

Adrian Mallett
adrian.mallett@afmwebdesign.com

Our Ref: 1445671

13 June 2012

Dear Mr Mallett

9/11: Conspiracy Road Trip – 8 September 2011 – BBC Three

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 potential breaches by the above programme of the Editorial Guidelines on Accuracy and Impartiality.

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, and the Head of Editorial Standards took the editorial adviser's investigation and all your arguments into account in reaching her decision.

The Trust has received another appeal that required consideration of the same substantive issues as your complaint, and of other issues. The Head of Editorial Standards read both appeals, and considered the merits of each individually in deciding whether it qualified for consideration by the Editorial Standards Committee (ESC). In accordance with paragraph 5.3(e) of the Complaints Framework,¹ it has been deemed appropriate to send a consolidated response to both complainants in this matter. This is intended to ensure that the key reasons for the Head of Editorial Standards' decisions on all the issues raised in both appeals are communicated in the most cost-efficient and timely manner.

¹ See:

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

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 Head of Editorial Standards' decision.

The Trust also received a letter in support of these appeals from a correspondent 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 either of the appeals arising from this matter had a reasonable prospect of success, or that it would be appropriate for either appeal to proceed to the ESC. I should like to explain why.

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 11 September 2001 (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 and there is a case for the BBC Executive to answer. 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.

Summary of complaints

Complaints about this programme were made in the context of similar complaints by you and others concerning the BBC's coverage of issues relating to the events of 9/11 in general, and *The Conspiracy Files: 9/11 Ten Years On*³ in particular. Those complaints were addressed in my letter dated of 13 June 2012. You were sent a copy of that letter, and for brevity's sake I shall not repeat its complaint summary here.

2

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

³ This was broadcast on 29 August 2011 on BBC Two.

Complainants argued that *9/11: Conspiracy Road Trip* was inaccurate, misleading and biased, in the following respects.

The programme's approach

The programme had not taken a balanced and impartial view in considering what had happened on 9/11; the presenter had stated that he knew what had happened, and had dismissed those in the programme who were sceptical of the official version of events.

The programme had made it clear from the start that its approach was not open-minded, and had taken the view that those who doubted the official version of events were delusional.

Choice of participants

The programme had deliberately chosen five young people who did not have the knowledge or experience to be able to counter technical opinion put forward by the programme's experts.

Choice of content

The programme had not included a contribution from Richard Clarke (then National Co-ordinator for Counter-Terrorism) in relation to the role of the CIA. Mr Clarke had stated that the CIA had taken a deliberate decision to withhold intelligence from the FBI. The omission of this information had led to a lack of due impartiality, and had given viewers a misleading impression about the CIA's complicity in the 9/11 attacks.

The explanation of how the North (WTC1) and South (WTC2) Towers (the Twin Towers) of the World Trade Center (WTC) had collapsed had not included a contribution from an engineer from the 9/11 truth movement, to offer an alternative theory.

The programme had not included the admission by the National Institute of Standards and Technology (NIST) that WTC Tower 7 (WTC7) had fallen at free fall speed for at least 2.25 seconds.⁴ The omission of this information was crucial, because the only way in which such a building could collapse at free fall speed was through controlled demolition, using explosives.

The programme had made no mention of molten iron found under the WTC towers for weeks after 9/11, and had offered no explanation for it. Even in ideal circumstances, office fires and jet fuel could not reach the temperatures required to melt steel. There had to be a high energy substance, such as thermite, present in large quantities to achieve this.

⁴ See: www.nist.gov/customcf/get_pdf.cfm?pub_id=861610 (NCSTAR 1A, November 2008) p 48 (final bullet).

Validity of demonstrations

The demonstration to show that thermite could not have been used to demolish the WTC towers was flawed and misleading. It did not draw on evidence freely available from *Architects and Engineers for 911 Truth* which proved that thermite could do all the things the programme stated it could not do, when used in simple containment vessels to direct its energy efficiently.

