. If you are cutting a commercial or PSA in which you are talking to camera, don't just make eye contact with the camera; make love to the camera. If you're on a show, ignore the camera completely. Pretend it's not that and just have a conversation with the host and/or other guests.

4. Take responsibility. Don't blame anyone else for a mistake that occurred on your watch. If relevant, apologize sincerely. One of the most offensive things a person who has made a mistake can say is "I'm sorry if anyone was offended by..." That puts the blame squarely on others for having taken offense.

5. Be prepared. Know what you want to say and what you don't want to say. For instance, you don't always have to answer the question that was asked; often it's wiser to answer the question you wish had been asked. Stay on message and don't comment on things outside your expertise.

6. Pivot. Learn how to smoothly move away from what the interviewer wants to ask towards what you want to say.

7. Dress nice and ask in advance if certain colors would clash with background.

8. If appropriate and possible, close with a solution. And have a solution that is clear, concrete, and not more than three steps. People think in threes.

9. If you don't know the answer to a question, tell the reporter you'll get back with them. If you think the premise of a question is false, say so, instead of tying yourself in knots trying to answer the question.

10. Just because a reporter puts away his notebook or the cameraman leaves, that doesn't mean the interview is over. Be discreet.

11. Don't trash other people or firms. It will make you look worse than they do.

12. Have data/statistical evidence ready. Reporters don't just want your opinion.
TWELVE STEP PROGRAM TO PREVENT AND PREPARE FOR A CRISIS
The Recovering Politician Second Act Strategies

1. Perform a crisis audit to identify the most plausible threats.

2. Identify the key stakeholders in any potential crisis, such as customers, investors, lenders, and public officials.

3. Form a crisis management team made up of the key internal players who will help manage any crisis – be sure to include upper management, legal, operations, accounting, public relations, and human resources.

4. Identify outside crisis counsel – or hire one if none exists – and make sure your team knows of the resource and their ability to share confidential information.

5. Create a crisis resource plan that includes the resources you will need, how to secure them, and who will deploy them – a crisis is no time to start Googling.

6. Develop a crisis communications plan, and create a list of all who will need to be contacted in the event of a crisis, including your employees and external stakeholders.

7. Select a spokesperson to handle public relations during crises and ensure that he or she has comprehensive media training.

8. Identify and develop relationships with appropriate media outlets before a crisis hits including newspapers, radio stations, TV stations, and respected industry bloggers.

9. Spread goodwill in your community by developing and nurturing strong relationships with civic leaders, public officials, and others who could help in the event of a crisis.

10. Hold regular crisis simulations to train your crisis management team and employees on appropriate protocol for times of crisis.

11. Review and learn from past crises your company has faced, as well as any public crises your competitors may have suffered.

12. Amend company policies or procedures to limit your exposure to the possible crises identified in your audits and simulation exercises.
The worst day of my life opened much like the celebrated final scene of The Social Network: A nebbishy Jewish guy, hunched over his laptop, obsessively clicking and re-clicking the refresh button and praying for a small miracle.

Except unlike Facebook founder Mark Zuckerberg's alter ego, I wasn't hunting for lost love.

No, I was the prey.

Early that bitter December morning, I sat anxiously awaiting the online edition of my hometown daily paper. A young reporter, upset by a series of critical posts written about him by a blogger friend of mine, had launched a counter-offensive – against me – interviewing dozens of my colleagues and staffers, sharing gossip through the anonymous netherworlds of the blogosphere, and filing a procession of open records requests for my travel expenses, my phone logs, my email trail.

His objective? To prove – somehow, some way – that I had been having an extramarital affair with a subordinate.

He never found a smoking gun. He couldn't, after all. Because for all of the stupid, human mistakes I'd made during my first four decades, this just wasn't one of them.

But as the article appeared on my computer screen, my worst fears were realized. In a piece that resembled a modern political ad, the reporter had spliced together a mosaic of out-of-context quotes, misleading excerpts of official documents and numerically incorrect data to imply – strongly – that I had been having an affair.

And I was devastated.

Ever since I was a cloying four-year-old, rattling off the Presidents forward and backwards for my parents' friends, my own sense of self-worth intrinsically remained tethered to tangible public achievement: academic and tennis awards, acceptance into the "right" schools (naturally, I chose Harvard, twice), and ultimately, climbing the rungs of the political world at the earliest age possible. It wasn't the fame I was seeking – I still valued a modicum of privacy – and fortunately, I wasn't desperate to have everyone like me (the curse of so many politicians who jump into the arena seeking universal popularity, only to slowly realize that they've chosen precisely the wrong ballpark, inside of which even the most successful players find at least 33 percent of the folks in the peanut gallery hating their guts.)

Rather, the precocious, over-achieving child in me still craved to be respected, even esteemed, particularly by those who were least likely to give me that TLC: the political and media establishment, many of whom found me too ambitious, too self-promoting, too much like the school-kid in the front of the class, hand perpetually jutting skyward, so
damn desperate to show off for the teacher. (Think a cross between Election’s Tracy Flick and Welcome Back, Kotter’s Horshack, looking much more like the latter.)

And now, all of it seemed to be crashing on top of me. I would be the subject of ridicule, the butt of Frankfort’s toxic obsession with both sex and tearing down those who rise too fast.

The ancient Rabbis suggested public humiliation was akin to death. I had finally understood what they meant.

Having lost a father to cancer and a best friend to a drunk driver, I knew grief. And sitting alone in my dark study, watching the sun rise to welcome the worst day of my life, I experienced that familiar tightening of my chest, the same nausea in the pit of my stomach – that hollowed out, dull ache that made me feel like I had been socked in the solar plexus.

I began immediately to manifest all of the Kubler-Ross stages of grief; although denial and bargaining quickly transitioned into anger, where it metastasized for months.

I was furious at the young reporter, of course; but even angrier with his middle-age editor, who, for months, had refused my entreaties for a full-disclosure hearing, assuring me repeatedly – even the very day before the article was published – that there would be no such tawdry implications; that the paper had concluded I had committed no official improprieties, and that my personal life was my private matter.

Most of all, I was disappointed with myself. Like most successful politicians – like most successful leaders in any profession, I imagine – I’m a registered Type A control-freak. Whenever I find myself in the middle of a crisis, I’m driven instinctively to do something – anything – to outwork, outsmart, and out-strategize my adversaries.

And in this situation, with the personal stakes so high, I had failed. Miserably.

I knew intuitively that it was time for me to act – to take urgent, pinpointed, and exhaustive measures to restore my good name. I’d been trained, after all, in the white-hat arts of "rapid response" as a young staffer for Bill Clinton’s first presidential bid – the same campaign in which names like Carville and Begala and Stephanopolous became synonymous with a take-no-prisoners approach to crisis management.

I gathered my closest advisers to help me develop a public relations strategy to salvage my reputation. I proposed that I demand a meeting with the paper’s editorial board, or write a scathing op-ed, or perhaps even hold a press conference with my supportive wife.

But when I finally – fortunately – opened my ears, I heard the same, consistent counsel: Take a deep breath…with your mouth shut.

In my own self-directed universe, I believed that I was in the grips of a calamitous, existential personal crisis. But my friends reminded me that I was viewing this incident from the center of a shallow political bubble, inside of which Capitol hallway gossip and resentment-soaked blog posts waged highly disproportionate influence.
On the real world's radar screen, the issue hadn't even emerged as a tiny blip. A few media outlets had picked up some of the least-salacious snippets of the story; but for the most part, the sounds of silence permeated the body politic.

A consensus emerged among my advisers: The only way that this crisis spark could enflame into a scandal conflagration was if I provided the oxygen. Stay at your desk, Jonathan: Keep your head down, and your lips sealed.

The most compelling advice came from Bill Cox, a contemporary of my father, who had long been a mentor and friend. Bill reminded me of his own experience running for statewide office: During a televised debate, a fringe opponent had accused him of being the subject of an FBI investigation. Bill denied the charge with full bombast, and threatened a libel suit. His response became the news story for the rest of the campaign, which he came from ahead to lose. Had he taken a deep breath with his mouth shut, Bill Cox might have been one of the Commonwealth's greatest Governors.

So I listened. And I struggled. Every instinct in my body wanted to shout my innocence, to utilize the communications and crisis management skills I had honed for two decades in the arena.

But instead, I remained quiet. And as painful and sleepless as the first few days had been, the crisis soon disappeared. The holidays had intervened; and there were no follow-up pieces, no angry letters to the editor, no scolding editorials. Best yet, one of my worst fears never materialized – that my daughters would be teased by their schoolmates. They never even heard about the whole episode until I told them years later.

