



Public affairs is the most important corporate function that nobody understands. [Public Affairs Council](#) President Doug Pinkham tries to make sense of it for members in his weekly blog, "Public Affairs Perspective." See Pinkham's latest post below, and read the full blog with hyperlinks each Wednesday at <http://pac.org/blog>.

How to Survive a Congressional Hearing



In recent months, we've seen CEOs marched before Congress to explain their roles in the housing crisis, the auto crisis, the Wall Street crisis and – now – the oil spill crisis. Some have performed better than others, but most have made mistakes that tarnished their reputations or created political fallout for their companies.

Not that testifying before Congress is easy. In fact, it can be one of the most difficult public appearances a CEO will ever make. "Lawmakers walk into hearing rooms with a distinct home field advantage," notes Jim Abrams of the Associated Press. "Every committee member gets a shot at the witness, who often are given no time to answer questions or are cut off midway through their replies. Members sitting up on their dais are free to hurl charges and insults, but witnesses are supposed to be deferential."

"I think of these as passion plays and witnesses as supporting characters," says Matt Stearns of Ketchum. "What Congress does best is 'harrumph' in the spotlight, and it's important to let them do that, and to accept it and survive it."

When executives are in the middle of a crisis – such as the three energy industry leaders who appeared on Capitol Hill last week – it's especially difficult to survive these encounters. Political leaders and the news media have been brutal in their assessment of the oil-spill hearing. President Obama, saying he "did not appreciate what I considered to be a ridiculous spectacle," accused the executives of trying "to point the finger of blame at somebody else." Members of Congress, from Sen. Lisa Murkowski (R-Alaska) to Sen. Robert Menendez (D-N.J.), piled on. Menendez called the performance a "liability chase."

Dana Milbank of *The Washington Post* says he sees a pattern in these hearings, beginning with the auto company executives who flew to Washington on corporate jets in 2008 to ask for government money. “This all seems to be part of a new era of corporate irresponsibility, in which amoral executives pursue profits without a thought about collateral damage, then demand government help when they get in trouble.”

So what is a CEO supposed to do when called before a hostile congressional committee? We asked a number of experts:

- Be prepared, says Bill LaForge of Winstead Consulting Group, who has written a new book called *Testifying Before Congress*, to be published next month. “Know everything you can about the members, their own personal perspectives and bents.” He suggests that company executives should try to meet with key members and staff before a hearing to make sure they understand the facts of the crisis and what corrective actions are being taken.
- Rehearse, recommends every crisis expert we consulted. “The best way is to anticipate all the tough, hostile, adversarial questions, and make the witness practice those answers out loud,” says LaForge.
- Humility is “incredibly important” when you’ve been called to testify during or after a crisis, says Stearns. “Congress demands deference, whether an executive thinks they deserve it or not. When you think of less successful appearances by executives, one of the common denominators is lack of humility.”
- Responsiveness is equally essential, says LaForge. “Be as candid and comprehensive as possible, no tricks, no aloofness, never ever say ‘no comment,’ and to the extent you’re able to say things, be cooperative.”
- Be helpful under fire, suggests Nancie Poppema of Communications Counsel of America. “When congressional leaders are firing questions at you, it’s a natural tendency to protect your company and fight back,” she says. “Fighting back in that situation generally doesn’t do a lot of good. Congress has to believe that the executive gets it, that they understand the gravity.” Only after members are convinced the CEO “gets it” will they be ready to hear what a company is going to do about a problem.
- Stand your ground on important issues, adds Poppema. CEOs don’t need to “roll over and play dead,” she says, but they have to be on solid footing when they take a stand. “You can’t say, ‘This is our business and we’re going to take care of it, trust us,’ . . . It’s got to be true, accurate, the right thing to do.”

But what if giving a candid answer opens the company to liability claims? “If you are concerned about litigation, whether civil or criminal, then you have to be careful about how much you can say. That’s been a problem and a tension for as long as there have been congressional hearings,” says Stearns.

Yet sometimes, the CEO has to overrule the lawyers, suggests LaForge. “He can say, ‘I understand you’re concerned, but I would like to say more,’ and that’s a CEO decision. That’s what good leaders do.” When the CEO doesn’t want to speculate about the causes of a crisis, private meetings with lawmakers and staff can demonstrate that the company is committed to taking positive steps.

What won’t work – and this is what Obama and the media were most critical of in the oil spill hearings – is excessive finger-pointing. Experts agree that the public and Congress are looking for top executives to take responsibility, even if that responsibility is shared with other firms. “It’s OK in the right context to say, ‘We think the responsibility or blame may lie here, here and here,’” says LaForge. “But you can’t lead with that. You can’t say, ‘Hey, it wasn’t my job, it wasn’t my fault.’”

So, other than their fact-finding role, what’s the value of all these high-stakes, high-drama congressional hearings? They provide a forum for public outrage about social wrongs, Ross Baker, a congressional scholar at Rutgers University, tells the Associated Press. “It’s therapeutic, I think, for the public. Vicariously people are getting their licks in.”

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