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Our Ref: 1444897

13 June 2012

Dear Mr Mallett

(1) BBC coverage of issues relating to the events of 9/11

(2) *The Conspiracy Files: 9/11 Ten Years On* – 29 August 2011 – BBC Two

I am responding to your appeal to the BBC Trust, following the decision of the Editorial Complaints Unit (ECU) at Stage 2 of the complaints process not to uphold your complaint. Your appeal concerned the BBC's coverage of issues relating to the events of 11 September 2001 (9/11) in general, and the above programme in particular.

First, I should explain that the Trust does not adjudicate on every appeal that is brought to it, and part of the role of the BBC Trust's Head of Editorial Standards, Fran O'Brien, is to check that appeals qualify for consideration by the Trust or one of its complaints committees under the Complaints Framework. You can find full details of the Complaints Framework and Trust appeals procedures here:
www.bbc.co.uk/bbctrust/about/how_we_govern/protocols_policy/compliance_oversight.shtml

I am writing this response on behalf of the Head of Editorial Standards, who has explained her decision to me. An independent editorial adviser has read all the correspondence in your case and viewed the programme in question. Although it was not feasible for the Head of Editorial Standards to review all the BBC's output during the past ten-and-a-half years concerning the events of 9/11, she has taken into account all the appeals to the Trust and all the adjudications of the Trust's Editorial Standards Committee (ESC) on the subject since 2007 (when the BBC Trust came into existence).

The Trust has received other appeals that required consideration of the same substantive issues as your complaint, and of other issues. The Head of Editorial Standards has read every appeal, and considered the merits of each individually in deciding whether it qualified for consideration by the ESC. In accordance with paragraph 5.3(e) of the Complaints Framework,¹ it has been deemed appropriate to send a consolidated response to all complainants in this matter. This decision was approved by the Editorial Standards Committee offline on 11 May 2012.

¹ See:
www.bbc.co.uk/bbctrust/assets/files/pdf/regulatory_framework/protocols/2010/e3_complaints_fr_work.pdf

This is intended to ensure that the key reasons for the Head of Editorial Standards' decisions on all the issues raised in the various appeals are communicated in the most cost-efficient and timely manner. Consequently, this letter is generic in nature, and may deal with issues that are beyond the scope of your complaint; nevertheless, it will, I believe, address all the issues you have raised and provide you with the fullest explanation of Fran O'Brien's decision.

The Trust also received a number of supporting emails from correspondents who had not made a complaint through the BBC's complaints process, but wished to support the points made by those who have submitted appeals.

Having taken all relevant matters into account, the Head of Editorial Standards did not consider that any of the appeals arising from this matter had a reasonable prospect of success, or that it would be appropriate for any appeal to proceed to the ESC. I should like to explain why.

Preliminary matters

The Head of Editorial Standards' remit

Paragraph 3.10(d) of the Trust's Editorial Complaints and Appeals Procedures² states:

Your appeal must raise a matter of substance – in particular, that, in the opinion of the Trust, there is sufficient evidence to suggest that the appeal has a reasonable prospect of success and there is a case for the BBC Executive to answer. Consideration will also be given to whether it is appropriate, proportionate and cost-effective for the Trust to address an appeal. For example, given the distinct roles and responsibilities of the Trust and the Executive, the Trust will not usually take appeals relating to day to day operational issues.

I should emphasise at the outset that it is not within the Head of Editorial Standards' remit to decide upon the validity of any of the competing versions of the events of 9/11. Her task at this stage of the complaints process is to evaluate all the evidence that complainants have adduced in support of alleged breaches of the BBC's Editorial Guidelines, and to decide on that basis whether an appeal has a reasonable prospect of success. She must also consider whether it is appropriate, proportionate and cost-effective for the Trust to address an appeal, and whether the issues raised by an appeal fall within the Trust's responsibilities.

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See: www.bbc.co.uk/bbctrust/assets/files/pdf/regulatory_framework/protocols/2010/complaints_fr_work_ed_complaints.pdf

Previous ESC decisions

The Conspiracy Files: 9/11 Ten Years On was an updated version of a 2007 edition of *The Conspiracy Files*. Some elements of the later edition were essentially identical to the earlier edition, some were revised and updated, and some were completely new. The 2007 edition was investigated and twice adjudicated upon by the ESC.³ In neither of those decisions was an appeal upheld. The Trust is the final arbiter in the BBC's complaints process, and the ESC's decisions on matters relating to editorial standards are final. In considering your complaint, the Head of Editorial Standards was therefore bound by the ESC's past findings, and was unable to reconsider any matter that the ESC had previously decided. Consequently, insofar as the content of the 2011 edition corresponded to that of the 2007 edition, Ms O'Brien's decision is based upon the ESC's findings on editorial matters such as the programme's approach to the subject, the selection of contributors, and the application to such a programme of the requirement of due impartiality.

Summary of complaints

Scope of complaints

Complainants' appeals raised editorial issues relating to potential breaches of the BBC's Editorial Guidelines on:

1. Accuracy;
2. Impartiality;
3. Harm and Offence;
4. Fairness, Contributors and Consent;
5. War, Terror and Emergencies;
6. Editorial Integrity and Independence from External Interests; and
7. Accountability;

Complainants also raised:

8. regulatory issues relating to the BBC's Royal Charter and its Agreement with the Secretary of State for Culture, Media and Sport.⁴

³ See: www.bbc.co.uk/bbctrust/assets/files/pdf/appeals/esc_bulletins/nov07.pdf

⁴ These concerned the BBC's editorial integrity and independence from government interests, and its role in supporting "informed democracy". The text of the BBC's Royal Charter and its Agreement with the Secretary of State for Culture, Media and Sport (and of amendments to the latter) can be found at: www.bbc.co.uk/bbctrust/about/how_we_govern/charter_and_agreement/index.shtml

A large number of points of complaint concerned the omission from the programme of certain content, such as contributions from particular eye-witnesses, relatives of victims, proponents of alternative theories and interest groups, and certain information, argument and analysis. Complainants argued that such omissions amounted to breaches of the Editorial Guidelines on both Accuracy and Impartiality.

1. Accuracy

1.1 General

One complainant argued that the programme had inaccurately described the official version of events as “unequivocal”, whereas the official version had changed over time, with later iterations contradicting earlier ones. Another complainant argued that the programme makers had knowingly misled the audience.

1.2 Collapse of World Trade Center (WTC) towers

Complainants argued that the programme’s explanation of the cause of the collapse of the WTC’s North (WTC1) and South (WTC2) Towers (the Twin Towers) and Tower 7 (WTC7) was inaccurate. It was argued that contributor Professor Abolhassan Astaneh’s theory⁵ which had been included in the programme had been discredited by *Architects and Engineers for 911 Truth* and others.

One complainant challenged the BBC to explain why it had aired the ‘pancake theory’,⁶ which official investigators had rejected. The complainant also queried why the programme had not reported that the National Institute of Standards and Technology (NIST) report⁷ into the collapse of WTC1 and WTC2 had only addressed the collapse of the floors immediately involved with the aircraft impacts, not the disintegration of the whole building.

Complaint was also made that the programme’s failure to mention that WTC1 and WTC2 had contained 47 uprights intermeshed with steel beams accredited to withstand 2,000 degrees⁸ was misleading. The complainant observed that, according to the laws of physics, towers with 110 floors (WTC1 and WTC2) and 47 floors (WTC7) could not disintegrate into microscopic dust within seconds as a result of “small fires”. The complainant also argued that the programme had misrepresented the findings of the RJ Lee Group’s *WTC Dust Signature Report*.⁹

⁵ I.e., that the Twin Towers’ structural integrity had depended on thin load-bearing walls.

⁶ I understand that this theory was proposed by the Federal Emergency Management Agency (FEMA) in its *World Trade Center Building Performance Study* (2002): see www.fema.gov/library/viewRecord.do?id=1728 ; www.fema.gov/pdf/library/fema403_ch2.pdf

⁷ See: www.nist.gov/customcf/get_pdf.cfm?pub_id=909017 (NCSTAR 1, September 2005) p xxxvii, fn 2; p 82, fn 13.

⁸ The unit of thermal measurement was not specified.

⁹ See: www.rjlg.com/litigation-services/case-studies/establishing-the-wtc-dust-signature-managing-post-911-environmental-and-damage-assessments.aspx ; 911research.wtc7.net/essays/termite/cache/nyenvirolaw_WTCDustSignatureCompositionAndMorphology.pdf

One complainant noted that the BBC had reported the collapse of WTC7 20 minutes before it actually happened,¹⁰ which implied that this was evidence that WTC7 had not collapsed as a result of structural failure.

1.3 Presence of thermitic material in WTC dust

One complainant stated that the programme had failed to link contributor Professor Niels Harrit's discovery of thermitic material in dust from the collapsed WTC to the available chain of evidence. According to the complainant, the presence of explosive residues corroborated architect Richard Gage's theory of controlled demolitions, which in turn echoed firefighters' reports of explosions before the WTC towers collapsed.

This accorded with "seismic proof" of an explosion at the WTC prior to the first aircraft strike,¹¹ which confirmed janitor William Rodriguez's account of an explosion in WTC1. In the complainant's view, this omission had resulted in the misrepresentation of Professor Harrit's findings, and was evidence of bias (see further under Impartiality, below). It was also argued that contributor Professor Chris Pistorius' opposing view was not evidenced by any scientific paper or tests.

1.4 Computer simulations

One complainant argued that the programme had used computer simulations which were not based on peer-reviewed data and were therefore unreliable.

1.5 Uncorrected errors

One complainant noted that the 2007 edition of *The Conspiracy Files* had incorrectly claimed that WTC7 had not collapsed in free fall. Since then, the analysis of *Architects and Engineers for 9/11 Truth* had forced NIST to agree that WTC7 had come down at free-fall speed for at least 2.25 seconds.¹² The programme had failed to make this "absolutely critical" correction.

Another complainant challenged the BBC to explain why it had not corrected the 2007 edition's inaccurate introduction and sign-off of contributor Professor Christoph Hoffman.

1.6 Prior warnings

One complainant argued that the programme had incorrectly stated that the FBI and CIA insisted that they had received no specific warnings of the 9/11 hijackings.

¹⁰ See: www.youtube.com/watch?v=_KtcOk-YYz8&feature=fvst

¹¹ See: Furlong and Ross

www.journalof911studies.com/volume/200609/ExplosionInTowerBeforeJetHitByFurlongAndRoss.pdf and www.scholarsfor911truth.org/Article911SeismicProof.html ; Hoffman 911research.wtc7.net/essays/demolition/seismic.html

¹² See: www.nist.gov/customcf/get_pdf.cfm?pub_id=861610 (NCSTAR 1A, November 2008) p 48 (final bullet).