I later learned from the editor of the state's largest paper that the press had simply concluded that my story just wasn't newsworthy. As I would also hear from so many of my political allies, he credited my restraint.

I had survived.

* * *

Of course, silence won't solve every crisis. In many cases, after taking that deep breath with your mouth shut, you might conclude that an immediate plan of response and remediation is in order. Indeed, in the following chapters, my fellow recovering politicians will share with you our twelve step program on how to survive crises – from highly publicized and politicized scandals, to smaller, more intimate interpersonal struggles. We outline deliberate, focused and vigorous courses of action and reaction, gleaned from our own experiences – often dramatic, sometimes painful – under the bright lights of the political arena.

But before you leap into action, before you employ the empowerment of the following chapters, make sure to take a little time to pause and reflect. Because, like me, you might run the risk of transforming an uncomfortable, mostly private, matter into a much more incendiary public controversy.
The prototype for self-defeating crisis management overreaction was the Watergate scandal. What began as a "third-rate burglary attempt,"¹ with highly tenuous ties to President Richard Nixon, burgeoned into a presidency-wrecking, impeachment-provoking scandal, due to Nixon's own politically suicidal efforts to micro-manage a damage control effort from the White House. Had Nixon resisted the urge to cover up the involvement of some of his political allies — had he kept silent and focused on being President — he'd be remembered today a lot differently.

From Watergate came the maxim, "The cover-up is often worse than the crime." Unsolicited transparency, however, can be equally as fatal.

Before the mid-1980s, politicians' personal lives were considered mostly off-limits by the establishment press. But when presidential frontrunner Gary Hart incredulously dared the media to investigate rumors of his indiscretions — "Follow me around. I don't care. I'm serious. If anybody wants to put a tail on me, go ahead. They'll be very bored."² — he declared open season on his own candidacy, which died soon thereafter of a self-inflicted wound on board a little boat called "Monkey Business."³

Nourished by their pound of flesh, the press immediately shifted their attention from sex to drugs. From my fortuitous vantage point as a driver/campus organizer/errand boy for Al Gore's 1988 bid for the White House, I watched his policy-laden campaign ground to a halt, as the candidate cloistered himself with senior staff to prepare a proactive admission of his college and Vietnam marijuana use. His tortured and agonized press conference could have blemished his political career, if not for the scandal being completely defused a few hours later when a primary opponent, Bruce Babbitt, responded causally to a reporter's query: "Sure, I tried marijuana...I was a college student in the sixties!"⁴

* * *

Politicians certainly aren't the only ones tempted to respond prematurely or disproportionately to a rumor or accusation, thereby prolonging or even creating a crisis. Let's face it: No matter how thick-skinned an individual purports to be, none of us likes to be criticized, especially not in a personal manner.

And while the Internet has helped serve to democratize our democracy, it's also opened up a brave new world of opportunities to challenge authority, attack enemies, and avenge personal grudges, often under the cloak of anonymity or false pretense. With the rise of new, micro-targeted social media, as well as online consumer rating services, nearly any person in a job that involves public interaction can find Web content that is critical of his or her business, enterprise or, worst of all, personal character.

³ Don't Shoot the Albatross! Nautical Myths and Superstitions, Jonathan Evers, 2011.
What's resulted is a rash of rushing reaction – individuals trying to clear their names by responding to online criticism. In some cases, the responses have transformed Lilliputian controversies into newsworthy crises, opening up a whole new battleground for attack. In others, the means of response – sometimes through the use anonymity or artifice – have created a whole new scandal for the firm and/or the individuals involved.

The examples proliferate with the growth of our new media:

- The CEO of Whole Foods, caught posting anonymous blog comments critical of a smaller adversary, leaves his company vulnerable to antitrust charges when the Federal Trade Commission uses the postings as evidence of potential stock manipulation.5

- During the midst of a withering media inquiry into his extramarital affairs, golfer Tiger Woods' attorneys win a British court order banning publication of "any pictures or video of him nude or having sex," thereby creating a new story that there might be pictures floating around of Woods nude or having sex.6

- A Texas State Representative helps torpedo his own bid for Speaker of the House by lashing out at – and thereby publicly airing – anonymous blog comments about his family life and religious stances.7

- The software giant Oracle incurs a public relations backlash for an anonymous campaign of trashing its competitors.8

- A Florida Congressman's lawsuit, aspiring to fine and potentially jail a citizen for misrepresenting herself in a little-seen blog entitled MyCongressmanIsNuts.com, generates national attention and ridicule.9

- A law professor, who had charges against him dropped for soliciting a prostitute, sees the affair draw broader publicity when he sues a blog that had reported on the scandal – for using a copyrighted photo of him.10

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7 “Speaker candidate Simpson lashes out at anonymous critics,” American-Statesman, December 20, 2012.


An author's decision to report to the FBI negative reviews of her latest novel subjects her to public ridicule and damages her credibility.\textsuperscript{11}

It's advisable, accordingly, to be ever wary of the so-called "Streisand Effect" – when an effort to censor or remove something published (usually on the Internet) has the reverse effect of publicizing the information far more broadly. The phenomenon was named after the buttah-voiced diva when, in 2003, her legal efforts to suppress photographs of her beachfront residence on a government-sanctioned website – intended to document coastal erosion – resulted in public downloads of the pictures to spike from a mere six (including two by Streisand's attorneys), to more than 420,000 in the month after her lawsuit was filed.\textsuperscript{12}

The famous and the powerful aren't the only ones who'd be wise to heed the advice of reflection before reaction. It's a lesson I've shared with my teenage daughters who've been hurt by a snide remark at school or a snarky Facebook post. While an immediate and symmetric response is often the natural human impulse when taking offense, turning the other cheek is often the most prudent recipe for de-escalation and self-preservation. (And even my daughters recognize that Taylor Swift's infatuation with writing songs decrying her ex-boyfriends is neither good for her career nor her future love prospects.)

So, of course, here's the platinum, trillion-dollar question:

\textit{Where do you draw the line between a provocation that should be ignored, and a truly actionable crisis that merits the launch of a crisis management strategy?}

My advice is to surround yourself with people you trust – and in higher-profile cases that could involve financial or criminal liability, an experienced crisis management professional – and address together the following questions:

- **What is the gravity of the matter at hand?** Gauge the seriousness of the issue. A personal insult can be weathered. An existential challenge to your business model is a whole other matter.

- **What is your culpability on the issue?** If you are innocent of the charges, repeating a false accusation might only serve to damage your brand. If you have some criminal, moral, or financial liability, a remediation plan is likely in order. (And in these latter cases, it would be wise to surround yourself with advisers with whom communication is privileged: a spouse, an attorney, a physician, a minister.)

- **Are you too small to flail?** Had I been Governor or a Member of Congress, instead of the outgoing State Treasurer, my public visibility might have been too tempting for the press not to apply additional scrutiny. The bigger the fish –

\textsuperscript{11} "When Authors Attack," The Guardian, December 22, 2008.

\textsuperscript{12} See, http://www.thestreisandeffect.com for examples of this phenomenon, several of which were excerpted above.
powerful politicians, CEOs, Fortune 500 companies – the more necessary it will be to put a crisis management plan in order.

- **How has your core audience been affected?** If slanderous charges appear only on a website that your customers or constituents don't tend to read, then you risk impugning yourself with your core audience by raising the matter publicly. If a commonly accessed metric is implicated – your business' Yelp score, your product's Amazon rating – then a response may be necessary.

- **Who is making the charges?** Ignoring the rants of unpopular bloggers or anonymous Internet commenters will not only serve your business interests well, it is guaranteed to lower your blood pressure by at least ten points. A credible mainstream media source, or a nasty television ad that's seen by millions, would often merit a crisis management response.

- **How motivated is your antagonist?** Assess the staying power of the critic/journalist/competitive rivals who are leveling the charge against you. If you think their venting bile is a one-shot temper tantrum, it would be counter-productive to further provoke them. If their careers or business successes depend on your downfall, consider the most effective means to thwart them.

- **Does the story have legs?** In the most high profile cases, an immediate response is often necessary. But in the gray area crises, giving the matter a little time to play out might be the most effective strategy. If the crisis dies from its own weight, your patience will be rewarded. If the scandal persists, you'll know it's time to pounce into action.

If upon answering these questions, it's become clear that it's time to implement a crisis management strategy, read on. In the following chapters, former politicos share our own war stories; and from our unique vantage point, we offer eleven more steps to empower you to survive and transcend any crisis.

