

Response to the CBC Radio Canada Ombudsman's Report Concerning *Peace, Propaganda and the Promised Land*

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I am writing as the Executive Director of the Media Education Foundation, and also co-director of the film *Peace, Propaganda and the Promised Land: U.S. News Media and the Israeli-Palestinian Conflict (PPPL)*. I have received the report submitted by the Ombudsman in response to complaints that came into Radio Canada after the film was broadcast, and I wish to respond to what the report says are the film's supposed "anachronisms and inaccuracies" (p.1).

The Ombudsman's comments on the internal workings of CBC are not my direct concern, although to the extent that they relate to the content of the film itself, they are of course connected. It is worth noting up front that before the Ombudsman even conducted her report, the corporate affairs director handling the complaints concluded the following about the film: "[PPPL] presented a highly personalized point of view on the conflict. We recognize that this point of view was clearly pro-Palestinian. We wish to ensure you that we have recently acquired other documentaries offering different insights into the situation in Israel and Gaza, and we intend to broadcast them in the coming months" (p. 3). From the outset, then, the CBC concluded that the film was "highly personalized" and "clearly pro-Palestinian," offenses apparently so serious that they warranted not only a statement from corporate affairs, but also an official assurance that other films – *plural* – would be aired to counter this single film in the following months. With this statement fresh in her mind, one might logically have expected the Ombudsman to at least entertain the possibility – even if ultimately to dismiss it – that this was precisely the kind of capitulation to pressure that *Peace, Propaganda & the Promised Land* is about.

What the Film is Actually About

It would be virtually impossible to tell from the Ombudsman's report that the focus of *Peace, Propaganda & the Promised Land's* is *not* the Israeli-Palestinian conflict, but *the American news media's coverage of that conflict and the external pressures that often shape it*. The importance of this distinction – and the Ombudsman's failure not only to take note of it, but to foreground it – cannot be overstated.

The film looks specifically at the intersection between the economic and political interests of American elites concerned with the region and how US news media cover and represent the meaning of the Israeli-Palestinian conflict to the broader public. And given that the film is not about the conflict, per se, but about how journalists cover it, our conclusion turns out to be relatively simple: *the documentary evidence suggests overwhelmingly that there is a woeful lack of objectivity and a disturbing tendency toward oversimplification in American news coverage of the conflict, especially in comparison to routine international coverage from places like the BBC.*

And yet the fact that this is the film's explicit focus and conclusion are virtually missing from both the complaints cited by the Ombudsman and the Ombudsman report itself – an especially disturbing omission in a report designed to fairly measure the substance of these complaints against the content of the film.

The closest the report comes to acknowledging the actual content of the film is when it states that: “The film claims, without proving it, that the government of Israel controls U.S. print and electronic media” (p. 4). The problem here, of course – leaving aside the fact that the Ombudsman here, and throughout her report, provides no citation to back up her claim – is that the film claims no such thing. The film argues, instead, that the two major factors that frame how the mainstream U.S. media cover the conflict are the interests of economic elites and the agendas of political elites. The point the film makes is that the public relations activities of the government of Israel and the pressure applied by domestic monitoring groups act as *supplements* to these first two filters. While it is true that this analysis is somewhat less extensive in the shorter version of the film that was broadcast, the Ombudsman, as she herself acknowledges, had access to the transcript of the full version of the film, which includes an entire section devoted to outlining these filters. Her failure to mention this fact serves to distort our intentions, while reinforcing her blatantly false claim that the film advances the grossly oversimplified and ridiculous argument that Israel controls the US media.

In terms of the “proof” we offer to support our own claims (as opposed to those claims she inaccurately and without citation assigns to us) the film provides extensive, primary-source documentation in the form of actual news stories – setting example after example of U.S. media reports alongside BBC coverage of the region to show how identical events and issues can be – and are, with regularity – reported differently. In addition, the DVD of the film features an extra section containing 10 additional side-by-side comparisons of American vs. British coverage to demonstrate – and “prove” – the main thesis of the film. The Ombudsman had the opportunity to at the very least cite these facts, in the interest of fairness, but for some reason chose instead to ignore them, content to leave the impression that the film not only makes claims that it in fact does not make, but that it does so baselessly, apparently blind to standards of objectivity and fairness.