The demonstration to show that a person with no flying experience could pilot a four-engine⁵ Boeing 767-200 airliner was flawed; it did not reflect the view of qualified airline pilots who had proved, using a simulator, that even an experienced pilot could not have flown a passenger plane into the Twin Towers or Pentagon in the manner described in the official story. The programme had also omitted to mention that, according to accurate radar tracking information, the flights that hit WTC1 and WTC2 were travelling at speeds well in excess of the aircraft's capabilities.

Summary of the ECU's findings

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

Summary of appeals to the Trust

In their appeals to the Trust, complainants made the following points:

- The programme had been intentionally produced from the point of view of the host, who strongly believed that the official version of events was correct and whose aim was to change the five participants' minds. This approach was biased.
- If public scepticism were limited to a small, fringe minority, such an approach might be more acceptable; however, as the BBC had reported, one third of the public did not believe the official story, and world-wide evidence suggested this figure was even higher.
- The unbiased approach would have been to present and discuss both sides with equal emphasis.
- The BBC should seek to challenge the flaws in the official version of events, rather than casting personal aspersions against those who questioned it.
- The programme had presented only the orthodox perspective. The complainant queried the absence of a balancing programme in which a presenter who disbelieved the official story attempted to change the minds of five participants who believed it was correct.
- If (as the ECU had stated) the programme was not an investigative documentary, what was it?
- It should have been clearly indicated at the start of the programme that the BBC did not endorse any of the views expressed therein. The producers should have let the presenter argue his own case, instead of providing a variety of 'experts' to give 'evidence' for his views.

⁵ The Head of Editorial Standards noted that the Boeing 767-200 is in fact a twin-engine aircraft: www.airliners.net/aircraft-data/stats.main?id=103

- The programme's format was that of a documentary, and hence the content should have been checked thoroughly to ensure the highest standards of factual accuracy and balance. Given the dearth of accurate information in the mainstream media, how could viewers make balanced decisions if they were never made aware of the real facts?
- The ECU appeared to be arguing that, so long as an expert could be found to present a contrary view, it did not matter whether that view was factually inaccurate. The Editorial Guidelines on Accuracy required that, in arguing a case as sensitive and complicated as the building collapses on 9/11, the BBC should have provided at least an additional expert to balance the views expressed.
- The statements made by the demolition 'expert' were wrong on basic levels. The main function of a building's structure was to counteract gravity. This was achieved by making structural supports at least several times stronger than was necessary. The centre of the building was the path of most resistance, but, according to the 'expert', the top section had fallen directly through it at nearly free fall speed and in defiance of several laws of physics, including the law of conservation of momentum.
- The public relied on the BBC to select suitable experts to supply accurate programme content. Experts who promoted impossible scenarios should be balanced with other experts who were qualified to question them. It was not acceptable for the BBC to assume that viewers had sufficient knowledge to identify the flaws in 'expert' testimony. In this aspect, as with most of the programme, the BBC was guilty not just of gross incompetence but also of wilfully misleading the public, in order to facilitate a political objective.
- The NIST report had stated that WTC7 had collapsed in free fall (gravitational acceleration) for at least 2.25 seconds. Free fall was impossible for a gravitational collapse, as NIST Lead Investigator Dr Shyam Sunder had stated in August 2008.⁶
- Very simple facts could be used to prove the official story wrong:
 - WTC7 had fallen for 2.25 seconds in free fall.
 - For any object to fall in free fall, all available potential energy must be converted into kinetic energy. No energy is available to perform any additional work.
 - Therefore there must have been an additional source of rapidly applicable, controllable energy available to destroy thousands of welded and bolted connections, buckle and deform steel members and pulverise concrete to very fine dust.
 - The only possible type of additional energy source capable of providing sufficient energy in the rapid, controlled method required was explosives.
 - It takes months to prepare the explosives needed to destroy a 47-storey, steel-framed skyscraper.

⁶ This was before the publication in November 2008 of the final draft of the NIST report on the collapse of WTC7.

