

Review: The Fifth Estate report *The Lies That Led To War*

March 11, 2011

I am writing with regard to your complaint June 26, 2008, and request February 22, 2009, for a review by this Office of concerns involving a CBC Television documentary on *The Fifth Estate*, *The Lies That Led To War*, that first ran March 1, 2007.

Let me first apologize for the process that has taken more than two-and-a-half years to complete. In assuming the role as Ombudsman last November, I helped the incumbent Vince Carlin tackle a substantial backlog. I continue to do so. There is no excuse for the time it has taken and I hope you will understand I am expressing my sincere regrets. Thank you for your patience.

Two policies have changed since your request for a review: CBC has revised its [Journalistic Standards and Practices policy](#) and this Office has started to identify complainants publicly to provide more transparency. Since your complaint predated both changes, this review will not be subjected to either measure.

REVIEW

CBC Television's [The Fifth Estate](#) aired a documentary first on March 1, 2007, then with additional material in 2008, on the American decisions to invade Iraq. Entitled [The Lies That Led To War](#), the documentary featuring host Bob McKeown investigated the processes that led America into the Iraq conflict.

The documentary, which featured a range of former U.S. Administration and diplomatic officials and such reporters and commentators as investigative reporter Seymour Hersh and columnist Ann Coulter, concluded that the Bush Administration knowingly misled Americans with untrue information to build support for the invasion of Iraq and the deposing of its leader, Saddam Hussein. The documentary billed itself as a review of all that was known about the war initiative "to reveal what was true, what was not, and how those false or misleading words and ideas left Iraq, and arguably the world, far more dangerous places than they were."

The complainant asserted that the documentary was "a polemical statement," biased, misleading, and at odds with many known facts about both the invasion and regime change. He provided an extensive list of citations to support his complaint. While the

Bush Administration made mistakes in launching war, he said it was unfair to call its actions a lie.

The executive producer of *The Fifth Estate*, David Studer, wrote back that the American leadership made “a series of incorrect claims” that “carried an historic obligation to get them right . . . and the moral equivalence of a lie if they did not.” He also provided a series of citations to support his defence. Going to war, Studer said, “required not a mere possibility or suspicion, but a high degree of certainty that Iraq was a serious threat to the United States. Anything less than this standard, given the gravity of the situation, must logically be construed as a ‘lie.’” Studer said the documentary was “a relatively routine analysis of current events, performed as part of CBC’s overall coverage of those events. We did our research and reported what we found.”

The complainant wrote back that the documentary did not represent itself properly in making its ambitious claim. Rather, it was selective in its fact-choosing.

CBC Journalistic Standards and Practices in effect at the time established the journalistic principles of accuracy, integrity and fairness. On the latter, it said that it was a principle that information “reports or reflects equitably the relevant facts and significant points of view; it deals fairly and ethically with persons, institutions, issues and events.”

On matters of balance, the policy said: “When an appropriate representative of one side of the story cannot be reached, the journalist or producer should make every effort to find someone who can represent that point of view and, if unable to do so, should announce the fact in a simple and direct manner.” Within a single program, “fairness must be the guiding principle in presentation, so that the audience is enabled to make a judgment on the matter in question based on the facts.”

The policy provided several particular measures for documentaries. For example, it permitted point-of-view documentaries of “clear opinion, advocacy or a factually-based polemic which argues a specific remedy or perspective in a controversial matter. While factually based, the work does not fairly portray the range of opinions involved in the issue or story.”

CONCLUSION

Documentaries have been provided more latitude than some news reports under CBC Journalistic Standards and Practices. As long as they are not inaccurate, they may represent a point of view and even be polemic in nature to provide a more personally driven journalistic exploration of an issue.

At the heart of this review is the complainant’s concern that using the term “lie” was excessive in describing what was simply untrue information, and that by implication CBC was projecting a motive in many statements of the Bush Administration. After all, the documentary itself indicated its substance concerned “false and misleading words,” which might imply someone lying and not simply stating falsehoods.

There are several definitions for the term “lie,” and one of them is “an inaccurate or false statement.” Under this definition it is reasonable to infer that the title of the documentary did not necessarily mean anyone was lying, but that some information was inaccurate or false.

I concluded there was room for improvement to the scripted introduction to the documentary. Taken on its own with no other content to provide a context for a review, it might have left the impression that the Bush Administration intentionally told falsehoods. But I also concluded there were numerous assertions in the documentary about the presence of errant information. The prevalent point of the documentary was that the war effort was predicated on poor information. While some in the documentary indicated the Bush Administration’s effort was to pursue an idea of democratization of the Middle East, the report itself stopped short of stating that officials lied to achieve that end. There was no effort to argue that officials deliberately misled. It was thus acceptable for CBC to use the term.

Another significant element of the complaint was that the documentary lacked balance. On this matter, the Journalistic Standards and Practices provided latitude, even if the result was polemic. There were no direct Bush Administration representatives in the report, but there was a presence of those who supported the war effort. The documentary satisfied CBC Journalistic Standards and Practices.

While there were opinions expressed from different parties, nothing asserted by the documentary was factually incorrect. The policy permitted the selection of facts to argue a perspective. I concluded the documentary depended on secondary source material quite well to argue its points.

There was no violation of CBC Journalistic Standards and Practices.

Kirk LaPointe
CBC Ombudsman