According to the complainant, the use of the word "specific" obscured the fact that such information was indeed known by those agencies.

Another complainant noted that Richard Clarke (then National Co-ordinator for Counter Terrorism) had stated elsewhere that the CIA knew that the hijackers were in the US and planning something, and that the CIA had deliberately withheld this information.¹³ The complainant believed that the omission of Mr Clarke's statement was misleading.

1.7 Disposal of WTC debris

It was argued that the programme had inaccurately stated that all that remained of the WTC debris had been consigned to a hangar in New York State, whereas steel girders had been recycled and much of the debris was pulverised into dust.

1.8 Other issues

One complainant noted that, according to a BBC news report, five of the alleged hijackers were alive,¹⁴ and asked who (if the report was correct) had hijacked the planes. Another complainant argued that the inclusion of a CIA agent swearing allegiance at the start of the programme gave the misleading impression that the CIA was above reproach, whereas it was accepted that the CIA's activities were "absolutely anchored in immorality and unethical behaviour". The same complainant argued that the programme had inaccurately stated that, when US air traffic control had tried to locate the hijacked planes, there were 4,500 'blips' on their screens, whereas all four hijacked planes should have been readily identifiable.

It was also argued that the programme was misleading when it said that US military equipment and procedure were designed and oriented to identify and respond to external threats, not internal ones. One complainant argued that the programme had misled viewers by failing to disclose evidence of the US government's involvement in previous conspiracies. Another complainant argued that the programme had referred to other US Government conspiracies, but had said that questioning of the official version of events in relation to 9/11 was "out of bounds", and had therefore failed to weigh all relevant facts.

2. Impartiality

2.1 General bias

Complainants argued that, in general, the BBC's coverage of 9/11 during the past 10 years had been biased in favour of the official version of events.

¹³ See: www.youtube.com/watch?v=bl6w1YaZdf8

¹⁴ See: news.bbc.co.uk/2/hi/1559151.stm ; superseded by news.bbc.co.uk/1/hi/world/americas/1581063.stm

According to complainants, the BBC had broadcast a number of items specifically aimed at debunking the views of so-called 'conspiracy theorists', and various news and documentary items had grossly misrepresented crucial issues concerning flaws in the official version of events.

One complainant argued that, given the "pivotal" significance of 9/11, the BBC's failure to commission an investigative series, rather than an hour-long programme, indicated an intention to confuse the issues and engineer public acquiescence with the official version of events.

A number of complaints of bias relating specifically to the programme were argued also to be of more general application.

2.2 Bias by inaccuracy

One complainant argued that all the BBC's programmes on 9/11 were biased, in that the inaccuracies and misrepresentations they contained were deliberate.

2.3 Biased depiction of competing theories

According to one complainant, the official version of events was consistently depicted as fact, which was not only inaccurate and misleading but also biased.

Another complainant noted that the programme had included contributions (eg from writer Frank Spotnitz) which were intended to discredit and undermine alternative theorists' views. It was argued that the programme was designed to discredit those who questioned authority, and that it had repeatedly denigrated as 'conspiracy theorists' those who criticised the official version.

In the view of one complainant, the frequent repetition of the phrase 'conspiracy theory' was used subliminally to condition the audience to support UK and US government policy. The complainant argued that, in addressing the persistence and potency of conspiracy theories, the programme had excluded certain writers and strands of thought, and had dishonestly ignored the fact that human behaviour was team-, group-, tribe-, clan- and family-oriented. The complainant also cited contributor Special Agent Jean O'Connor's alleged denigration of those who questioned the official version of events as evidence of the programme's lack of due impartiality.

2.4 Bias by omission: (1) Selection of contributors and perspectives

It was argued that, as the programme had included contributions from 145 supporters of the official theory and just four sceptics, it contained a significant imbalance of views. One complainant felt that the programme had cherry-picked information and hypotheses which supported the official version of events. Some complainants contended that the BBC had failed to interview, or had restricted its broadcast of the accounts of, a number of individual eye-witnesses and advocates of alternative theories, and of campaigning organisations offering an alternative perspective.

One complainant argued that, if such contributors had been unavailable for interview, their views should nevertheless have been reported.

2.5 Bias by omission: (2) Collapse of WTC towers

Complainants felt that the programme had not reflected the opinion of experts who questioned the official version of the cause of the Twin Towers' collapse, nor had it discussed any of the various theories which challenged the original NIST evaluation, including the evidence supporting the theory of controlled explosions. One complainant noted that the programme had failed to mention that there were explosions in the basements of the Twin Towers both before and after the aircraft had struck.

It was argued that the programme had presented its explanation of why the WTC towers collapsed as fact, and had failed to acknowledge that this was disputed and was not supported by NIST or any other authority.

The BBC had not reported the fact that NIST had initially stated that WTC7 did not collapse at free-fall speed, but had eventually been forced by independent scientists to accept that this had occurred for at least 2.25 seconds.¹⁵ Nor had the BBC reported that, according to experts, the only way such a building could have collapsed at free-fall speed was by controlled demolition, using explosives.

According to one complainant, the BBC had not shown any of the video footage of the collapse of WTC7, as a consequence of which the majority of the public were still unaware that a third tower had collapsed. The same complainant noted that the BBC had failed to report that the 9/11 Commission Report¹⁶ had not mentioned the collapse of WTC7. One complainant noted that the programme had not questioned why evidence from the Twin Towers had not been preserved and why standard investigation procedure was not followed.

2.6 Bias by omission: (3) Presence of thermitic material in WTC dust

One complainant queried why the BBC had not sought written (rather than oral) scientific evidence to challenge the claims of architect and campaigner Richard Gage and Professor Niels Harrit, which concerned the presence of thermitic material in dust from the WTC collapse. The programme's failure to link Professor Harrit's findings to the available chain of evidence was, in the complainant's view, a breach of the Impartiality Guidelines (as well as of the Accuracy Guidelines).

According to another complainant, the editing of Professor Harrit's interview had presented a biased view of his theory, and the programme makers had tried to further discredit his findings by using testimony from experts who, by their own admission, had not actually looked at his work.

¹⁵ See: www.nist.gov/customcf/get_pdf.cfm?pub_id=861610 (NCSTAR 1A, November 2008) p 48 (final bullet).

¹⁶ news.bbc.co.uk/nol/shared/bsp/hi/pdfs/22_07_04911Report.pdf

Another complainant argued that the programme had depicted Professor Harrit's paper as "irrelevant", had dismissed it because it had not been peer-reviewed, had sought to discredit Professor Harrit as a witness, and had not given him an opportunity to respond to criticism. This, the complainant argued, was evidence of bias.

2.7 Bias by omission: (4) Pentagon/American Airlines Flight 77

One complainant enquired about the whereabouts of the unreleased CCTV footage of the Pentagon strike, querying why BBC journalists had not asked to see it and why it was being kept secret. Complainants noted that the programme had not questioned why the US authorities had failed to release all available CCTV footage. One complainant also pointed out that the programme had not mentioned that the missile batteries protecting the Pentagon had failed.

Complainants argued that the programme had also failed to mention the following factual irregularities:

- data from Flight 77's 'black box' recorder had been analysed by independent experts and did not match the official version of events;
- 9/11 Commissioner Timothy Roemer had commented on television that a "missile ... plane" had struck the Pentagon;¹⁷
- no satisfactory explanation had been offered of how an airliner had hit the Pentagon without its wings and engines damaging the wall and windows adjacent to the perfectly round, 5-metre-diameter impact hole;
- if the nose of an airliner had struck at the site of the impact hole, its engines would have been buried underground, and yet the lawn directly in front of the impact hole was unscathed;
- the BBC had not reported that, according to *Pilots for 9/11 Truth*, it was impossible to fly an airliner at the given speed at virtually ground level, and that the hijacker alleged to have piloted the aircraft (an amateur pilot), and possibly even an experienced pilot, would have lacked the skill required to execute the manoeuvre that Flight 77 was alleged to have made.

One complainant noted that the programme had stated, "If a large passenger jet crashed into the Pentagon, why was the hole in the exterior wall apparently so small?" In the complainant's view, the use of word "apparently" was intended to cast doubt on the claim, and was evidence of bias. It was also argued that the programme had not made it clear that the Pentagon was a crime scene, and so no wreckage should have been touched or removed, and that the programme had failed to mention that the Pentagon had received no warning of any attack. According to complainants, these omissions indicated a lack of balance.

¹⁷ See: www.youtube.com/watch?v=cWUMHPSKVyY

2.8 Bias by omission: (5) United Airlines Flight 93

One complainant noted that the programme had not reported that mobile phone calls were said to have been made from Flight 93, but it was impossible to make such calls in 2001. Another complainant asked why the programme had not shown video footage of substantial wreckage at the crash site in Shanksville, Pennsylvania.

2.9 Bias by omission: (6) Vested interests

It was argued that the programme makers had effectively concealed the fact that certain contributors had a vested interest in the official version of events. Complainants argued that the programme had failed to disclose to the audience that:

- the programme had included contributions from persons “tied to the establishment by money, career and contract” and who were “deeply enmeshed in the intelligence gathering and propaganda organisations of the US military”;
- the US government had funded the Purdue University computer animations for both the WTC and the Pentagon;
- contributors Professor Richard Fruehan and Professor Chris Pistorius, both of Carnegie Mellon University, had benefited indirectly from government grants received by Carnegie Mellon;
- the US government had funded contributor Professor Abolhassan Astaneh’s research;
- contributor structural engineer Allyn Kilsheimer had had a close relationship with the Pentagon and Department of Defense (especially during the tenure of the then Under Secretary of Defense (Comptroller) Dov Zakheim), from which he had “made a good living”.

2.10 Bias by omission: (7) 9/11 Commission members and NIST reconsider initial findings

Complainants argued that the programme had failed to report that the official version of events had been largely discredited by 9/11 Commission members’ subsequent comments and NIST’s revised conclusions. They noted that:

- in his book *The Ground Truth: The Story Behind America’s Defense on 9/11*, John Farmer (senior legal counsel, 9/11 Commission) had stated that the public had been seriously misled;
- in their book *Without Precedent*, Thomas Kean and Lee Hamilton (9/11 Commission Chair and Vice-Chair respectively) had criticised the investigative process;
- Bob Kerrey (9/11 Commission member) had subsequently questioned the findings of the official investigations and inquiries;
- six out of 10 members of the original 9/11 Commission had stated on record that the investigation was a whitewash and that they had been “set up to fail”.
- the programme had included facts and conclusions which had been withdrawn by NIST, and had therefore presented information which the official investigating bodies no longer supported.