- Given the kind of tenants in WTC7,⁷ it was very unlikely that al-Qaeda could have had sufficient access to plant explosives, so at the very least the official story could not be correct and at worst elements of the US government were involved.
- The same laws of physics were the reason why a stone thrown into a pool falls more slowly than in air. WTC7 was scientific proof that the official story for 9/11 could not be true, and that the UK had invaded Afghanistan on the basis of a lie. The complainant noted that a BBC documentary had interviewed 'Curveball',⁸ the informant whose sole information had formed the basis for the Iraq war, who freely admitted that he had lied.
- The programme had said that the five persons on the road trip were interested in all aspects of the events of 9/11. It was "ridiculous" for the issue of WTC7 to have been ignored, unless it had been ignored wilfully. The ECU had "side-stepped" the issue of WTC7 by stating that it had not been mentioned. For a purportedly factually accurate programme on the subject to have ignored WTC7 proved how biased the programme was. For the ECU not to have addressed this item suggested that the ECU was either freely helping, or had been instructed to help, elements at the BBC whose objective was to prop up the official story, in clear breach of the BBC's Editorial Guidelines and at the cost of UK service personnel's lives.
- The presence of molten iron was another 'smoking gun', as it was impossible for office or jet fuel fires to reach the temperatures required to melt steel. Either the five persons on the road trip lacked sufficient knowledge of the molten metal (which was widely known about and documented in the Truth Movement), or the programme makers had chosen to ignore it. Either alternative showed clear bias towards a set objective, which breached the Editorial Guidelines on Impartiality and Accuracy.
- The ECU had cited Tony Szamboti's brief contribution as evidence of balance in the question of the thermite experiment. Had Mr Szamboti been asked to comment on the experiment, he could have shown the BBC's 'expert' how to use thermite to do exactly what the BBC was trying to show could not be done. A member of *Architects and Engineers for 9/11 Truth* had already made a film showing experiments which directly contradicted a similar attempt by *National Geographic* to obfuscate the truth.⁹ It would have been very easy to recreate his experiment. The fact that this was not done showed at least incompetence by the programme makers in presenting information which was out of date. If they were not incompetent, then it showed a clear objective of presenting a false argument to viewers.

⁷ The Head of Editorial Standards took this to be a reference to tenants such as the US Secret Service, the US Department of Defense and the CIA.

⁸ This appears to be a reference to a BBC *Newsnight* documentary entitled *Iraq War Intelligence Probed*, dated 25 March 2008.

⁹ No citation was supplied in support of this comment. It may refer to a programme entitled *9/11: Science and Conspiracy*, broadcast on the National Geographic Channel on 31 August 2009.

- Thermite, used in small steel containers, had been used for years to weld sections of railway lines. As only the BBC's test had been included in the programme, viewers had been given only one side of the argument. If the ECU, having seen the evidence both for and against the use of thermite, had felt unable to assess the information, why did the ECU keep falling back on viewers' ability to make up their own mind on the basis of only the BBC's "fictional 'evidence'"? The ECU's comment about being unable to conclude that the evidence of one 'DIY' experiment should have been given more weight than the other was redundant. By including their own 'DIY' experiment in the programme, the programme makers had decided to give it more significance than the one conducted by a qualified engineer. In doing so, they had indicated what they wanted the public to think.
- A trial lesson in a single-engine Cessna, accompanied by an instructor, did not prove that the hijackers could have flown four-engine¹⁰ Boeing 767-200s into their targets (which was equivalent to the skill required to land on a aircraft carrier). If the aircraft had flown slowly and in straight lines, it would have made the official story more believable, but they had been flown in complicated paths at speeds that were impossible for standard commercial jets; and numerous professional pilots had stated that they did not consider this possible for most fully qualified and experienced pilots. The ECU's statement that viewers could draw their own conclusions would have been fair comment if the programme had started with a notice that the BBC did not endorse the content. As no such notice had been given, the BBC ought to have ensured that all the arguments presented were based in fact. The programme makers could have asked a qualified airline pilot if they thought someone with a few lessons in a Cessna could fly such an aircraft. The answer would have destroyed the implied legitimacy on which the programme makers were relying in order to promote their propaganda.

