

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 56/92

Dated the 27th day of August 1992

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

KERRY SHARP

of Palmerston North

Broadcaster

TV3 NETWORK SERVICES

LIMITED

I.W. Gallaway Chairperson

J.R. Morris

R.A. Barraclough

L.M. Dawson

DECISION

Introduction

"Lambs of Christ" was the title of an item on *60 Minutes* broadcast by TV3 Network Services Ltd on Sunday 8 March 1992. It dealt with the activities of a North American group with that name which, to achieve its aim of putting abortion clinics out of business, used non-violent tactics to harass, humiliate and embarrass doctors who performed abortions. It also harassed the families of the doctors.

Mr Kerry Sharp complained to TV3 that the programme was unbalanced. It suggested, he said, that abortion was right and legal and that the protesters were responsible for violence or threats of violence although evidence to substantiate that allegation was not advanced. He protested that the pro-abortion bias apparent in the North American media was being followed by New Zealand television.

TV3 said that the programme was neither biased nor misleading and declined to uphold the complaint. As Mr Sharp was dissatisfied with TV3's decision, he referred his complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act



## Decision

The members of the Authority have viewed the programme to which the complaint relates and have read the correspondence (summarised in the Appendix). As is its practice, the Authority has determined the complaint without a formal hearing.

Mr Kerry Sharp complained that the *60 Minutes* item entitled "Lambs of Christ" broadcast on 8 March was unbalanced. Asserting that the item was not biased, TV3 declined to uphold the complaint. The Authority expresses its concern that TV3, in its letter to Mr Sharp advising him of its Complaints Committee's decision, did not advise him of the standard under which the complaint had been considered. If a complainant does not refer to a specific standard when making a formal complaint, the Authority regards it as the broadcaster's responsibility to do so when responding to a complainant, for reasons of courtesy if nothing else. It trusts that TV3, and all other broadcasters, will not only select the appropriate standards if not nominated by the complainant but also advise complainants of them.

The issue was addressed in one of the Authority's early decisions when it recorded (Decision No: 3/90):

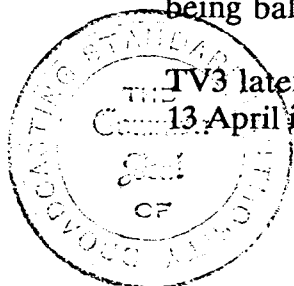
In the Authority's view, when a formal complaint expressly or implicitly alleges a breach of a broadcasting code of practice but fails to specify the code(s) or rule(s) upon which the complaint is based, the broadcaster should give the complainant the opportunity to elaborate, in terms of the codes, upon the precise nature of the complaint. Otherwise, the broadcaster's actions of determining the complaint according to its own interpretation of it may lead the Authority, upon the referral of the complaint to it, to exercise its power under s13(1)(c) of the Broadcasting Act 1989, requiring the broadcaster to reconsider the complaint in accordance with the complainant's own view of its basis (or bases) in the codes.

The Authority also takes this opportunity to remind broadcasters of their obligations under s.7(3) of the Broadcasting Act. It sometimes happens that broadcasters, as has occurred on this occasion, omit any reference to s.7(3) when advising a complainant of its Complaints Committee's decision. The subsection reads:

- (3) The broadcaster shall, in notifying, a complainant pursuant to subsection (1) or subsection (2) of this section, give to the complainant information concerning the complainant's right, by way of referral to the Authority under section 8 of this Act, to seek an investigation and review of the broadcaster's action or decision, as the case may be.

In his letter of formal complaint about "Lambs of Christ", Mr Sharp also referred to what he called the pro-abortion bias in the North American media and, when he referred his complaint to the Authority, he expressed his concern that the American bias was not being balanced by New Zealand produced programmes dealing with abortion.

TV3 later supplied the Authority with a copy of a letter received from Mr Sharp dated 13 April in which he commended the broadcaster for a locally made item about abortion



broadcast on *60 Minutes* on 12 April. That letter was written after the broadcast of the "Lambs of Christ" programme but before Mr Sharp referred TV3's decision to the Authority. In that letter of commendation to TV3, he wrote:

This is the first programme on abortion, we have seen, that has not been biased heavily in favour of abortion. It showed the pro-life people as ordinary people who, firstly, really cared about the innocent unborn child who cannot speak for his/herself, and secondly, really cared about the welfare of the mother carrying the child.

We trust that TV3 will continue to screen future programmes that show the many aspects of the pro-life side of the abortion issue.

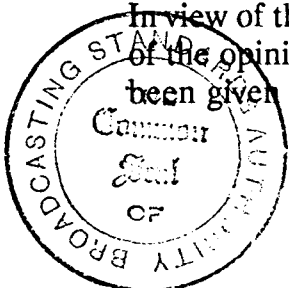
In view of matters raised by Mr Sharp and TV3's response, the Authority has assumed that the complaint was assessed under s.4(1)(d) of the Act. It requires broadcasters to maintain standards which are consistent with:

- (d) The principle that when controversial issues of public importance are discussed, reasonable efforts are made, or reasonable opportunities are given, to present significant points of view either in the same programme or in other programmes within the period of current interest.

