

The CEO as Celebrity Blogger: Is There a Ghost or Ghostwriter in the Machine?

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By virtue of their high-profile, corporate positions, CEO bloggers raise the interest level in, as well as interesting legal and ethical questions about, their blogs. CEO bloggers and other corporate bloggers exist in a legal world in which the speech of corporations is generally deemed commercial speech that receives diluted First Amendment protection. Therefore, a business must pay particular attention to the communications, including blogs, of its associated executives, particularly high-profile CEOs. This article examines a sample of significant CEO blogs to determine whether those CEOs have attempted to distance their blogs from their businesses or have in fact embraced their corporate or business status and used the blogs not for their individual or personal expression, but as acknowledged and thus transparently business-oriented communications tools. The article concludes the latter has occurred far more often than the former and that this result bodes well both for corporate credibility in blog-facilitated communication and for the growth of CEO and similar blogs.

Introduction

Following the explosive growth of the Internet in the 1990s, blogs arrived as a new medium of business as well as social and political communication. In the world of business and public relations, blogs are now used by organizations for everything from guerilla marketing to attacking the competition (Weil, 2006). Although not every business or public relations professional is writing online, new social media, including blogs, are clearly changing the practice of public relations (Wright & Hinson, 2008).

As public relations blogging has grown, blogs associated with high profile names – names that by their celebrity might drive readership and page clicks – have also grown (Kerwin, 2005). Celebrity bloggers include such notables as Dave Barry (the humorist), Rosie O'Donnell, and Paris Hilton.¹ Although some of the celebrities no doubt write their own posts, one can easily imagine that the demands placed on their

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time by galas and premieres might lead a few to pass off the often mundane task of writing to an anonymous and undisclosed assistant. Others might simply write without giving much thought to what they are saying. Even if ghostwritten or poorly written, celebrity blogs in the world of Hollywood and rock concerts, hardly amount to more than harmless entertainment or fan manipulation.

In the world of business and public relations, celebrity is a different matter. High-profile business and public relations blogs are typically not written by dispassionate observers, entertainers or rank and file employees, but by Chief Executive Officers (CEOs) or their equivalents. By virtue of their corporate positions, these bloggers raise the interest level in, as well as interesting legal and ethical questions about, their blogs. Employee blogs in general raise interesting ethical issues, such as whether it is appropriate for an employee to post something negative about his or her employer (Wright & Hinson, 2006), but the CEO is not just any employee. The words of a CEO, or a stand-in, can affect markets, share prices, communities, employees and consumers. The conclusions one draws about the intelligence, experience or character of a CEO, or other significant corporate officer, can be affected by statements attributed to that individual. Blogs secretly written by ghostwriter posing as a CEO may lead some readers to incorrectly evaluate the skills of the CEO and prospects of the company. The CEO might claim his blog merely reflects his personal thoughts without having any bearing on the business, but is separation of the CEO-as-individual from the CEO-as-corporate-spokesperson may not be possible. CEOs, once they decide to speak in a blog or otherwise, may have various legal constraints requiring full disclosure of material facts, even if negative, about the business.

The questions presented for businesses whose leaders want to blog are complex because the CEOs are so closely associated with a business. For example, what is the appropriate tone or balance to be struck in writing a blog to protect the business? Should the CEO submit the blog to writing or editing by professional communicators (often from the ranks of public relations professionals)? Should the lawyer vet the blog before publication? What disclosures should the CEO make in the blog? Should the CEO-blogger identify the business in any manner if he or she is attempting to speak only as an individual? The answers to these questions bear directly on the potential responsibility of the business for the blog of the CEO.

This article does not purport to analyze the potential legal risks CEO blogs might raise (e.g, securities, fraud, antitrust – to name a few), but rather seeks to understand what CEO-bloggers are doing and whether they are merely personal speakers, eligible for full First Amendment protection, or commercial speakers, eligible for only diluted protection. First, the article surveys the development and use of blogs as a means of communication and particularly as a public relations tool. Second, the article examines the commercial speech doctrine in the United States because courts may view any speech by a CEO to be corporate and thus commercial speech, even if the CEO thinks he is merely blogging about his or her own political or other personal views. Third, the

article examines a sample of 45 significant CEO-authored (or at least attributed) blogs to analyze common characteristics, specifically including any attempt to distance the blog from the corporation as merely personal speech. Among the characteristics examined are the following: any disclosed use of corporate or public relations ghostwriters or editors, association of the blog with the business entity for which the CEO works, and the use of any disclaimers or stated liability limitations to attempt to reduce corporate legal responsibility for the blog.

Although the strategies vary from organization to organization, the article concludes that the fundamental values of disclosure and transparency in communication must and in practice do define the methods used in each CEO-attributed blog because, famous or not, CEOs are much more than celebrities and their blogs are not simply meant for fan clubs. Based on the sample examined, the typical CEOs who blog and whose blogs bear any direct identification of, association with or relationship to their businesses are not taking any apparent steps to claim their blogs are merely personal communications for which their businesses have no responsibility.