One complainant raised an additional issue, concerning a potential breach by the ECU of the Editorial Guidelines on Accountability. According to the complainant, the ECU had done its best to obfuscate issues of impartiality, and had failed adequately to address the issues of accuracy that the complainant had raised, or to refer to the Guidelines on Accuracy that the complainant had cited.

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

The Head of Editorial Standards' decision

The Head of Editorial Standards considered complaints against the Editorial Guidelines on Accuracy, Impartiality and Accountability, the relevant provisions of which are set out in the Annex to this letter.

¹⁰ The Head of Editorial Standards noted that the Boeing 767-200 is in fact a twin-engine aircraft: www.airliners.net/aircraft-data/stats.main?id=103

The programme's approach

The Head of Editorial Standards noted that the Editorial Guidelines on Impartiality allows programme makers to exercise their editorial freedom to produce content about any subject, at any point on the spectrum of debate, as long as there are good editorial reasons for doing so. In the Head of Editorial Standards' view, the Executive has set out its editorial reasons for choosing to approach the subject of 9/11, not by means of wide-ranging forensic investigation, but through the medium of debate. The Head of Editorial Standards noted that the scope of the debate, and hence of the programme, was determined by the individual participants' choice of theory. Towards the beginning of the programme, the presenter explained:

Over the next week each of my fellow travellers is going to challenge me on a conspiracy theory they believe proves the official version wrong.

The Head of Editorial Standards also noted the provisions of the Editorial Guidelines on Impartiality, which require that Personal View Content be clearly signposted to audiences in advance. In the Head of Editorial Standards' view, the premise of the programme and the presenter's personal stance in relation to 9/11 were clearly established at the outset. At the beginning of the programme, the presenter said:

Unbelievably, there are many people who doubt the conclusions of the original investigation and want to believe the American government was in some way responsible for this tragic event. I'm taking five of them to America on an extraordinary journey to see if I can change their minds. It'll be a tough mission. These guys appear to be convinced conspiracy theorists.

The presenter continued:

Personally, I'm as certain as certain can be that the attacks were ordered by Osama bin Laden.

It would therefore have been evident to the audience at the outset that, in the programme that was to follow, the presenter would be seeking to challenge the five participants' individual theories and to persuade them to change their minds. The Head of Editorial Standards was therefore satisfied that, in accordance with the Editorial Guidelines, the programme's Personal View Content had been clearly signposted to the audience in advance. She took the view that, having been informed of the purpose of the programme and of the presenter's and participants' respective and opposing stances in relation to the subject, viewers would have been able to evaluate the programme's content accordingly, and to give what they considered to be appropriate weight to the opinions expressed therein.

So far as the remainder of the programme was concerned, the Head of Editorial Standards believes the Trustees would be satisfied that, for the reasons explained below, and in accordance with the requirements of the Editorial Guidelines on Personal View Content, the programme had: retained a respect for factual accuracy; fairly represented the opposing viewpoints that were included; provided participants with an opportunity to respond to the presenter's attempts to change their mind; and ensured that a sufficiently broad range of views and perspectives had been included.

The Head of Editorial Standards therefore concluded that there was insufficient evidence that either appeal had a reasonable prospect of success on the ground that the programme's approach was biased. Nor did the Head of Editorial Standards consider it to be appropriate, proportionate or cost-effective for the Trust to address either appeal on this ground.

Choice of participants

Issues concerning the choice of participants 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 Charter 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 choice of participants 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.

The Head of Editorial Standards therefore went on to consider whether the choice of participants had raised any potential breach of the Impartiality Guidelines. She noted that the provisions of the Editorial Guidelines had to be applied to the programme that was actually broadcast, not to the programme that complainants believed should have been broadcast. The Guidelines did not require the Head of Editorial Standards to take into account considerations that were not applicable to the programme's chosen subject, scope, approach or content.

As the ECU had noted, the programme makers could have chosen five people with technical expertise or knowledge, but that would have resulted in an entirely different programme. Audiences would have been in no doubt that the five people on the road trip were lay individuals who were sceptical about the official version of events. The Head of Editorial Standards agreed with the ECU's view that, knowing the five participants were "ordinary" people with no particular expertise, viewers would have been able to judge the programme's content accordingly.