If instead you've determined that a response would only exacerbate your plight, then it's time to walk away.

I know, I know, that's a whole lot more difficult that it sounds.

I've been there.

It's been more than five years since I weathered my worst day, and there isn't a week that goes by during which I don't feel a tinge of anger or frustration about the events that transpired that winter. The lust for revenge – or perhaps stated more loftily, "the pursuit of personal justice" – is an extraordinarily powerful emotional force that's extremely difficult to resist.

But resist, you must. I'm not preaching on moral grounds here, piously scolding you to be the "bigger person." Rather, surrendering to the circumstances is often essential for the most selfish, self-preserving reasons: By striking back at others – even if you are successful in sharing your misery – you put yourself at tremendous risk of inflaming your own predicament.
Even worse, the temptation to avenge yourself can be both a toxic force on your career or business, as well as an emotionally and physically draining strain on your body. The leaders who are most successful, influential and healthiest (mentally and physically) are usually those best adept at swallowing their pride, resisting the temptation to lash out at their enemies, and brushing aside past grievances.

Understand as well that something that might appear a horrible blow to your life or career might in fact turn out to be a disguised blessing. Whether you believe in God's will, karma, or simply Newtonian action-reaction theory, hard times can often reveal sublime breakthroughs. My own worst day was the first small step on my personal journey toward post-political happiness. Enduring such a painful experience has helped immunize me from the small setbacks, insults and affronts that used to drive me crazy.

And it certainly has helped me exorcise my childhood demons. I won't pretend that my addiction to admiration has been "cured": I still love to write and speak; and more candidly, to be read and heard. Even as I type this sentence, I'm hoping that the reader respects me more, due to my personal admission that I crave respect.

But just like a recovering alcoholic, this recovering politician's recognition of personal disorder forces me constantly to self-evaluate, and to push myself to use every potential public opportunity to try to do something with moral relevance. I've quit politics because I now understand that my innate thirst for recognition can never be slaked by the unquenchable quest for ever-higher office; but rather that my less noble urges can be directed more appropriately to inform, amuse, entertain, occasionally inspire, and hopefully more often than not – in the words of a favorite verse of Scripture – "to do justice, seek mercy, and walk humbly with God."

It has also helped me to consider the motives of those who have tried to bring me down. I've learned that the most powerful force in public life is personal resentment. Your adversaries, in all likelihood, want something that you have, that they don't. They may feel entitled to your success, your wealth, your prestige, your life. Take this as an opportunity to count your blessings, to be grateful for your bounty, to understand that you are a target because of your enviable stature.

And for all of these reasons, go ahead and read the rest of this book. Because while you may have determined that this particular crisis doesn't deserve a response; as long as you are successful, there will always be someone looking to replace you, to tear you down – there will always be some crisis lurking around the corner.

Take it as a compliment. And be prepared for the next challenge.
"If you tell the truth; you don't have to remember anything." – Mark Twain

The first Correctional Officer (CO) I met was straight out of Deliverance. I came in with a young black guy who mumbled and a middle-aged Chinese man who spoke broken English, but at least I could decipher their words. The CO was harder to understand. Manchester, Kentucky is tucked in an Appalachian mountain hollow, and he had apparently never left. When he sauntered into the austere, concrete holding room and asked the Chinese man his name, the man replied, "Shoi-ming Chung."

"Sesame Chicken?" replied the CO; laughing uproariously and then repeating it twice as if it were the funniest thing he'd ever heard.

He sent me to a heavyset nurse for a battery of questions.

"Height and weight?" she asked.

"5'6", 120 pounds."

She examined my slight frame and frowned. "Education level?"

"Ph.D."

She shot me a skeptical look. "Last profession?"

"State Senator."

She rolled her eyes. "Well, I'll put it down if ya want. If ya wanna play games, play games. You'll fit right in – we got ones who think they're Jesus Christ, too."

Another guard escorted me to a bathroom without a door. He was morbidly obese and spoke gruffly in a thick Kentucky drawl. "Stree-ip," he commanded. I did. "Tern'round," he barked. I did.

"Open up yer prison wallet," he ordered. I looked at him quizzically.

"Tern'round and open up yer butt cheeks."

I did.

"Alright, you're good to go."

The last stop was in the office of the counselor, a wiry, compact sandy-haired man wearing a light blue polo-style shirt and a wispy mustache. He flipped through the presentencing report, pausing briefly to absorb the case summary, and shook his head.
"This is crazy," he said quietly, without looking at me. "You shouldn't be here. Waste of
time. Money. Space."

A waste – exactly! Finally, someone agreed. But by now, it was too late.

* * *

Five years earlier, at age twenty-nine, I'd challenged the scion of Missouri's leading
political dynasty; I came within 1.6 percent of toppling him and reaching Congress. An
award-winning film chronicling the campaign titled, Can Mr. Smith Get to Washington
Anymore? earned a cult-like following among young politicos around the country. Two
years later, in 2006, I was elected to the state Senate.

Then one day in 2009, two FBI agents knocked on my door. Hours later, my political
career was over, and I realized I was probably going to prison.

Let me explain how that happened – and how you can keep it from happening to you.
But if you do screw up, as I did, let me then humbly offer some advice on how to
recover.

* * *

It was summer 2003, and President Bush had just invaded Iraq. I was incensed about
the war, distressed about the Bush tax cuts given the looming expense of boomer
retirement, and passionate about education reform. Nine months after U.S. House
Minority Leader Dick Gephardt declared that he would run for president instead of
seeking re-election, I announced my candidacy. It was met with a deafening silence from
the media, the other campaigns, and the voters.

A bevy of ambitious pols lined up to succeed Gephardt in 2004. State Representative
Russ Carnahan led every poll taken. As one political science professor noted: "The
Carnahan name is to Missouri what the Kennedy name is to Massachusetts." C
Carnahan's record was thin, his oratory lackluster and his campaign disorganized. But
his family's deep ties gave him key endorsements, fundraising contacts and near-
universal name ID, which was 99 percent in our first poll of likely primary voters. Mine
was 3 percent; and as my press secretary Artie Harris liked to remind me, 2 percent of
the 3 percent just knew someone named Jeff Smith – not me.

My pollster told me something he claimed he'd never told a client: He couldn't see a path
to victory. Carnahan's name ID was overwhelmingly positive; people didn't distinguish
him from his family. Russ's father, a popular two-term Governor who died tragically in a
plane crash weeks before his election to the U.S. Senate, actually won from the grave,
posthumously beating Sen. John Ashcroft. Russ's mother served in his stead. Older
voters recalled his grandfather, a congressman and ambassador. Women admired his
mother's service in the Senate and thrilled to his sister's candidacy for Secretary of
State. This all translated into a favorable image that no negatives we tested could touch.
"You might consider a different race," said my pollster. "A winnable one. How about
Russ's state leg seat?" And indeed, when I sat down with a local political pundit, we
talked for forty-five minutes before he said, "Wait, you're running for Carnahan's seat in
the state House, right?"
I started with no money and no base, ignored by elected officials, voters, journalists, and even my parents. I called every elected official in the district, beginning with every alderman and committeeperson – forty-five in all. A few were wrong numbers. I left about thirty messages. One returned my call.

I didn't have much, but I had Steve Brown. Steve was my best friend and closest ally; I'd run his state House campaign in 2002, which ended in a heartbreaking twenty-eight-vote loss. We talked every day, usually more than once, about politics, sports, women. No one did more than Steve to help me. "I'm done with 'em, except you and Jay (Nixon, the Attorney General and future Governor)," Steve said, referring to the politicians who called him for money. "You were the only two who were there for me."

Steve's Rolodex was golden, and he rarely hesitated to use it for me. It pained me to think of his narrow loss – I wished I'd somehow done just a little more to get him over the top. But that was the past, and we focused on the present – and the future. We knew he'd run again, and when he did (which turned out to be 2008), I'd do whatever I could to help him.

With Steve's help in 2004, we ignored the many setbacks and stuck to our plan: We canvassed nightly for a year, held nightly-three coffees with twenty to sixty attendees at each, and built an army of 600 volunteers who planted 5,000 yard signs at supporters' homes. But the media stuck to its narrative, too: Carnahan had a million bucks, every endorsement, a thirty-point lead, and universal name ID. How could he lose?

Frustrated by this storyline, we leveraged a unique chance to circumvent it. A local filmmaker had requested access to our campaign. We granted him conditional access: In exchange for giving him the right to use all the footage after the campaign, we'd be able to use it if we asked during the campaign. So, in July, we cut a short video in an attempt to give voters substance instead of sound bites. While delivering videos, we realized that most voters we tagged as undecided were actually supporters; many requested extra videos to share with others. They'd been trying to spread the word; and without media coverage, they were just waiting for the right vehicle. They never told us they were helping; they just did it. It was the culmination of all our efforts, regular people taking ownership of the campaign.

