



"Respecting Accuracy in Domestic Abuse Reporting"

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Ken Konz, Inspector General
Corporation for Public Broadcasting
901 E Street, NW
Washington, DC 20004

RE: Breaking the Silence: Children's Stories

Dear Mr. Konz:

We are writing to request that your office initiate an investigation of *Breaking the Silence: Children's Stories*, which the Public Broadcasting Service aired on October 20, 2005.

An understanding of our complaint requires attention to three facts that are well-supported by research and/or government reports:

1. Women are just as likely as men to engage in partner aggression (often referred to as "domestic violence"). [http://www.mediadarar.org/media_fact_sheet.php]
2. Mothers are more likely to abuse and neglect their children than fathers [http://faq.acf.hhs.gov/cgi-bin/acfrightnow.cfg/php/enduser/std_adp.php?p_faqid=70]. Likewise, mothers are more likely than fathers to take the life their children. [http://www.acf.dhhs.gov/programs/cb/pubs/cm03/figure4_2.htm]
3. Mothers win child custody in about 85% of cases following divorce. [National Center for Health Statistics: Monthly Vital Statistics Report, Vol. 43, No. 9, March 22, 1995]

Against that factual background, our request for an Inspector General investigation is based on the five following findings:

A. The Producers Ignored Key Documents

The Mary Kay Ash Charitable Foundation contracted with Tatge/Lasseur Productions of New York City to produce a documentary that probed parental custody awards of abused children. Prior to broadcast of *Breaking the Silence: Children's Stories*, the producers claimed, "We had no preconceived notions about the issue...no specific agenda to prove or disprove."

This statement is contradicted by the fact that Dominique Lasseur was a co-producer of the 2001 PBS documentary, *Breaking the Silence: Journeys of Hope*, which provided a one-sided and misleading portrayal of domestic violence.

Mr. Lasseur's credibility is further harmed by his rebuttal of the critics of *Breaking the Silence: Children's Stories* (hereafter referred to as "BTS"). In that response he makes the claim, "The stories we focused on are true and verified stories."

But publicly-available documents reveal the opposite to be true:

1. Sadia Loeliger, who Lasseur featured in the program as a heroic mother fighting a biased legal system, had in fact been found by the Tulare County (California) Juvenile Court to have repeatedly abused her children. [<http://www.glennsacks.com/pbs/loeliger.php>]
2. As early as April 24, 2005, Mr. Lasseur was provided documentation of the above, information that Lasseur chose to ignore. [<http://www.glennsacks.com/pbs/loeliger-producers-warned.php>]

Mr. Lasseur's lack of objectivity is further revealed by this defamatory statement contained in his rebuttal:

"Our open mindedness did not include the opportunity for fathers who had a destructive political agenda to be represented in the piece... We made the decision not to interview them on camera because they would not have provided any balance and fairness to the piece."

The PBS Editorial Standards and Policies state, "Primary responsibility for content necessarily rests with the producer because it is the producer who creates the content and is uniquely in a position to control all of its elements."

We conclude the selection of Tatge/Lasseur Productions to produce an objective documentary about this complex and controversial topic was wrong.

B. Breaking the Silence Does Not Meet PBS' Journalistic Standards

Ken Bode, CPB ombudsman, and Michael Getler, PBS ombudsman, recently issued reports highly critical of the journalistic quality of *Breaking the Silence*. Their reports are dated November 29, 2005 and December 2, 2005, respectively.

Mr. Bode was repeatedly critical of the failure of *BTS* to present a balanced picture of a controversial topic such as child abuse. He noted,

1. "... there is no hint of balance in *Breaking the Silence*. The father's point of view is ignored."
2. "The producers apparently do not subscribe to the idea that an argument can be more convincing by giving the other side a fair presentation."
3. "But this broadcast is so slanted as to raise suspicions that either the family courts of America have gone crazy or there must be another side to the story."

PBS ombudsman Michael Getler was similarly critical, characterizing the program as "flawed" and "tilted," and concluded *Breaking the Silence* represented "more of an advocacy, or point-of-view, presentation."

Furthermore, *BTS* makes the claim that parental alienation syndrome is "junk science." But in this regard Mr. Bode concluded, "it appears that Lasseur/Tatge plainly got it wrong."