In this way, the Ombudsman, rather than coming at this issue from multiple perspectives before drawing her own conclusions, seems to be operating from within the logic and narrow frame of reference determined by the complaints – even though these complaints were generated, for the most part, in organized fashion by a public relations “watchdog” group, as the Ombudsman herself acknowledges. The result, unsurprisingly, is that the actual focus of the film has gotten lost – allowing her report to conclude that it is the film which lacks objectivity, and not the biased and oversimplified American news coverage it showcases in such relentless detail. The point is this: given the actual substance and argument of our film, a more sensible, and fair, challenge would seem to be that we misrepresent and distort how the American news media cover the conflict, that we are unfair in our characterization of their coverage. This would make sense, and would be a fair and worthy discussion, whether we agreed or not, simply because that is what our film is about. But as far as I can tell, neither the Ombudsman nor those who leveled

complaints about the film advanced such a case, choosing instead to change the subject almost entirely.

The result of all of this, in perhaps the greatest irony of all, is that these organized complaints about the fairness of our film actually appear to make the film's point for us: ***namely, that otherwise "objective" and professional journalists – in the present case, a standard-bearing Ombudsman – too often allow external pressures to dictate the terms of discussion when it comes to coverage of Israeli foreign policy.*** And in this case, as in so many others, the terms of the new discussion distract from what the film is actually about: a double standard in American news coverage that alternately erases and excuses fundamental human rights abuses against Palestinian people.

The Complaints and the CBC Response

PPPL, in effect, predicts precisely what has happened in this case. According to the Ombudsman, there were 156 complaints about the film, most of them generated by the website *Honest Reporting*. In the full-length version of PPPL, there is an explicit discussion of how watchdog groups such as this are part of an elaborate monitoring network set up to respond rapidly to any media story that breaks with a pro-Israel line. In fact, *Honest Reporting* is cited by name in one of the film's graphics. But while the Ombudsman mentions that *Honest Reporting* was behind most of the complaints, she does not say anything about how the group works or how the complaints in this instance do or do not match up with the group's standard rapid-response talking points on any number of other issues.

Even more disturbing, the Ombudsman makes mention of the group, but makes no mention at all of how the film specifically attempts to challenge the impact of such groups on journalistic integrity. In failing to do so, the Ombudsman misses an opportunity to balance the credibility she gives to the group's claim with at least a nod to the film's accuracy in predicting the group's response. It is a striking, and strikingly unbalanced, omission given that the Ombudsman's mandate is to provide the fullest picture possible in cases such as these – but even more so given that a significant portion of the film is dedicated precisely to showing the chilling effect such organized responses have had on journalists over the years.

In addition, as if to suggest that these complaints move beyond the orchestrations of this one watchdog group into the broader, less partisan mainstream viewing public, the Ombudsman states that "other television viewers" also responded negatively (without, interestingly, saying how many). She then goes on to quote from the Quebec-Israel Committee to reflect this specific view. ***This means, of course – and this is according to the Ombudsman's own report – that the two main groups complaining about the film are part of the very system of propaganda and public relations that is the explicit subject of the film.*** And yet the Ombudsman fails to take note of this? Instead offering up these views, without qualification, as evidence of the film's unfairness and in support for her own conclusions? The aim of responses and "complaints" such as these – what

Edward Herman and Noam Chomsky label as “flak” in their description of how the propaganda system works in democracies – is to discipline editors and journalists who dare to break the established line. It seems at least worth considering whether the official response of the CBC in this instance provides something of a case study in how this pressure is supposed to work.

The Specific Claims of the Ombudsman

The Ombudsman concludes the following about the film: “There is no fairness, balance, or nuance here: this pro-Palestinian documentary presents one point of view, one side of the coin. All those interviewed —academics, Israeli and Palestinian activists, media critics and journalists —agree with this perspective. ... [T]his documentary should not have been broadcast” (p. 4 & 10). This is her baseline view – that our film is one-sided, oversimplified and therefore unfair – and I wish now to deal in detail with each of the specific ensuing claims she makes to bolster her conclusion that our film was unworthy for broadcast.