Blogging Grows And Becomes a Public Relations Strategy

The word blog refers to “web log” and means an online diary of posts, often appearing in reverse chronological order (Herring, et al., 2005). Blogs tend to be written in an informal and conversational style. Most blogs include an interactive feature that allows readers to comment on the blog and thus communicate with the blogger and with each other (Kent, 2008). Other important features include a permanent URL to encourage bloggers to link to the posts and RSS (Really Simple Syndication) that allows readers to subscribe to a blog and receive automatic site updates (Byron and Broback, 2006). As an Internet-enabled medium of communication, blogs offer public relations practitioners and other speakers, a potentially limitless audience for their messages (Wright, 2001). One of the many different types of blogging is known as corporate blogging – the use of a blog to further organizational goals (Weil, 2006).

Blogging increased in popularity in the late 1990’s with the introduction of blogging services and hosting sites that made it easy for anyone with an Internet connection to create a blog and update it frequently (Messner and DiStaso, 2008). This software eliminated the need for complicated instruction or training and thus attracted more individuals to the practice of blogging (Byron and Broback, 2006). The facilitation of on-line communications with multiple individuals in many locations from a single point in space also spurred the growth of blogs, leading for example in 2004 to presidential hopeful Howard Dean’s use of blogs and the web to raise millions of dollars in political contributions.ⁱⁱ A year later, corporate blogging caught on as well and citizen journalism through blogs also moved from a concept to reality (Weil, 2006). The number of blogs has been doubling every five months since 2003 and some estimates suggest a new blog is created every two seconds (Paine, 2007). Determining blog statistics is a complex process, but Technorati (an internet search engine for searching

blogs) is currently tracking over 113 million blogs (although this does not include the 73 million blogs reported to exist in China) (Helmond, 2008). Blogging is clearly among the fastest growing communications tools in history.

Although less than five percent of blogs are corporate blogs (Weil, 2006) and fewer still are written by CEOs at this time, these numbers are likely to grow as a result of the advantages blogging affords businesses (Gard, 2004). The blogosphere is a potentially worldwide community, unbounded by time or geography, and capable of providing opportunities to manage issues and relationships (Porter, Trammel, Chung & Kim, 2007). A blog allows the writer or publisher entry into this global ecosystem whose defining feature is interactivity. The blogosphere consists of blogs that are loosely joined to each other by hyperlinks. By linking to each other and conversing, bloggers (and potentially their organization, if any) can build a buzz or public interest. Robert Scoble, formerly of Microsoft blogging fame, called blogging “word-of-mouth on steroids” and public relations powerhouse Edelman acknowledged that good word-of-mouth in the blogosphere can lead to coverage in the offline media (Scoble and Israel, 2006). A ripple effect can be created in a short time with often wide-ranging results. Effective blogging is, therefore, potentially a very cost-effective way to reach stakeholders globally. This is an especially valuable tactic for smaller companies that do not have large marketing budgets and want to build a brand (Bulik, 2006).

As appealing as the inherent advantages of blogs may be, there is one key question faced by all blogs: how does one attract readers (i.e., an audience) in such a wide pool of available blogs. Although the number of blogs has grown tremendously, the number of readers of each blog has not necessarily grown as dramatically. For example, only one in nine Americans reports having read a blog and Kent (2008) states that a blog has the potential of influencing less than 1 in 20 U.S. citizens. Thus, bloggers face the age-old need to attract an audience, particularly one desired by the blogs’ writers or sponsors, and this is as true in the world of corporate communications as it is in the world of news and commentary (Messner and DiStaso, 2008).

This issue is not merely one of numbers, however. A blog is not a mass medium in the same sense that a major metropolitan newspaper or television network is. Mainstream mass media are more likely to be used by the casual consumer of information, at least in the primary geographic area served by the particular medium. The reader or user must affirmatively search for a blog or otherwise know of its existence. Blogs are more likely, therefore, to attract a more homogenous or interconnected group of readers who have a pre-existing interest in the organization or industry or particular subject matter of the blog. This group includes interested professionals as well as laymen. Hence, blog readers often already have some knowledge of the issues discussed in the blog. To this target group, the enthymematic nature of a blog is highly appealing. Rather than directly or merely stating a conclusion, a blog allows readers to discuss and participate. From a public relations perspective, blogs allow organizations to target a narrow group of coherent individuals and professionals who share a common interest. Importantly, this group often includes

opinion leaders and early adopters (Kent, 2008). Specialized sites are rulers of the Web, and the more focused the content, the greater influence a company may develop in its niche. As a result, relatively low readership numbers (as compared with the mass media) are not necessarily a problem for the corporate or CEO blogger seeking a targeted audience.

The ideal or target reader of a CEO blog is the person who wants to receive a first-hand account of an organization's business -- an insider's look or peak behind the corporate public relations veil. What distinguishes a CEO blog from others is the absence of any third-party commentator or filter (e.g., the news media, an editor, or a corporate public relations office). On its face, the CEO blog purports to come from a primary and authoritative source within the organization. A good blog potentially closes the gap between an organization and its customer or other stakeholder (Weil, 2006). A CEO blog allows a corporation to have access to individuals and groups that may be possible only in the blogosphere.

