

News at Six, BBC One, 16 November 2015

Complaint

The appeal concerned an item on the *News at Six* in which the BBC's Political Editor reported on the British government's proposed security enhancements following the terror attacks in Paris three days previously which had killed 130 people.

The complainant contended that an interview clip of the Leader of the Opposition, Jeremy Corbyn, which was used in the news report, misrepresented Mr Corbyn's views on the use of lethal force. He said that the report also wrongly suggested that Mr Corbyn was against the government's proposed security measures.

The clip used in the news item was taken from a longer interview conducted by the BBC's Political Editor earlier that day.

Appeal to the Trust

The complainant considered that the item on the *News at Six* was inaccurate and biased and asked the Trust to consider two points on appeal:

- the question in the original interview was "substantively different" from how it was paraphrased in the subsequent news report; this misled the audience and was politically damaging to Mr Corbyn
- Mr Corbyn was presented as opposing the government's measures whereas the full interview with Mr Corbyn "showed that this was simply not the case".

Applicable Editorial Guidelines

The full text of the Editorial Guidelines is at:

<http://www.bbc.co.uk/editorialguidelines/>

The following sections of the editorial guidelines are applicable to this appeal:

- Section 3, Accuracy
- Section 4, Impartiality

The Committee's decision

In reaching its decision the Committee took full account of all the available evidence, including (but not limited to) a report from an Independent Editorial Adviser and subsequent comments from the complainant and BBC News.

Point (A) - whether the report was duly accurate and duly impartial in how it presented Mr Corbyn's views about the use of lethal force

The Committee noted the relevant extract from the report on the *News at Six*:

POLITICAL EDITOR

Earlier today I asked the Labour leader Jeremy Corbyn if he were the resident here at Number 10 whether or not he would be happy for British officers to pull the trigger in the event of a Paris style attack.

JEREMY CORBYN

I'm not happy with a shoot-to-kill policy in general. I think that is quite dangerous and I think can often be counter-productive. I think you have to have security that prevents people firing off weapons where you can. There are various degrees of doing things, as we know. But the idea you end up with a war on the streets is not a good thing.

The Committee noted that the clip of Mr Corbyn which was used in the *News at Six* report was taken from a longer interview which the BBC's Political Editor conducted with him earlier in the day. Trustees noted the relevant section from the interview and the actual questions Mr Corbyn was asked (bolded below):

POLITICAL EDITOR

If we saw the kinds of horror in Paris, here, if you were Prime Minister, would you order security services onto the street to stop people being killed?

JEREMY CORBYN

Of course you'd bring people onto the streets to prevent and ensure there is safety within our society, much better that's done by the police than security services, much better we have strong and effective community policing, neighbourhood policing and a cohesive society that brings people together, obviously that is essential and so that's one of the messages I'll be putting to the Prime Minister.

POLITICAL EDITOR

But if you were Prime Minister, would you be happy to order people - police or military - to shoot to kill on Britain's streets?

JEREMY CORBYN

Er, I would...I'm not happy with a shoot-to-kill policy in general, I think that is quite dangerous and I think can often be counter-productive. I think you have to have security that prevents people firing off weapons where you can. There are various degrees of doing things, as we know - but the idea you end up with a war on the streets is not a good thing, surely you have to try to work and prevent these things happening – that's got to be the priority.

The Committee noted the complainant's grounds for asserting that the question in the original interview was "substantively different" from how it was paraphrased in the subsequent news report. He argued that:

- the Political Editor gave the impression was given that Mr Corbyn was asked to endorse the police use of firearms in the event of a Paris style attack and then played

a clip of him unmistakably failing to endorse this This resulted in the implication that Mr Corbyn's statement of opposition to a shoot-to-kill policy was either an indirect way of saying no to the question ("whether or not he would be happy for British officers to pull the trigger in the event of a Paris style attack") or was an equivocal answer to that question

- this amounted to falsifying the context in order to cause Mr Corbyn political damage
- Mr Corbyn opposes a "shoot-to-kill" policy. However, this position is relatively uncontroversial and was not being proposed by the government
- the BBC's defence is essentially that Mr Corbyn has a well-known position of opposition to violence in any form. But there is a difference between having *an opportunity* to endorse a position and failing to do so, and actually being *asked to endorse* a position and failing to do so. To present the former as the latter is misleading
- if the Political Editor thought that Mr Corbyn actually was opposed to the police firing on terrorists who are in the middle of committing acts of mass murder, why not ask that question? The BBC had not said this was a mistake; they stood by it.

The Committee noted the comments received from BBC News in response to the complainant's appeal. They said that:

"[the Political Editor's] two questions [in the original interview] were connected, and could be compressed into one for scripting purposes, because Jeremy Corbyn tried to avoid answering the first time around, by seeking refuge in generalities..."