Though we were closing quickly, we knew it wouldn't suffice unless more people had a reason to abandon the family they'd known for decades. There was information to give people pause: Carnahan's state House attendance record lagged that of 95 percent of his colleagues, and he'd missed critical votes. And in contrast to his boasts, he'd passed no legislation. For weeks, my press secretary Artie fed this to reporters, who ignored it. And in our frustration, in the campaign's waning days, I made a terrible mistake. 

* * *
Artie and another aide burst into my call room and told me that a guy named Skip Ohlsen had approached them. Skip billed himself as a specialist in the political dark arts: opposition research and negative ads. His tentacles reached the top of the state Democratic Party; he accompanied the Lieutenant Governor to events and had stayed at the Governor's Mansion.

Skip had briefly pitched us months ago; I'd found him shady and declined. Now he was back, proposing to lead an effort highlighting Carnahan's miserable attendance record. Artie made a passionate case for approving it. "The media won't print anything negative about the Carnahans," he said. "This is the only way to show people the difference between the dad and the idiot son." We'd come a long way, but I agreed with his basic logic: We'd lose unless voters could distinguish Russ from his father.

"Whatever you guys do," I said, "I don't wanna know the details. Understand?"

They nodded.

I didn't know the finer points of campaign finance law, but I was pretty sure it was illegal for campaign aides to coordinate with an independent operator who planned to make an expenditure naming a candidate in the race. I was also pretty sure it happened every day, without consequences. I knew that powerful politicians (like the Carnahans) made the laws – laws that weren't designed to help upstart challengers. And I was irritated, as were the other eight candidates, that the press hadn't challenged him on issues or on his record, let alone exposed him as a pale imitation of his father. Instead, they continued to highlight his establishment support, fundraising heft and huge poll lead.

I didn't know if the postcard would happen or not; we figured Skip might pocket whatever money he raised. But I barely thought about it – I had a campaign to run. One of my aides later told me that the decision weighed more heavily upon him than it did on me; he was very conflicted, though I'd been too absorbed in the campaign to recognize it. On the one hand, my aides were young men susceptible to the idea that one cut his political teeth by playing the game like the big boys. On the other, they didn't like the fact that it might require deceiving our supporters. In fact, one aide raised this concern. My aides were split, but after quickly hearing both sides, I approved it, and we all agreed to move forward – and to never speak of the matter again.

This was my first test. I wanted to win so badly that I compromised my integrity. I failed.

Yet, doubtful that Skip would actually follow through, we soon called a press conference – along with one of my opponents, pro-life state Rep. Joan Barry – to highlight Carnahan's dismal legislative attendance record. "Joan and I disagree on many things," I said. "But we agree that voters expect a leader who works as hard for this district as Congressman Gephardt has. And you can't do that if you don't show up." Joan echoed my comments. The press ignored us.

A few days later, Artie barreled into my call room. "The eagle has landed," he said archly.

"What are you talking about?" I asked. It was a week from Election Day.
Artie pulled out the postcard. It was much smaller than I’d imagined it would be, just three by five inches. Russ was pictured on a milk carton. "MISSING: RUSS CARNAHAN" it read, and in tiny print detailed his absenteeism. The design was totally amateurish – a joke, really. We laughed and shook our heads.

The next week was a blur. At 4 a.m. on Election Night, we were down about 1,000 votes, but there were still votes out. I headed home, barely able to stay awake. Suddenly my phone rang, jarring me back into consciousness. It was 7 a.m., and the final tally was in. I finished second of ten, losing 22.9 percent to 21.3 percent.

Local journalist Dave Drebes summed up the race in the Arch City Chronicle:

Jeff Smith didn't have a single ward endorsement. He didn't win any union endorsements...He didn't receive backing from the powerful Gephardt/Aboussie camp, or the invincible mayor...He didn't have any of the traditional forms of support. And yet Jeff Smith won the city...His campaign made endorsements look meaningless, and the Democratic machine look rusty...The Smith campaign articulated an agenda that dared to move beyond the platitudes of common political rhetoric. It resonated in this city, particularly with younger voters, new city residents, disillusioned with the politics of dumpster maintenance. They had been waiting for a breath of fresh air. This was it.

* * *

In the campaign's final days, Carnahan filed a complaint with the Federal Election Commission. The complaint argued that my campaign illegally coordinated with the postcard's producer. After the campaign, my lawyer prepared a response – an affidavit with fifteen numbered statements. Nearly all were true. One was not. "I don't know who designed, produced, printed, disseminated, or financed the postcard," it read. My lawyer handed me the affidavit.

I didn't know who actually did the first four things, but I knew Steve raised the money. I knew Artie had given Skip information about Carnahan's attendance record. That the data was publicly available didn't matter: The meeting was enough. And I knew that – like jumping into icy water – if I waited too long to sign, I wouldn't do it. I willed my hand to the paper.

This was my second test. For a variety of reasons – wanting to protect my aides from legal trouble, wanting to avoid tarnishing our acclaimed campaign, wanting to escape a huge fine when I’d just spent much of my savings on the campaign, the desire to turn the page as I prepared to move across the country – I failed badly.

* * *

After a year teaching at Dartmouth, I sought an open Missouri state Senate seat in 2006. I did not look like the district. It was 2/3 minority and overwhelmingly Protestant or Catholic. Less than 1/5 of voters had college degrees, and the median age of voters was sixty. I was a thirty-two year-old agnostic Jew with a Ph.D.
One of my opponents sent several mailers featuring a picture of me throwing my blazer over my back, doctored to suggest a stereotypically gay limp-wristed gesture. The caption: "Jeff Smith won't be straight with us." A second opponent issued a press release calling me the "known Caucasian" in the race. An anonymous flier featuring me and a Star of David appeared. "Who will he really represent?" it asked. "North St. Louis, or Israel?"

In 2004, our desperation led me to approve Skip's postcard, and I still felt the weight of that deception. In 2006, we played it straight, responding to attacks with a midnight run – twenty of us sprinting house to house from 12-3 a.m., with fliers asking voters to ignore the negativity. We won by double digits.

The St. Louis Post-Dispatch reporter at my election night party summed up the vibe: "Watching Jeff's Smith's victory party, it was hard to tell whether he had won a race for the Legislature or for Student Council. College-age volunteers are drinking beer and chasing each other with water guns. A live band belted out 'Freebird.' And there was Smith playing the drums. St. Louis, meet your new senator."

Most of the city's political bigwigs who had ignored me in my first campaign showed up, all smiles and well wishes. I huddled my closest friends on the driveway and told them – almost as a warning to myself – "You are my friends; I trust you; everyone after tonight is suspect because they may want something from me. You are friends who I can trust."

Steve Brown was in that circle, on the driveway that night. And so it never occurred to me, years later, that he would be wearing a wire.

* * *

First, it's denial:

They're bluffing. There's no way he wore a wire. He's my best friend. Loyalty's everything to him. He couldn't do it. Not capable of it.

Then anger:

That motherfucker. After all the years we spent together, talking about politics, friendship, loyalty, trust…this? If he was gonna talk to the feds, why didn't he just cut me off instead of wearing a wire?

Then disbelief at the confluence of my bad decisions and bad luck:

Why didn't I tell Artie and Nick not to meet with Skip? Why didn't Skip just put the disclaimer on the postcard? Why didn't Russ withdraw the complaint after he won? Why did I sign that affidavit? Why did the government spend five years investigating an amateurish 3x5 postcard that didn't change the race's outcome? And...(oh shit)…how many times in the last two months was he taping me and…Jesus, who knows what I said?

Once I contemplated what was about to happen to my reputation, I moved past disbelief to shame. The shame of my colleagues, my supporters, my constituents.
The shame of my parents.

They lived five minutes from my attorney's office. It was the longest five minutes of my life.

"Let's sit down," I said.

"Is everything OK?" they asked.

"Look, I made a mistake back in 2004. Remember that postcard that came out near the end of the campaign about Carnahan's attendance record? Artie and Nick had met with the guy who did it, and I OK'd it, and then lied about that on an affidavit."

"So you'll have to pay a big fine?" asked my dad.

"No, it's worse than that. I'll have to resign and maybe go to prison."

My mom's lips quivered. "I knew it from the start. Knew you'd get mixed up in something like this. I tried to tell you what politics was like..." Her voice trailed off; she stared out the window and cried.