Although corporate blogs (including CEO blogs) are not necessarily seeking the same readership as the mass media, those blogs often seek broad categories of stakeholders in the business: employees, customers, investors, communities, regulators and competitors – both current and future. A blog is not just another way of promoting a corporate message, however. A blog is a vehicle for dialogue. This dialogue or interactivity is an advantage, though to some unscripted dialogue with uncontrolled customers or critics might seem unnerving, but it is precisely this potential spontaneity that can attract readers. Organizations often resort to using multiple communications tools and venues in which interaction or dialogue is a principal component because it helps them penetrate the clutter of competing messages (Paine, 2007). Not only does a blog facilitate direct contact with target audiences, a blog allows direct feedback so a corporation can hear customers' voices first-hand.

Through this dialogue a blog is a way to establish and manage stakeholder relationships that may or may not be aimed at the sale of a product or service (Porter, Trammel, Chung & Kim, 2007). A sale is generally not the main point or purpose of a blog (Paine, 2007). The purpose is, or should be, broader. It should include issues management and framing. Blogs should enable a business to put its own version of a story on the web and solicit feedback and even influence the traditional news media (Messner and Terilli, 2007; Messner and DiStaso, 2008). A well composed blog can also humanize a business, attaching a face and human voice to a corporate entity to enhance trust and loyalty (Kelleher & Miller, 2006). Consumers are more likely to transact business with a company they feel they know well enough to trust and consequently, credibility, trust and customer evangelism are essential (Scoble and Israel, 2006). The CEO blog can achieve all of these purposes if it is well conceived and executed.

High quality corporate blogs can be used to promote identification between an organization and its publics through membership and inclusion. This is a powerful persuasive technique that fosters trust and empathy. Well executed blogs also allow an organization to position itself as a thought leader and thus different from competitors. The ideal purpose of a corporate blog is the creation of the perception of the company as an entity in which innovators, experts, and influencers converge (Byron and Borack, 2006). Many CEO blogs aspire to lead thought, if not their industries. Blogs written by CEOs, or at least those that purport to be written by CEOs, may thus provide advantages in terms of persuasiveness among audiences already interested in the corporate message.

One source of potential difficulty for corporate blogs arises, however, from the nature of a targeted audience. The desired readers may be relatively homogenous and therefore not representative of the majority or general population. Yet, the corporate blog (if not limited to a tightly controlled and secure intranet) will be accessible to the broader public. The directly and broadly accessible nature of a blog means that the CEO must be adept at public communication, including the legal and ethical implications of such communications. The CEO must understand the fine line between the time to go public with an issue and the time to stay silent. The CEO must be cognizant of the risks posed by ambiguity as well as precision in language. Many CEOs are obviously excellent communicators, but some might be adept with technical issues and less enamored of or suited to the give-and-take of a public forum. Unlike a meeting with specialized analysts or even employees, the CEO-blogger is communicating with a potentially unknown and unsophisticated public audience as well those who might have a special interest in the organization. The audience is mixed and potentially complex. Therefore, the CEO-blogger must master a communications style attuned to the realities of permanent, archived and publicly available records.

The CEO-blog is not a uniform method of communication and not without its legal as well as ethical risks. In 2005, approximately 70 percent of companies had no blogging guidelines (Weil, 2006). The nature, structure, tone, policies, style and content of CEO blogs can be as varied as are the personalities of the CEOs and the missions of their businesses. The content of these blogs is a critical issue not only because the CEO might have some legal liability or ethical responsibility for his or her published content (as might any other speaker under the law), but also because the CEO, by virtue of his or her high profile position, may be deemed a commercial speaker and thus subject to different, and perhaps less protective, commercial speech law. To address this issue, the next section of this article examines the law of commercial speech as it may be applicable to CEO blogs.

Why The CEO's Corporate Status Matters Under the Law of Commercial Speech

The CEO blogger is unlike many other bloggers in the world of corporate communications because a CEO or other well-known corporate representative may be unable to blog in any capacity other than his or her corporate capacity. Even if the CEO

thinks he or she was just writing some personal rambles, he or she is still the CEO. Commercial speech receives diluted First Amendment protection and the speech of a corporate officer, if connected with the business, may be treated as commercial speech. Corporate and public relations bloggers face the risk that any speech by them will receive (even if it is not related to the sale of goods, services or securities) lesser constitutional protection than would the same or similar speech by someone not tied to the business or commercial enterprise (Terilli, 2005). Commercial actors – be they corporations, public relations firms, or even individual business people – should consider whether their speech, even if it only remotely relates to commerce, will be deemed commercial speech by the courts and therefore not as protected as other types of speech (e.g., political speech, the arts or the sciences).