I. Does the film contain factual errors?

The Ombudsman says that “the anachronisms are blatantly obvious” and then goes on to list them.

A. The Gaza Disengagement

The first set of “errors” cited by the Ombudsman involves the so-called “disengagement” from Gaza by Israel. It is cited, more or less, as an error of omission, one that renders the film anachronistic. The film was completed before the developments in Gaza occurred, and therefore, by definition, could not address them. This, of course, is not at all the same as deliberately ignoring these developments. In fact, I completely accept the conclusion that the date of production should have been mentioned in an on-screen introduction to the film, and that it would also have been useful to mention these developments in Gaza along with other significant events.

But had I been asked to do so, I would have stressed that nothing in these developments renders the film inaccurate or anachronistic. The point I would have made about developments in Gaza would perhaps have best been posed as a series of questions: Did these developments represent a fundamental change? If so, what kind of change? How have developments in Gaza been covered by American media as compared to other media outlets like the BBC? Do differences in coverage tell us anything about realities on the ground? Do they tell us about how these realities may be perceived differently from afar? I would then have left it to the film to provide viewers with a critical lens through which to come at such questions. In other words, developments in Gaza do not render the film inaccurate or anachronistic simply because the film is about the way in which the American media cover the Israeli-Palestinian conflict. It is not a film about the

conflict itself, the specific circumstances of which are always shifting – but about ***how American media coverage of the region has followed a remarkably consistent script despite developments in the region and nuances on the ground.***

But since the report does concern itself with getting the facts and history right, it probably should be said that the Ombudsman’s report raises a good many more questions than it even attempts to answer. The Ombudsman apparently accepts, at face value, that developments in Gaza represent some kind of fundamental shift in Israeli policy, rather than at the very least asking what these developments have actually meant to those most affected by Israeli policies. Absent from her apparently instant conclusion about Gaza is any apparent awareness of well-documented complicating details – details that at the very least would seem to merit some kind of mention, if for no other reason than to give the appearance of being balanced in *an Ombudsman report about the importance of being balanced*. The result of this remarkable oversight is that the report provides one side of a highly-contested issue as though it is self-evidently true, reinforcing the impression that the film is somehow radical and out of the mainstream for being so out of step with such self-evident truths.

At the same time, it has the effect of completely eliding the inconvenient fact that numerous international media outlets have reported that while Israel no longer directly occupies the Gaza Strip, it maintains control of all points of access to it, and has imposed a harsh embargo that has led to a humanitarian disaster. As Bill Fletcher has written, Israel’s “blockade of Gaza is nothing short of 'collective punishment', a war crime according to the 1949 Geneva Conventions. In other words, the civilian population of Gaza is being punished by the Israelis as a means of forcing Hamas to submit. One can ask the legitimate question, how is such a course of action different from terrorism?” (December 11, 2008, BlackCommentator.com). The Ombudsman’s easy assessment of events notwithstanding, the case can be made – and is being made by international journalists and human rights organizations around the world – that the situation in Gaza is essentially that of a giant prison camp with no access to outside supplies; and that, in fact, the situation on the ground in terms of human health is much worse than before the “disengagement,” as Israel maintains a stranglehold on the territory. By not even allowing for these possible versions of reality on the ground in the region, and then mobilizing this one-sided view to make the claim that our film is one-sided, the Ombudsman seems either naively, or intentionally, through sheer expediency, to have accepted the over-simplified ideological view propagated by *Honest Reporting* and the Quebec-Israel Committee.

Given what our film is actually about, our view is that it would be more sensible to frame the question of how our film relates to the Gaza disengagement this way: ***Does the film accurately predict the broad contours of how the direct military disengagement will be covered by the American media system?*** This question is at least consistent with the subject matter of the film, and is therefore how it should be evaluated. Indeed, when I introduce screenings of the film, this is precisely the kind of question I pose: ***How does the analysis advanced in the film help us understand how the U.S. media covered not only Gaza, but the war in Lebanon, the death of Yasser Arafat, the election of Hamas,***

the continuing expansion of the settlements in the West Bank, and the building of the Wall?