"I'm sorry, Mom. Mom, please don't cry. It's not the end of the world. I'll be OK."

"What about us?" she asked. "Someday I hope you'll know what it's like to be a parent..."

My dad was impassive. "OK, how can we help you keep from going to prison, Jeffrey?" he asked. "How do they even know you lied? What proof could they have?"

"Steve's been wearing a wire for the last couple months." "That sonofabitch," said my dad.

"I told you he was no good," said my mom. "But you wouldn't listen."

I breathed deeply.

"Jeffrey, do you have money for a lawyer?" Dad, always practical.

"I have some savings."

"Do you have a decent lawyer?"

"I think so. I'm going to meet him now. I'm so sorry about this." They looked much older and grayer than I'd remembered.

I hugged them and left to meet my new lawyers, Richard Greenberg and Kevin O'Malley, who greeted me with looks of grim resignation. They showed me the sentencing guidelines; I was looking at one to three years on obstruction of justice charges.
We began a dance with the Assistant U.S. Attorney, an anxious career prosecutor who would not shake my outstretched hand when we met. The dance culminated in a lengthy session with him, during which we heard the highlights of Steve's tapes. It wasn't easy listening to myself wistfully agree with Nick that we lay the blame on the now-deceased Artie, who had urged us to approve the postcard. It was harder still to imagine that these tapes could become public.

I left the courthouse with Kevin and Richard. "What'd you guys think?" I asked.

"The audio quality – it's the best I've ever heard," said Richard.

"Scale of one to ten, ten being the worst?" I asked. "Maybe 2.5," said Kevin, squinting. "It's some good buddies talkin', ya know? Nobody's talking about what to do with the bodies in the trunk. You're a likeable guy – it's possible you could hang a jury. But they've probably got enough for them to get you."

I agreed, and decided to plead guilty. This was my third test – knowing when the jig was up, limiting the damage, taking my medicine. I passed.

On the morning I resigned and pled, the media surrounded my house. I was numb. The courtroom was packed with media, friends, and supporters. I read an apology I'd prepared. Then I walked out onto the courthouse steps and read a statement apologizing to my family (deeply heartfelt), my constituents (heartfelt), my Senate colleagues (heartfelt), and Congressman Carnahan (at my lawyer's suggestion). I was catatonic, but I remember everyone who showed up to support me.

This was my fourth test. While I dreamed of standing at the courthouse and arguing that, despite my mistake, it was a trumped-up charge and instead of worrying about a stupid postcard the feds oughta focus on something important like the city's sky-high murder rate!, I did not do so. I passed.

The most salacious excerpts from the tapes flooded the airwaves. The head of the city's FBI office quivered with fury as he condemned the "textbook case of corruption," though I hadn't taken a penny in bribes. "I loved the chase," he added, describing his work. "[It] was fantastic. It was me against them. And the smarter they were…the more I enjoyed catching them." (He was soon promoted to head the FBI's Miami bureau.)

I came home to reporters and 3,000 replies to the mass email I had sent with my letter of resignation. All but eight of the replies expressed support, often tempered with disappointment; many urged me to reconsider resigning. But they didn't understand: I was now a felon, prohibited from serving.

I made a rule that day I still follow: I would never contact anyone who didn't contact me first. If someone emailed me, I would reply; if they friended me, I would accept; if they tweeted at me, I might reciprocate. I would not, however, escalate the contact level.

I made this decision not out of a desire to end friendships. In fact, I loved most of the people I met campaigning and legislating. But I didn't want to put anyone in the awkward position of having to decide whether or not to return my phone call or email. They deserved to make that decision for themselves, on their own time. Many quickly came to
my side, and offered to help however they could. I asked those who offered to write letters to the judge on my behalf. Later I heard that some people were offended I hadn't reached out to ask them to write letters. They didn't realize that I didn't reach out to anyone.

A few who didn't reach out immediately wrote me in prison; since my release, people have trickled back into my life every day via LinkedIn, Facebook, Twitter, and email, with large spikes after my media appearances. I appreciate those who reconnect, even ones who, in the grand tradition of politics, resurface to ask for my help with something – I still receive an unusual assortment of constituent service requests. But I'll never forget those who came to my side immediately, in my darkest hour.

This was my fifth test. In the wake of extended public humiliation, I kept my dignity.

My attorneys asked that I be sentenced to two years of teaching history and coaching basketball at the charter school I had co-founded. It would've saved taxpayers about $175K: two years of a teacher's salary plus benefits, plus the cost of housing a federal prisoner. Several hundred people – from the state's Attorney General, Lieutenant Governor and Auditor, to my ex-girlfriend's mom, to impoverished kids I had coached – wrote impassioned letters to the judge requesting mercy. I remain deeply grateful to them.

While my co-conspirators – including my former best friend Steve – received probation according to the prosecutor's recommendation after their cooperation with him, I did not aid the prosecution's efforts to land a bigger fish, and so the prosecutor argued for a harsh sentence. The judge gave me a year and a day in prison.

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I remember leaving for college with some clothes stuffed into a suitcase and a Cardinals trash can. The Raleigh-Durham airport felt sterile, impersonal. I'd never been to North Carolina and didn't know anyone at UNC. For the first time in my life, I felt alone. I was eighteen, and I don't recall feeling alone for another eighteen years, when Teresa dropped me off in Manchester, Kentucky, on January 5th, 2010.

I'd recently met Teresa, a newly-minted Washington University MSW/MBA, and fallen in love. I was glad she drove me down; it hadn't been a given. I'd visited her at work that fateful day on the way from my parents' house to meet my lawyer; she'd moved into my house two days before that.

"Look, I have some bad news," I'd begun. "I don't have time to go into the details, but I'm gonna resign from the Senate. And I'm probably going to prison."


"It's a long story. But right now I gotta go see a lawyer. I just wanted to tell you that I'm not coming home tonight. I wanna give you a chance to move your stuff back out without me around. Or if you want, I can help. But maybe it's easier for you if I don't? I mean, prison...you didn't sign up for this."
Her eyes had moistened as an eternity passed. "You can come home tonight," she'd said. "I'm not going anywhere." But the next month had been tough; she'd fallen into despair and returned home to Texas.

Now, outside the barbed wire fence of the intake building, I waved goodbye to her. I'd heard about guys who went in with wives, and the next thing they heard from them was a letter from a divorce attorney. Her friends thought she was crazy for staying with me. I hoped we'd make it, but I wasn't sure I'd ever see her again.

***

Spinning, exaggerating, parsing words and shading truths are all accepted parts of today's political dialogue. But when leaders make mistakes, they must be completely candid. Doing anything less can empower your rivals, the press, or worst of all, law enforcement, to use a false statement against you, turning a speed bump into a full-blown scandal.

There are many memorable photographs of Bill Clinton, but perhaps the most memorable is the one of a sixteen year-old Clinton representing Arkansas at Boys' Nation, beaming while shaking President John Kennedy's hand. Kennedy, of course, was Clinton's role model. But there was one area in which, at a critical moment, Clinton departed from Kennedy's playbook: crisis management.

The Bay of Pigs fiasco was an unsuccessful 1961 invasion of Cuba by a CIA-trained paramilitary group who hoped to overthrow Castro's government, which routed them in three days. The media clamored for Kennedy to address the events, which he did with clarity and candor. First, he acknowledged the United States' role in the coup, and admitted the coup's failure: "The news has grown worse instead of better." Kennedy confessed surprise and disappointment in the outcome, showing a vulnerability rare among leaders, as he described "useful lessons" from the "sobering episode." He pledged to "re-examine and reorient our forces of all kinds." Last, he fully he accepted responsibility.

"There's an old saying that victory has a hundred fathers and defeat is an orphan…further statements, detailed discussions, are not to conceal responsibility because I'm the responsible officer of the Government."13

He did not blame the CIA for insufficient planning, or his national security team for offering poor information or guidance, or anyone else for anything.

A generation later, President Clinton was confronted with his own crisis, one of somewhat less magnitude on the world stage; but which ultimately threatened his presidency and became, regrettably, a permanent blemish on his record. It involved neither the loss of life nor grand geo-political strategy, but rather, a stained blue dress. And instead of speaking candidly to the American people and admitting his mistake, he parsed words, dissembled, and gambled that stonewalling would work. It would not.

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Clinton would become one of just two U.S. Presidents to be impeached by the House of Representatives. And despite his otherwise excellent performance in office, he would never quite regain the trust of the legislators or aides – or the American public – to whom he swore that he "did not have sexual relations with that woman, Miss Lewinsky."