The prevailing law of commercial speech under the First Amendment to the U.S. Constitution is set forth in *Central Hudson Gas & Electric Corp. v. Public Service Commission* (1980). At issue in *Central Hudson* was advertising placed by a publicly regulated utility. The Court articulated a four-part commercial speech test that asked

1. if the advertising was deceptive, false or for an illegal product or service;
2. if the asserted governmental interest behind the regulation was substantial;
3. if the regulation directly served that substantial interest; and
4. if the regulation was narrowly tailored to that interest.

(*Central Hudson* at 564-67). Had the Court in *Central Hudson* limited applicability of this test to speech (i.e., advertising) that proposed or somehow directly affected a commercial transaction, the test (which by its nature and terms dilutes the protection of the First Amendment) would have been unobjectionable and even logical. Unfortunately, the Court muddled the commercial speech category and appeared to suggest that speech by any commercial entity with any economic motive was commercial speech and, therefore, less deserving of First Amendment protection (Terilli, 2005). Therefore, because a CEO is so often a high profile person clearly associated with his or her business, any speech by that individual that is potentially related to the business may be deemed commercial speech under U.S. law.

Justice Powell, writing for U.S. Supreme Court in *Central Hudson*, began with language indicating the value of commercial expression, but he presupposed a definition of commercial speech that was broad and an invitation to judicial assessments of the interests behind speech:

The Commission's order restricts only commercial speech, that is, expression related solely to the economic interests of the speaker and its

audience. *Virginia Pharmacy Board v. Virginia Citizens Consumer Council*, 425 U.S. 748, 762 (1976); *Bates v. State Bar of Arizona*, 433 U.S. 350, 363-364 (1977); *Friedman v. Rogers*, 440 U.S. 1, 11 (1979). The First Amendment, as applied to the States through the Fourteenth Amendment, protects commercial speech from unwarranted governmental regulation. *Virginia Pharmacy Board*, 425 U.S., at 761-762. Commercial expression not only serves the economic interest of the speaker, but also assists consumers and furthers the societal interest in the fullest possible dissemination of information.

(*Central Hudson* at 561-62). Justice Powell then applied this broad definition as if it were derived from a narrow distinction rooted in common sense:

[O]ur decisions have recognized "the 'commonsense' distinction between speech proposing a commercial transaction, which occurs in an area traditionally subject to government regulation, and other varieties of speech." *Ohralik v. Ohio State Bar Assn.*, 436 U.S. 447, 455-456 (1978); see *Bates v. State Bar of Arizona*, *supra*, at 381; see also Jackson & Jeffries, *Commercial Speech: Economic Due Process and the First Amendment*, 65 Va. L. Rev. 1, 38-39 (1979). The Constitution therefore accords a lesser protection to commercial speech than to other constitutionally guaranteed expression. 436 U.S., at 456, 457. The protection available for particular commercial expression turns on the nature both of the expression and of the governmental interests served by its regulation.

(*Central Hudson* at 562-63). This logic is problematic. The first paragraph above does not logically follow from or lead to the second (Terilli, 2005). Speech about "economic interests" is a broad category and not limited to commercial transactions. If a public interest group had published advertisements encouraging the use of electricity rather than natural gas, it is hard to imagine any court seriously enforcing a state regulation prohibiting such speech. If, however, the public utilities falsely or deceptively offered for sale or promoted electricity or appliances (not the case in *Central Hudson*), it is easy to imagine courts enforcing state laws against deceptive commercial practices. The fact is government in *Central Hudson* was regulating the truthful content of the advertisements to control expression, not to address deception, illegality or fraud. The attempt to straddle the fence by characterizing these advertisements as forms of speech related only to the economic interests resulted in doctrinal confusion in the courts.

The confusions led to the litigation in *Nike v. Kasky* (2003). The *Nike* case arose following Nike's public relations response to a mid-1990s campaign criticizing its manufacturing and labor practices in Southeast Asia. Having been savaged in newspapers and on television by labor unions, labor activists and others accusing the company of underpaying and inhumanely treating workers through its contractors, Nike

proceeded to respond with advertisements, mailings, columns, and other public relations efforts designed to tell its side of the story. Mr. Kasky, a resident of California, sued under the then existing version of California's false advertising and unfair competition laws,ⁱⁱⁱ though he admitted he had not been deceived or in any manner influenced in the purchase of any Nike products.

The trial court dismissed the case and the intermediate appellate court in California affirmed, holding the expression by Nike was not commercial and, therefore, was protected by the First Amendment.^{iv} The appellate court held that lawsuit implicated a "public dialogue on a matter of public concern" –the question, among others, of "employing low-cost foreign labor for work once performed by domestic workers" –and therefore, was fully protected and was not merely commercial speech.^v The California Supreme Court, however, held that the issue-oriented advertisements could be deemed commercial.^{vi} The 4-3 vote reinstated the Kasky suit because, according to the majority, (a) Nike was engaged in commerce, (b) the intended audience was likely to be actual or potential buyers or customers or persons acting on their behalf or with influence on such potential customers, and (c) the factual content of the messages described business operations, policies, products or services and for a significant segment of the buying public, labor practices do matter in making consumer choices.^{vii} The California Supreme Court thus defined commercial speech very broadly to include speech likely to influence the buying decisions of consumers. The Court rejected the argument that Nike was simply responding in the marketplace of ideas. The majority also dismissed the risk that its ruling would inappropriately chill commercial entities from making statements about their businesses.

