

Likewise, legal challenges have been made relative to the markup of expenses that public relations agencies charge clients. Standard practice in the industry is to mark up by 15 to 20% of legitimate printing and advertising bills submitted to clients.

Add to these the blurring of the lines between public relations advice on the one hand and legal advice on the other, and it becomes clear that the connection between public relations and the law will intensify dramatically in the 21st century.

## Discussion Starters

1. What is the difference between a public relations professional's responsibility and a lawyer's responsibility?
2. What have been recent challenges to the First Amendment?
3. How can someone prove that he or she has been libeled or slandered?
4. What is meant by the term *insider trading*?
5. What is the SEC's overriding concern when considering disclosure?
6. How have Regulation FD and Sarbanes-Oxley changed the disclosure environment?
7. Whom does copyright law protect?
8. What are some of the dominant issues in laws affecting the Internet?
9. What are several general principles with respect to litigation public relations?
10. What general advice should a public relations professional consider in working with lawyers?

## Pick of the Literature

### Advertising and Public Relations Law, 2nd Edition

Roy L. Moore, Carmen Maye and Erik L. Collins. New York: Routledge, 2011

This book offers an exhaustive examination of the First Amendment as it relates to the advertising and public relations businesses.

It traces the history of the First Amendment and tracks the interpretation of the amendment through the decades. The real merit of this volume is in its discussion of New Media

implications on free speech law in terms of both individuals and corporations. Libel, defamation, privacy, and related public relations-oriented statutes are discussed in depth.

Copyright, patents and trademarks, Federal Trade Commission regulations, and others are explained. An excellent legal primer for public relations professionals.

## Case Study

### Amazon Shuts Free Speech Door on Pedophile Book

There is no thornier issue for Internet providers than "free speech." For Google, Facebook, Twitter, and the rest, conundrums involving free speech are omnipresent.

- Is all speech "free"?
- If not, where does free speech end?
- What "sanctions" should be placed on groups such as WikiLeaks that publish secret documents?
- And what about limits on pornography?

In the winter of 2010, one of the Internet's champions of "free speech," Amazon.com, confronted such an issue, which quickly went viral and immersed the company in a messy public contretemps.

#### Standing Its Ground

In November, when pressed by journalists, Amazon didn't flinch in defending its sale of a \$4.79 self-published electronic book offering a guide to pedophilia. The author, Philip Greaves of

Pueblo, Colorado, was a former nurse's aide who described himself as a "rogue scholar with respect to the topics of religion, sexuality and politics." Greaves also self-published four other books, including *Our Gardens of Flesh* and *The Grand Book of the Godless*.

Amazon offered Greaves's *The Pedophile's Guide to Love and Pleasure*, which described itself as a guide for so-called pedosexuals, because, said the company, pulling it would amount to censorship. Over the years, Amazon's CEO and founder Jeff Bezos had been one of those Internet stalwarts who argued against censoring Internet properties, on the grounds that the Internet was a safe haven for freedom of personal choice.

Although CEO Bezos was off the radar screen when publicity for the pedophile book emerged, an Amazon representative defended the company's decision to sell the book. Said he:

*Amazon believes it is censorship not to sell certain books simply because we or others believe their message is objectionable. Amazon does not support or promote hatred or criminal acts, however, we do support the right of every individual to make their own purchasing decisions.*

Several Amazon reviewers were repulsed by the company's logic and decision.

*As a mother of a child who has been molested, shame on Amazon for allowing such garbage to be sold on its site. The author of this book is a predator and should never have been allowed to write or promote this trash that is called a book of information. How many children will be assaulted because of this. Amazon take it off your site.*

A few Amazon reviewers, however, hailed the company's gutsy decision.

*This is the single best book ever written . . . if for no other reason than the horde of frothy-mouthed crusaders shouting for its utter annihilation. The subject matter is all but irrelevant, as I'm sure the very same people decrying someone willing to write outside of their moral comfort zone would be completely aghast at someone saying the same thing about a devout Christian book.*

In terms of the law, sexual activity with a minor is a federal crime and luring children across state lines for the purposes of either prostitution or sexual activity is also a violation of federal law. However, publishing a book that talks about pedophilia isn't a crime.

## Losing Its Ground

Perhaps heartened by the online publisher's defense, author Greaves, in the wake of the national publicity, offered his own defense of his work.

*This is my attempt to make pedophile situations safer for those juveniles that find themselves involved in them, by establishing certain rules for these adults to follow. I hope to achieve this by appealing to the better nature of pedosexuals with hope that their doing so will result in less hatred and perhaps lighter sentences should they ever be caught.*

And that's when Amazon reversed course.

Although the company made no formal announcement, the very next day after Amazon's defense and Greaves's explanation, the book became inaccessible on Amazon's site. In addition, Amazon removed author Greaves's other titles as well.