One complainant challenged the BBC to explain its failure to inform the audience that the majority of 9/11 Commission members had attributed the failings of the 9/11 Commission Report to conflicting evidence submitted by the Federal Aviation Administration (FAA), the North American Aerospace Defense Command (NORAD), the White House, etc.

2.11 Bias by omission: (8) Suspicious deaths

One complainant noted that the BBC had omitted to report the suspicious deaths of a number of persons associated with inquiries into 9/11. It was argued that this omission amounted to a lack of balance.

2.12 Bias by omission: (9) Other matters that should have been addressed

Complainants argued that:

- the programme had referred only to a “routine military exercise” that had been taking place on 9/11, and had failed to mention the authorities’ admission that an unprecedented number of military and emergency services exercises (described by one complainant as “war games”) had taken place on that day;
- the programme had not reported that the procedure for the interception of hijacked aircraft was changed just before 9/11 and was changed back again shortly afterwards, nor had it reported the relevant testimony of then Secretary of Transportation, Norman Mineta;
- the programme had not included relevant facts about terrorist funding, such as the \$100,000 supplied by the Pakistani Inter Services Intelligence (ISI) and reported in the *Wall Street Journal* and *Times of India*;
- the following lines of inquiry were not pursued:
 - the whereabouts of Secretary of Defense Donald Rumsfeld on 9/11;
 - “ridiculous” evidence, such as the alleged discovery of singed hijacker passports.

3. Harm and offence

One complainant asserted that the programme had contained an image of very brief duration, perceived to be what the complainant termed a “horse’s ass”, which the complainant construed as mocking alternative theorists’ views.

4. Fairness, contributors and consent

Complainants argued that the interviewer’s conduct had been unfair towards interviewee Professor Niels Harrit. Having viewed the unedited footage¹⁸ of the interview, one complainant likened it to “a cruel cross-examination”, and queried whether contributor Jean O’Connor (who supported the official version of events) had been similarly grilled for three hours. According to another complainant, the unedited footage revealed attempts by the interviewer to provoke an angry response from Professor Harrit by means of repeated accusations, and to put words into his mouth.

¹⁸ See: www.youtube.com/watch?v=IT-pFzOo5YM

The complainant noted that the interviewer would have been able to cherry-pick clips to fit the preconceived editorial line.

One complainant argued that it would have been “editorially fairer” to have included first-hand, eyewitness contributions that supported alternative theories, rather than from secondary sources such as Alex Jones, Jim Fetzer and Dylan Avery.

Another complainant argued that the programme’s conclusion had been intended to make members of the 9/11 truth movement look like “heartless individuals”. According to the complainant, the programme had portrayed the makers of the *Loose Change* documentary as “typical conspiracy theorists” seeking commercial gain, which in the complainant’s view was an attempt to discredit their work.

5. *War, terror and emergencies*

One complainant argued that the BBC was in breach of section 11 of the Editorial Guidelines, in that it had failed to scrupulously apply the principles of accuracy and impartiality in covering an international emergency.

6. *Editorial integrity and independence from external interests*

Complainants argued that the BBC was allowing itself to be used as an instrument of government propaganda. They contended that, whereas the BBC purported to be independent of government, the terms of clauses 4 and 81 of its Agreement with the Secretary of State¹⁹ meant that it was effectively under state control. One complainant asserted that the BBC received money from the US State Department. Another complainant contended that the BBC was effectively carrying out the US government’s ‘full spectrum dominance’ strategy to propagandise its position on 9/11.

One complainant cited the former BBC Trust Chairman’s preface to the Editorial Guidelines, in which he asserted that, without adherence to the Guidelines’ standards of fairness, accuracy and impartiality, the BBC’s key role in supporting an “informed democracy” could not be achieved.

Complainants argued that the BBC had knowingly kept the public misinformed in order to gain support for a war which the US had been planning, pre-9/11, to wage in Afghanistan. Another complainant argued that the events of 9/11 were the basis for widespread restrictions on civil liberties and for the “War on Terror”, which had led directly to two major wars, namely Afghanistan and Iraq.

One complainant cited a report by the BBC’s George Arney,²⁰ which quoted a Pakistani diplomat’s statement that the US had been planning military action against Osama Bin Laden and the Taliban before 9/11.

¹⁹ The text of the BBC’s Royal Charter and its Agreement with the Secretary of State for Culture, Media and Sport (and of amendments to the latter) can be found at:

www.bbc.co.uk/bbctrust/about/how_we_govern/charter_and_agreement/index.shtml

²⁰ See: news.bbc.co.uk/1/hi/world/south_asia/1550366.stm

The complainant also cited a BBC documentary entitled *Timewatch – Operation Gladio*,²¹ which concerned “false flag” operations. In the complainant’s view, the BBC’s failure to re-broadcast the *Timewatch* programme was “highly relevant and suspicious”, and its failure to incorporate it into its coverage of 9/11 was “grossly misleading”.

Summary of the ECU’s findings

A full summary of the ECU’s findings is attached at **Annex I**.

Appeals to the Trust

Complainants appealed against the ECU’s decision across the whole range of issues that had been raised at Stages 1 and 2. In addition, complainants raised the following point of complaint:

7. Accountability

One complainant queried why the ECU had limited its investigation to issues of impartiality. Another complainant noted that the ECU had considered this complaint against the Editorial Guidelines on accuracy and impartiality, whereas in the complainant’s view it concerned a regulatory matter. The same complainant argued that it would be “dishonourable” for the Trust to limit its consideration of this complaint solely to the Editorial Guidelines, as the issues were too important and the programme so “outrageous” in its selection of the available evidence.

The ECU explained that its remit was limited to editorial matters, which was why it had considered complaints against the standards prescribed by the Editorial Guidelines.

A full outline of the issues raised by complainants is attached at **Annex 2**.

The Head of Editorial Standards’ decision

It was evident from the tone of complainants’ correspondence that this subject had aroused grave concerns and strong feelings. The Head of Editorial Standards noted that complainants had presented their arguments with great conviction and in considerable detail. The Head of Editorial Standards considered complainants’ appeals against the Editorial Guidelines on (1) Accuracy, (2) Impartiality, (3) Harm and Offence, (4) Fairness, Contributors and Consent, (5) War, Terror and Emergencies, (6) Editorial Integrity and Independence from External Interests, and (7) Accountability, the relevant provisions of which are set out in **Annex 3** below.

²¹ See: www.youtube.com/watch?v=7fB6nVwJcM

1. Accuracy

The Head of Editorial Standards noted that the programme was an updated version of one of a series which had sought to give audiences an overview of the phenomenon of the conspiracy theory. She also noted that certain issues relating to accuracy had already been decided upon by the ESC in its decision on the 2007 edition, and that those findings therefore also applied to the corresponding elements of the 2011 edition.

So far as issues of accuracy not covered by the ESC's decision were concerned, the Head of Editorial Standards adopted the ECU's findings, and felt there was little she could usefully add to its analysis, which she considered to be thorough, detailed and fair-minded. In her view, there was insufficient evidence that any appeal had a reasonable prospect of success on the ground that the programme was inaccurate and/or misleading. Nor did the Head of Editorial Standards consider it to be appropriate, proportionate or cost-effective for the Trust to address any appeal on accuracy issues.

The Head of Editorial Standards noted that the ECU had not expressly referred in its findings to certain allegations of inaccuracy that complainants had made. Although the ECU had implicitly rejected those points of complaint, the Head of Editorial Standards took the view that, for the sake of completeness, she should address them in this letter.

1.1

With regard to the complaint that the programme makers had knowingly misled the audience, the Head of Editorial Standards noted that, as the ECU had found that the programme was duly accurate (with which she felt the Trustees would agree), this complaint necessarily fell away.

1.2

With regard to the BBC's having reported the collapse of WTC7 20 minutes before it actually happened, the Head of Editorial Standards noted that the ESC had previously decided that BBC World's Head of News had satisfactorily explained the sequence of events.²²

1.8

With regard to the report that five of the alleged hijackers were alive, the Head of Editorial Standards noted that a blog by the Editor, BBC News website²³ had explained that the confusion over names and identities may have arisen because the names in question were common Arabic and Islamic names.

²² See: www.bbc.co.uk/blogs/theeditors/2007/02/part_of_the_conspiracy.html;
www.bbc.co.uk/blogs/theeditors/2007/03/part_of_the_conspiracy_2.html

²³ See: www.bbc.co.uk/blogs/theeditors/2006/10/911_conspiracy_theory_1.html

She also noted that the blog had quoted the FBI's statement that it was confident that it had positively identified the hijackers, and that the 9/11 investigation had been thoroughly reviewed by the National Commission on Terrorist Attacks Upon the United States and the House and Senate Joint Inquiry, neither of which had raised doubts about the hijackers' identity. In the Head of Editorial Standards' view, Trustees would not agree that the omission of this relatively minor point had any significant bearing on the accuracy (or, for that matter, the impartiality) of the programme.

2. Impartiality

2.1 *General bias*

The Head of Editorial Standards noted that, according to the Editorial Guidelines, due impartiality was often more than a matter of balance between opposing viewpoints, and that it did not require absolute neutrality on every issue or detachment from fundamental democratic principles. She also noted that, according to the Guidelines: impartiality did not necessarily require the range of perspectives or opinions to be covered in equal proportions, either across the BBC's output as a whole, or within a single programme, web page or item; that views should be accorded their 'due weight'; and that minority views should not necessarily be given equal weight to the prevailing consensus.

The Head of Editorial Standards is aware of all appeals received on this issue since 2007. None have been upheld and the Head of Editorial Standards therefore found no evidence that the BBC's output on 9/11 had failed to consider the broad perspective or to ensure that the existence of a range of views had been appropriately reflected. Nor was there any evidence, in her view, that the BBC's application of due impartiality had not been adequate and appropriate to the output, taking account of the subject and nature of the content, the likely audience expectation and any signposting that might have influenced that expectation.

She therefore concluded that there was insufficient evidence to suggest that any appeal had a reasonable prospect of success on this ground, or that it would be appropriate for any appeal to proceed to the ESC.

2.2 *Bias by inaccuracy*

As the Head of Editorial Standards determined that the programme was duly accurate, this point of complaint necessarily fell away.

2.3 *Biased depiction of competing theories*

The Head of Editorial Standards noted that the ESC had previously found that, considering the difficulty and complexity of the programme's subject matter, the 2007 edition of the programme had provided a fair and open-minded presentation of the various theories and had met the Guidelines' requirements on due impartiality.