This confused legal reasoning landed only briefly in the Supreme Court of the United States, which sent the case back to the California courts with no decision because a majority of the court concluded the case needed further development. The dismissal of certiorari in *Nike v. Kasky* did not resolve these conflicting arguments, but the dismissal was not a mere one sentence order either. Several justices vigorously argued the issue.

The bottom line after years of the *Central Hudson* approach and after the failure of the Court to clarify the definition of commercial speech as a category of speech is that the content of any speech by a commercial entity or actor must be examined to determine its status under the First Amendment. Thus, in the context of corporate CEO blogging one cannot assume there is First Amendment speech protection for the blog even if the blog does not publish information related to a commercial transaction or possible transaction and even if there is no evidence the blog affected the buying actions of any consumer. In other words, even a blog about politics or art or science must be examined because the very corporate status of the blogger (either direct or through agency law principles) makes that blog a candidate for reduced constitutional protection under the First Amendment. A blog written by the CEO of a business is,

therefore, a form of communication that a court would likely view as a corporate and commercial communication.

The categories of speech are not mutually exclusive and many types of speech (some fully protected, some partially, and some not protected at all under the First Amendment) may be motivated by economic or financial interests. Corporate and CEO blogs are no different. Perhaps content about matters unrelated to commercial transactions – actual or intended – ought to have the same constitutional protection as other, non-commercial speech. It does not, however, and as a result the legal analysis of corporate and CEO blogs demands both an examination of all forms of content as well as the questions related to agency and vicarious liability. Therefore, the place to begin is the content of the blogs: Are the CEOs writing only about their personal lives and thoughts or about issues related, directly or indirectly, to their businesses and commercial interests and what, if anything, are they posting on the blogs to distinguish their writings from their corporations in terms of legal or ethical responsibility? To more adequately understand the range of methods and risks, this article next examines a sample of noteworthy and illustrative CEO blogs to begin the process of developing the outlines of what CEOs are doing in their blogs.

Research Method

Because the questions examined in this article involve qualitative matters regarding a relatively new and targeted form of communication (i.e., the CEO blog), the authors did not attempt to select a sample of blogs randomly among all blogs. The first criterion for selection was authorship (actual or apparent) by a CEO or equivalent executive. The second criterion was some evidence of an established, even if narrow, readership and recognition of the blog such that the blog might serve as an example for others. An opportunity sample drawn from widely recognized CEO blogs and a qualitative analysis of the blogs were thus suited to the purposes of this article.

Once the sample was selected, as explained in more detail below, the authors essentially used what Altheide (1976, 1987) termed an “ethnographic content analysis” to apply qualitatively certain categories to the content of each blog and allow for the development of additional categories as the examination proceeded. This form of textual analysis has been widely used by scholars, including, for example, Hindman (2008) who examined both the use by CBS News of forged National Guard documents in the 2004 election, Altheide (1976, 2002) who studied television news and media conceptions of fear, and Gormly (2004) who studied Christian television programs that covered Islam.

Unlike a quantitative analysis, content analysis through ethnography facilitates not only an examination of the content or text of the blogs, but also the discovery and evaluation of new questions or characteristics found by first reading the text with the initial, general categories present as evaluative tools. In ethnographic content analysis the first reading and the general categories of analysis do not exclude new patterns or

categories that become apparent after the first reading. After this first pass at the material, additional readings of the material and deductive analysis are employed to verify or reject the patterns or categories. As shown below, once the sample was selected, the authors began reading the CEO blogs for key, general categories and then refined and broadened those categories as they proceeded to arrive at the ethnographic content analysis.

Sample

The sample was drawn from a compilation of four lists of CEO blogs. These lists were identified using the search engine *Google* and Lexis-Nexis, both of which are popularly used by readers seeking blogs. The phrase “List of CEO blogs,” resulted in March 2008 in approximately 87 million hits on Google – an obviously unmanageable number for this study. Examination of the most prominent search results revealed repetition and citations to a few longer, prominent lists. Therefore, three of the four lists chosen were master or commonly cited lists that contained significant numbers of CEO blogs: *The Corporate Blogging Book* (<http://www.thecorporatebloggingbook.com>), *Digerata.net* (<http://www.digerata.net>), and the *New PR* (<http://www.thenewpr.com>). The fourth list, provided by the *Wall Street Journal*, was chosen because it contained blogs by CEOs of high-profile publicly-traded companies. The other three lists consisted mostly of lower profile, often smaller companies. For the purposes of this study, a mixture of small and large company CEO blogs was desired because they tend to differ in format and content and offered greater diversity in the sources of the blogs.

