

Newsnight, BBC Two, 20 January 2009

1. Summary of finding

The complaint relates to a Newsnight item on the day of President Obama's inauguration speech about the challenges facing the new president and his thinking on certain key issues. The report featured three excerpts from President Obama's speech, which the complainant said had been edited in a way that misrepresented the contents of the speech.

The Committee concluded:

- that the programme had not provided sufficient information in the presentation of the quote for the audience to fully realise that it was constructed from three distinct elements of President Obama's speech.
- that the presentation of President Obama's statements, albeit in a different order from the original speech, had been duly accurate in that it had accurately set out the president's change in policy with regard to science.
- that there was no evidence to suggest that the programme had knowingly misled viewers by this use of the clips.
- that, while longer pauses or clearer fades would have helped the audience be aware that the extracts were from separate parts of the speech, this was not necessary to achieve due accuracy.
- that the programme team had demonstrated that making a distinction between the extracts had been a consideration when putting the piece together.
- that the presentation of the extracts from the speech had not been in breach of editorial standards as it had not misled the audience with regard to the contents of the speech and had been duly accurate.
- that, overall, the piece had not breached the accuracy and impartiality guidelines as it had correctly highlighted the references to the environment and the change of policy in science within the president's speech.
- that the report as a whole had not given the impression that the environment was more significant in the speech than it actually was.

The complaint was not upheld.

2. The Context

This edition of Newsnight looked at the challenges facing the Obama presidency on the day of his inauguration speech. The matter in question concerned a report by Susan Watts who as one of three Newsnight editors was looking at what issues were in President Obama's in-tray. Susan Watts's brief was to look at the question of the environment.

The opening of the report was constructed out of three separate phrases used by President Obama in his speech.

The words were as follows:

"We'll restore science to its rightful place ...roll back the spectre of a warming planet...we will harness the winds and the soil to fuel our

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cars and run our factories." (in vision is three different views of the Palm House at Kew)

The phrases were extracted from the following parts of President Obama's speech. The order in which they were used by Newsnight was not the order in which they had been used in the speech.

(The words used in the Newsnight item are in bold.)

Extract A

*"**We will restore science to its rightful place** and wield technology's wonders to raise health care's quality and lower its cost."*

Extract B

*"With old friends and former foes we will work tirelessly to lessen the nuclear threat, and **roll back the spectre of a warming planet.**"*

Extract C

*"**We will harness the sun and the winds and the soil to fuel our cars and run our factories.**"*

3. The complaint

Stage 1

The complainant initially emailed his complaint to the BBC Trust on 22 January 2009. He stated that the report by Susan Watts had been inaccurate and misleading and breached the BBC's Editorial Guidelines on impartiality.

The complainant pointed out that that the sound bite from President Obama's inauguration speech had apparently been created by merging clips from three different parts of the speech. The complainant stated that when Susan Watts had said that "President Obama couldn't have been clearer today", she was not referring to anything the President had said in his speech "but to a concoction of phrases."

The complainant believed that by using this sound bite the BBC had deceived viewers into thinking that this was an authentic quotation from the inaugural speech. He also stated that Susan Watts had then gone on to use the sound bite to substantiate her report.

BBC Information replied on 11 February 2009 having been passed the complaint from the Trust. The reply stated that this was one part of a 50 minute programme exploring the start Obama's presidency. The reply noted that the purpose of the montage was to give people an impression of what he said about science. The reply noted that each segment of the speech was signposted to the audience in the form of a fade between each point. The reply stated that:

"It in no way altered the meaning or misrepresented what the President was saying."

The complainant responded to BBC Information on 16 February 2009. He stated that to suggest that the three elements of the speech were signposted was unsustainable. He believed that no-one watching would "recognised any such

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signposts." The complainant further noted that Ms Watt's comment that the President could not have been clearer reinforced the impression that the sound bite had been produced verbatim from the speech. He also felt that the BBC response, which had referred to the matter as being one part of a 50 minute programme, suggested that the BBC considered this matter to be of minor importance.