In summary, I would argue that there is nothing in how the media have covered these events that makes the film anachronistic or factually false. In fact, I would argue just the opposite: ***that media coverage of developments in Gaza shows the validity of the analysis we advance in the film.*** Perhaps the most important point to be made here is that a more balanced report by the Ombudsman would have at least acknowledged this possibility before dismissing it out of hand – especially since the film in many ways is precisely about the unfairness of dismissing alternative views of the Israeli-Palestinian conflict out of hand.

B. Jenin

The Ombudsman argues that the film claims that what happened in Jenin was “a massacre” (p.8). It does not. In fact, the film says only that the media view the deaths of Israelis and Palestinians differently, and proceeds to compare media coverage of events in Natanya and Jenin.

The transcript follows:

Prof. Robert Jensen: For example, when in March 2002, 29 Israelis were killed in Natanya by a suicide bomber, that killing was rightly labeled a massacre.

ABC news cutaway: But how much the Palestinians maybe suffering is not the main Israeli concern now, they'll be burying the 28th victim tomorrow from the Natanya Passover Massacre.

Prof. Robert Jensen: However, when a few weeks later, when at least as many Palestinian civilians had been killed, when Israeli forces invaded Jenin, an event that was widely condemned as a war crime by Human Rights Organizations, American news outlets downplayed the event, and questioned and dismissed the possibility of a massacre.

Cutaway/news montage: U.S. Secretary of State Colin Powell said today, he has "seen no evidence of a massacre"... They're still digging up the rubble of Jenin, still trying to get to the bottom of what really happened here... Palestinians claimed that in Jenin, hundreds of bodies are buried under the rubble in the center of town. The Israeli Army says that the death toll there is only a matter of a few dozen.

The major point the film attempts to make is that Israeli deaths are labeled as a “massacre” and Palestinian deaths are not (“only a matter of a few dozen”). In fact, the label is explicitly rejected in the case of Palestinians. The idea that the film says there was a massacre in Jenin comes from the Quebec-Israel Committee complaint. The Ombudsman here seems clearly to be repeating their view without any attempt to evaluate the claim independently against the actual substance of the film.

C. “*Anything but defensive*”

The Ombudsman then focuses on a comment made by Hussein Ibish about Israel’s position being “anything but defensive,” arguing that it is a “questionable generalization” (p.8). The full quote follows:

Hussein Ibish: *Israel's basic posture is anything but defensive. Israel is the only country in the world right now, which, in contravention to U.N. Security Council resolutions, maintains tens of thousands of heavily armed troops – outside its borders, inside somebody else's country, for the sole purpose of taking their land away from them and in the process forcing them to live under the worst form of tyranny imaginable, which is a foreign military dictatorship.*

Hussein Ibish makes a strong statement and then provides evidence for why he thinks it is true. He is an interviewee offering his analysis. He is not the narrator of the film. If this kind of statement, a commentator’s perspective in a documentary film, is deemed worthy of being evaluated in this way, as either factually “true” or in “error,” then one wonders whether or not every comment made by commentators and pundits with a point of view on programs broadcast on CBC Radio-Canada have been – or now will be – similarly subject to this same level of scrutiny. If not, it seems fair to ask why not – and to ask why it is the case here, with this film.

D. “*A foreign country*”

The Ombudsman then goes on to claim, bizarrely, that the occupied territories are not a “foreign” country as far as Israel is concerned. She writes, “These territories are under no jurisdiction. Palestinians want to have their country, but it is still not a reality” (p. 9). The most pertinent point to be made here is why the Ombudsman would choose to frame issues in a way that is the basis for legitimating Israel’s occupation and control beyond its 1967 borders? Whose view of the occupation is legitimated by such a perspective? It is clear that only a pro-occupation standpoint is served by advancing such an argument. And yet the Ombudsman simply and unambiguously – without any qualifying comment – comes down on the side of Honest Reporting and the Quebec-Israel Committee. This move, alone, raises clear and troubling questions about whether or not she is engaged in a serious, independent review of the film and the response it provoked.