The next step included a review of the lists to eliminate duplicate blogs and blogs by employees who were not CEOs or their equivalents. The second list (*Digerata*) was compared to the first (CBB) and all entries on the second list that were also on the first were removed from the second list. The third list (*The New PR*) was then compared to the second and duplicate entries removed from the third. None of the 11 entries on the *WSJ* list appeared on the other three.

To limit the sample to CEOs, the lists were reviewed and those corporations with high-ranking employees that were not CEOs or presidents were removed. Examples of titles of other high-ranking employees include vice president, Corporate Operating Officer, and Chief Technology Officer. Although blogs by executives of this stature will present many of the same issues as blogs by CEOs, they were eliminated in this study for the sake of consistency and to avoid the necessity of evaluating each position in the context of different corporate structures. On the *Wall Street Journal* list three blogs of other high-ranking officials were included because those positions were substantially similar in significance and profile to CEOs. They included: Mike Critelli executive chairman of Pitney Bowes, Robert Lutz vice chairman of GM, and David Neeleman chairman of JetBlue Airways. They were not excluded in part because these three companies are high profile publicly traded and blogs by these individuals would

have similar effects or consequences as those written by the CEO. During the review process, blogs that were no longer active by March 2008 were also removed from the lists.

To edit the sample further and arrive at the final 45 entries to be used in the study, a more systematic sampling procedure was used. In each of the three sections of the lists (all 11 entries on the Wall Street Journal list were used), each eighth CEO blog was chosen until the number ten from each was reached. The final sample therefore contained ten blogs from the *Corporate Blogging Book*, ten entries from *Digerata.net*, ten from *the New PR*, and 15 from the *Wall Street Journal* (11 from the list and four from reader comments that responded to the *Journal's* list). If a blog chosen had been discontinued, that entry was deleted and replaced by the next entry on the list. The final sample provided a diverse list of CEO blogs that included high and low profile companies as well as different industries.

Analysis

The authors began the analysis by analyzing each blog to determine if it prominently identified the business of the CEO or appeared to be presented as merely the personal writings of the individual. On this first reading the authors also examined the blogs for the identification and disclosure of other writers or editors of the content. Following the initial reading, the authors concluded that because many of the blogs have existed for lengthy periods of time, allowing the sites to accumulate many old posts as well as archives, and because many readers will not search a blog for a buried disclosure in an old post or toward the bottom of the blog, the examination would focus on that which one could deem to be a prominent disclosure at or near the top of the blog (on the initial one-to-three screens) or otherwise prominently or conspicuously labeled. To this end, a list of ten questions was used to examine practices in the content and format of the sample CEO blogs. Each blog was analyzed and the answers to ten questions were recorded. The questions included:

1. Is the URL corporate or unrelated?

Determining whether the URL a part of the organization's home webpage (i.e., officialcorporation.com/CEOblog) or hosted on an unrelated host server (i.e., john.typepad.com).

2. Is the corporation identified?

Identification was defined as being located anywhere on the blog.

3. If so, is it prominent?

Prominent was defined as being located in the opening screen, in the top three blog entries, or in a prominent sidebar. If the viewer needs to open another window, such as

About Me, or scroll down the website, the item was classified as not prominent. Obvious use of a company logo or color scheme also qualified as prominent corporate identification.

4. Does the writer post business entries?

The top three blog entries were examined for business entries, including for example entries concerning the organization, industry, or related business topics.

5. Are there links to the corporation on the blog?

The links examined were those located in the opening screen or on the sidebar.

6. Does the writer post personal entries?

Personal entries were defined as a top three blog entry concerning anything other than business related information. Examples include movie reviews and stories about recent vacations. These non-business-related entries often appeared alongside business-related entries.

7. Is there a prominent statement that the blog is personal?

For definition for prominent, see question three above. Personal statement was defined as being a clause that specified that the blog was the view of the CEO and not the corporation. Terms such as “opinions of CEO” and “random musings of the CEO” were excluded.

8. Are readers able to comment?

Comments were defined as opportunities for readers to state their views after each blog entry.

9. Does the blog identify other writers or editors?

Identification of other writers or editors was defined as a statement or clause identify anyone other than the CEO as an author, reviewer or editor of some kind regarding blog content.

10. Is there a Terms and Conditions section?

A “terms and conditions” section was defined as one setting forth procedures and policies for use of the blog and specifications regarding posts by readers.

Results

Several trends were found. Almost all of the blogs identified the corporation (44), though nine of the 44 did not do so prominently. Therefore, 35 blogs prominently displayed an identification of the organization. The CEOs typically wrote in their blogs about their businesses or some aspect of the industries (42). They also generally included prominent links to their organizations (39). Forty-one blogs allowed readers to comment after each blog entry.

On the other hand, just five of the blogs reviewed included a clause stating that the blog reflected only the personal views of the CEO and was unrelated to the organization. Similarly, only five included a Terms and Conditions section. Forty blogs did not identify other editors or writers and were therefore assumed to be solely written by the CEO. Interestingly, none of the blogs affirmatively represented to the readers that only the CEO wrote the entries, without input or contributions from others, though five of the CEOs did generally portray their blogs as personally written statements, apparently allowing the readers to judge for themselves.

