

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 29/91

Dated the 23rd day of July 1991

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

ALAN DEWAR
of Wellington

Broadcaster
TELEVISION NEW ZEALAND
LIMITED

I.W. Gallaway Chairperson
J.B. Fish
J.L. Hardie
J.R. Morris

DECISION

Introduction

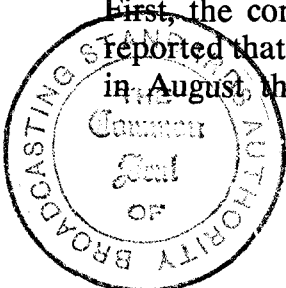
Two items on *One Network News* on 16 November 1990 broadcast by Television New Zealand Limited at 10.00 pm dealt with aspects of the crisis in the Persian Gulf.

The first item was a report on a news conference held in Wellington by the visiting Kuwaiti Minister of State for Foreign Affairs. The second item dealt with opposition to the prospect of war in the Gulf and covered an anti-war rally in Auckland.

Mr Dewar's Complaint to Television New Zealand Limited

Mr Dewar wrote to TVNZ Ltd on 21 November 1990 complaining about these items which, he said, breached the requirements for fairness and accuracy in the Television Code for Broadcasting Practice. He listed four aspects of the coverage which, he maintained, breached the Code.

First, the commentary on television covering the Foreign Minister's press conference reported that he had not requested military assistance. As the media had carried reports in August that Kuwait had requested assistance from New Zealand which included



military backup, Mr Dewar asserted the November 16 report was misleading. He observed:

There is fertile ground for humour in the picture of the Sheik traversing half of the globe simply to tell New Zealand that he was not requesting military assistance!

The second complaint was directed at the part of the item which, Mr Dewar wrote, misused "edited footage" to represent President George Bush "as petulantly seeking war with Iraq and disregarding the possibility of a diplomatic solution". Thus footage which related to the plight of American diplomats in Kuwait was "clearly out of context".

The basis of the third complaint occurred when the item:

... misleadingly claimed that President Bush's Gulf policy is increasingly unpopular: and is encountering significant grassroots opposition.

Mr Dewar cited figures which indicated that President Bush's policy, as did Mrs Thatcher's, had a currently high public approval rating. The reporting on this item, Mr Dewar concluded, "was partisan and uncritical".

Lastly, he described as both preposterous and banal the suggestions in the item that the crisis was engineered by oil companies or that the United States was motivated by economic greed. Mr Dewar regarded this suggestion as "particularly unfair" as President Bush had stated that he was prepared to face economic recession rather than abandon Kuwait.

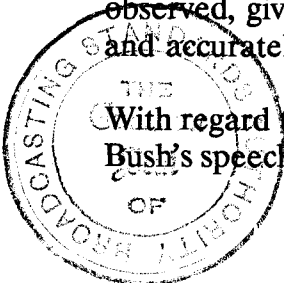
TVNZ's Response to the Formal Complaint

TVNZ advised Mr Dewar of the decisions of its Complaints Committee in a letter dated 8 February 1991.

The complaint had been considered in the context of standards 1 and 6 of the Television Code which require factual truth and accuracy and balance, impartiality and fairness.

In regard to the first complaint, TVNZ noted that newspaper reports in advance of the Sheik's visit had indicated that he intended to thank governments in the region which had helped Kuwait since the Iraqi invasion. The Sheik's message at the news conference, TVNZ wrote, fulfilled this prediction and therefore the quote used on the programme was "fair and accurate". TVNZ added that a later newspaper report had showed that the Sheik when questioned had said that he was not seeking further assistance but would welcome contributions to the multinational forces in the area. Nevertheless, TVNZ observed, given the limited time available on television news bulletins, the item "fairly and accurately" reflected the mood and substance of the occasion.

With regard to the second complaint, TVNZ acknowledged that the extract of President Bush's speech which was broadcast was made by him about another event. Nevertheless,



TVNZ wrote:

While appreciating the point you made, the Committee believed the quote from President Bush was appropriate and indicative of the very firm position the United States had been taking from the beginning of the crisis. It was recognised that the overriding rationale provided by the Americans for their troop build-up was the protection of the United States interests - and the reference to the suffering of American diplomats in Kuwait was clearly relevant in that context.

TVNZ said that Mr Dewar had misinterpreted the item when he made his third complaint. It was not reported that the President's Gulf policy was becoming increasingly unpopular but that grassroots opposition to the prospect of war was growing. The report of the anti-war meeting in Auckland to which the item referred was one such example. Further, quoting a number of opinion polls, TVNZ said that support for President Bush's Gulf policy was diminishing at the time of the broadcast.

TVNZ had not said that economic greed motivated the United States's policy, the letter recorded, but an anti-war campaigner speaking on the programme said that the oil companies could profit from a war. Thus TVNZ was the messenger, not the originator of the message. Moreover, TVNZ disputed Mr Dewar's implication that President Bush's motives were humanitarian. President Bush had acknowledged that the strategic interests of the United States were relevant to the country's response.