Stage 2

The complainant wrote to the Editorial Complaints Unit (ECU) on 7 March 2009 reiterating his complaint as well making some additional points. He noted that had the full sentence been included for the first part of the montage it would have been clear to viewers that the President was referring to healthcare and not climate change:

"We will restore science to its rightful place and wield technology's wonders to raise health care's quality and lower its cost."

The complainant also noted that had the complete paragraph been quoted in which the first and third elements of the montage had been lifted it would have been clear to the audience that the subject he was addressing was economic growth and infrastructure renewal as a means for mitigating recession.

As to the middle sound bite the complainant quoted the sentence it came from in full:

'With old friends and former foes we will work tirelessly to lessen the nuclear threat, and roll back the spectre of a warming planet.'

He points out that this section of the speech was based on foreign policy. The complainant suggested that it was by only isolating the phrase that Newsnight could create the impression that a significant policy statement had been made on climate change.

The complainant continued that had the audience been shown footage of the President speaking rather than hearing his words, it would have been clear to the audience that the extracts were "neither consecutive...nor part of the same sentence."

The ECU replied with its substantive answer on 8 May 2009. The ECU did not uphold the complaint. The ECU noted that, while the manner in which the phrases were put together could have perhaps have made it a little clearer that they came from different parts of the speech, there had been no intention to edit them in such a way as to deceive viewers into thinking that it was one consecutive sound bite, and that viewers would not necessarily have formed that impression. The ECU also noted that each of the extracts had been rolled over slightly different views of Kew's Temperate House and that there were discernible pauses between them.

The ECU also noted that the complainant had added an "and" between the first and second soundbite, which the ECU explained would have effectively suggested that the piece was one consecutive soundbite if Newsnight had taken this course, which it had not.

The ECU also disputed the meanings the complainant had suggested applied to the elements of the speech from which the extracts had been taken. The ECU noted that while the clause following the extract "*We will restore science to its rightful place*"

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did refer to healthcare, it was followed in turn by a sentence about harnessing the sun and the winds and the soil to fuel cars and run factories. The ECU interpreted this to mean that the President was attempting to encompass environmental issues in his consideration of the increased part he envisaged science would play in his decision-making.

With regard to the second extract "*roll back the spectre of a warming planet*", the ECU noted that the first part of the sentence which stated "*With old friends and former foes we will work tirelessly to lessen the nuclear threat*" the President was addressing issues of diplomacy. The ECU stated that given the two clauses of the sentence together it seemed that the President viewed the threat from nuclear weapons and the prospect of global warming as two examples of problems which could be addressed by international co-operation.

The ECU also explained that the piece had been filmed at Kew before the speech had been delivered. However, the ECU stated it did not believe the material added to the item when the speech became available was "edited misleadingly."

Stage 3 – Appeal to the Editorial Standards Committee (ESC)

The complainant contacted the ESC on 26 April 2009 in which he set out his appeal. He added that the ECU had suggested that the pauses between each soundbite were about a second which he disputed. He also noted that given President Obama's style of delivery, the pauses would have been indistinguishable from other pauses in the speech.

The complainant also noted that as the report was prepared before the speech was known certain assumptions would have been made by the reporter as to its content. The complainant noted that given that the few references to the environment "were either ambiguous or in the context of other concerns", it seemed that the reporter tried to redeem the situation by the use of the montage in the introduction to the film. The complainant believed their inclusion misled the audience.

The Head of Editorial Standards, BBC Trust replied to the complainant on 4 August 2009 noting that the three extracts had come from different areas of the speech. The reply noted that the use of a montage was a common production technique to give the flavour of a speech. The reply also explained that the context for Susan Watts' report was to consider what was in the President's in-tray. The reply noted that this gave the specialist editors some scope to extrapolate from the speech and look at wider issues. The reply stated:

"[...] in the context of a specialist correspondent's professional judgment on the import of the speech and the in-tray that faces the Obama presidency the splicing together of these phrases and the interpretation given to the speech is duly accurate and thus duly impartial."

The reply also noted that the use of the phrasing in Ms Watts's introduction "*President Obama couldn't have been clearer today*"

The Head of Editorial Standards, BBC Trust, concluded that there was no reasonable prospect of success for the appeal and it therefore should not be considered by the Editorial Standards Committee of the BBC Trust.