"This was an acute, and important, set of questions. [The Political Editor] had presented the Labour leader with the dilemma of either changing his position, perhaps with some attendant political damage, or leaving himself open to charge of being soft on terrorism.

"Mr Corbyn sought a way through the difficulty which had been posed for him but his second formulation again failed to answer the question – as the clip we used made clear – by avoiding a specific response to the specific news event that was cited.

"This meant that [the Political Editor] was right to exercise her judgement as political editor and phrase her script in the way she did: the general 'no' she was given, in response to a specific question about a specific incident, contained no caveats (for example, '*but clearly it would depend on the circumstances and what the security forces tell me, and ultimately it might be down to their operational discretion*') and could not be presented as meaning 'yes, maybe'."

On a separate point the BBC said:

"One other point: in terms of the detail of a 'shoot to kill' policy, police officers can only take out a 'target' which has been identified as a risk to the public following an

assessment. This involves authorisation from a senior officer. They are then authorised to 'shoot to stop'.

"This protocol does not in fact apply in the case of army personnel in an emergency situation who can exercise their own judgment without permission ... by ordering troops to protect the public, a PM or Home Secretary would effectively be sanctioning this."

The Committee noted the broader context in which the interview with Mr Corbyn was conducted and in which the *News at Six* report was compiled:

- the newspapers that morning were reporting that the government was poised to announce new security measures following events in Paris
- a report in *The Times* newspaper said the killings at the Bataclan Theatre had convinced British security chiefs to "switch their strategy from seeking to negotiate with gunmen". The newspaper quoted a Whitehall source as saying the requirement was to "take swift action to neutralise terrorists, rather than to cordon and negotiate"
- Trustees recalled that the authorities in Paris were faced with a hostage crisis in which armed gunmen were murdering their captives.

Trustees noted that the day after the *News at Six* item was broadcast, and following media reports on the interview and a reportedly stormy meeting of Labour MPs at Westminster, Mr Corbyn posted that his comments had been taken out of context (although he did not say by whom):

"I am ... disappointed that comments I made yesterday in regard to a 'shoot to kill' policy have been taken out of context..."

"...I would like to clarify my position. As we have seen in the recent past, there are clear dangers to us all in any kind of shoot to kill policy. And we must ensure that terrorist attacks are not used to undermine the very freedoms and legal protections we are determined to defend.

"But of course I support the use of whatever proportionate and strictly necessary force is required to save life in response to attacks of the kind we saw in Paris."

The Committee reached the following conclusions:

- in his interview with the BBC's Political Editor, Mr Corbyn would have understood he was being asked about domestic security in the light of events in Paris
- he was asked about "shoot-to-kill" and he gave an answer about his views on "shoot-to-kill", but in the *News at Six* piece it was presented as him not supporting armed engagement in an ongoing hostage situation – a scenario that was not put to him

- Trustees noted that “shoot-to-kill” might bear a range of interpretations and that a significant part of the audience would find resonance in the phrase, going beyond merely the minimum necessary use of lethal force to save life in immediate danger; it was clear from Mr Corbyn’s answer that he considered “shoot-to-kill” to have a specific meaning
- historically “shoot-to-kill” had been used in relation to allegations of the deliberate shooting of individuals by, for example, the military, security services or police; for example, the events in Gibraltar in 1988, the detail of which, given Mr Corbyn’s political background, he would be very familiar with: three unarmed IRA members were shot whilst walking along a street by members of the SAS in controversial circumstances. There were accusations at the time that the authorities were operating a “shoot-to-kill” policy
- it should not be assumed that the answer he gave would suggest Mr Corbyn’s understanding of and opposition to “shoot-to-kill” might include a situation where there is a clear and immediate threat to members of the public (as was the case in the Bataclan), and as suggested by the wording of the question in the *News at Six* item.

Trustees understood and sympathised with the pressures faced by journalists compiling reports in real time on major stories against tight deadlines. In this case it also entailed following a major terrorist event which had begun between 8 and 9 pm the night before (UK time) and had continued to unfold overnight. Trustees accepted that the Political Editor had scripted her report for the *News at Six* in good faith. But this was a critical question at a time of extreme national concern. The audience would have an expectation that a scripted item on its prime time television news programme on such a day would reflect with the greatest accuracy what the Leader of the Opposition had said on the matter. In this case the scripting was not sufficiently clear and precise and was not a wholly accurate paraphrase of the original questions, and therefore the item was not duly accurate.

Finding: Upheld as a breach of accuracy

Point (B) - whether the programme was duly accurate and duly impartial in how it presented the political debate about the government’s proposed security measures

The Committee noted the script of the report as broadcast on the *News at Six*:

POLITICAL EDITOR

We learned earlier today that seven terror plots have been foiled so far this year. No surprise then that the Home Secretary announced there will be nearly 2000 more members of the intelligence services, airport security will be stepped up not just here but also British expertise around the world. And also there will be more armed police - most visibly and strikingly perhaps there will be armed police guarding the England France football friendly match at Wembley tomorrow night.