E. *U.N. 242*

The last “error” cited by the Ombudsman is truly astonishing. She argues that Israel’s military occupation of the West Bank is not “illegal” under international law and U.N. Resolution 242 because the term “territories” is used, as opposed to “*the territories.*” According to her report, only the latter implies *total* withdrawal. In opposition to widespread international understanding of the meaning of 242, the Ombudsman relies upon the interpretation given by pro-occupation groups to claim the film is in error. Once again, the Ombudsman fails even to hint that there might be valid ongoing debate around these issues. She is apparently content instead to assume that this semantic

deconstruction of a phrase carries with it the weight of fact, which in turn allows her to classify the film's widely shared point of view as an objective "error."

These, then, are the only "errors" the Ombudsman lists in her report concluding that *Peace Propaganda & the Promised Land* is unfit for broadcast. In each instance, the case she makes is either itself erroneous, simply asserted as fact without acknowledging legitimate ongoing debate about the point in question, or seemingly lifted straight from the talking points of pro-Israel pressure groups and yet presented as an objective correction to the biases of the film. To list these as the sole substantive errors responsible for calling into question the factual accuracy and fairness of the film strains credulity. It also raises serious questions about the fairness, independence – and basic competence – of this Ombudsman's work.

II. Is the Film a Work of Pro-Palestinian Propaganda?

The Ombudsman breezily asserts that the film is pro-Palestinian. She therefore clearly suggests it is anti-Israeli. She makes the point that the film is not only pro-Palestinian, but "*militantly*" so. In our view, this is an odd way to view this film.

We do not see this film as pro-Palestinian. And we do not see it as anti-Israeli. *We see it, instead – if we are forced to see it in these terms as any one thing – as pro-international law.* When the conflict is viewed from this perspective, on all of the major issues (e.g. the occupation, the settlements, the right to return, the status of East Jerusalem, the building of the Wall, etc.) numerous international courts have repeatedly found the state of Israel to be in repeated violation. It is one of the film's primary assertions that this basic fact goes virtually un-reported in the mainstream of American news media. The film also argues that this is the result of perception management – by news media that always frame world events in specific ways, according to specific norms, and by public relations groups whose self-stated mission it is to shape how journalists present their clients to the public. In the case of the Palestinian-Israeli conflict, the film argues that U.S. media coverage is affected by the points of view of American political and economic elites, as well as pro-Israeli groups, who work to ensure that the conflict is framed in very narrow terms: not through the lens of international law and human rights violations, but instead as an ongoing defensive struggle by Israel against Arab terrorists.

Labeling the film as a "point of view documentary" suggests that the film is simply a work of advocacy and propaganda. It raises the question of whether the CBC would be similarly content to label films focusing on the victims of the Holocaust as "pro-Jewish" films, rather than what they actually are: simply pro-human rights films that attempt to offer a just view of the world in which international law is absolutely central.

III. Is the film a mouthpiece for militant pro-Palestinian groups?

When I spoke with the Ombudsman, ostensibly as part of her research in preparing the report, I assured her, as the report mentions, that the film was an independent work produced and financed entirely by the Media Education Foundation. The fact that we thank various groups at the end of the film is simply an acknowledgement of the connections and contacts that are made in any film during the long process of its production. Yet the Ombudsman ominously calls these “pressure groups” and says, “This proximity between militant groups and documentary filmmakers is disconcerting.” The unqualified, un-sourced, and unsubstantiated use of the word “militant” is key to the Ombudsman’s description of a number of groups, even though all of them are committed to peaceful protest. Given that the definition of “militant” is “a fighting, warring, or aggressive person or party,” in the context of the Middle East it usually conjures up associations with “terrorists.” So it is cause for concern when the Ombudsman – a professional charged with deciding matters of journalistic integrity and responsibility – herself so casually refers to our film’s association with and reliance on “various militant pro-Palestinian groups” – especially when the word “militant” is used over 20 times in the Quebec-Israel complaint.