The complainant appealed the decision of the Head of Editorial Standard.

The Editorial Standards Committee met on 30 September 2009 and having reviewed the decision of the Head of Editorial Standards found that the complaint did raise a matter of substance that should be considered by the Committee on appeal.

4. Applicable editorial Standards

Section 3 - ACCURACY

Introduction

The BBC's commitment to accuracy is a core editorial value and fundamental to our reputation. Our output 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.

For the BBC accuracy is more important than speed and it is often more than a question of getting the facts right. All the relevant facts and information should be weighed to get at the truth. If an issue is controversial, relevant opinions as well as facts may need to be considered.

We aim to achieve accuracy by:

- the accurate gathering of material using first hand sources wherever possible.
- checking and cross checking the facts.
- validating the authenticity of documentary evidence and digital material.
- corroborating claims and allegations made by contributors wherever possible.

Misleading audiences

We should not distort known facts, present invented material as fact, or knowingly do anything to mislead our audiences. We may need to label material to avoid doing so.

Section 4 – Impartiality and Diversity Opinion

Impartiality lies at the heart of the BBC's commitment to its audiences. It applies across all of our services and output, whatever the format, from radio news bulletins via our web sites to our commercial magazines and includes a commitment to reflecting a diversity of opinion.

The Agreement accompanying the BBC's Charter requires us to produce comprehensive, authoritative and impartial coverage of news and current affairs in the UK and throughout the world to support fair and informed debate. It specifies that we should do all we can to treat controversial subjects with due accuracy and impartiality in our news services and other programmes dealing with matters of public policy or of political or industrial controversy. It also states that the BBC is forbidden from expressing an opinion on current affairs or matters of public policy other than broadcasting.

In practice, our commitment to impartiality means:

- 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.

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- we can explore or report on a specific aspect of an issue or provide an opportunity for a single view to be expressed, but in doing so we do not misrepresent opposing views. They may also require a right of reply.
- we must ensure we avoid bias or an imbalance of views on controversial subjects.
- the approach to, and tone of, BBC stories must always reflect our editorial values. Presenters, reporters and correspondents are the public face and voice of the BBC, they can have a significant impact on the perceptions of our impartiality.
- our journalists and presenters, including those in news and current affairs, may provide professional judgments but may not express personal opinions on matters of public policy or political or industrial controversy. Our audiences should not be able to tell from BBC programmes or other BBC output the personal views of our journalists and presenters on such matters.

Achieving impartiality

Impartiality must be adequate and appropriate to our output. Our approach to achieving it will therefore vary according to the nature of the subject, the type of output, the likely audience expectation and the extent to which the content and approach is signposted to our audiences.

Impartiality is described in the Agreement as "due impartiality". It requires us to be fair and open minded when examining the evidence and weighing all the material facts, as well as being objective and even handed in our approach to a subject. It does not require the representation of every argument or facet of every argument on every occasion or an equal division of time for each view.

News, in whatever form, must be presented with due impartiality.

5. The Committee's decision

The Committee considered the complaint against the relevant editorial standards, as set out in the BBC's editorial guidelines. The guidelines are a statement of the BBC's values and standards.

In reaching its decision the Committee took full account of all the available evidence, including (but not limited to) the Editorial Adviser's Report and subsequent submissions from the complainant.

This Appeal raised issues requiring consideration of the editorial guidelines relating to accuracy and impartiality

The Committee agreed that the complaint comes down to a very few seconds of an edition of Newsnight that lasted over an hour on the day of the inauguration of President Obama.

As part of the coverage, Newsnight's team decided to explore three major challenges facing the incoming president: Diplomacy, The Environment and the Economy.

Each of these was addressed in taped items presented by the relevant Newsnight specialist. They were all stylised and highly produced and used sophisticated visual

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techniques to enhance what were effectively “think pieces” about three issues which were seen as being among the most serious for the new administration.

The Environment piece began with the complained-about sequence using three clips from the speech, not in the order they were delivered, heard out of vision over general pictures of the Palm House at Kew Gardens.