Obviously I lacked the renown of a Kennedy or Clinton. And my situation was different; it was too late for crisis management, since by the time my crisis became public, I'd already resigned. There was damage control, but most of the damage was done. My big challenge lay in post-prison re-emergence, which was a multi-stage process.

First, I let go of any lingering bitterness. One day shortly after I got to prison, a fellow inmate with whom I worked in the prison warehouse half-jokingly offered to have Steve Brown "bumped off." My inmate supervisor K.Y., a handsome, lean crack dealer from Owensboro, Kentucky, pulled me aside and told me his own story of betrayal: His brother-in-law had given up the location of K.Y.'s stash. "Damn," I sighed. "What you do to him?"

"Wasn't shit I could do, I'm already in custody," he replied. "Thought about the motherfucker for my first three years at Lexington. 'Bout killed me. But then one day I let it go. Jus like that. Cuz you can't do time like that. Your boy with the wire, you can't even think about the motherfucker. It'll make you crazy."

"I hear you. 'Preciate that, K.Y."

"Think about it," he said. "You gon have one fucked up year. But that motherfucker got a life sentence. He just don't know it yet." From that day on, my bitterness towards Steve dissipated.

Second, I successfully completed my sentence – three months under halfway house supervision and two years on probation. The halfway house was simultaneously easier and more complicated than I'd anticipated. Easier because – unlike prison, where staff enjoyed singling me out in an effort to marginalize me – the halfway house director smoothed the way for quick evening and weekend furloughs to my home so long as I complied with all rules. More complicated because, whereas 98 percent of the people with whom I was incarcerated had sold drugs, the halfway house was teeming with formerly violent criminals, some of whom boasted about already returning to their old lifestyle. Months later, I would successfully complete my probation almost a year early after my probation officer wryly told me that in the estimation of the Court, I was officially no longer a threat to society.

Third, I gradually re-engaged in Missouri policy and political circles. Affordable housing had long been an important issue to me, and I applied to consult for a statewide association consisting of groups who supported affordable housing. It was a small new group with scant funding, and they wanted help recruiting new members, raising money, and managing their government affairs. The interview was my first in a decade. Without a car post-release, I arrived in a suit, sweat-soaked from my bike ride over. "Why should we take a chance on you?" pushed a board member. "Why should we be the ones to take a hit for hiring you – wouldn't it be smarter for us to let someone else do it first?"
Maybe I was still arrogant from my Senate days. Maybe I was more candid after my lie led to trouble. Maybe I was displaying the surliness of somebody fresh out of prison. Or maybe I just had nothing left to lose. "You know, for what you're paying, you'd be getting a heckuva deal," I replied. "If you have another candidate who gets grassroots organizing, fundraising, Missouri politics, and the legislative process as well as I do, can call senators or the House Speaker to see what's going on – and isn't fresh outta prison, you should hire him." Then I thanked them for their time and left. I found out later that two of them were appalled. But they saw my logic and hired me. I'm now executive director of the Missouri Workforce Housing Association, whose membership has quadrupled and budget grown tenfold since I started.

Fourth, I applied for a professorship in the urban policy graduate program at The New School in New York City. After the initial phone interview, the search committee chair told me that he thought they'd like to bring me out to campus for an interview. I thanked him profusely for overlooking my "unique" background. "Well, frankly, we got a huge pile of applications, but yours really stuck out," he said with desert-dry wit. Thanks to the university's many open-minded people, I received the offer. In addition to accepting my past, the university has encouraged my writing as well as my affordable housing advocacy back in Missouri.

Fifth, I rediscovered writing. Jonathan Miller was the first person to reach out to me to ask if I would consider writing for his new blog, The Recovering Politician. Writing openly about my experience was not only therapeutic but helped lead to the publication of my work in The Atlantic, New York Magazine, Salon, Politico, the Chicago Tribune, and numerous other outlets, as well as appearances on NPR, MSNBC, and other networks.

Sixth, I began to speak to groups of public officials around the country about my experiences from an ethical perspective. How could others avoid making the same mistakes I made? Prison sucked – trust me – but the experience facilitated my ability to make others stop and consider the potential consequences of actions that may seem minor at the time.

Seventh, I began advising an array of non-profit and for-profit start-ups who were working to reform our criminal justice system to provide more education to current and just-released offenders. Having been an academic who studied the political system, a policymaker who operated in it, and a felon caught up in it, I could offer these groups a unique perspective – and perhaps, in some karmic way, repay the guys who'd befriended and protected me in Kentucky.

Finally and most importantly, I married Teresa, and we had a beautiful baby boy – with a second on the way. We live with two mischievous mutts she rescued, and whom I frequently re-rescue after they nip at our son Charlie, and Teresa threatens to return them. I've learned that nothing gives you perspective like the sweetness of your baby's breath at dawn.

The final stage of crisis management is often reparative – how do you repair your relationships with people you care about, how do you repair your public image, and perhaps prerequisite to the above, how do you repair yourself in a way that allows you to move on from crisis and humiliation to reinvent yourself in a way that stays true to the best of who you are?
I always find great irony – and sometimes a bit of tragedy – in the stories of disgraced pols who rush for immediate reinvention in the same ego-nurturing and soul-crushing arena that got them in trouble in the first place. It is as if the Mark Sanfords and Anthony Weiners of the world have determined that the artificial politico personas they have so painstakingly created are indeed the only versions of themselves that they can still recognize. It seems they don't understand that true redemption requires you to hit the pause button, to sublimate ambition and reflect on what truly matters.

Don't get me wrong, prison was awful. But it forced me to pause and reflect, and thus gave me an advantage over the Sanfords and Weiners on the road to recovery. It helped me realize that the only way to ever shed my baggage would be to embrace the lessons my crisis taught me in my future roles as a teacher, a scholar, an advocate, a friend, and a husband.

* * *

The prison where I spent most of 2010 didn't have an actual fence but was mostly enclosed by natural barriers – we sat in the bowl of a canyon with a steep cliff on the sides. At the prison edge was a boundary line. During orientation, you are told not to cross it. The CO leading orientation may warn you about the snipers in the guard towers, just waiting for a stray inmate to make a run for it. And you awaken each morning to the sounds of COs taking target practice at the adjacent shooting range.

One thing is certain: If you end up going near the line, and a sniper imagines you to have crossed it, or gets a little trigger-happy, or is just having a bad day, it could be all over for you. And when they report your death (trust me again here), no forensic investigator will conclude that you were actually – narrowly – on the right side of the line. You'll just go down as another escapee intercepted by a lawman's bullet. So you learn quickly not to go anywhere near the line.

In the haze of a campaign, when you are sleep-deprived, frayed, and under intense pressure from donors, staff, volunteers, voters, and yourself, it can be easy to lose sight of the larger picture. And in business, near the closing of a huge sale, merger, or acquisition; or in sports, in the heat of battle; or in your personal life, it can be tempting to seek an extra edge, shade a truth, cut a corner. Making that mistake cost me my political career, my reputation (temporarily, I hope), and a precious year of my life.

That's why – long before that climactic moment of decision – it is best to not go anywhere the line, for leaders who are surrounded by people closely familiar with their boss' ethical probity are unlikely to be presented with the chance to make a fatefully poor decision.

* * *

The other day I carried my bike up out of Penn Station on the way downtown to substitute teach for a colleague. Starting down 7th Avenue, I felt ice pellets whipping against my face, thanks to an Arctic mix of near-freezing temperature and gale-force winds. I became annoyed. Why did I ride my fucking bike today? If I was gonna ride, why didn't I just lock it up at Penn Station? Why did I even agree to sub for some guy I barely know?
And then suddenly it hit me, hit me harder than sleet or wind, harder than a double-decker tourist bus:

I was free.

Wind? Ice pellets? Who gave a fuck?!

I was on my way to teach brilliant grad students, in the world's most vibrant city; and when I finished, I would be free to go home and snuggle up with my wife and kid. I flashed back to my year of backbreaking work in the prison warehouse, and the prison beefs I got in, and the human misery I saw, and the looks on the faces of Teresa and my parents and brother when they visited. What I wouldn't have given on any of those days to ride out of that prison into a frigid sleet thrashing my face, free to ride anywhere I liked!

At that instant on 7th Avenue, I knew that I would never again take any of it for granted. **This, I realized, was my final test: coming out on the other side, understanding how my experience made me stronger; knowing what is truly important in life; and emerging as a better teacher, advocate, friend, father, and husband than I'd have otherwise been.**

I agreed to write this chapter in hopes that you learn these lessons without losing a year of your life to prison and years more rebuilding your career – and without putting your loved ones through the strain I put mine through.
The one thing you don't want in politics or business is to be unpleasantly surprised.