In the Head of Editorial Standards' view, there was no evidence to support any potential breach of the Impartiality Guidelines in relation to the programme makers' exercise of their editorial judgement in the choice of participants. She also took the view that there was no evidence to suggest that the programme makers' exercise of their editorial judgement in the choice of participants had given rise to any potential regulatory issue, and therefore concluded that this was not a matter in which the Trust could involve itself.

Choice of content

Similarly, the programme makers' exercise of their editorial judgement in relation to the choice of content 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.

The Head of Editorial Standards went on to consider whether the choice of content had given rise to any potential breach of the Editorial Guidelines on Accuracy and/or Impartiality. Reminding herself that the provisions of the Editorial Guidelines had to be applied to the programme that was actually broadcast, not to the programme that complainants believed should have been broadcast, the Head of Editorial Standards took the view that the question to be considered was whether the content of the programme as transmitted had been inaccurate and misleading, and/or biased.

The Head of Editorial Standards noted that the programme's content was prescribed to a large extent by the participants' selection of which particular aspect of the official version of events they wished to challenge, and that none of the participants had chosen to debate the conduct of the CIA, the collapse of WTC7 or the presence of molten iron at the WTC. As the programme had not purported to offer an exhaustive analysis of the events of 9/11, the Head of Editorial Standards did not believe that Trustees would agree that it was necessary to satisfy the requirements of due accuracy and/or due impartiality for those matters to have been included.

She therefore believed that the programme's omission of those three issues would not be seen by the Trustees as a potential breach of the Editorial Guidelines.

The Head of Editorial Standards agreed with the ECU that the time limit had expired for the investigation of an alleged error in a programme that had been broadcast in 2007. Given that *9/11: Conspiracy Road Trip* had not purported to offer an exhaustive investigation, it was not necessary for it to have considered the issue of whether a correction was appropriate.

The Head of Editorial Standards then considered whether the programme's omission of any contribution from an engineer from the 9/11 truth movement had caused the programme to be inaccurate or biased. She noted that the programme's format was as follows: one of the five participants would explain and advocate their particular alternative theory; the presenter would then introduce the participants to a contributor with knowledge of and/or expertise in that particular aspect of the subject; the expert would explain their views; and participants would challenge the expert's explanation. This format provided the opportunity for debate between participants and knowledgeable contributors, and allowed both sides of the argument to be presented. The five proponents of alternative theories were given the opportunity to challenge those who accepted the official version of events, and to question them about aspects of the official version that they found unsatisfactory. Knowing that the participants had no particular expertise, whereas those with whom they were debating had specialist knowledge, viewers would have been able to evaluate contributors' views accordingly.

The Head of Editorial Standards noted that road trip participants had been given the opportunity to question demolition expert Brent Blanchard, and that the programme had included Mr Blanchard's explanation of how controlled demolitions were carried out and the participants' response to his comments. This was followed by a contribution from mechanical engineer Tony Szamboti, whose credentials were established by the presenter's introduction, which stated that Mr Szamboti had written articles about the Twin Towers in professional journals.

Mr Szamboti explained to two road trip participants why some believed that thermite could have been used to bring down the WTC towers, and showed them an electronic version of what appeared to be an academic paper by Professor Niels Harrit *et al* on the presence of thermitic material in WTC dust.¹¹ Mr Szamboti spoke with professional authority, and his contribution provided viewers with an explanation of the controlled demolition theory—albeit one that was not necessarily as ample as complainants would have wished. The Head of Editorial Standards agreed with the ECU's view that this contribution had gone some way towards addressing complainants' concerns, and she believed Trustees would conclude that the omission of any contribution from an engineer from the 9/11 truth movement had not rendered the programme inaccurate, misleading or biased.

¹¹ See: www.benthamscience.com/open/tocpj/articles/V002/7TOCPJ.pdf

In the Head of Editorial Standards' view, there was no evidence to present to Trustees to support any potential breach of the Guidelines on Accuracy or Impartiality in relation to the programme makers' exercise of their editorial judgement in the choice of content. She also took the view that there was no evidence to suggest that the programme makers' exercise of their editorial judgement in the choice of content had given rise to any potential regulatory issue, and therefore concluded that this was not a matter in which the Trust could involve itself.