In his complaint, Mr Sharp expressed his grave concern as to how the abortion issue was dealt with on television generally and in this programme specifically. The Authority acknowledges that the item complained about dealt with an aspect of abortion but decided that the broad abortion arguments, whether pro-choice or pro-life, were not the issues addressed. The Authority considered that the item dealt with the ethics of the tactics used by the "Lambs of Christ", a group with a pro-life or anti-abortion philosophy, in its endeavours to stop the operation of abortion clinics. The tactics were designed to put pressure on doctors who conducted abortions and to harass, embarrass and humiliate them and their families so that they would stop performing abortions. The tactics, while explicitly non-violent, involved the group's members being arrested for civil disobedience and, in addition, undertaking close physical surveillance and direct confrontation with specific doctors and their families.

The Authority examined the programme to see if that theme was presented in a balanced way and concluded that each side was represented by articulate spokespeople who presented their opinions both cogently and competently. The Authority also noted that Mr Sharp complained that the programme was unbalanced when it suggested that abortion was right and legal in the United States. While the "rightness" of abortion is hotly disputed, the programme explained that abortion, under the appropriate circumstances, was legal in that country. That aspect of the complaint was considered by the Authority to be irrelevant to the issues addressed in the programme.

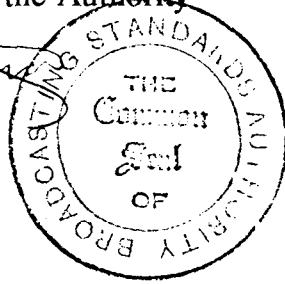
In view of the aspect of the abortion debate which the item addressed, the Authority was of the opinion that reasonable efforts had been made and reasonable opportunities had been given to the parties to present significant points of view of the topic.



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



27 August 1992

## Appendix

### Mr Kerry Sharp's Complaint to TV3 Network Services Ltd

In a letter dated 17 March 1992, Mr Kerry Sharp complained to TV3 Network Services Ltd about the item "Lambs of Christ" broadcast on *60 Minutes* on Sunday 8 March 1992.

He said that the item implied that abortion was right and legal and that what the abortion opponents were doing was wrong. The Lambs of Christ, a pro-life group, he continued were considered, without evidence, to be responsible for violence and threats of violence. The specific prayer shown seeking a calamity, he added, was not an act of violence but a prayer to God to "improve or remove" a person in Authority.

Accusing New Zealand television of following the pro-abortion bias in American television, Mr Sharp requested that the "Lambs of Christ" item be balanced by a story about "the abortion holocaust" in a number of countries, including New Zealand.

### TV3's Response to the Formal Complaint

In a letter dated 28 April, TV3 advised Mr Sharp of its Complaints Committee's decision. It said that the programme was neither biased nor misleading and that it had complied with the broadcasting standards.

### Mr Sharp's Complaint to the Broadcasting Standards Authority

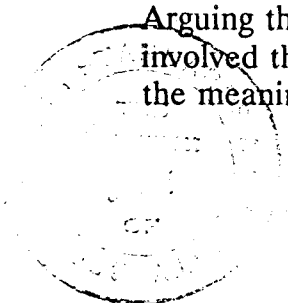
As he was dissatisfied with TV3's response, on 3 May Mr Sharp referred his complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.

He repeated his complaint that the item showed a pro-abortion bias as, without evidence, it alleged threats of violence by the "Lambs of Christ". Further, no account of the positive side of the pro-life protests, such as saving unborn children, was included. The programme's pro-abortion bias, Mr Sharp continued, was unbalanced.

### TV3's Response to the Authority

As is its practice, the Authority sought the broadcaster's response to the complaint. Its letter is dated 6 May and TV3's response 23 June.

Arguing that the only specific aspect of the complaint referred to the Authority involved the definition of the word "calamity", TV3 urged the Authority to consider the meaning within the item's context. TV3, it stated, was of the view:



... that the interpretation of the word by CBS was fair, given that the programme then goes on to document the use of firearms and threats of violence against doctors who perform abortions.

### Mr Sharp's Final Comment to the Authority

When asked to comment on TV3's response, in a note dated 1 July, Mr Sharp rejected TV3's response as irrelevant to his complaint. The Authority checked with TV3 which advised that it did not intend to comment further. In a letter dated 6 July, Mr Sharp then repeated the complaint made originally that the item was "heavily biased" in favour of abortion. He added:

Because abortion is an irreversible action for both the mother and the unborn child, we believe that it is only reasonable that television has a balanced debate on this controversial yet very important issue. Screening very biased American programmes with no other programmes to balance the viewpoint is not a responsible or fair and proper use of the very powerful television media.

### Further correspondence

In a letter also dated 6 July, TV3 supplied the Authority a copy of a letter received from Mr Sharp dated 13 April in which he had commented on an item on *60 Minutes* on 12 April which had dealt with aspects of the abortion issue in New Zealand. Writing on behalf of his wife and himself, the first three paragraphs of Mr Sharp's letter said:

We wish to commend you for screening the "60 Minutes" programme on abortion and concerned pro-life people, on Sunday 12.4.92 at 7.30pm.

This is the first programme on abortion, we have seen, that has not been biased heavily in favour of abortion. It showed the pro-life people as ordinary people who, firstly, really cared about the innocent unborn child who cannot speak for his/herself, and secondly, really cared about the welfare of the mother carrying the child.

We trust that TV3 will continue to screen future programmes that show the many aspects of the pro-life side of the abortion issue.