TVNZ concluded;

Given all the circumstances the Committee was unable to determine that any of your four-part complaint illustrated breaches of the two codes in question. Accordingly your complaint was not upheld.

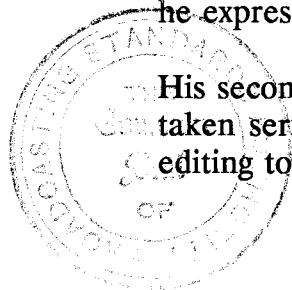
Mr Dewar's Complaint to the Broadcasting Standards Authority

As Mr Dewar was dissatisfied with TVNZ's response, he referred the complaint to the Broadcasting Standards Authority on 26 February 1991 under s8(a) of the Broadcasting Act 1989.

In addition to standards 1 and 6 of the Television Code, he referred to standards 7, 12, 15 and 17. The grounds of his complaint, he wrote, were fairness and accuracy, the misleading use of edited film footage, misleading claims and partisan advocacy journalism.

Mr Dewar discussed his four complaints about the items. Although the newspaper article quoted indicated how the Sheik's message could have been reported more fully, he expressed satisfaction with TVNZ's response on the first complaint.

His second complaint about the use of unrelated film footage, he wrote, had not been taken seriously. Quoting standard 15 which requires broadcasters to use care when editing to ensure that the broadcast is a true reflection of the views expressed, he said



that TVNZ had used file footage out of context. Consequently, it was "grossly misleading".

He described TVNZ's response to his third complaint about opposition to the prospect of war as "disingenious" (sic). He had not complained about the item's reference to anti-war groups - but how the item had misrepresented their significance. He cited a number of sources to show that Mr Bush enjoyed widespread support for his stance and that it was misleading to refer to one poll which reflected diminished support, in Mr Dewar's words, as an "inexorable downward trend".

Mr Dewar accepted TVNZ's assurance that it reported the claims of others about oil company interests, rather than propounding this message itself.

TVNZ's Response to the Authority

As is the Authority's practice, TVNZ was asked on 6 March 1991 for its comments on the complaint. Its reply is dated 6 June.

It pointed out that Mr Dewar's complaint had been assessed in terms of standards 1 and 6 but that he had subsequently introduced standards 7, 12, 15 and 17. These standards, it said, should not be taken into account although, it added, elements of standards 7, 12 and 15 overlapped with standards 1 and 6. It also noted that the first and fourth complaints in his letter to TVNZ of 21 November were, in effect, withdrawn.

Before examining the details of the remaining complaints, TVNZ noted that the complainant's referral form had been completed with the benefit of historical hindsight whereas the Complaints Committee had dealt with matters as they existed at the date of the broadcast. That broadcast was aired two months before the outbreak of the Gulf war.

TVNZ noted that the news item was built around an interview with a Mr Peter Williams and an anti-war rally held in Auckland that night. Mr Williams described the "sabre rattling" behaviour on the part of the allies and the excerpt broadcast of Mr Bush's "tough talking", although referring to the ill-treatment of diplomats, illustrated that stance. TVNZ emphasised that Mr Williams, not the broadcaster, was expressing the viewpoint portrayed on the item.

Regarding the peace movement, TVNZ maintained that it was not inaccurate to suggest at the time that the grassroots movement was growing in size. The movement may have later diminished in importance, but that was not the situation in mid November. TVNZ stated that a reference to the Vietnam peace movement was valid in the context. It continued:

The item, it is submitted, needs to be recognised as but one of the literally hundreds carried on Television New Zealand during the build up to the Gulf War during the fighting, and in its aftermath. Taken in that context the company does not believe it can seriously be suggested that this single item outlining the



views of "those who feel a negotiated settlement is still possible" (to quote from the script) can in any way be described as misleading or inaccurate.

At the time of broadcast the voices raised by the opponents of war were at their loudest. It was relevant to reflect that an anti-war movement existed, that it had support in New Zealand, and that such movements had been up and running in the past.

TVNZ concluded that the item did not breach standards 1 and 6.

Mr Dewar's Final Comment to the Authority

Mr Dewar was asked for his comments on TVNZ's response and his reply was dated 18 June 1991.

He focused first on the use of the excerpt from President Bush. The President's language, and he quoted *Time* in support, did not amount to a threat of military force or "sabre rattling".

Secondly, the item had emphasised dissent disproportionately, while the figures published at the time indicated increasing support for the President's policy. Accepting TVNZ's comment that increasing grassroots opposition to the war did not necessarily indicate a decline in popularity of the Gulf policy, he commented.

An allegedly "growing grassroots opposition" which is failing to impact on the popularity of the gulf policy is clearly of little or no significance - why screen the item?

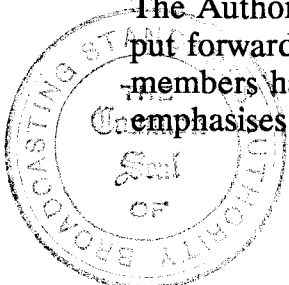
Parallels with Vietnam, he said, involved wishful thinking rather than analysis. Further, the point made by TVNZ that President Johnson chose not to run for re-election in 1968 because of the unpopularity of the Vietnam war was a misinterpretation of the facts. He provided a quote from a recent history to justify that point.