Validity of demonstrations

The Head of Editorial Standards adopted the ECU's reasoning that the thermite demonstration had been clearly presented as a 'DIY' chemistry experiment, rather than as a peer-reviewed and scientifically validated one. In her view, the audience would have recognised that the demonstration was merely a quick attempt to test the theory concerning the use of thermite in the demolition of the WTC towers, and would have weighed its conclusions accordingly. The Head of Editorial Standards could not agree that it was likely that viewers would have regarded the demonstration's results as conclusive proof that thermite could not melt steel under any circumstances. The Head of Editorial Standards could not therefore agree that Trustees would consider viewers would have been misled by the experiment.

The Head of Editorial Standards went on to consider whether the omission of contradictory evidence would have been likely to mislead the audience. Although she was not in a position to evaluate the methodology of the video clip that was cited in support of the complainant's argument, she accepted that it appeared to show that, under certain conditions, thermite could burn through or seriously weaken steel girders. However, she also noted that in a programme of limited duration, programme makers had to exercise editorial judgement about which information to include. The controlled demolition theory had already been clearly explained by Mr Szamboti, and it was most unlikely that viewers would have concluded from the 'DIY' experiment that the theory concerning the use of thermite in the controlled demolition of the WTC towers had been disproved.

The Head of Editorial Standards could not therefore agree that the programme's omission of any reference to the alternative demonstration was inaccurate or misleading.

Noting that the ECU had acknowledged that the flying demonstration was far from scientific, and had not proved one way or the other whether the planes that had hit the Twin Towers were piloted by terrorists, the Head of Editorial Standards believed Trustees would have agreed with the ECU's view that viewers would have judged the evidential value of the demonstration accordingly.

With regard to the transferability of pilot skills from light aircraft to large jet, the Head of Editorial Standards noted that the flying sequence included the following exchange between first-time pilot Shazin and flight instructor Robert Hadow (RH):

Shazin: So how easy do you think it would be for an amateur pilot to fly a big, massive airliner jet?

RH: Well, in fact it's easier to fly a big jet. For example, you feel the slight bumps we're going through? You won't feel those in a seven-forty-seven. ... But it's the same basic principles; this airplane or any other big airplane.

The flying sequence also included Charlotte's sceptical response:

Charlotte: I mean, do you know much about Boeings?

RH: As a matter of fact, yes.

Charlotte: Okay, the exact Boeing that went into the World Trade Center ...?

RH: All they had to do was fly straight and level towards a target.

Charlotte: The people that trained them didn't believe they could do this, and yet the rest of us will just accept that they could, and dismiss any other possibility ...?

It seemed to the Head of Editorial Standards that the programme had allowed both sides of the debate to be clearly articulated. While the Head of Editorial Standards appreciated the arguments that the inclusion of a contribution from a member of *Pilots for 9/11 Truth* and/or a reference to the speed of the planes which hit the Twin Towers might have given the audience a fuller appreciation of, and perhaps lent weight to, certain alternative theories, she could not agree that this was necessary for the avoidance of inaccuracy or bias. In her view, when judged against the programme's subject, scope, approach and content, the Trustees would find that the requirements of due accuracy and due impartiality had been met.

The Head of Editorial Standards therefore concluded that there was insufficient evidence that either appeal had a reasonable prospect of success on the ground that the demonstrations were inaccurate and misleading. Nor did the Head of Editorial Standards consider it to be appropriate, proportionate or cost-effective for the Trust to address either appeal on this ground.

Accountability

It appeared to the Head of Editorial Standards that many of the arguments in this case had simultaneously raised issues of Accuracy and Impartiality. The Head of Editorial Standards noted that, in its complaint summary, the ECU had stated:

The relevant guidelines would therefore appear to be those on Accuracy and Impartiality.

In her view, it was implicit in the ECU's subsequent findings that it had considered and applied all relevant Editorial Guidelines on both Accuracy and Impartiality in a manner that was appropriate to the issues under consideration.