We pride ourselves on seeing every angle and knowing every pitfall; and when we don't or we can't, we hire consultants who supposedly do because there's nothing that will throw you off your game faster than the unknown.

So it was with particular attention to detail that my staff at the Republican National Committee (RNC) planned for me and over thirty members of the RNC's Site Selection Committee to visit the three cities in the final running to host the 2012 national convention.

It's no secret that my tenure as RNC Chairman had more than its share of unpleasant surprises. So my instruction to the staff regarding the site visits was simple: "lean, clean and no surprises!"

As the visits got underway, by any measure, they were going exceedingly well. These trips used to be about goodie bags and cocktail parties, but we had resolved to take a decidedly more business-oriented approach – with an emphasis on contracts, bus schedules, fundraising and hotel rooms; and as it turned out, the members preferred that (although they still wanted their cocktail parties).

But as they say, "the best laid plans…"

* * *

The day had already been long with meetings and tours with the Mayor of Salt Lake City, our respective legal teams and members of the Site Selection Committee. As this was the second of our three cities to visit, we had begun to establish a rhythm for the day; and by this point, it was definitely time for one of those cocktails. For most of that afternoon, I observed the courtesy of keeping my cell phone turned off. After all, if my chief of staff – or anyone else for that matter – needed to reach me, there were enough other cell phones nearby.

So when the executive director of the site selection committee, Belinda Cook, handed me the phone with a look of anger: "The office has been trying to reach you for the past hour; your cell is off" – I thought to myself: "Don't be mad at me; you told me to turn it off!"

But I would soon realize that she wasn't angry about the phone. Rather, a major conservative website, the Daily Caller, wanted a "comment" on a story it was about to run that a member of the RNC finance staff had spent $2,000 at a Los Angeles strip club that featured a sexual-bondage theme. And to make matters worse, the reporter was inferring that I was there.
I'll spare you the first words I uttered at that moment.

Needless to say, I realized that the countdown to the firestorm had begun; and I would need as many fire hoses as I could get my hands on.

There's nothing more revealing about your capacity to handle a crisis than the first steps taken after you realize you're in one – especially when you find yourself the central figure in a spectacle you had nothing to do with and knew nothing about (surprise!). So in my mind, there were three very necessary and important fire hoses to use:

1. Determine the facts;
2. Take the necessary steps to remedy or at least mitigate the damage done; and
3. Be the first to tell the story of what really happened.

I was confronted, however, with a twist: The staffer's night out on the town had occurred two months prior, but the Daily Caller was reporting the story as if it happened yesterday. And even though my office had provided the travel manifest that showed I was in Hawaii at the time, the story was written as if I had been the one stuffing G-strings with RNC donors' dollar bills.

Long before this crisis, members of my staff and I had been battling against an endless sea of anonymous mischaracterizations of our spending, broadsides against my leadership and an overall narrative set in motion by Establishment Republicans who just plain wanted me out of the job. So the thought that the Chairman of the RNC was spending donor money at a strip club was too sweet to just let run its course – they would be more than happy to help the story along.

To that end, it didn't take long for the flames of controversy to grow; and soon the phone calls from friends around the country, including a couple of Catholic bishops I know, let me know that this strip club narrative – whatever it was trying to become – must be stopped in its infancy. Framing the narrative or telling the story over the next thirty-six hours after the story hit the Internet would be critical if I were not only to survive this assault, but also to keep my reputation and dignity intact.

Failure not only to get in front of the crisis, but also failure to tell your story in your own voice, with facts, and most especially the truth, is the quickest way to accelerate a crisis and end any hope of surviving the noise. This is critical: Be first to frame your narrative in your own voice, with facts and sincerity.

One can get blindsided by the unexpected. But the trick is catching your breath and clearing your eyes soon enough thereafter to accurately understand the full depth of the situation and to answer all possible questions. It may not be easy as it sounds, of course; there's more to it than just getting out in front and saying this or that isn't true.

It's one thing for your actions or words to get you into trouble (trust me, I know a little about that too), but what do you do when your exposure comes not from something you said or did, but rather from what others have done, or from the efforts of those inside your organization to add fuel to the fire?
People often times overlook the fact that your problem is not necessarily one that is created by happenstance or even foot-in-mouth disease, but rather by the deliberate efforts of others to undermine you. In short, you can quickly find yourself having to navigate the rocky shores of the story now on the front page of the papers or trending on the Internet, but also having to put out the fires raging below deck that created the controversy in the first place.

The strip club story had such salacious appeal – a controversial CEO, sadomasochistic sex, misuse of the company credit card, questionable behavior by staff, the implications that the CEO was there or at least was aware of the bawdy night out – like buckets of kerosene poured on a fire, the kind of misinformation that once it was out, just spread like wildfire. The perfect storm media crisis!

It's always easier to attract controversy with the right combination of elements. However, this type of crisis is not easy to fix because if you are in the middle of a raging fire and you turn on a water hose, you are not going to put out the fire; you may extinguish a few of the flames, but that's about it. So once the firestorm hits, it becomes a classic case of wisdom by hindsight: There should have been limits on the staff's use of credit cards; someone should have stopped the staff from going to the club, or at least asked where they were going, etc., etc.

But that's not realistic: Shit happens; and it especially happens when you are Chairman of the Republican National Committee. The actions of staff and personnel will percolate up to you, and you will get blamed for their mismanagement and even stupidity because the media wants to define you as the target, even as you are "managing" the situation.

It becomes important then to be the first to frame your own narrative (get in front of your crisis), in your own voice (you, not a spokesperson), with the facts (duh!) and with sincerity (please don't lie!). You are and should be the first storyteller – trying to control the narrative of a scandal, yes – but more importantly, being the first to define the narrative with the truth is a critical and essential element to be successful in managing the crisis.

My initial claims that I didn't know about the party at the strip club did not circle out much beyond the bubble of the RNC or Washington, D.C. for that matter. A lot of times the press grabs hold of (creates?) a narrative they like much better than the one you are giving them. Consequently, I had to deal with the reality that even when given the facts (for example, my travel manifest for that week) and the truth (really, I wasn't there!) – as a certain press outlet stressed to my communications shop – the inference of my involvement made for a better story.

So they kept perpetuating that narrative in every article, insinuating it, inferring it. The press, which I could barely get to acknowledge that I had a side to the story, found it easier to write that the Chairman of the RNC either knew about, condoned or participated in this activity (to further advance another narrative by some of the same GOP Establishment about spending at the RNC). Think about it: Writing that the "Chairman was unaware of the staff's activities as he hosted the RNC Members' Winter Meeting in Hawaii," or that "He immediately fired those responsible, and recouped the $2,000 charged on the credit card," (both of which were true), makes for a much more boring narrative. But the truth usually does.
What you will quickly realize is that even after you lay bare the facts, the public may still not know or understand your "truth" because of how the press reports it. Therefore, you find yourself in my dilemma: I realized within a very short period of time after that phone call that no matter what I did, the press was going to write the story they wanted to write. No matter what I said publicly or my communications team provided privately, the press was not going to let the facts get in the way of a good "Washington Story."

So what's a scorched soul to do? What more could I do?

Not this. The typical reaction when confronted with the suddenness of revelation is to panic and then either to deny, deny, deny; and with each denial, sound more and more guilty of something.

Or to say absolutely nothing.

Thus it was for New York Congressman Charlie Rangel, when he found himself confronting allegations that he "improperly solicited donations for a public center and library bearing his name, and that he omitted hundreds of thousands of dollars of income and assets on disclosure statements."14

When the story about his questionable financial dealings were first reported by The Washington Post (which knows a good scandal when it sees one), with the brashness and bravado that only a New Yorker could muster, Mr. Rangel noted that "[f]irst of all, I normally advise people, as I have been advised, not to respond to these allegations that I abused my congressional discretion in writing on behalf of a school institution named after me because it would blow over; or, as more often I've advised members, that remember you don't have as much ink as the printers do." But then he declared, "So one of the things that I would use, hoping that it might catch on, is that I'm going to see how much damn ink The Washington Post has."15

Congressman Rangel decided against the say-nothing-at-all strategy and opted instead for the in-your-face-denial approach, by taunting The Washington Post.

Never a good idea.

You must remember, the press loves a challenge (remember Gary Hart?), and when a paper prints a story like this, it's never one and done. Always expect the reporter to have two, if not three, additional stories in her pocket. That's why it's important to get in front of the story with the facts and the truth, to be the storyteller.