Now the government of course hopes they’ll get political agreement on all the kinds

of measures that they are taking but their moves are not without controversy.

Earlier today I asked the Labour leader Jeremy Corbyn if he were the resident here at number 10 whether or not he would be happy for British officers to pull the trigger in the event of a Paris style attack.

JEREMY CORBYN

I'm not happy with a shoot-to-kill policy in general. I think that is quite dangerous and I think can often be counter-productive. I think you have to have security that prevents people firing off weapons where you can. There are various degrees of doing things, as we know. But the idea you end up with a war on the streets is not a good thing.

POLITICAL EDITOR

Well in the light of what's happened in the last 72 hours some people might find that extraordinary. Some of his own MPs do. But by the same token there'll be many of his own supporters who say it's heartening that Jeremy Corbyn is sticking to principles that he's held all his political life; the fundamental objections that he has to violence in any form. But as the Prime Minister prepares to give a major speech on the threat that we face in this country in a few hours here in London tonight, his message and the Labour leader's couldn't be more different.

The Committee noted the complainant's contention that Mr Corbyn was presented as opposing the government's measures whereas the full interview "showed that this was simply not the case".

The Committee noted extracts from the full interview where Mr Corbyn addressed domestic security issues:

- "This is a time we need to think very carefully about where we go in the long run. But immediately we need to ensure whether there is reasonable levels of security to prevent such a thing happening anywhere else in Europe or here"
- "I'm looking forward to what the Prime Minister has to say tomorrow at the end of the G20 summit. But I am also looking forward to him saying that in the interests of the ordinary people in this country he will rescind the cuts to the police force that he was about to push through and he will recognise the importance of community policing and neighbourhood policing in building up good relations, rather than the danger of a very small number of people, anywhere in the world, deciding there's something romantic, there's something glamorous, or there's something good about joining ISIL."
- (Question) "If we saw the kinds of horror in Paris, here, if you were Prime Minister, would you order security services onto the street to stop people being killed?"

"Of course you'd bring people onto the streets to prevent and ensure there is safety within our society, much better that's done by the police than security services, much better we have strong and effective community policing, neighbourhood policing and a cohesive society that brings people together, obviously that is essential

and so that's one of the messages I'll be putting to the Prime Minister.”

The Committee noted:

- the three proposed domestic security measures which were listed in the *News at Six* report: 2000 more intelligence staff, increased airport security, more armed police
- none of those measures was put to Mr Corbyn during the interview
- nor had Mr Corbyn been quoted elsewhere that day suggesting that he would be likely to oppose those measures
- the only explicitly “negative” response on domestic security matters in Mr Corbyn’s interview were his comments that he was “not happy with a shoot-to-kill policy in general”
- this was not amongst the proposals the Political Editor said the government were putting forward
- where Mr Corbyn did engage on domestic security measures in the interview, he indicated that he supported an increased visible police presence, albeit he put the emphasis on policing by consent rather than expressing a support for an increase in armed police; his response on that point was not used in the news item
- having framed Mr Corbyn’s opposition to “shoot-to-kill” as opposition to armed intervention in a live hostage situation, the report then appeared to use that “opposition” to substantiate the assertion that he was more generally opposed to government policy.

The Committee considered that the audience would take the following impression from the news item:

- that Mr Corbyn would be unlikely to support the domestic security measures the government would be proposing
- that this was because of Mr Corbyn’s “fundamental objection” to violence in any form
- that some people, including some of his own MPs, might find the views he expressed - which were in fact about his opposition to a shoot-to-kill “policy” - “extraordinary” in the light of what had happened in the previous 72 hours.

The Committee decided there was a significant difference between what Mr Corbyn said and what the report inferred. This had led to a failure of due accuracy.

Finding: Upheld as a breach of accuracy

Impartiality

Trustees considered whether the breaches of accuracy had also led to a failure to be duly impartial. They disagreed with the complainant's assertion that the Political Editor had falsified the context "in order to cause Mr Corbyn maximum political damage"; there was no evidence of any intent to deceive or distort. Indeed the BBC had published the full interview with Mr Corbyn on 16 November on the BBC website in the afternoon, so the context of the questioning was clear to anyone who chose to watch it. Nevertheless, the effect of the inaccuracies was to have attributed to Mr Corbyn controversial views which were not fully evidenced in the recorded interview.

Trustees noted that the editorial guidelines place a responsibility on the BBC to take particular care when a "controversial subject" might be considered to be a "major matter". They considered that the issue was a matter of intense debate which had reached a decisive moment in the controversy: three days after the Paris attacks and hours before the Prime Minister was due to make what the news item referred to as a "major speech on the threat that we face in this country". Trustees considered that the effect of the failures to observe due accuracy had, on this occasion, also resulted in a failure of Impartiality.

Finding: Upheld as a breach of impartiality