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05 October 2012

Mr. Tom Cooper,
23 Delaford Lawn,
Knocklyon,
Dublin 16.

Re: Complaint No. 70/12

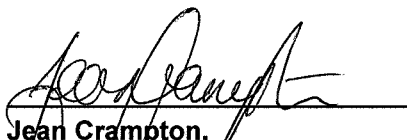
Dear Mr. Cooper,

I write with reference to your complaint against a broadcast of the programme *An Tost Fada* on 16 April 2012 on RTÉ under the category of Fairness, objectivity & impartiality.

Your complaint was considered at the Compliance Committee's recent meeting and I now enclose a copy of the decision reached. You will note that the Committee has not upheld your complaint.

I trust you find this in order.

Yours sincerely,


Jean Crampton,
Clerical Officer.



Complaint made by: Mr. Tom Cooper

Ref. No. 70/12

Station:
RTÉ One

Programme:
An Tost Fada (The Long Silence)

Date:
16 April 2012

Complaint Summary:

Mr. Cooper's complaint is submitted under the Broadcasting Act 2009, section 48(1)(a)(fairness, objectivity and impartiality in current affairs) and 48(1)(b)(Code of Programme Standards: sections 3.5 (factual programming). The complaint relates to an Irish language programme narrated by Eoghan Harris which told the story of Reverend George Salter's father, William, being forced to abandon his West Cork farm in 1922. The complainant states that the story was personally moving but the telling of it was historically misleading and demonstrated a lack of objectivity and impartiality.

The complainant states that the subject matter of the programme is news and current affairs since it concerns matters of public controversy, namely:

- a) the specific killing of 13 Protestant civilians in Ballygroman, Dunmanway, in and around Ballineen-Enniskeane and Clonakilty, between 26-29th April 1922;
- b) the treatment of the Protestant minority in Southern Ireland.

The complainant states that the programme makers did not avail of the services of a historical adviser, which he contends is an RTÉ requirement when making controversial programmes of a historical nature. He argues that, had they done so, obvious errors might have prevented. The complainant states that the programme makers broadcast incorrect information, so as to maintain a seemingly pre-selected narrative drive that the 13 Protestant civilians were killing for sectarian reasons.

The complainant provides a number of examples to support his views.

1. The complainant states that the photograph of the family that appeared in the programme is misdated as having been taken in 1915 (rather than 1905), giving the impression that family members were forced to leave afterward 1915. Instead, he notes that not all of the family left, and some of those that did leave departed before 1915 as well as after the violence that followed the 1919-21 War of Independence, the 1921-22 Truce and Treaty split period and the 1922-23 Civil War. The programme put forward the contention that 'fear' and 'threats' forced the rest of the Salter family to emigrate, never to return. The complainant states that this was incorrect and the incorrect dating of the photograph could therefore not be considered evidence of this thesis.



2. Two men, Mathew Connell and William Sweetman, reported in the programme as 'close friends of the Salter family' were presented as shot during April 1922 (after the War of Independence, prior to the Civil War). The complainant states that this is false. The complainant states that Connell and Sweetman were shot dead during the War of Independence on 19 February 1921, over a year earlier. He further states that they had testified in court against named members of the IRA and therefore, religion seemingly was not a factor in their deaths. These facts are verifiable and have been published previously. The complainant cites a camera shot in the film that showed the headstone of William Sweetman. Though the headstone contains the date of Sweetman's death, that information was omitted from the image broadcast. The difference in death dates is critical, as the Sweetman and Connell deaths occurred more than a year prior to the departure of the Salter family.

3. The complainant states that there were a number of errors and omissions in respect of reference to compensation received from the British Government by Reverend George Salter's father, William. The complainant states that these errors contributed to the impression that William Salter had left Ireland in a hurry in response to sectarian violence. More generally, the Complainant cites Jasper Wolfe, the former Crown Solicitor and often subject to IRA attack, later TD for West Cork (1927-33), and his statement that there was little or no nationalist, or anti-Protestant, sectarianism in that part of Southern Ireland. The complainant states that programme had argued that IRA sectarian sentiments were responsible for generalised anti-Protestantism and the complainant states that this is not borne up by the facts.

More generally, the complainant states that William Salter has refused to pay an IRA arms levy during the War of Independence, a tax enforced on substantial property holders during the conflict. This began a cycle of fines and confiscation of animals. This authoritative observation was omitted from the programme, which implied that the IRA actions were due to the Salter's Protestant religion.

The Complainant states that the 1922 April killings are a matter of debate. However, he states that this debate was not reflected in any way on the programme which instead focused on a one-sided view of history, namely that the killings were sectarian in nature. He states that the portrayal of events was demonstrative of bias and a lack of impartiality on the part of the programme makers. He states that it may be that the short programme format did not allow for alternative viewpoints differing from those of programme makers. However, if this is the case, the complainant requests that the broadcaster air a balancing programme. More generally, the complainant is concerned that RTÉ would broadcast a programme that appeared to have been produced in a manner that favoured one argument and which accordingly lacked objectivity or impartiality.



Broadcaster's Response:

Initial response to complainant:

RTÉ states the programme was clearly presented to viewers as the personal testimony of Canon George Salter, an 87-year old Church of Ireland clergyman and not as a wider historical examination of the Irish revolution in West Cork. Following the 2009 programme – *Cork's Bloody Secret* – Canon Salter approached the programme-makers, through his daughter, expressing a wish to put on the record the story of the exodus of his father's family from their farm in Dunmanway in 1922. He emphasized in the programme his belief in healing those past divisions.