Also noting that all contributors to the 2011 edition (except Dylan Avery) had confirmed that their original contributions accurately reflected their current views, the Head of Editorial Standards agreed with the ECU that the programme's depiction of the various conspiracy theories had been appropriate, since it broadly mirrored that of the original programme.

With regard to complainants' specific complaints of biased depiction, the Head of Editorial Standards adopted the ECU's findings, and felt there was little she could usefully add to its analysis.

She therefore concluded that there was insufficient evidence to suggest that any appeal had a reasonable prospect of success on this ground, or that it would be appropriate for any appeal to proceed to the ESC.

2.4 Bias by omission

Issues concerning the selection of programme content required the Head of Editorial Standards to consider the crucial distinction between the respective roles of the BBC Trust and the BBC Executive Board. Article 7 of the BBC's Royal Charter²⁴ states:

... the main roles of the Trust are in setting the overall strategic direction of the BBC, including its priorities, and in exercising a general oversight of the work of the Executive Board. The Trust will perform these roles in the public interest, particularly the interest of licence fee payers. The Executive Board has responsibility for delivering the BBC's services in accordance with the priorities set by the Trust and for all aspects of operational management ...

Article 9(3) of the Royal Charter states:

... the Trust must not exercise or seek to exercise the functions of the Executive Board.

Article 38(1)(b) of the Royal Charter states:

The Executive Board ... is responsible for ... the direction of the BBC's editorial and creative output.

In the Head of Editorial Standards' view, the programme makers' exercise of their editorial judgement in relation to the scope of the programme and the choice of contributors concerned the direction of the BBC's editorial and creative output, and was consequently a matter in which the Trust could not involve itself—unless, exceptionally, the exercise of that editorial judgement had given rise to a specific breach of the Editorial Guidelines, or to a regulatory issue.

²⁴ The text of the BBC's Royal Charter and its Agreement with the Secretary of State for Culture, Media and Sport (and of amendments to the latter) can be found at:
www.bbc.co.uk/bbctrust/about/how_we_govern/charter_and_agreement/index.shtml

The Head of Editorial Standards therefore went on to consider whether the scope of the programme (ie, the breadth and depth of its coverage of competing theories) or the choice of contributors had given rise to any potential breach of the Impartiality Guidelines. She noted that, with regard to the choice of contributors and arguments in the 2007 edition, the ESC had stated:

As to the choice of contributors, the Committee was satisfied that the programme had provided appropriate and relevant representatives from both sides of the argument to articulate the various views.

The Committee recognised that with such contentious views being presented not every viewer would be pleased with the choice of contributors.

Nevertheless, the Committee was satisfied, having considered the programme as a whole, that the various arguments of the theories highlighted had been sufficiently articulated to ensure that the lay viewer would have been provided with enough information to have had a basic understanding of the arguments for each of the theories presented.

...

The Committee, while it accepted that the individual complainants did not necessarily agree with the choice of representative for their views, was satisfied that the production team had ensured that the contributors had appropriate credentials to provide an authoritative view of the conspiracy theorists arguments.

The Head of Editorial Standards also noted that the ratio of contributors who favoured the official version of events to those who preferred alternative theories was approximately the same in the 2011 edition (15:4 respectively, according to one complainant) as in the 2007 edition (13:3 respectively, according to one complainant). In her view, the programme had set out to present the leading and most popular alternative theories, not to adjudicate upon the veracity of any of the competing versions of events or to conduct an exhaustive forensic inquiry into 9/11. In her view, this was a legitimate exercise of editorial judgement. So far as the selection of contributors and arguments was concerned, as the 2011 edition broadly matched the 2007 edition in this regard, she considered that the ESC's finding (ie, that there had been no breach of the Impartiality guidelines in this regard) was equally applicable in this instance.

The Head of Editorial Standards also took the view that there was no evidence to suggest that the programme makers' exercise of their editorial judgement had given rise to any regulatory issue, and therefore concluded that this was not a matter in which the Trust could involve itself.

3. Harm and offence

With regard to the allegation that the programme had contained an image of very brief duration which the complainant perceived to be a mockery of alternative theorists' arguments, the Head of Editorial Standards noted that, as well as potentially engaging the Editorial Guidelines on Harm and Offence, this issue potentially concerned clause 46(2)(a)(v) of the BBC Agreement with the Secretary of State, which referred to the provisions of section 319(2)(l) of the Communications Act 2003, as follows:

46. Programme Code Standards

...

(2) "Relevant Programme Code Standards" means those standards for the time being set under section 319 of the Communications Act 2003—

(a) which relate to the objectives set out in the following paragraphs of subsection (2) of that section, that is to say—

...

(v) paragraph (l) (refraining from use of techniques which exploit the possibility of conveying a message to viewers or listeners, or of otherwise influencing their minds, without their being aware, or fully aware, of what has occurred), but

(b) only to the extent that they do not concern the accuracy or impartiality of the content of any programme included in the UK Public Broadcasting Services.

An independent editorial adviser had viewed the programme and captured six frames of the image in question. These are reproduced at **Annex 5** below. The image appeared at the beginning of the programme as one of a succession of brief (although perhaps not "very brief") images relating to 9/11. The Head of Editorial Standards noted that the complainant had reproduced just the right-hand portion of the image in question, which in her view did not give an accurate sense of what the whole image conveyed. The complainant had also reproduced just one frame of the image, which had similarly failed to convey the fact that the image was not static, but dynamic.

In the Head of Editorial Standards' view, the image in question, while admittedly being indistinct, bore no resemblance to a horse or to any part thereof. She therefore concluded that there was insufficient evidence to suggest that any appeal had a reasonable prospect of success on this ground, or that it would be appropriate for any appeal to proceed to the ESC.

4. Fairness, contributors and consent

In order to establish a potential breach of the Fairness Guidelines, a complainant must show that they had personally been treated unfairly (since the BBC will only consider first party fairness complaints – this is referred to in the Editorial Complaints Procedure).

As the alleged unfairness did not concern any of the complainants personally, the Head of Editorial Standards took the view that there was insufficient evidence to suggest that any appeal had a reasonable prospect of success on this ground, or that it would be appropriate for any appeal to proceed to the ESC.

Although it was not necessary for the Head of Editorial Standards to express a view on this point, she wanted to point out that programmes' compliance with editorial standards was to be judged according to what had actually been transmitted, not what had allegedly been left out. With regard to the complaint concerning Professor Harrit, the Head of Editorial Standards felt the Trustees would agree that he had been given ample opportunity to express his views. She also felt the Trustees would agree with the ECU that the programme had not implied that Mr Avery and his colleagues were motivated merely by commercial gain, and had not depicted alternative theorists as "heartless individuals". For these reasons, she concluded that there was insufficient evidence to suggest that any appeal had a reasonable prospect of success on this ground, or that it would be appropriate for any appeal to proceed to the ESC.

5. War, terror and emergencies

The Head of Editorial Standards felt that the programme had not only been duly accurate, but that it had also scrupulously applied the principles of accuracy and impartiality in covering an international emergency (see above for why she thought the Trustees would not find any breaches of the accuracy and impartiality guidelines). She therefore concluded that there was insufficient evidence to suggest that any appeal had a reasonable prospect of success on the grounds of breaching the guidelines on war, terror and emergencies, or that it would be appropriate for any appeal to proceed to the ESC.

6. Editorial integrity and independence from external interests

The Head of Editorial Standards noted that, according to the Editorial Guidelines, the BBC's reputation, in the UK and around the world, was based on its editorial integrity and independence. The Guidelines stipulated that audiences must be able to trust the BBC and be confident that its editorial decisions were not influenced by outside interests, political or commercial pressures, or any personal interests. The Head of Editorial Standards also noted that the BBC must be independent from outside interests and arrangements which could undermine its editorial integrity.

In the Head of Editorial Standards' view, complainants had adduced no evidence in support of any breach of this section of the Guidelines, other than the general allegation, unsupported by any further particulars or evidence, that the BBC had received money from the US State Department. She therefore concluded that there was insufficient evidence to suggest that any appeal had a reasonable prospect of success on this ground, or that it would be appropriate for any appeal to proceed to the ESC.

I shall explain the Head of Editorial Standards' response to complainants' analogous arguments in relation to the BBC's Royal Charter and Agreement under heading 8, "Regulatory issues", below.

7. Accountability

As the ECU had explained, its remit was limited to editorial matters, and it was therefore constrained from considering complaints concerning general bias or regulatory matters. The Head of Editorial Standards noted that the ECU had summarised complaints, had informed complainants of the Editorial Guidelines against which complaints would be considered, and had invited complainants to comment on its approach. She also noted that no complainant had expressed any dissatisfaction with the ECU's interpretation of its remit until after the ECU had issued its findings.

The fact that, in reaching this decision, the Head of Editorial Standards had considered other Guidelines besides those considered by the ECU, and had also considered the regulatory issues that complainants had raised, did not imply that the ECU's investigation had been unduly narrow, but rather that the ECU and the Trust had different remits and approaches.

For these reasons, the Head of Editorial Standards concluded that there was insufficient evidence to suggest that any appeal had a reasonable prospect of success on this ground, or that it would be appropriate for any appeal to proceed to the ESC.

8. Regulatory issues

The Head of Editorial standards noted complainants' arguments that, notwithstanding the provisions of Article 6(1) of the BBC's Royal Charter (which asserted the BBC's independence in all matters concerning the content of its output, the times and manner in which this is supplied, and in the management of its affairs), the BBC was not in fact truly independent. In support of this proposition, they cited clauses 4 and 81 of the BBC Agreement, which, they argued, effectively made it an instrument of Government. The relevant provisions of the BBC's Royal Charter and Agreement are set out at **Annex 4** below.

In the Head of Editorial Standards' view, it did not follow that the BBC was not truly independent of Government merely because the BBC's independence was subject to certain constraints and voluntarily-assumed obligations which restricted, to some extent, its future freedom of action. The Head of Editorial Standards noted that clause 81 of the Agreement was entitled "Defence and Emergency Arrangements", that the application of its provisions was restricted to certain exceptional circumstances, and that, if clause 81 were ever to be invoked, the BBC would be permitted to acknowledge that its editorial independence had been compromised, by making an announcement to that effect.

The Head of Editorial Standards noted that many sovereign bodies voluntarily accepted restrictions on their future freedom of action, or effectively ceded or delegated their sovereignty to other entities for certain specific purposes, without compromising or forfeiting their essential sovereignty.

The Head of Editorial Standards also noted that, like any other organisation or individual, the BBC's autonomy was also constrained by its duty to comply with the law. In her view, the voluntary constraints on the BBC's autonomy did not compromise its essential independence.