But perhaps the most bizarre comment made by the Ombudsman along these lines concerns the group Fairness and Accuracy in Reporting (FAIR), which she calls a “pro-Palestinian media watch group, the counterpart to pro-Israel groups like CAMERA (Committee for Accuracy in the Middle East Reporting in America) and Honest Reporting,” concluding that what they provide is “not a case of independent research.” This is outrageous in its sheer inaccuracy. FAIR conducts painstakingly rigorous scholarly research on the role of the media in covering a huge range of vital social issues. The leading scholars in media collaborate with them. This is their description from their own website of their mission.

FAIR, the national media watch group, has been offering well-documented criticism of media bias and censorship since 1986. We work to invigorate the First Amendment by advocating for greater diversity in the press and by scrutinizing media practices that marginalize public interest, minority and dissenting viewpoints. As an anti-censorship organization, we expose neglected news stories and defend working journalists when they are muzzled. As a progressive group, FAIR believes that structural reform is ultimately needed to break up the dominant media conglomerates, establish independent public broadcasting and promote strong non-profit sources of information.

Uniquely, FAIR works with both activists and journalists. We maintain a regular dialogue with reporters at news outlets across the country, providing constructive critiques when called for and applauding exceptional, hard-hitting journalism. We also encourage the public to contact media with their concerns, to become media activists rather than passive consumers of news.

For FAIR to be called a group equivalent to CAMERA or Honest Reporting is a

distortion that borders on defamation. A cursory glance at the kind of work these groups do renders this claim absurd. Politics aside, they are simply different kinds of groups that do different kinds of work. Yet the Ombudsman offers this conclusion up without substantiating it, once again implying that even her most specious claims speak for themselves as truth. Here again, by not considering any opposing point of view as she advances her own, the Ombudsman seems not only to have parroted the views of the Quebec-Israel Committee, but to have adopted these views, wholesale, as her own.

The Ombudsman is also completely unaware that representatives from FAIR have regularly appeared as expert guests on other CBC programs to discuss issues such as the news coverage of the Kosovo War, Rush Limbaugh, and the framing of the war in Afghanistan. One wonders how other CBC professionals have been fooled into allowing this militant pro-Palestinian group to infiltrate its discussion of international and media issues?

It is also worth noting that this labeling of the film as simply “pro-Palestinian” has the effect of drawing attention away from the fact that the co-director of the film, Bathsheba Ratzkoff, is an Israeli, as are many of the experts interviewed in the film (including Rabbis and soldiers). In fact, one of the Rabbis interviewed in the film, Arik Ascherman, argues that his own Jewish identity is intimately connected to the belief in *universal* human rights (rather than the rights of Jews in particular), and that for him to be true to his Jewish identity means that he has to, by definition, stand up for the rights of everyone (including Palestinians). He clearly views his own activist work – work that has seen him put his body on the line in front of Israeli bulldozers – as deeply pro-Jewish. The idea that the film is simply “pro-Palestinian” also happens to ignore one of the more valid criticisms that has been leveled against our film – that Palestinians are largely absent from our discussion.

Conclusion: A Textbook Case of Intimidating Media

In conclusion, we believe that the Ombudsman’s report reveals a distinct lack of professionalism in substantiating its primary claims, and a disturbing lack of courage in standing up for the editorial integrity of the CBC editorial staff. This official response of the CBC to the coordinated complaints launched by external pressure groups against the network for broadcasting *Peace, Propaganda & the Promised Land* provides a textbook example of how this kind of organized pressure is designed to work. By questioning the professionalism, competence, and judgment of the CBC editorial staff members who acquired and worked on the film, the Ombudsman has sent a clear signal that there is a price to be paid when it comes to challenging the official version of how the public is to understand the Israeli-Palestinian conflict. This is precisely the point of this kind of pressure – ***to make sure that future actions are controlled by disciplining any deviation from the accepted line.***

I only hope that this will not be allowed to be the case in this instance. I sincerely hope that the leadership of CBC will affirm to their staff the importance of allowing divergent views, perspectives, and analyses to be broadcast in the public sphere, and to reaffirm –

rather than disavow on the basis of a brutally flawed, unfair (and frankly lazy) report – their initial judgment of *Peace, Propaganda and the Promised Land*.