First, YOU are showing your vulnerability, not the press; and the public appreciates it when you demonstrate that openness in the beginning of your woes: They have very little sympathy for it at the end. And second, it takes the steam out of the next article because that story will have to be about your facts.

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But don’t think you can shade the facts in any way – the press and your opponents will catch you in a lie. Just ask former Congressman Anthony “I can’t say with certitude” Weiner.¹⁶

Needless to say, after The Washington Post deployed their ink, a congressional investigation was launched; and it led to Mr. Rangel being charged with thirteen ethics violations, losing his committee chairmanship and being censured by the House of Representatives.

So much for getting in front of the story.

When first confronted with allegations of ethics violations, the Congressman misjudged his ability to manage the matter, leading him down the rabbit hole of bluster and denials. It became apparent that Rangel really didn’t follow any advice, because his actions suggest he concluded just being the Chairman of powerful House Ways and Means Committee would somehow make him immune to scrutiny or criticism let alone censure.

While a title may lend itself to prestige, it carries with it the burden of transparency. Too many in public life forget that; and consequently, they expose themselves unnecessarily. When a reporter calls with the request to comment on a story they are about to print regarding your behavior or the behavior of others (that they believe you to be responsible for), catch your breath, clear your eyes and tell the truth – over and over again.

* * *

While people are generally familiar with the breathless denials and threats by public figures when caught in scandal, there have been a few in the not-as-public world of business who have also failed the most basic test of crisis management: Be the storyteller of your screw up.

Two examples of getting it right and getting it very wrong come to mind: the death of a Royal Caribbean Cruise passenger who fell overboard on his honeymoon in 2005, and the Carnival Cruise Lines Costa Concordia accident in 2012.

Big cruise lines deal with difficult stories and avert scandal every day, but when caught on the threshold of a perfect storm crisis, they often find it hard to avoid the temptation to ignore it, deny it or blame it on someone or something else. They tend to take to heart the advice of Charlie Rangel "not to respond to the allegations." But the loss of life or the image of a ship turned on its side makes it hard for them to say: "We have things under control." But some do try.

When the Costa Concordia sailed off its normal route and hit a rock off the coast of Giglio, Italy, the ship began to take on water. Its captain, Francesco Schettino, denied that the vessel had run aground, refused the help of coastal authorities, and then proceeded to sail the ship for another hour or so. The ship would eventually capsize,

killing thirty-two passengers and crew. To make matters worse, Captain Schettino abandoned his ship with passengers still on board.

As if that weren't bad enough, Costa Concordia owners, Costa Cruises, offered "survivors of the deadly capsizing ship 30 percent off their next voyage." Meanwhile, Carnival Corporation & PLC (the parent company) decided to apply the "Rangel Principle" and said absolutely nothing – for a long time.

Needless to say, the corporate non-response to the tragedy, along with the offer to take another cruise with them at a discount, effectively threw gallons of kerosene on the already raging firestorm around the ship's captain; and had the added result, much to the consternation of Carnival Corporation, of shifting the growing anger onto its CEO, Micky Arison and senior management. This had become the perfect storm; and the press had begun to add its own kerosene with the question "Where is Micky Arison?"

This tragedy screamed for the personal touch of Mr. Arison: Having him on the scene, meeting with the press, speaking to the survivors and the relatives of the deceased, showing his personal compassion, all would have put him and Carnival Corporation in front of the story, especially with so many survivors ready to offer their account of what happened. His careful placement into the narrative would have made him the storyteller of this event, the first to frame the narrative of what happened; and more importantly, what would happen next to make things right. That way he would have taken responsibility, shown his humility and avoided being defensive when confronted by an increasingly agitated press corps.

But instead, the decision was made (probably by the lawyers) to shut off communication and to have Carnival officials huddle amongst themselves, refusing even to talk to the families of deceased passengers. Consequently, the firestorm raged, and the credibility of both the company and management suffered irreparable harm.

* * *

When bridegroom George Smith went missing during his honeymoon aboard Royal Caribbean Cruise Line's Brilliance of the Seas, the only evidence that something had gone horribly wrong was a blood-covered metal overhang below Mr. Smith's stateroom. At sea, the ship's captain, Michael Lachtaridis, and his security team tended to Mrs. Smith, initiated a preliminary investigation of the events surrounding Mr. Smith's disappearance, and concluded that the death of Mr. Smith was an accident.

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18 "Boss of Carnival cruise ship adds insult to misery by going to basketball game as 4,000 suffer aboard 'stinking stricken ship' with urine-soaked carpets and sewage in cabins," Daily Mail, May 13, 2012.

However, Royal Caribbean also promptly reported the possibility of a missing guest to the Turkish authorities, the FBI and the U.S. Consulate. Once at port, the Turkish police, in cooperation with the FBI, conducted a complete forensic investigation onboard the ship. By immediately involving the appropriate authorities, Royal Caribbean began to position itself in front of a possible firestorm surrounding the mysterious disappearance and likely death of a passenger.

Moreover, as additional information was collected, the story gained widespread attention. As a result, the company created a blog to debunk "myths" about what happened aboard ship and about the actions of both cruise line personnel and Turkish police. This form of inoculation was very important because it reframed the narrative around facts, and not speculation or outright lies. Even more impressive from a crisis avoidance perspective, Royal Caribbean International put its CEO Richard Fain on Larry King Live. Mr. Fain did not deny nor ignore the facts, but rather calmly provided a tick-tock of the events as he knew them.

Mr. Fain focused the discussion on what the investigation should be about ("I first of all agree with what Mrs. Smith has said at the very beginning. This ought to be about Mr. George Smith and his disappearance, and how we can get answers to that."); showed his compassion ("And I do understand: They [the Smith Family] have gone through a terrible trauma."); set the record straight ("But there has been so much misinformation: There have been so many erroneous, misleading, just dead wrong things said about this."); and offered an explanation for his company's actions ("We waited six months, and in deference to both the family and to the FBI's investigation we said absolutely nothing; we did as little as we could to do anything that would in any way impede the investigation or upset the family.").

By initiating an investigation, taking charge of the scene until appropriate authorities arrived, and getting its narrative of the facts out front in a credible venue, Royal Caribbean averted what could have been a devastating firestorm. While not perfect, Royal Caribbean's actions serve as a good example of the importance of telling your story first and getting it right when you do.

* * *

Everyone believes there's a silver bullet in crisis management, but these are really 51-49 judgment calls. For the most part, we recognize the elements of a perfect storm crisis that make crisis management, at least in the short term, impossible. But when you are involved in a scandal that is all over the tabloids and given weight by the mainstream media, there's nothing you can do about that. No crisis manager in the world is going to prevent people from writing rumors or extrapolating from facts to create fiction, and putting their own desired narrative on your story way beyond what the facts are.

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So what do you in a perfect storm when there is nothing you can do? In fact, the answer is not complicated or overly dramatic: Set your house in order and just keep telling the truth.

Don't let the storm put you into paralysis. Yes, you may be feeling as if nothing you say or do makes a difference. I know I did; long after the crisis was over the press was still writing the lies and exploiting the narrative. But at some point, I just had to say: "Screw it!" and fight back.

Even if it feels hopeless, you have to fight back.

And what does that mean? Every day, every hour, anything that is written or aired that is false or distorted, call the writer, producer or editor directly and get them to correct it. But know that is a constant fight – to get the truth in print or on the Internet; to get that letter to the editor printed, or the correction made, demands your utmost attention and effort. The principal here is accountability – yours and everyone else's; and at some point in time, believe it or not, the truth will catch up to those who perpetuate the storm.

As crisis guru Lanny Davis noted in his book Crisis Tales, in dealing with one of those storms, he got a necessary correction printed on a New Year's Day. While it was little read at the time, it was now in print and on the Internet, and he started to use that cite in every interview he gave, forcing hostile reporters off their narrative.22

Looking back on my own crisis, I certainly would have done a few things differently, starting with fighting back against the narrative that had been set in motion by the Daily Caller. If you want to wield the ultimate water hose against an emerging firestorm, you have to be a pain in the ass to the press until you make your point that the truth isn't what they say it is: It's what the facts tell us it is.

As much as the Daily Caller and others complicated my narrative with factual distortions, by not completing the basic steps of good crisis management – getting my story/the truth out front (check), in my own voice (check) and fighting back against repeated falsehoods and distortions (oops) – I allowed those falsehoods and distortions to take hold and spread. Even with notice before the printing of the story, I was caught behind the curve and mismanaged the one element that would have made a difference: Fighting back.

Lesson learned.