The Head of Editorial Standards therefore concluded that there was insufficient evidence that the appeal had a reasonable prospect of success on the ground that the ECU had either failed to apply or to apply correctly the appropriate Editorial Guidelines. Nor did the Head of Editorial Standards consider it to be appropriate, proportionate or cost-effective for the Trust to address the appeal on this ground.

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. However, the supporting letter received from the correspondent who had 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 1

Summary of the ECU's findings

The programme's approach

In the ECU's view, the programme had not taken a traditional approach to the subject. The presenter had set out to see if he could change the minds of five people who did not believe various aspects of the official version of the events of 9/11. Viewers would have been aware that the presenter supported the official version, but that the five people on the road trip all had doubts or concerns and believed there were alternative explanations. Being fully aware of the presenter's and participants' particular points of view, the audience would, in the ECU's view, have judged their contributions accordingly. The ECU could not agree that this approach had led to a lack of due impartiality. The programme had given each of the five people on the road trip the opportunity to set out their theories, and had included their response to the presenter's attempts to change their mind.

The programme was not an attempt to analyse each and every theory about 9/11, nor was it a typical investigative-style documentary weighing the evidence for and against various theories. Due impartiality did not require a consideration of issues that were not relevant to a programme's subject matter or approach. Viewers would have been aware from the outset that the presenter had a clear view about what he thought had happened on 9/11 and who was responsible. The programme's premise had been clearly established at the start, and the audience would have been in little doubt that the presenter's aim was to challenge the five participants' views and to persuade them to share his way of thinking.

In the ECU's opinion, it was reasonable for the presenter to express his views on the various conspiracy theories and on those who held such views, just as it was reasonable for the programme to include the contrasting views of the five people on the road trip. Viewers would have understood that the premise of the programme was to see whether the presenter was able to change the five participants' minds, and would have judged the content accordingly. The ECU noted that the Editorial Guidelines recognised that there may be occasions when it was acceptable to allow contributors to express views which might be regarded by some as contentious, as the section of the Impartiality Guidelines concerning Personal View Content made clear.

Choice of participants

In the ECU's view, it was a matter of editorial discretion for programme makers to choose their programmes' subject and approach. The audience would have been well aware that this was a programme where a comedian sought to challenge the views of five young people who did not believe the official version of events. The programme could have chosen five people with technical expertise or knowledge, but that would have resulted in an entirely different programme. The nature of the programme had been clearly set out: the five people on the road trip were "ordinary" individuals who found aspects of the official version hard to accept, and the presenter was trying to

convince them that they were wrong. Viewers would have judged the programme's content accordingly.

Choice of content

As none of the five people on the road trip had raised concerns about the role of the intelligence agencies, the ECU could not conclude that there was a requirement to refer to the CIA's role and to have included contributions from those, such as Richard Clarke, who believed that the CIA had withheld intelligence from the FBI.

The Editorial Guidelines do not require the inclusion of every point of view or perspective in an individual programme. Due impartiality had to be judged against a programme's particular nature and content. In this case, the five people on the road trip had been given the opportunity to explain their concerns, and the presenter had sought to present evidence to challenge their views. While the programme could have taken a different approach, its chosen approach was clearly explained to the audience at the start, and it was on that basis that the ECU had to consider this complaint. The ECU was unable to conclude that the programme should have included a contribution from a member of *Architects and Engineers for 9/11 Truth* or have conducted a detailed analysis of what had caused WTC7 to collapse. The programme had given the five people on the road trip the chance to question a demolition expert about the Twin Towers, and had included his response and their reaction.

The ECU noted that the sequence concerning the controlled demolition theory had begun with a contribution from mechanical engineer Tony Szamboti. This had established that there were engineers, published in professional journals, who believed that the WTC towers had been brought down by controlled demolition and that thermite could have been used. Mr Szamboti's citation of evidence which he said supported this theory had, in the ECU's view, gone some way towards addressing concerns about the omission of any reference to the position of members of *Architects and Engineers for 9/11 Truth*.