In the Head of Editorial Standards' view, there was no evidence that the BBC was "engineering acquiescence" with the official version of events and thereby allowing itself to be used as a vehicle for US Government propaganda. Nor was there any evidence to support the allegation that the BBC had knowingly kept the public misinformed in order to gain support for war in Afghanistan, or indeed anywhere: in her view, complainants had failed to adduce any evidence that the BBC was failing to support "informed democracy", as referred to in the Trust's former Chairman's preface to Editorial Guidelines. The Head of Editorial Standards was not persuaded that it was necessary for the purposes of supporting informed democracy for the BBC to have re-broadcast *Timewatch – Operation Gladio*. In any event, the scheduling of programmes concerned the operational management of the BBC, and was by the application of Article 38(1)(c) of the Royal Charter a matter for the Executive Board, not the Trust.

For these reasons, the Head of Editorial Standards concluded that there was insufficient evidence to suggest that there were any regulatory issues for the Trustees to consider.

Your right to request a review of the Head of Editorial Standards' decision

If you wish the Trustees to review the Head of Editorial Standards' decision, please reply with your reasons by 12pm on **Wednesday 27 June 2012** to Lucy Tristram, Complaints Advisor, at the above address or trust.editorial@bbc.co.uk. If exceptionally you need more time, please write giving your reasons as soon as possible.

If you do ask the Trustees to review the Head of Editorial Standards' decision, your appeal will be made available to them, together with a copy of the ECU's stage two decision. Previous findings of the ESC on this matter will also be available to them on request. However, the supporting e mails received from correspondents who have not made a complaint through the BBC's complaints process will not be provided. I anticipate that they will consider your request at their **July** meeting. We will aim for the Committee to ratify their decision later that month, although the Committee's usual practice is to ratify July findings in September (the Committee having no meeting in August). Once the Committee have ratified the decision, you will be provided with it shortly afterwards.

If the Trustees consider that your case has no reasonable prospect of success, then your case will close. If the Trustees disagree with the Head of Editorial Standards' view, then your case will be given to an Independent Editorial Adviser to investigate and we will contact you with an updated time line.

Yours sincerely

Natalie Rose
Senior Editorial Strategy Adviser, Trust Unit

Annex I

Summary of the ECU's findings

The paragraph numbers below refer to the corresponding paragraphs in the summary of complaints in the main letter.

1. Accuracy

1.1

The ECU was not aware that any aspect of the official version of events, as described by the applicable section of the programme, had changed in any material way. Therefore it could not conclude that it was inaccurate or misleading to suggest that the official version was "unequivocal", regardless of whether other aspects of the official explanation had changed.

1.2

- The ECU noted that programme had included a contribution from Leslie Robertson, the original structural engineer on the WTC towers, who had challenged Professor Astaneh's theory and offered an alternative view. The ECU was therefore satisfied that the programme was appropriately balanced and that viewers would not have been materially misled.
- The programme had accurately reflected the NIST report's conclusions on the collapse of WTC1 and WTC2. There was no reference to the 'pancake theory', and only fleeting use of a graphic which had previously been used to demonstrate it. The ECU did not believe the graphic was misleading in context, since it was one brief element in a simple explanation of the official version of how the towers had collapsed.
- The ECU did see how any previous views which may have been expressed by NIST (or its members) prior to the publication of its final report were relevant. If the organisation had amended its thinking as to the cause of collapse that would not necessarily lend weight to the theory that the towers were brought down by controlled explosions.
- The ECU did not agree that Leslie Robertson's analysis rested on the 'pancake' theory. Mr Robertson had expressed the view that, as a building comes down, it creates very high internal air pressures, resulting in the emission of gas from the building. Viewers would have judged this against the alternative explanations that were offered.
- The ECU noted that the focus of the NIST report "was on the sequence of events from the instant of aircraft impact to the initiation of collapse for each tower" and included "little analysis of the structural behavior of the tower after the conditions for collapse initiation were reached and collapse became inevitable",²⁵ but could not agree that it was necessary to provide this somewhat detailed information to the audience. The NIST report had said that it found "no corroborating evidence for alternative hypotheses suggesting that the WTC towers were brought down by

²⁵ See: www.nist.gov/customcf/get_pdf.cfm?pub_id=909017 (NCSTAR 1, September 2005) p xxxvii, fn 2; p 82, fn 13.

controlled demolition using explosives”, leaving no doubt that the official version of events rejected Mr Avery’s theory. The programme had included three different theories as to what had caused the towers to come down, and had also reflected the view of the official report, and had therefore achieved the necessary balance.

- Similarly, the ECU could not conclude that the omission of an explanation that the Twin Towers contained 47 uprights intermeshed with steel beams accredited to withstand 2,000 degrees²⁶ was misleading.
- The ECU noted that the programme had stated that the RJ Lee Group had taken about 100,000 samples and analysed them all thoroughly. In the ECU’s view, the programme had not presented any “findings” that the RJ Lee Group may or may not have published, and so the ECU could not agree that the programme had misrepresented any such findings.

1.3

- The ECU accepted that, if the programme had included seismic evidence, it might have given the audience a fuller picture and added weight to the controlled demolition theory. However, in a programme of limited duration, programme makers had to exercise editorial judgement about which information to include. The controlled demolition theory had been given significant air time, and viewers would have been in no doubt that it was one of the main alternative theories. The ECU could not conclude that the omission of seismic evidence would have given a misleading impression or led to a lack of balance, particularly bearing in mind that the programme might reasonably have expected to reflect views which challenged complainants’ interpretation of the seismic evidence.
- The programme had included a number of contributions from Professor Harrit, and had given a full and fair explanation his theory that the presence of thermite particles in WTC dust samples indicated the use of explosives and incendiary devices. Viewers would have been in no doubt that members of the 9/11 truth movement believed that this supported the view that the WTC towers were brought down by controlled explosions. The programme had previously reported the theory that the Twin Towers had been brought down in that way, using footage from *Loose Change*, and had also reported that people had said they had heard explosions. The ECU considered this sufficient to ensure that viewers were aware of one of the main theories put forward by the 9/11 truth movement and the supporting evidence. Noting that the programme had gone on to include balancing contributions from Professors Fruehan and Pistorius, who offered an alternative explanation, the ECU considered this to be both reasonable and consistent with the programme’s approach to other theories. Noting that Professor Harrit was given the last word on the matter, the ECU concluded that it could not agree that the programme had discredited Professor Harrit or had failed to give him an appropriate opportunity to put forward his views. [*This consideration also applied to point 2.6 below*]

²⁶ The unit of thermal measurement was not specified.

1.4

It was made clear to viewers that the computer simulations complained of provided a simple, visual illustration of the official version of what had happened when the planes hit the towers, and was not presented as the definitive version of events. Similarly, graphic representations from *Loose Change* had been used to demonstrate other explanations. The ECU thought that most viewers would be familiar with the use of graphics and would have understood their purpose in the context of such a programme.

1.5

- If programme duration were not a consideration, it would have added to the audience's understanding and awareness, and would arguably have lent weight to Professor Harrit's theory, if the programme had mentioned NIST's acknowledgement that WTC7 had fallen briefly at free fall. However, viewers would have been in no doubt that there were those who believed that the WTC towers were demolished by explosives, and the ECU was not persuaded that the omission of this aspect would have given a materially misleading impression or had led to a lack of due impartiality. [*This consideration also applied to point 2.5 below*]
- With regard to the alleged inaccuracies concerning Professor Christoph Hoffman, the ECU noted that the ESC had reached its own finding on the due accuracy and impartiality of the 2007 edition, and that the ECU was bound by that decision. Furthermore, any new points about the 2007 edition were out of time. As this point of complaint referred to the 2007 edition, the ECU was unable to address it.

1.6

- In the ECU's view, the programme had established that, although the FBI and CIA were aware of an impending threat, the lack of co-ordination or sharing of intelligence meant that there was no information about the particulars of any attack. The claim about a lack of specific warnings was clearly attributed to the CIA and FBI, and so audiences would have been aware that this was the view of the agencies rather than an established fact.
- Viewers would have been aware from Richard Clarke's contribution that there was a lack of co-operation between the CIA and other agencies, and were informed by the narration that the suspects might have been arrested if the CIA had released information more promptly. The ECU disagreed that the programme had failed to reflect concerns about the CIA's actions, concluded that there did not appear to be persuasive evidence that the CIA had knowingly allowed the 9/11 attacks to take place, and disagreed that this point should have been included in the programme.

1.7

- The programme had shown a hangar full of twisted and burned steel girders and other debris, with the accompanying line of script:

"This is all that remains of America's biggest crime scene. The World Trade Centre consigned to a hangar in a New York suburb."

- The ECU did not accept that this was misleading, or that in context there was any requirement to provide further information about the removal of material from the WTC or the two other sites.

1.8

- The complainant's reference to a CIA agent "swearing allegiance" appeared to refer to the contribution of former CIA analyst, Philip Mudd. The ECU took the view that Philip Mudd's comments would not have given the impression that the CIA was above reproach, as the complainant had claimed. In the ECU's opinion, Mr Mudd was expressing scepticism about the allegations of a cover-up. The ECU noted that all the other contributions in that section of the programme had come from the four interviewees who supported the idea of a conspiracy and who implicitly rejected Mr Mudd's view. The ECU therefore believed that the balance of this section was, if anything, skewed towards the views of those who rejected Mr Mudd's version.
- With regard to the programme's reference to air traffic controllers' difficulties in locating the hijacked planes, the ECU took the view that, although it could not know what air traffic controllers or the military could see on their radar screens at the time, it could not conclude that what was said was materially inaccurate or misleading in context. The broad point—which the ECU considered reasonable to assume the audience would understand—was that there was a high degree of confusion and lack of specific information. The script had suggested that the military were searching for one plane among many, and that the plane in question was off course and had turned off its transponder, which would presumably make the plane more difficult to locate and track.
- The ECU disagreed that the section of the programme in which it was suggested that military equipment "wasn't designed to look inside the United States" was materially misleading. The comment was made by Colin Scoggins, air traffic controller with the FAA, and the ECU considered it reasonable to assume that the audience would understand that his was an informed view, based on personal experience. The ECU also thought that the recordings from the day appeared to support the view that there was a lack of communication between the FAA and NORAD, that there was a delay in getting planes off the ground, and that pilots were not clear where they were meant to be heading. Taking these points together, the ECU did not believe that Mr Scoggins' view about NORAD equipment was likely to have given a materially misleading impression.
- The ESC has ruled that it did not consider it necessary to explore "the 'history of deceit' of the US government" in order to satisfy the requirement of the accuracy guidelines to "weigh all relevant facts ... to get at the truth". The ESC said that the purpose of the original programme (and equally, in the ECU's view, of the revised edition) was to consider specific theories relating to the incidents on 9/11 and not conspiracy theories relating to other events in US history. There was, therefore, no requirement to refer to previous conspiracy theories relating to the US government.