The only categories or questions in which the authors found nearly even splits among the 45 blogs included use of the corporate URL and publication of content that was personal as well as business related. A substantial number of blogs had a corporate URL and a substantial number had an unrelated one (28 corporate and 17 unrelated). The same was found for personal entries (22 personal and 23 non-personal). Of the blogs that included personal entries, however, only three of those were exclusively limited to personal entries, as opposed to those including a mix of personal and business issues.

Table 1: *Summary of blog analysis.*

	Corp. URL	Identif. of corp.	Prominent	Business entries	Links to Corp.	Personal entries	Personal statement	Reader comments	Other editors / writers	T&C
Yes	28	44	35	42	39	22	5	41	5	5
No	17	1	10	3	6	23	40	4	40	40

In summary, although the URLs of some of the blogs were unrelated to an organization, the majority of the blogs prominently identified the corporation and provided links to it. Most of the CEO bloggers predominately discussed matters pertaining to their organizations or industries. However, few had clauses, statements, or a terms and conditions section explaining that the blog reflected opinions of the CEO and not of the organization. This trend is ultimately the only one that differentiated

the high-profile CEO bloggers of the Wall Street Journal list from the others. The former were more likely to include legal statements or a terms and conditions section stating that the blog reflected the views of only the CEO. In some blogs, however, phrases such as “opinions of a CEO” or “random musings,” were displayed close to the title of the blog.

The name of an organization that was not prominently displayed was usually found in the “About me” section. Of the five blogs that identified other editors or writers, none disclosed that an editor reviewed the blog before publishing. Instead, some CEOs allowed other high-ranking officials to co-blog with them. There were only three blogs that were strictly personal in nature and content, meaning that all of the entries concerned topics other than the CEO’s business or industry. The others focused primarily on organizational topics.

Conclusion

One could argue that a truly personal CEO blog with no connection to a business cannot logically exist, except under extraordinary circumstances. If the name of the CEO is known by readers, the CEO’s blog inevitably may be deemed by them to represent the business and may affect in some way their thinking about the business. Denial of the corporate connection or liability might only reduce the credibility of the blog and the business in the minds of the users.

The majority of the CEO blogs examined not only failed to deny corporate liability or distinguish the blogs from the businesses, they acknowledged and even embraced the corporate connection. The use of corporate logos and names, web domain names, and corporate resources (from information to sources and related links) was quite common. Some of the blogs were clearly promotional. Some were more general or conversational. Nearly all of them were positioned as public relations tools, encouraged two-way communication, sought to enhance corporate transparency and humanized the CEO and his or her business. This suggests that these CEO-bloggers largely accept their role as corporate spokespersons, if not icons, and the possible corporate legal liability and ethical responsibility for their online writings. The blogs that included terms and conditions or policies that might be used to attempt to limit corporate liability appeared to include those sections more to ensure decorum among users posting comments or to comply with applicable laws such as securities regulations.

This research began with the concern that because CEO blogs might lead to corporate liability, the CEOs would attempt to distinguish their blogs from their corporations and corporate communications generally. By embracing the corporate connection in their blogs, the CEOs examined have shown that CEO blogs are not necessarily viewed by businesses as speech distinct from commercial or corporate speech generally, but are accepted as integral parts of a corporate communications

strategy. Not having an open and transparent blog, either written by the CEO or someone with similar star power, may be viewed in the future less as a prudent way of avoiding risk than as an imprudent way of failing to engage stakeholders, critics and others. This should not be understood to mean that a one-size-fits-all approach to high-profile corporate blogging is necessary. The CEO blog or similar tool can and should be tailored to the skills, interests, and personalities of the writer as well as the nature and goals of the business. It might as well be so tailored because it will be almost certainly viewed as commercial speech of the business. As Gilbert Ryle argued nearly 60 years ago in a different context and with greater philosophical elegance and import, there is no ghost in this machine (Ryle, 1949).

NOTES

ⁱ Inquiring minds may find these illustrative celebrity blogs as follows: for Dave Barry, who blogs for a newspaper, http://blogs.herald.com/dave_barrys_blog/; for Rosie O'Donnell, who in 2008 discontinued blogging, at Rosie.com (see also <http://www.people.com/people/article/0,,20215913.00.html>); for Paris Hilton, <http://www.myspace.com/parishilton>.

ⁱⁱ See, e.g., http://deancalltoaction.blogspot.com/2003_04_20_deancalltoaction_archive.html (retrieved Sept. 15, 2008).

ⁱⁱⁱ Cal. Bus. & Prof. Code §17200 et seq. (2003); Cal. Bus. & Prof. Code §17500 et seq. (2003).

^{iv} *Kasky v. Nike, Inc.*, 93 Cal. Rptr. 2d 854 (Cal. App. 1 Dist. 2000).