The relevant script was as follows – with the disputed clips underlined:

Jeremy Paxman:

As Jesse Jackson put it, in raising his hand and taking the oath as President, Barack Obama inherits both the garden and the desert, the Promised Land and the bleak challenges that lie ahead. The scenes here today have been amazing, but rarely has so much been expected of a single politician. There were people in the crowd who thought Obama would sort out their mortgage problems. But he also has the small matters of two wars abroad, a Middle East in crisis, climate change, and a world recession. Three of our editors now look at his in-tray.

“DIPLOMACY” – Mark Urban, Diplomatic Editor

“ENVIRONMENT” – Susan Watts, Science Editor:

Act: “We’ll restore science to its rightful place ...roll back the spectre of a warming planet...we will harness the winds and the soil to fuel our cars and run our factories.” (in vision is three different views of the Palm House at Kew)

President Obama couldn’t have been clearer today and for most scientists his vote of confidence will have come not a moment too soon. In the eight years of the Bush presidency the world saw the Arctic ice cap shrink to a record summer low, the relentless rise of greenhouse gas emissions and warnings from scientists shift from urgent to panicky. President Bush came to power at the start of a new decade, a new century, and what many thought would be a new era for science. The news that scientists had pieced together an early draft of the human genome had given a palpable lift to the end of the Clinton presidency. Science was riding high, but Bush was less attentive. Religion, or at least the religious vote, informed Bush policy. His very public distaste for stem cell research mattered because it raised suspicion of science. Creationism has grown stronger to the point that more Americans now believe in the biblical story of creation than in evolution. Scientists have got used to attempts to silence them but now they’re speaking out again. Unlike economic recession and wars, which pass, climate change does not. And there are deadlines if we want to avoid a point of no return. In fact scientists calculate that Obama has four years in which to save the world. But unlike Bush, Obama does listen to scientists. He’s already appointed several to leading advisory positions. And although he has to deal with internal squabbles whether a cap on trade or a carbon tax is the best way to bring down greenhouse gas emissions, at least the Obama team does agree on the goal. So Obama has a unique opportunity to fix the recession and fix climate change at the same time. He just has to have the nerve to follow through. And this year, of all years, leadership matters because the world

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hopes to thrash out a global deal to cut emissions. So if he does stick to his promises on renewables, energy efficiency, carbon capture and storage and hybrid vehicles, he'll help loosen the grip that fossil fuels holds on all our lives.

The Committee heard that the reporter, Susan Watts had decided to run the clips out of view, over pictures of Kew Gardens and out of order because she had thought that this was the most creative approach.

"It enabled us to set up our location, and to convey that these snippets were illustrative of his "thinking" – the aim of the item."

The Committee noted that all three of the "think pieces" opened with a visual device: a picture gallery for diplomacy and a chalkboard/picture of a younger Obama for the economy.

Members recognised that the complainant was concerned that the clips were run in such a way so as to make the broadcasted extracts seem a coherent single piece of audio.

The Committee also noted the position of Newsnight.

Susan Watts had said that was not the case and that the order of the snippets followed the order of the subject matter of the item itself. She had felt the first snippet to be the most important broad point for her item – so she put it at the top.

"My first script line, immediately after these snippets, refers to this as a "vote of confidence" for science, which it clearly is."

She said that the second snippet referred to climate change.

"Since I felt that to be the key issue I ran that second, and the third snippet was a pledge to use renewable sources of energy. I ran this last because I referred to this promise last in the item itself."

The Committee noted that Susan Watts absolutely denied there was any intention to "hype" the environment part of the speech:

"I can categorically say that there was no intention whatsoever to mislead or misinterpret what the president said. The entire speech was available on the BBC website for the world to read. It would certainly have been foolhardy to expect that no one would notice if our plan was to elide phrases of the speech together as if they were delivered in one single sentence."

The programme editor, Peter Rippon said that Newsnight had not run the clips from the speech in the order it had to fit the pre-determined order of Susan Watts' piece.