2. Impartiality

2.1

As complaints of general bias were beyond its remit, the ECU did not consider these.

2.2

As the ECU had determined that the programme was duly accurate, the complaint of bias by inaccuracy necessarily fell away.

2.3

- In the ECU's view, the programme had clearly reflected the fact that there was a range of views on what had happened on 9/11, and viewers would have been in no doubt that there were those who believed that the official version of events was a work of fiction. The ECU believed that viewers would also have understood that contributors were expressing their own, genuinely held, beliefs about what had happened and who was responsible, and would have been able to judge for themselves and draw their own conclusions. The ECU could not therefore agree that the programme had presented the official version of events as fact. [*This consideration also applied to point 2.5 below*]
- In the ECU's view, the revised programme's approach to the various 'conspiracy theories' was appropriate, since it broadly mirrored that of the original. The revised programme had extended one of the most widely discussed new theories (concerning the presence of thermite material in WTC dust), presenting both sides' views; it had included new contributions on theories that had featured in the original programme; all original contributors had been contacted to ensure they were happy for their contributions to be reused, and all except Dylan Avery had confirmed that their original contributions accurately reflected their current views. Taking these points together, the ECU could not conclude that the 2011 programme had failed to achieve due impartiality.
- The ECU did not agree that the programme had denigrated contributors offering alternative perspectives by describing them as 'conspiracy theorists'. In the ECU's view, the description would not have been understood by a general audience to be necessarily negative or derogatory. A 'conspiracy theory' was generally understood to refer to a situation where an official version of events was challenged, often with the suggestion of a cover-up or a secret plot. Supporters of such theories could legitimately be described as 'conspiracy theorists' without this being prejudicial or denigrating.
- The ECU did not believe that there was anything inherently negative in the use of the phrase 'conspiracy theory' or 'conspiracy theorists', and could not therefore uphold the complaint about subliminal conditioning. The programme had presented the views of those who maintained that there had been a government conspiracy to hide the truth, and of those who supported the official version of events. This had ensured due impartiality.
- It seemed reasonable to the ECU for the programme to explore why some groups and individuals chose to question the official version of events, and to include a contribution from Alex Jones in which he explained the reasons for his mistrust of government. The ECU did not therefore have grounds to uphold this point of complaint.

- The choice of what information and contributors to include was a matter of editorial judgement and programme makers' discretion. The programme had presented the views of Frank Spotnitz on why some people may question official versions of events and Alex Jones on why people may not trust their politicians and authorities. The ECU could not agree that the omission of a reference to the work of writers such as Shakespeare or Machiavelli had contributed to a lack of balance or would have misled the audience. The ECU could not see the relevance of the complainant's reference to "cliquish, partisan" human behaviour; the programme had reflected that there are at least two conflicting versions of what happened on 9/11, and viewers would have been in no doubt that there was a group of people who genuinely believed that 9/11 was a government conspiracy.
- In the ECU's opinion, Jean O'Connor was clearly putting forward a personal view, and viewers would have therefore judged her comments in this light. The ECU noted that the programme had included numerous contributions from both sides, and was satisfied that the programme had achieved the required balance and due impartiality.

2.4

- The programme had concentrated on the opinions of four of the most prominent, influential and respected figures in the 9/11 truth movement, who represented the more credible and widely-held theories, as the programme makers had felt it would be more informative to allow a smaller number of contributors more time to explain their theories, rather than attempt to cover a wider range of views in a more cursory manner. The ECU was satisfied that those contributors had been able to put forward their views and theories in detail, and at length, which ensured that the audience was aware of the arguments of those who opposed the official version of events. The ECU noted that due impartiality was not simply a question of equal time or numbers, and that the fact that the programme had included more advocates of the official version of events would not necessarily have led to a lack of balance. The question was whether the programme had featured a wide range of significant views and perspectives, and had given them due weight. The ECU noted that the programme had given the four 'conspiracy theorists' ample time to explain their views, often using their own material, and that in many cases where there was an exchange of views, the final word had been given to the theorists.
- The ECU noted that the ESC had found that the 2007 edition of the programme had reflected the mainstream theories concerning 9/11.²⁷ The ESC was satisfied that the theories covered in the programme were sufficient to provide viewers with enough relevant information to draw their own conclusions about the activities of the US government in relation to 9/11. The programme had included numerous contributions from leading voices in the 9/11 truth movement, who were able to put across a credible and authoritative view of the 'conspiracy theory' arguments and to challenge the official version of events in robust and forthright terms.
- The ECU accepted that the programme could have included a wider range of contributors—including survivors, first responders, victims' relatives, academics,

²⁷ See: www.bbc.co.uk/bbctrust/assets/files/pdf/appeals/esc_bulletins/nov07.pdf

scientists, architects and firefighters—or different contributors. However, the ESC had previously concluded that it was reasonable for the programme to limit the scope of its investigation to the mainstream theories, and had ruled that the programme had presented the views of both sides on each of those theories in a manner which ensured due impartiality. The ESC had decided the programme gave sufficient information in support of both the various alternative theories and the official view to enable the audience to have a reasonable understanding of the various arguments. The ESC had also noted that the programme had been fair and open-minded in examining the evidence, weighing the material facts and presenting the various theories.

- In reflecting both sides of the debate, it was necessary to include contributions from those who supported the official version of events. This did not amount to “cherry-picking”.
- The ECU did not believe that it was necessary to interview an explosives expert to contradict the official account that no explosives were present. Professor Harrit was described as a chemistry professor, and had stated explicitly that WTC7 was brought down by controlled demolition.
- Being satisfied that the “no plane” theory had been appropriately reflected (see further below), the ECU did not believe there was a requirement to include contributions from the suggested individuals whose accounts supported that theory, or from *Pilots for 9/11 Truth*, who questioned whether an inexperienced pilot or even a trained professional would have been able to execute the manoeuvre allegedly carried out by Flight 77. The ECU could not therefore uphold this point of complaint.
- The ECU accepted that the programme could have interviewed those who had lost relatives on 9/11, but, in the context of the programme, could not conclude that the omission of such interviews had led to a lack of due impartiality.
- For reasons discussed above, the ECU could not conclude that there was a requirement to interview members of the *9/11 Consensus Panel*, although it noted that contributor Professor Harrit was a member thereof.

2.5

- The ECU noted that the fact that eye-witnesses had reported hearing explosions, or what they took to be explosions, had been reflected in the programme as follows:

"Reports of loud bangs and the sudden collapse of the buildings are taken as proof of explosives".

Therefore the ECU could not agree that this fact had been omitted.

- The ECU noted that the programme had presented several theories about why the WTC towers had collapsed, and could not agree that the fact that the cause was disputed had not been acknowledged, or that the official explanation had been presented as fact. [*This consideration also applied to point 2.3 above*]
- In light of the ESC’s conclusion that the 2007 edition of the programme had reflected the mainstream ‘conspiracy theories’, the ECU considered it reasonable to conclude that the approach of the 2011 edition to the various theories was appropriate, since it broadly mirrored that of the original. The ECU could not therefore conclude that there was a requirement to question why some evidence

from the Twin Towers was allegedly not preserved or why standard investigating procedures were allegedly not followed.

- The programme's narrative, together with the inclusion of extracts from *Loose Change* and Professor Harrit's explanation of the collapse of WTC7, was sufficient to ensure that viewers understood the evidence in support of the controlled demolition theory.

2.6

- The ECU concluded that it could not agree that the programme had discredited Professor Harrit or had failed to give him an appropriate opportunity to put forward his views. [*This consideration also applied to point 1.3 above*]
- In explaining why he thought scientists had not challenged Professor Harrit, Professor Chris Pistorius described Professor Harrit's paper or conclusions as "frankly irrelevant". Viewers would have been aware that was Professor Pistorius's professional opinion. The programme had previously included a lengthy contribution from Professor Harrit, in which he set out his theory, and had given the final word on the issue to Professor Harrit. This was sufficient to ensure the necessary due impartiality.

2.7

- The programme had referred to the lack of available video footage of the Pentagon strike, and had also established that the footage that had been released was inconclusive. In the ECU's opinion, viewers would have understood that there were those who believed that the damage at the Pentagon was inconsistent with a passenger plane strike, and that video and photographic evidence had failed to show any evidence of such a plane.
- The ECU could not agree that there was a requirement for the programme to question why further footage has not been released, or to include the FBI's explanation why it had not done so. Viewers would have been well aware that the footage that had been released was of poor quality and that the FBI has resisted calls to release further material, and would have been able to draw their own conclusions.
- The ECU did not believe that the omission of information relating to the missile batteries protecting the Pentagon would have led to a materially misleading impression being given to the audience.
- The ECU noted: that the report by the National Transportation Safety Board (NTSB) into Flight 77's Cockpit Voice Recorder²⁸ had found that "No undamaged or usable segments of recording tape were found in the CVR recorder"; and that *Pilots for 9/11 Truth* had "concluded that the information in these NTSB documents does not support, and in some instances factually contradicts, the official government position that American Airlines Flight 77 struck the Pentagon on the morning of September 11, 2001".²⁹ However, since the programme had explained the leading theory among the 9/11 truth movement (ie, that no passenger plane had hit the

²⁸ See: www.scribd.com/doc/14780831/T8-B18-NTSB-Documents-1-of-3-Fdr-CVR-Cockpit-Voice-Recorder-Reports-AA-77-and-UA-93-Paperclipped-Together260

²⁹ See: www.pilotsfor911truth.org/pressrelease.html

Pentagon), the ECU could not conclude that it was necessary to include details of a “black box” which was either genuine (in which case a passenger jet must have hit the Pentagon) or was in no way related to whatever did hit the building.

- The programme’s inclusion of contributors’ sceptical comments would have ensured that viewers were aware that the 9/11 truth movement did not believe that a passenger plane was responsible for the damage to the Pentagon. The programme had also given due weight to the available video and photographic evidence. The programme had reflected the fact that some believed the damage had been caused by a pilotless drone or a missile, and had analysed the limited video evidence and explained that it was inconclusive. The programme had also shown photographs taken shortly after the explosion, including ones which appeared to show windows intact. One such photograph was accompanied by the soundtrack of the *Loose Change* film which questioned how a plane had hit the building “without leaving any substantial wreckage on the outside”. The ECU was satisfied that the “no plane” theory had been appropriately reflected, and did not believe there was a requirement to include contributions from the other eye-witnesses that complainants had suggested. The ECU could not therefore uphold this point of complaint.
- Taking the comment “If a large passenger jet crashed into the Pentagon why was the hole in the exterior wall apparently so small?” in context, the presenter was clearly summarising some of the alternative theorists’ concerns, and the ECU could not conclude that this was evidence of bias or that the audience would have been given the misleading impression that the hole in the Pentagon wall was not the size that it appeared to be.
- The ECU did not consider the Pentagon’s status as a crime scene to be relevant to a consideration of the various theories about what had happened there or elsewhere.