The broadcaster believes that this account from a member of a minority community brought a significant perspective to our understanding of a complex period of our history. The broadcaster states that it has covered many perspectives of the revolutionary period in a wide range of programming, and will continue to do so. Following the broadcast, Canon Salter stated that the programme makers *'truthfully and fairly reflected my viewpoint and recollections in the programme as broadcast'*.

In regard to the broadcast of inaccuracies, RTÉ states that:

- Canon Salter maintains that the photo, referenced in the complaint, was taken in 1915, as stated in the programme.
- The sum of compensation referenced in the programme (£1,700) was not correct. The broadcaster regrets that this error was broadcast and states that it will be removed from any future broadcast of the programme. However, the broadcaster states that that this does not undermine the material point that the Salters were compensated by the British Government.
- In his interview, Canon Salter made a mistake of memory by conflating the killings, in 1921, of two Protestant farmers near Skibbereen, Thomas Connell and Matthew Sweetman, with the later killings of other Protestants in Dunmanway in 1922. This mistake should have been identified and corrected during the production process and the broadcaster will ensure that it is corrected in any future broadcast of the programme. However, the broadcaster contends that the conflation of the killings does not affect the central point that Canon Salter was making; that his father and his family left the area because they were in fear of their lives.

In conclusion, RTÉ regrets that two factual errors were broadcast. They do not believe that they had any material impact on the viewers' understanding of the testimony being presented in the programme.



Response to BAI:

RTÉ fully accepts that the subject matter of the killing of Irish Protestants during the War of Independence is a matter of public controversy and, therefore, it is appropriate that Mr. Cooper's complaint is adjudicated further to section 39(1)(b) of the Broadcasting Act 2009. The broadcaster states that:

- The programme was clearly presented to viewers as the personal testimony of Canon George Salter, an 87-year-old Church of Ireland clergyman, and not as a wider historical examination of the Irish revolution in West Cork.
- This account from a member of a minority community brought a significant new perspective to our understanding of a complex period of our history. It is in this context that Mr. Cooper's complaint needs to be considered.
- In correspondence with Mr. Cooper, RTÉ has acknowledged that there were two unintentional inaccuracies in the account given by Canon Salter. These will be corrected in future broadcasts but RTÉ rejects Mr. Cooper's assertion that the inaccuracies were as a result of deliberate bias on the part of the programme makers..
- Regarding the two sets of killings; given that the two farmers killed near Skibbereen in 1921 were known to the Salter family, it is understandable that the later killings in Dunmanway would have seemed to them to be part of the same pattern of events. With the lapse of ninety years, it is not surprising that the family memory of the killings could place them closer together. However, RTÉ states that this did not undermine the central story being told. An extended series of attacks on a tight-knit community is as likely to induce fear in the Salter family, as testified to by Canon Salter, as a short and exceptional spasm of violence.
- Regarding the compensation; the fact that the compensation figure was less than Canon Salter recalled does not alter the basis of his testimony. The Salter family was compensated by the British Government for their enforced exile from their farm. The family left their farm because they were in fear of their lives from IRA actions.

RTÉ has made a commitment that if An Tost Fada is re-broadcast the above two errors will be corrected. Regarding the family photo, Mr. Cooper's contention is that the photograph depicting the Salter family was taken in 1905. The Canon believes it was taken in 1915. RTÉ has no reason to believe Canon Salter is incorrect in this, and the earlier date does not affect his testimony.



Decision of the Compliance Committee:

Mr. Cooper's complaint is submitted under the Broadcasting Act 2009, section 48(1)(a)(fairness, objectivity and impartiality in current affairs) and 48(1)(b)(Code of Programme Standards: sections 3.5.1 (factual programming). The complaint relates to an Irish language programme which told the story of Reverend George Salter's father, William, being forced to abandon his West Cork farm in 1922. The complainant states that the story was personally moving but factually incorrect and historically misleading. He states that the errors evident in the programme demonstrated bias and resulted in a failure on the part of the programme makers to treat the subject matter in a fair, objective and impartial manner as required by the Broadcasting Act 2009.

The Committee considered the programme and the responses of the broadcaster and the complainant. Following a discussion, the Committee has decided to reject the complaint. In doing so, the Committee took into account the following:-

- The programme was a personal view on history, principally that of Canon Salter's family relation. While the subject matter related to historical incidents, it was clear from the outset that the programme was concentrated on one individual's subjective experience of those incidents. A focus on personal recollections and views was therefore both appropriate and suitable for a programme of this nature.
- While the programme focused on a matter of debate and controversy amongst historians, it was the Committee's view that the item did not, contrary to the views of the complainant and the broadcaster, constitute news and current affairs as it was not a matter of current public debate or controversy. For this reason, it did not have to comply with the statutory requirements for fairness, objectivity and impartiality in news and current affairs.
- The Committee noted that the broadcaster has acknowledged that the programme contained some factual inaccuracies and the Committee welcomes the decision of the broadcaster to ensure that these inaccuracies will be corrected prior to the item being re-broadcast at some future point in time.
- Upon a review of the programme, it was the Committee's view that it did not contain any content that could be considered contrary to section 3.5. (Factual Programming) of the BAI Code of Programme Standards.

Signed: 
Professor Chris Morash, Chairperson

Date: 