"We ran the clips as we did to fit the brief of the piece which was, along with the two other films on economics and diplomacy, to explore the scientific and environmental issues that would impact on the new administration. The speech itself was just a peg to do this. We did film pieces to camera prior to the speech itself, but we only finalised the structure of it in the edit suite

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after the speech had taken place. We did not feel, and still do not, that there was anything in the speech we were not expecting that would have caused us to change the way we did it."

He thought the fundamental question here was whether, in doing what the programme did, it unfairly misrepresented what the President said in his speech.

"A number of complainants, like Mr Newbery, suggest that we did. However, in his case, as in all the others I have seen, the allegation is just asserted as a fact. I have yet to see a developed argument or attempt to prove how this was the result. To me the President said "Apples" "Bananas" and "Oranges" and we reported that he said "Apples" "Oranges" and "Bananas". The meaning is the same, even if people heard it as "Apples, Oranges, Bananas" I cannot see how this alters the meaning of what was in the speech."

The complainant said that the gap between the pieces of speech were under a second. He said that the fades were not obvious, especially given President Obama's measured way of speaking, and that any gap or fade was imperceptible. He said this compounded the inaccuracy and lack of impartiality of running the clips out of vision and out of order.

Susan Watts had said she anticipated that the use of fades, along with the changing footage of Kew in the background, would be sufficient to indicate to the viewer that this was not one single continuous quote.

And her editor added:

"Susan cannot recall any discussion about the length of the fades between clips in the Edit suite. Personally I would have only expected there to have been one if we felt there was a danger of us unfairly misrepresenting what was in the speech, or changing the meaning of what was said. There was no such danger and I am confident we did not. All the snippets were in the speech. They did reflect then, and they continue to reflect now, what the President thinks about the status of science, climate change, and renewable technologies."

The Committee noted that when watching the item, it had not been aware of fades nor had it been aware of gaps used as a production technique to indicate disconnection between the three elements of the speech.

The Committee was concerned that presenting the extracts of the speech in the way that Newsnight had edited the material did run the risk of showing insufficient respect for the material. Any programme, especially news and current affairs, was expected to take appropriate care when editing not to mislead the audience. The Committee was concerned that in this case the programme had not provided sufficient information to the audience in the presentation of the speech for the viewer to have fully realised that the quote was made out of three separate extracts from the speech.

The Committee then considered whether this had been done knowingly to mislead the audience and whether the editing of the extracts in this manner had led to a failure to be duly accurate.

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The Committee noted that the complainant had alleged that the pre-shooting of the piece had led to the distortion of the speech itself in that it had to be changed to fit the “very little to say on this subject” – the environment - into what the reporter had already decided would be her line.

The Committee noted that Susan Watts said she wasn't surprised by the relatively few references to science and the environment in the speech and she pointed out that the third substantial paragraph of the speech said: “each day brings further evidence that the ways we use energy strengthen our adversaries and threaten our planet.”

She added:

“The references that did appear marked a clear shift in approach from President Bush.

There was also an expectation at the time that the President would make a major speech on the environment in the first weeks of presidency, so I expected the inauguration address to contain little detail. Indeed that environment policy speech came on 26th January”

The Committee noted that earlier in the exchanges between the BBC and the complainant concerning the editing and use of a “montage” of clips from the speech, the BBC had referred to Ms Watts' scriptline which said that the President's meaning was perfectly clear. The complainant had responded:

“[...] if what the President said “couldn't be clearer” then why was there any need for editing in the form of a “montage”?”

In response Ms Watts said the three paragraphs from which each of the snippets came would have been too long and unwieldy if she had run them in full, as part of a two and a half minute package. For those listening out for clues to the new president's approach to science, climate change and energy policy the phrases she had chosen had, she thought, sufficed.

She added:

“My first script line:

“President Obama couldn't have been clearer today and for most scientists his vote of confidence will have come not a moment too soon. ”

...refers primarily to the first snippet – ‘we will restore science to its rightful place’ - which to my mind encapsulated the overriding theme of the item.”