^v *Id.* at 860-61.

^{vi} *Kasky v. Nike, Inc.*, 45 P.3d 243 (Cal. 2002).

^{vii} *Id.* at 257-62.

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Appendix

CEO Blogs and Corporate affiliations examined:

1. Jonathan Schwartz, “Jonathan’s Blog” – Sun Microsystems, <http://blogs.sun.com/jonathan/>
2. Bill Marriott, “On the Move” – Marriott International, <http://www.blogs.marriott.com/>
3. Mike Critelli, “Open Mike” – Pitney Bowes, <http://www.mikecritelli.com/>
4. Robert Lutz, “Fast Lane” – GM, vice chairman, <http://fastlane.gmblogs.com/>
5. David Neeleman, “Flight Log” – JetBlue Airways, <http://www.jetblue.com/about/ourcompany/promise/index.html>
6. Michael Hyatt, “From Where I Sit” – Thomas Nelson Publishers, <http://www.michaelhyatt.com/fromwhereisit/>
7. Mark Cuban, “Blog Maverick” – Internet entrepreneur and owner of the Dallas Mavericks and Landmark Theaters, <http://www.blogmaverick.com/>
8. Richard Edelman – Edelman, http://www.edelman.com/speak_up/blog/
9. Paul Levy, “Running a Hospital – Deaconess Beth Israel Hospital in Boston, <http://runningahospital.blogspot.com/>
10. Nick Jacobs – Windber Medical Center in Windber, Pa., <http://windberblog.typepad.com/about.html>
11. Bob Parsons, “Hot Points” – GoDaddy.com, <http://www.bobparsons.tv/>
12. Garo H. Armen – Antigenics, <http://www.antigenics.com/news/ceoblog/>
13. Tom Glocer – Reuters, <http://tomglocer.com/default.aspx>
14. Alan Meckler, Jupiter media, <http://weblogs.jupitermedia.com/meckler/>
15. Gregory Olsen – PatinaCare, <http://patinacare.blogspot.com/>
16. Buzz Bruggeman – Active Words, <http://buzzmodo.typepad.com/buzznovation/>
17. Gil Friend – Natural Logic, <http://blogs.natlogic.com/friend/>

18. John Andrews – Evans Data Corporation, <http://www.evansdata.com/blog/viewBlog.php?blogID=1>
19. Matt Blumber – Return Path, <http://onlyonce.blogs.com/>
20. Steve Spangler – Steve Spangler Science, <http://www.stevespangler.com/>
21. Chris Baggott – Compendium Software, <http://blogging.compendiumblog.com/blog/blogging-best-practices/>
22. Greg Milliken – Alibre, http://alibre.typepad.com/alibre_ceo_blog/
23. Karen Chistensen – Berkshire Publishing, <http://www.berkshirepublishing.com/blog/>
24. Pat Matthews – Webmail, <http://patmatthews.typepad.com/>
25. Bill Nussey – Silverpop, <http://emailmarketing.silverpop.com/>
26. Beth N. Carvin – Nobscot, <http://nobscot.blogspot.com/>
27. Tim Dyson – Next Fifteen, <http://siliconvalleypr.blogspot.com/>
28. Kathleen Gilroy – Otter Group, <http://www.ottergroup.com/?cat=1>
29. Kingsley Idehen – OpenLink Software, <http://www.openlinksw.com/blog/~kidehen/>
30. Jim Lejeal – Oxlo Systems, <http://jimlejeal.typepad.com/>
31. Katie Delahaye Paine – KDPaine&Partners, <http://kdpaine.blogs.com/>
32. Scott Ryan – Architel, <http://architel.com/blog/>
33. Mena Trott – Six Apart, <http://www.sixahhttp://architel.com/blog/part.com/about/corner/>
34. Brock Blake – FundingUniverse.com, <http://brockblake.com/>
35. Brian Dear – Eventful.com, <http://www.brianstorms.com/>
36. Steve Goldstein – Alacra, <http://www.alacrablog.com/>
37. Kenneth D. Makovsky – Makiovsky & Company, <http://blog.makovsky.com/>

38. George F. Colony – Forrester Research, <http://blogs.forrester.com/colony/>
39. Nicholas Jacobs – Windber Medical Center and Research, <http://windberblog.typepad.com/>
40. David Manaster – ERE Media Inc., [http://www.ere.net/blogs/Hire Calling/](http://www.ere.net/blogs/Hire_Calling/)
41. Phillip Blumberg – American Ventures, [http://www.blumbergblog.com/philip blumberg/](http://www.blumbergblog.com/philip_blumberg/)
42. Leslie Jump – Jump Walker International Group, <http://www.marketerblog.net/>
43. Lester Wunderman – Wunderman, <http://lesterchroniclesblog.wunderman.com/>
44. Jamie Lewis – Burton Group, <http://www.burtongroupblogs.com/jamielewis/>
45. Lai Kok Fung – Buzzcity, http://gammalife.blogspot.com/2007/06/connecting-unwired_07.html