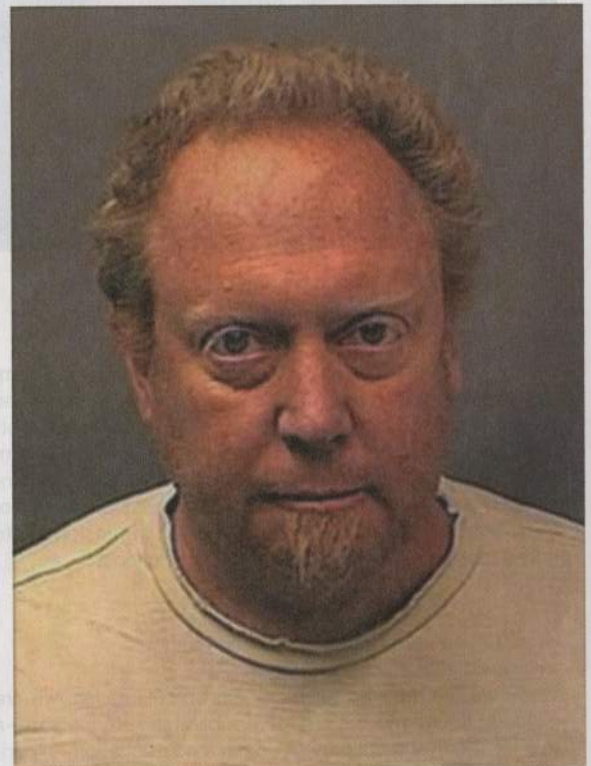
While Amazon steadfastly refused to elaborate on its next-day decision, other than saying the company "reserves the right to determine the appropriateness" of items sold on its site, author Greaves was unrepentant. Said he, "I wrote the book to establish guidelines so that people would behave in a manner that is non-injurious to each other."

Police in Greaves's hometown, however, weren't convinced. Said one, "When free speech fuels the motive for people on how to approach kids, how to find kids, how to touch kids and sexually abuse them, that's just wrong."

A month after the Amazon controversy came to light, author Greaves was arrested in Polk County, Florida, for violating the state's obscenity law that prohibits the "distribution of obscene material depicting minors engaged in conduct harmful to minors."

Legal experts questioned whether Greaves's right to free speech would come into play. If prosecutors could charge Greaves for shipping his book, they asked, what would prevent booksellers from facing prosecution for selling Vladimir Nabokov's *Lolita*, a novel about a pedophile?

In April, Greaves pleaded "no contest" and got two years probation. Said the non-plussed author, "True pedophiles love children and would never hurt them" (Figure 7-8).\*



**FIGURE 7-8** The author at (ar)rest.  
Philip Greaves. (Photo: PacificCoastNews/Newscom)

## Questions

1. Do you agree with Amazon's first or second decision?
2. Where should Amazon draw the line on distributing books that contain questionable content?
3. What do you think of Amazon's public relations posture in this case?

\*For further information, see Lauren Frayer, "Amazon Yanks Pedophilia E-Book Amid Boycott Talk," AOL.COM, November 11, 2010; Mark Hachman, "Amazon Refuses to Pull Pro-Pedophilia E-Book," PCMAG.COM, November 10, 2010; "Pedophilia Book Removed from Amazon, But Others Remain," *The Wall Street Journal*, November 11, 2010; and Alan Pendergast, "Philip Greaves: Amazon Removes Other Titles by Pedophile's Guide to Love and Pleasure Author," Dever Westword Blog, November 12, 2010.

## From the Top

### An Interview with Robert Shapiro



Robert Shapiro (right) and a former client. (Photo: Michael NELSON Agence France Presse/Newscom)

Celebrity attorney Robert Shapiro, cofounder of LegalZoom, has represented many of Hollywood's most famous and notorious defendants, from his tenure as a member of football great and accused murderer O. J. Simpson's "dream team" to his defense of legendary record producer and convicted murderer Phil Spector. After his successful defense of O. J. Simpson, Shapiro offered the following insights into how a modern-day lawyer views public relations.

#### How do you view a lawyer's public relations responsibilities?

When we are retained for those high-profile cases, we are instantly thrust into the role of a public relations person—a role for which the majority of us have no education, experience, or training. The lawyer's role as spokesperson may be [as] equally important to the outcome of a case as the skills of an advocate in the courtroom.

#### How important is the media to a trial?

The importance and power of the media cannot be overemphasized. The first impression the public gets is usually the one that is most important. The wire services depend on immediate updates. Therefore, all calls should be returned as quickly as possible.

"No comment" is the least appropriate and least productive response. Coming at the end of a lengthy story, it adds absolutely nothing and leaves the public with a negative impression.

#### How important are relationships with the media in a trial setting?

Initial relationships with legitimate members of the press are very important. Many times a lawyer will feel it is an intrusion to be constantly beset by seemingly meaningless questions that take up a tremendous amount of time. But the initial headlines of the arrest often make the sacred presumption of innocence a myth. In reality, we have the presumption of guilt. This is why dealing with the media is so important.

#### How carefully should lawyers construct answers to reporters' questions?

Just as you would do in trial, anticipate the questions a reporter will pose. Think out your answers carefully. . . . Use great care in choosing your words. Keep your statements simple and concise. Pick and choose the questions you want to answer. You do not have to be concerned with whether the answer precisely addresses the question, since only the answer will be aired.

#### What about dealing with the tabloids?

My experience is that cooperating with tabloid reporters only gives them a legitimate source of information which can be misquoted or taken out of context and does little good for your client. My personal approach is not to cooperate with tabloid reporters.