The Committee concluded that it had some sympathy with the complainant's view with regard to the presentation of the speech and the suggestion that reference to the President's statement on science being clear. But the Committee was satisfied that given the purpose of the piece as stated by Jeremy Paxman in the introduction to the item:

“Three of our editors now look at his in-tray.”

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that the presentation of President Obama's statements, albeit in a different order, had been duly accurate in that the words transmitted had been in the speech and that they had accurately set out the President's change in policy with regard to science. The Committee was also satisfied that there was no evidence to suggest that the programme had "knowingly" misled viewers by this use of the clips. The Committee was satisfied that while longer pauses or clearer fades would have helped the audience to be aware that the extracts were separate pieces of the speech it was not necessary to achieve due accuracy. The Committee was also satisfied that the programme had shown that a distinction between the extracts had been in its consideration when putting the piece together. The Committee noted that while there may have been a dispute about the length of pause between the extracts, the programme had used a changing background to convey the different elements of the speech.

The Committee concluded that the presentation of the speech with regard to the use of the extracts had not been in breach of editorial standards as they had not misled the audience as to the content of the President's speech and had been duly accurate.

The Committee then considered the complainant's other concern that the programme had used production techniques such as the choice and presentation of the extracts, and the voice out of vision to manipulate "sparse and ambiguous...references to climate change" in order to lead the viewer to think that the environment had been a core and important part of the President's speech when this had not been the case and that other matters, such as health-care and the economy, were the basis for the comment. He suggested that the programme was in breach of the accuracy and impartiality guidelines.

The Committee noted that the programme-makers dismissed this suggestion and pointed out that the report (which was less than three minutes long) was not only about climate change, but also the human genome project, the religious influence on science policy under President Bush including creationism, stem cell research, energy policy and global leadership.

The Committee also noted that, although the piece was titled "The Environment", it covered a much wider range of scientific endeavour and attitude than the title suggested.

The Committee noted what the reporter, Susan Watts had said:

"Climate change is the key issue to have informed the relationship between the world of science and former President Bush, and the best illustration of changing expectations under incoming President Obama.

Big political speeches of this nature will necessarily include key phrases with specific meaning only to some in the audience. Single phrases, no matter how brief, can carry much weight. It is one of the roles of the specialist journalist to know enough to spot such phrases, and highlight them.

The three snippets we chose from Obama's inauguration speech were just such phrases.

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“we will restore science to its rightful place”

“roll back the spectre of a warming planet”

“we will harness the sun and the winds and the soil to fuel our cars and run our factories”

We chose these as significant snippets, meaningful to scientists, engineers and commentators listening out for clues to Obama’s approach, how it might differ from that of his predecessor and hints of what to expect in his “First 100 days”.

The Committee was satisfied that, having considered the piece as a whole, there had not been a breach of the guidelines as, fundamentally, there had been a policy change on science and the environment between the Bush and Obama presidencies and the piece had reflected that.

The Committee considered what was said by the President and thought it was necessary to consider punctuation to be clear as to what the President was actually referring to. The Committee noted for example the first phrase quoted in the piece:

“We will restore science to its rightful place, and wield technology’s wonders to raise healthcare’s quality and lower its cost.” (our emphasis)

The Committee concluded that the use of the comma clearly separated one phrase from another and was enough to show there had been a disjunction between the reference to science as a whole and the use of science technology in healthcare.

The Committee looked at another phrase used by the programme:

“With old friends and former foes, we will work tirelessly to lessen the nuclear threat, and **roll back the spectre of a warming planet**” (our emphasis)

It agreed that it was not inaccurate or a breach of the impartiality guideline for this phrase to be used without the preceding part of the sentence. The comma, again, separated the two thoughts.

The script had given some impression, the Committee thought that President Obama had spoken at length about science although actually the speech had been almost exclusively about foreign policy and the economy. But the Committee’s careful examination of the speech text led them to conclude that the piece had not breached the accuracy and impartiality guidelines as it had, correctly, highlighted the references about the environment and the change of policy in science in the speech. The Committee was satisfied given the content of the programme as a whole, and its own analysis of the speech that the impression had not been created that the environment was more significant in the speech than it actually was.

The Committee did not uphold the appeal.

Finding: Not Upheld