As none of the five people on the road trip had raised the collapse of WTC7 as a concern, it was not necessary for the programme to have referred to the NIST's conclusion that WTC7's north face had fallen at gravitational acceleration for part of the period of the tower's collapse.

In relation to the complainant's argument that *The Conspiracy Files: 9/11* (broadcast in February 2007) had incorrectly claimed that WTC7 had not collapsed in free fall, and that the updated 2011 edition thereof and *9/11: Conspiracy Road Trip* should have corrected that "error", the ECU explained that its remit only extended to considering whether there was a serious breach of editorial standards in particular programmes. The ECU was therefore not in a position to consider whether *9/11: Conspiracy Road Trip* should have included a correction of an alleged error in a programme that had been broadcast five years earlier.

As none of the five people on the road trip had raised concerns about the presence of molten iron under the three WTC towers, the ECU could not conclude that there was a requirement to consider this point in this programme. The ECU noted that the video

cited in support of the complainant's argument¹² appeared to show that, whereas some people had said that they had seen pools of molten steel, NIST had not accepted this. Furthermore, the ECU noted that the NIST report¹³ had found "no corroborating evidence for alternative hypotheses suggesting that the WTC towers were brought down by controlled demolition using explosives planted prior to September 11, 2001".

Validity of demonstrations

In the ECU's view, the thermite demonstration had been clearly presented as "a DIY chemistry experiment". The ECU acknowledged that it may well be that thermite packed in small steel containers could have a more damaging effect, and that the video cited in support of the complainant's argument¹⁴ appeared to show that, contained in a specific way, thermite could burn through or seriously weaken steel girders. However, the ECU could not conclude that the evidence of one "DIY experiment" should be given significantly more weight than another.

The ECU accepted that the flying demonstration was far from scientific, and did not prove one way or the other whether the planes that had hit the Twin Towers were piloted by terrorists. However, the ECU thought it reasonable to assume that viewers would have judged what they saw accordingly, and would have drawn their own conclusions. The programme had reflected the view of a qualified flight instructor that a relatively inexperienced pilot could have flown a plane into the Twin Towers, and had also included Charlotte's response, in which she made it clear that she was still not persuaded. The ECU noted that the programme had not included the kind of informed comment that complainants considered necessary (eg, a contribution from a member of *Pilots for 9/11 Truth*), or any reference to the speed of the planes which hit the Twin Towers, but concluded that there was no requirement to include this information: the programme had a clearly defined but limited scope, and was not seeking to examine all aspects of the various theories surrounding 9/11. In the ECU's view, the programme had achieved the necessary due impartiality, when judged against its subject and content.

¹² See: www.youtube.com/watch?v=wcqf5tL887o

¹³ See: www.nist.gov/customcf/get_pdf.cfm?pub_id=909017

¹⁴ See: www.youtube.com/watch?v=5d5iIoCi8g

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.

...

Principles

We must do all we can to ensure that 'controversial subjects' are treated with due impartiality in all our output.

...

We exercise our editorial freedom to produce content about any subject, at any point on the spectrum of debate, as long as there are good editorial reasons for doing so.

...

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.

...

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.

...

Personal View Content

The BBC has a tradition of allowing a wide range of individuals, groups or organisations to offer a personal view or opinion, express a belief, or advance a contentious argument in its output. This can range from the outright expression of highly partial views by a campaigner, to the opinion of a specialist or professional including an academic or scientist, to views expressed through contributions from our audiences. All of these can add to the public understanding and debate, especially when they allow our audience to hear fresh and original perspectives on familiar issues.

Such personal view content must be clearly signposted to audiences in advance.

Additionally, when personal view programmes and websites (for example, blogs) cover 'controversial subjects', especially those concerning matters of public policy or political or industrial controversy, we should:

- *retain a respect for factual accuracy*
- *fairly represent opposing viewpoints when included*
- *provide an opportunity to respond when appropriate, for example in a pre-arranged discussion programme*
- *ensure that a sufficiently broad range of views and perspectives is included in output of a similar type and weight and in an appropriate timeframe.*

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.