2.8

As the programme had not referred to the making of any mobile phone calls from Flight 93, the ECU could not conclude that there was any requirement to address the question of whether this was possible in 2001.

2.9

- While complainants regarded many contributors as biased because of their association with the establishment or the US government, that did not mean that their views should be excluded. The requirement was to ensure that contributors were appropriately and accurately described, so that the audience could judge their comments accordingly. The ECU was satisfied that this was the case.
- The complainant appeared to be suggesting that all publicly funded bodies could not be independent of government control or influence, which in the ECU’s view was not something which was generally accepted or acknowledged. The ECU could not agree that there was a requirement to mention that Purdue University received funding from the National Science Foundation (NSF), which was in turn funded by the US government. The ECU was unaware of any evidence that the computer simulations had been commissioned by the US government or funded by any government body. Noting that the NSF acted independently of government, and in

the absence of any evidence that the university's funding had influenced the research findings, the ECU could not agree that the omission of this information would have given the audience a materially misleading impression. The ECU also considered it important to bear in mind that the computer animation was used to illustrate the official version of events, as was made clear to viewers, and that it was not presented as definitive.

- Professor Astaneh's research into the Twin Towers was sponsored by the National Science Foundation.³⁰ The ECU did not believe that an individual's receipt of funding from an independent government agency was relevant information that the programme should have disclosed.
- Similar considerations applied to Professors Fruehan and Pistorius.
- While the ECU was not in a position to assess the veracity of Allyn Kilsheimer's contribution, it could not agree that it was necessary for the programme to have referred to any links he may have had with the Department of Defense:
 - Mr Kilsheimer's eye-witness account was far from unique: indeed, the programme had included a contribution from an FBI agent who gave a similar account.
 - The programme's description of Mr Kilsheimer's experience, combined with the nature of what he said, was sufficient to ensure that the audience would have understood that he supported the official version of events, thereby meeting the requirement of Guideline 4.4.14:

we may need to make it clear to the audience when contributors are associated with a particular viewpoint, if it is not apparent from their contribution or from the context in which their contribution is made.
[emphasis added]

The ECU could not conclude that the audience would have been given a misleading impression of Mr Kilsheimer's opinion or would have given his views undue weight, or that they would have judged his contribution in a materially different way if the programme had referred to any link he may have/had with the Department of Defense.

- Having reviewed the additional information that the complainant had provided about Mr Kilsheimer, the ECU did not believe that there was sufficient persuasive evidence of any association with the Pentagon or US government departments to make it necessary for the programme to have referred to this.

2.10

- The ECU was not persuaded that the comments of members of the 9/11 Commission, such as Thomas Kean, Bob Kerrey *et al*, could be taken as proof that the official account of 9/11 had been largely discredited by panel members. While noting that certain Commission members had criticised shortcomings in the investigative process, the lack of co-operation from agencies such as the CIA, and the fact that some of the Commission's recommendations had not been adopted, the ECU was unaware of any evidence that any key or significant Commission members had questioned the Commission's over-arching findings or the version of

³⁰ www.ce.berkeley.edu/~astaneh/WTC/wtc-studies.html

events which it had set out. In the ECU's view, John Farmer had appeared to dismiss any suggestion that 9/11 was a government conspiracy.

- The ECU was not aware that NIST had withdrawn its primary conclusions. It seemed to the ECU that the programme had provided a reasonable and accurate summary of the official explanation for the towers' collapse: it reflected NIST's explanation that fires in the towers had weakened the columns, which caused the floors to sag, which pulled the columns inwards and reduced their capacity to support the building above, as a result of which the top of the building had tilted and begun its descent.

2.11

The purpose of the programme was to consider specific theories relating to the events of 9/11. The ECU could not agree that there was any requirement to refer to the allegedly suspicious deaths or that the omission of any such reference amounted to a lack of due impartiality.

2.12

- In the ECU's view, the audience would have understood that the fact that a military training exercise was underway had added to the confusion and contributed to the delay in responding to the hijacking. Although the number of exercises taking place might not be considered "routine", the ECU was not persuaded that the extent of the exercise would have had a material effect on the audience's understanding.
- The programme had made it clear that the military response on 9/11 was confused, and had included the allegation that the then Vice-President, Dick Cheney, had ordered the US military not to intercept the planes. The ECU could not therefore conclude that the omission of further discussion of procedural changes was material to the audience's understanding.
- The ECU could not conclude that the omission of any reference to former Secretary of Transportation Norman Mineta's evidence to the 9/11 Commission had led to a lack of accuracy or due impartiality. Given that there were two contradictory interpretations of Mr Mineta's evidence, the ECU could not conclude that it was necessary for the programme to refer to this, or that the omission of any reference to Mr Mineta's evidence had led to a lack of due accuracy or due impartiality.
- It was not reasonable to expect every aspect of all the various conspiracy theories about 9/11, including allegations concerning the Pakistani Secret Intelligence Service, to be incorporated into an hour-long documentary. The programme had reflected the mainstream theories about the events leading up to 9/11, what happened on the day itself and what took place in the days that followed. This was sufficient to ensure due accuracy and due impartiality.
- The programme had included a comment from Alex Jones on the subject of distrusting and questioning government, followed by brief news clips of former Presidents Nixon, Clinton and Bush, and of Oliver North, which in the ECU's view gave credence and context to Mr Jones's case. The sequence was followed by a comment from Frank Spotnitz, asking where one should turn if one could not trust government leaders. The ECU regarded this as appropriately balanced. The programme had ended by offering a summary of the evidence, including a

statement by the narrator that the evidence did not support the conspiracy theories. The ECU noted that the Editorial Guidelines on Impartiality allowed for programmes to provide “provide professional judgements, rooted in evidence”, and was satisfied that it was reasonable for the programme to conclude by offering a considered assessment while also including the views of those who took a different view.

- The ECU was not suggesting that the copious additional information supplied by one complainant (on matters such as the number of training exercises and the influence this had on response times, changes to various protocols, the whereabouts of Donald Rumsfeld, apparent discrepancies in timings, etc) was not relevant; however, this could not have been dealt with briefly, if it were to be covered in the depth the complainant had indicated. A balanced and impartial analysis of the evidence cited may have given viewers a more complete picture, but its absence did not give a misleading impression.

3. Harm and offence

The ECU was not persuaded that the somewhat obscured image in question would have carried the weight or influence that the complainant had suggested.

4. Fairness, contributors and consent

- The manner in which an interview was conducted fell beyond the ECU’s remit, which was limited to the material that was included in the final programme. The ECU noted in passing that the programme had included a number of lengthy contributions from Professor Harrit, in which he expressed his theory on the collapse of WTC7 and commented on how this had been received. The programme had not included any comments by Professor Harrit on broader issues about the events of 9/11.
- The ECU was not persuaded that the depiction of Mr Avery and his colleagues had given the impression that they were motivated by commercial gain rather than a commitment to challenging the official version of what had happened on 9/11, and could not agree that the programme had sought to discredit them.
- The ECU disagreed that the programme’s conclusion had presented those who questioned the official version of events as “heartless individuals”. In the closing moments of the programme, both Alex Jones and Professor Harrit had explained why they continued to put forward their theories. The programme had ended by suggesting that any continued uncertainty would be distressing to the victims’ families, which the ECU considered to be a reasonable conclusion, regardless of what version of events one believed.

5. War, terror and emergencies

The ECU did not make any express findings in respect of this section of the guidelines. It was, however, implicit in its other findings that the ECU was satisfied that, in all the circumstances, the requirements of due accuracy had been met.

6. Editorial integrity and independence from external interests

The ECU did not make any express findings in respect of this section of the Guidelines, as complainants had framed their complaints in terms of breaches of the Royal Charter and Agreement, which set out the constitutional basis of the BBC and which were therefore beyond the ECU's remit.

Annex 3

Applicable Editorial Guidelines

Accuracy

Introduction

The BBC is committed to achieving due accuracy. This commitment is fundamental to our reputation and the trust of audiences, which is the foundation of the BBC. It is also a requirement under the Agreement accompanying the BBC Charter.

The term 'due' means that the accuracy must be adequate and appropriate to the output, taking account of the subject and nature of the content, the likely audience expectation and any signposting that may influence that expectation.

Therefore, we do all we can to achieve due accuracy in all our output, though its requirements may vary. The due accuracy required of, for example, drama, entertainment and comedy, will not usually be the same as for factual content. The requirements may even vary within a genre, so the due accuracy required of factual content may differ depending on whether it is, for example, factual entertainment, historical documentary, current affairs or news.

Accuracy is not simply a matter of getting facts right. If an issue is controversial, relevant opinions as well as facts may need to be considered. When necessary, all the relevant facts and information should also be weighed to get at the truth.

...

Principles

We must do all we can to ensure due accuracy in all our output.

All BBC output, as appropriate to its subject and nature, must be well sourced, based on sound evidence, thoroughly tested and presented in clear, precise language. We should be honest and open about what we don't know and avoid unfounded speculation.

Claims, allegations, material facts and other content that cannot be corroborated should normally be attributed.

The BBC must not knowingly and materially mislead its audiences. We should not distort known facts, present invented material as fact or otherwise undermine our audiences' trust in our content.

Impartiality

Introduction

Impartiality lies at the heart of public service and is the core of the BBC's commitment to its audiences. It applies to all our output and services - television, radio, online, and

in our international services and commercial magazines. We must be inclusive, considering the broad perspective and ensuring the existence of a range of views is appropriately reflected.

The Agreement accompanying the BBC Charter requires us to do all we can to ensure controversial subjects are treated with due impartiality in our news and other output dealing with matters of public policy or political or industrial controversy. But we go further than that, applying due impartiality to all subjects. However, its requirements will vary.

The term 'due' means that the impartiality must be adequate and appropriate to the output, taking account of the subject and nature of the content, the likely audience expectation and any signposting that may influence that expectation.

Due impartiality is often more than a simple matter of 'balance' between opposing viewpoints. Equally, it does not require absolute neutrality on every issue or detachment from fundamental democratic principles.

...

Breadth and Diversity of Opinion

Across our output as a whole, we must be inclusive, reflecting a breadth and diversity of opinion. We must be fair and open-minded when examining the evidence and weighing material facts. We must give due weight to the many and diverse areas of an argument.