He added that the analysis of the New Zealand peace movement was "one-sided, propagandistic, tendentious, 'committed' journalism". In conclusion, he stated:

The peace lobby was failing to attract public support precisely because it refused to face the fact that the Gulf Crisis was not another Vietnam. So too the broadcaster, with sections 1 and 6 the loser.

Decision

The Authority has studied the correspondence and carefully considered the arguments put forward by Mr Dewar in support of his complaint and by TVNZ in response. All members have viewed the news item which gave rise to the complaint. The Authority emphasises that this decision focuses on the items broadcast on 16 November 1990, not



on the total coverage of the Gulf crisis. It also points out that the Gulf crisis was a major and continuing news and the news of particular focus changed weekly, daily or even more frequently.

Mr Dewar's formal complaint to TVNZ referred to breaches regarding the accuracy and fairness of the items. TVNZ interpreted that to mean breaches of standards 1 and 6. When referring the complaint to the Authority, Mr Dewar also listed standards 7, 12, 15 and 17. The Authority's statutory task is to review the broadcaster's decision and it will confine itself to the grounds under which the complaint was assessed by the broadcaster if those grounds sufficiently capture the essence of the complaint(s). It believes standards 1 and 6 do capture Mr Dewar's complaints. They require broadcasters:

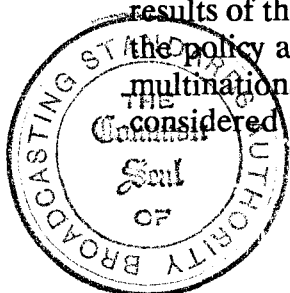
1. To be truthful and accurate on points of fact.
6. To show balance, impartiality and fairness in dealing with political matters, current affairs and all questions of a controversial nature.

Mr Dewar's first complaint requires the Authority to determine, in effect, whether footage of President Bush, described by Mr Dewar as "petulant", "bellicose" and "over-cautious", when expressing strong disapproval about the suffering of American diplomats in Kuwait was a typical representation of his attitude to the crisis. It is an issue which falls within standard 6 as it questions whether TVNZ displayed fairness. Mr Dewar, describing the film footage as an "out-of context excerpt", said that it indicated that President Bush intended to cease looking for diplomatic solutions and to send in the marines. In his final letter to the Authority, Mr Dewar stated that the excerpt was used as an example to justify the reference to "sabre rattling", but it also justified the often heard description of President Bush as a "wimp".

The Authority, with the advantage of hindsight, could state that the attitude expressing strong disapproval indeed reflected the President's final position - but that approach overlooks the fact that in November 1990 a military decision was not inevitable. In mid-November 1990, the use of armed force was but one option. It was an option, however, that was being taken seriously.

On that basis, and as the item on 16 November did not exclude alternative solutions, the Authority accepted that it was neither unfair nor unbalanced to use file footage displaying a "hard line", if not a "sabre rattling", approach on President Bush's part.

Mr Dewar also complained that the item suggested that the President's policy was becoming increasingly unpopular. That complaint can be examined in terms of both standards 1 and 6. With this item it is again important not to assess TVNZ's broadcast of 16 November with the advantage of hindsight. From the results of the opinion polls supplied by both the complainant and TVNZ, it is apparent that the results varied over time and in part depended on the state of the crisis and the questions asked. From the results of the polls supplied by the complainant it is also apparent that public support for the policy adopted by the United States and by a number of the other members of the multinational forces remained high both before and after military intervention was considered necessary.



However, in assessing this complaint, the Authority takes cognisance of the point made by TVNZ that the item did not question the popularity of the President's policy. Rather, it expressed the opinion that grassroots opposition was increasing specifically in regard to the prospect of war. The Authority accepts as valid TVNZ's distinction between what the item stated and what Mr Dewar complained about.

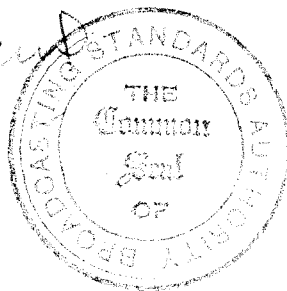
Moreover, with the benefit of hindsight, the Authority sympathises with Mr Dewar that the parallel drawn in the item between the anti-war rally of the 16 November and the Vietnam anti-war movement is far-fetched. However, it was a parallel at least implicitly drawn by the protesters in 1990 and explicitly portrayed by TVNZ. Mr Dewar made the point that the Gulf anti-war group comprised representatives from divergent viewpoints. The Authority believes that this, rather than distinguishing it from the equivalent Vietnam anti-war coalition, is a parallel as that movement also comprised groups with diverse motives.

Putting aside the vagaries of interpreting events, concurrently and/or historically, the Authority concluded that the items broadcast on 16 November 1990 complied with standards 1 and 6 of the Television Code.

For the reasons set forth above, the Authority declines to uphold the complaint.

Signed for and on behalf of the Authority

Iain Gallaway
Iain Gallaway
Chairperson



23rd July 1991