Breadth and diversity of opinion may require not just a political and cultural range, but, on occasions, reflection of the variations between urban and rural, older and younger, poorer and wealthier, the innovative and the status quo, etc. It may involve exploration of perspectives in different communities, interest groups and geographic areas.

Due Weight

Impartiality does not necessarily require the range of perspectives or opinions to be covered in equal proportions either across our output as a whole, or within a single programme, web page or item. Instead, we should seek to achieve 'due weight'. For example, minority views should not necessarily be given equal weight to the prevailing consensus.

Nevertheless, the omission of an important perspective, in a particular context, may jeopardise perceptions of the BBC's impartiality. Decisions over whether to include or omit perspectives should be reasonable and carefully reached, with consistently applied editorial judgement across an appropriate range of output.

...

Controversial Subjects

We must apply due impartiality to all our subject matter. However, there are particular requirements for 'controversial subjects', whenever they occur in any output, including drama, entertainment and sport.

A 'controversial subject' may be a matter of public policy or political or industrial controversy. It may also be a controversy within religion, science, finance, culture, ethics and other matters entirely.

In determining whether subjects are controversial, we should take account of:

- *the level of public and political contention and debate*
- *how topical the subjects are*
- *sensitivity in terms of relevant audiences' beliefs and culture*
- *whether the subjects are matters of intense debate or importance in a particular nation, region or discrete area likely to comprise at least a significant part of the audience*
- *a reasonable view on whether the subjects are serious*
- *the distinction between matters grounded in fact and those which are a matter of opinion.*

...

When dealing with 'controversial subjects', we must ensure a wide range of significant views and perspectives are given due weight and prominence, particularly when the controversy is active. Opinion should be clearly distinguished from fact.

...

Government Information

Any approach by a government department to relay official messages or information films which involve a degree of public policy or political controversy must be referred to Chief Adviser Politics.

News, Current Affairs and Factual Output

We should not automatically assume that contributors from other organisations (such as academics, journalists, researchers and representatives of charities) are unbiased and we may need to make it clear to the audience when contributors are associated with a particular viewpoint, if it is not apparent from their contribution or from the context in which their contribution is made.

Harm and offence

Images of Very Brief Duration

We must not use any techniques which exploit the possibility of conveying a message to viewers or listeners, or otherwise influencing their minds, without their being aware, or fully aware, of what has occurred. Such techniques could include images of very brief duration.

Fairness, Contributors and Consent

Introduction

The BBC strives to be fair to all - fair to those our output is about, fair to contributors, and fair to our audiences. BBC content should be based on respect, openness and straight dealing. We also have an obligation under the Ofcom Broadcasting Code to 'avoid unjust or unfair treatment of individuals or organisations in programmes'. (Rule 7.1, Ofcom Broadcasting Code)

... material inaccuracies in the way people are referred to, or featured, may risk causing unfairness.

War, Terror and Emergencies

Introduction

The BBC has a special responsibility to its UK and international audiences when reporting conflict including wars, acts and planned acts of terror, sieges and emergencies. Large numbers of people across the world access our services for accurate news and information. They also expect us to help them make sense of events by providing context and impartial analysis and by offering a wide range of views and opinions.

At such times, when there may be conflicting information and opinions, and with reliable information hard to come by, we need to be scrupulous in applying our principles of accuracy and impartiality.

Editorial Integrity and Independence from External Interests

Introduction

The BBC's reputation, in the UK and around the world, is based on its editorial integrity and independence. Our audiences must be able to trust the BBC and be confident that our editorial decisions are not influenced by outside interests, political or commercial pressures, or any personal interests.

...

Principles

We must be independent from outside interests and arrangements which could undermine our editorial integrity.

We must not endorse or appear to endorse any other organisation, its products, activities, services, views or opinions.

Accountability

Feedback and Complaints

...

When considering complaints on substantive matters the BBC must provide adequate reasoning for its decision, setting this reasoning within the context of any relevant BBC guidelines.

Royal Charter

6. The independence of the BBC

(1) The BBC shall be independent in all matters concerning the content of its output, the times and manner in which this is supplied, and in the management of its affairs.

(2) Paragraph (1) is subject to any provision made by or under this Charter or any Framework Agreement or otherwise by law.³¹

Agreement with the Secretary of State

THE BBC'S PUBLIC PURPOSES

...

4. The Independence of the BBC

The parties to this Agreement³² affirm their commitment to the independence of the BBC as stated in article 6 of the Charter. By entering into this Agreement, the BBC has voluntarily assumed obligations which restrict, to some extent, its future freedom of action.

...

SOME GENERAL OBLIGATIONS OF THE BBC

81. Defence and Emergency Arrangements

(1) Any Government Minister—

(a) may request that the BBC broadcast or otherwise distribute any announcement, and

(b) may, if that Minister has requested that the announcement be broadcast or otherwise distributed on television or by means of an online service, request that the BBC accompany that announcement with a visual image (moving or still) of anything mentioned in the announcement.

(2) If it appears to any Government Minister that an emergency has arisen, that Minister may request that the BBC broadcast or otherwise distribute any announcement or other programme.

³¹ See: www.bbc.co.uk/bbctrust/assets/files/pdf/about/how_we_govern/charter.pdf

³² Namely, the Secretary of State for Culture, Media and Sport, and the BBC.

(3) A request under paragraph (1) or (2) must be made in writing, and the BBC—

(a) must comply with the request,

(b) must meet the cost of doing so itself, and

(c) may, when broadcasting or distributing the announcement or other programme, announce that it is doing so pursuant to such a request.

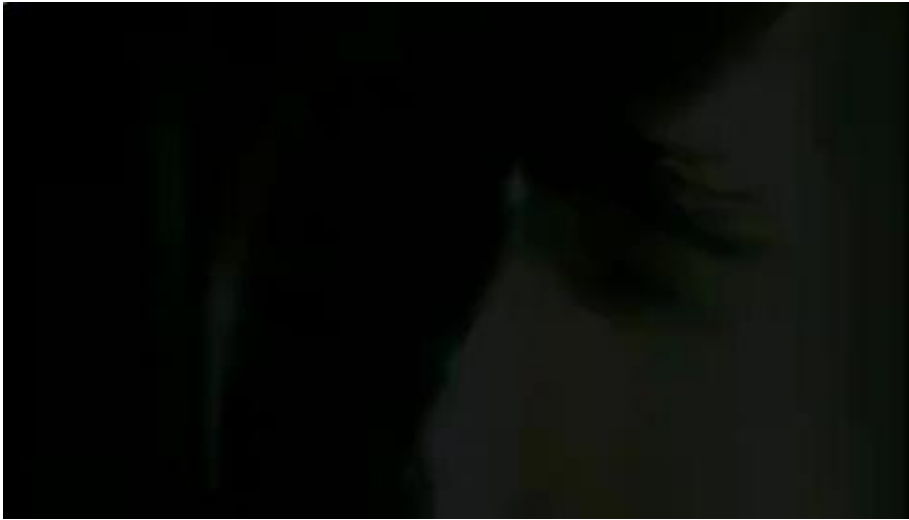
(4) The Secretary of State may give the BBC a direction in writing that the BBC must not broadcast or otherwise distribute any matter, or class of matter, specified in the direction, whether at a time or times so specified or at any time.

(5) The BBC may, if it wishes, announce that such a direction has been given, varied or revoked.³³

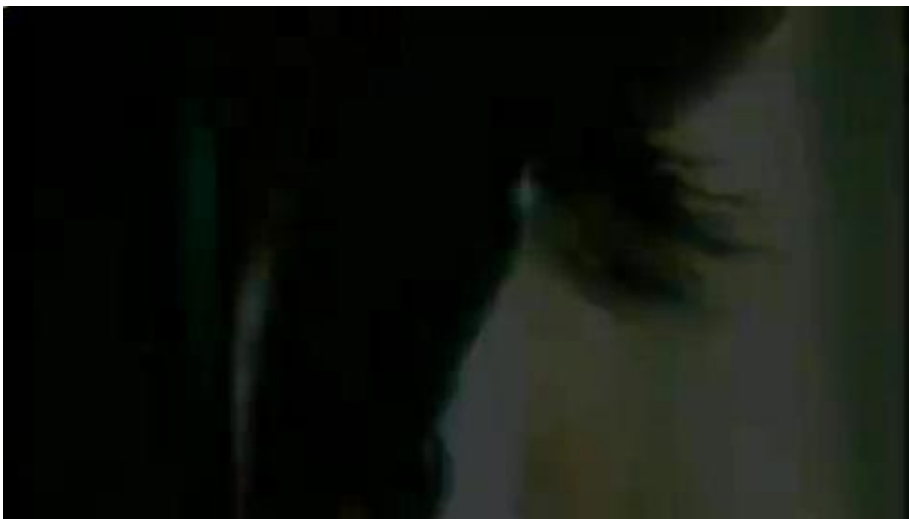
³³ See: www.bbc.co.uk/bbctrust/assets/files/pdf/about/how_we_govern/agreement.pdf

Annex 5

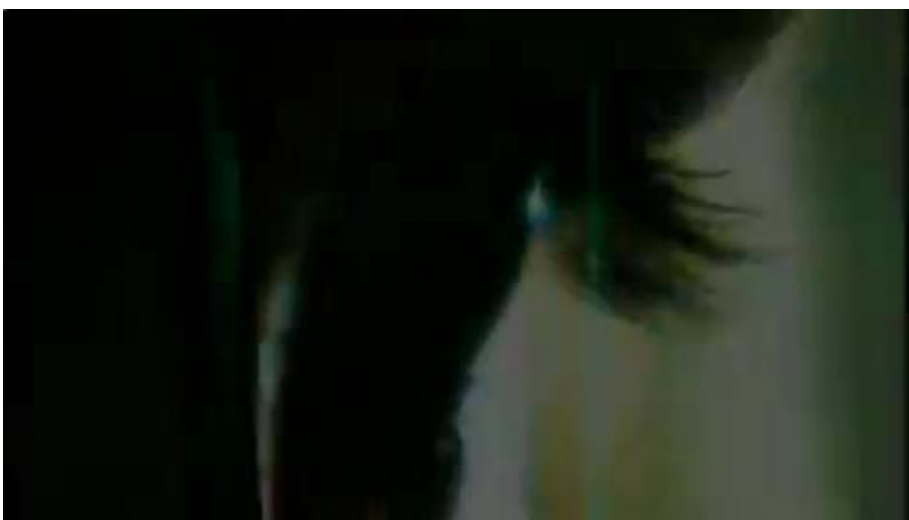
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5



6