In addition, it has now been documented that the producers contacted but later refused to interview persons who would have provided a balancing perspective. [<http://www.familytx.org/research/articles/PAS/BreakingTheScience-OstrichSyndrome.html#rejected-interviewees>] This suggests the lack of journalistic balance was not due to inadvertent oversight, but rather was by purposeful design.

Last week Fox News columnist Wendy McElroy reviewed the evidence and observed that *Breaking the Silence* is rife with mischaracterization, misstatements, and misuse of data. [<http://www.ifeminists.net/introduction/editorials/2005/1207.html>]

We conclude that Tatge/Lasseur produced a documentary that failed to meet minimal standards of journalistic quality.

C. Connecticut Public Television Neglected its Duty to Oversee Program Content

Connecticut Public Television (CPTV) played two roles during the production of *BTS*:

1. Overseeing the production to assure adherence to the PBS Editorial Standards and Policies
2. Acting as an advocate for the program, sponsoring *BTS* for the PBS schedule, and placing a promotional press release on its website

But once CPTV took on an advocacy role, CPTV neglected its greater responsibility to assure the program truthfully represented events. This conflict of interest is revealed in two events:

1. On June 6, 2005, Dana O'Neill, programming business manager at CPTV received documents that directly contradicted *BTS*' portrayal of Sadia Loeliger. [<http://www.glennsacks.com/pbs/loeliger-producers-warned.php>] But apparently Mr. O'Neill ignored the documents and allowed the program to proceed.

2. Before the program's airing, CPTV issued a press release that highlighted a key claim made in *BTS*. The release stated, "Despite being discredited by the American Psychological Association and similar organizations, PAS continues to be used in family courts as a defense for why a child is rejecting the father."

But shortly after *BTS* was aired, Rhea K. Farberman, Executive Director of Public and Member Communications of the American Psychological Association, stated such claims are "incorrect." Farberman explained that the APA "does not have an official position on parental alienation syndrome -- pro or con....The Connecticut Public Television press release is incorrect."
[<http://www.glennsacks.com/pbs/apa-102405.php>]

Despite this authoritative statement made by the APA in October, CPTV continues to feature the misleading press release on its website: http://www.cptv.org/pdf/BTS_pressrelease.pdf

We conclude that just as Dominique Lasseur became the advocate for a flawed depiction of child custody issues vis-à-vis the viewing audience, Connecticut Public Television became an advocate for a biased program vis-à-vis the Public Broadcasting Corporation.

D. PBS Ignored its Own Approval Criteria

When Tatge/Lasseur Productions completed the program, it was forwarded to the Public Broadcasting Service for review and approval. The PBS Editorial Standards and Policies contain two important statements:

- "The final authority for the decision to distribute content as part of any PBS service rests with PBS."
- "By placing its logo at the end of a program or hosting a Web site, PBS makes itself accountable for the quality and integrity of the content."

The PBS guidelines list a number of criteria for making this decision, including fairness, accuracy, objectivity, and balance.

Additionally, the PBS Funding Standards and Practices guidelines state that PBS should not approve programs "where a clear and direct connection between...the interests of a proposed funder and the subject matter of a program would be likely to lead a significant portion of the public to conclude that the program has been influenced by that funder."

The program's sponsor, the Mary Kay Ash Charitable Foundation, has previously sponsored domestic violence programs and activities:

- In 2001 the Foundation sponsored *Breaking the Silence: Journeys of Hope*, which portrayed only men as abusers and women as victims.
[<http://www.cptv.org/TVNationalSilence.asp>]

- In 2003 the Foundation announced that Mary Kay beauty consultants helped to raise funds for the National Network to End Domestic Violence, an organization that promotes the myth that only men instigate partner aggression.

PBS should have been alert to the one-sided nature of the Foundation's prior domestic violence efforts and the fact that as the program's sole sponsor, it could be in a position to exert undue influence over content. Indeed, in his report of November 29, 2005, CPB ombudsman Ken Bode questioned the involvement of the Foundation and recommended, "Along with the motives of its sponsor (The Mary Kay Ash Charitable Foundation), *Breaking the Silence* needs to be reviewed for accuracy, fairness, and balance."

Based on the reports of the CPB and PBS ombudsmen and reviews by other analysts, we conclude these criteria were ignored by PBS executives in their decision to approve the broadcast of *Breaking the Silence*.

E. PBS Affiliates are Supporting Political Advocacy Efforts

In conjunction with the release of *Breaking the Silence*, many local domestic violence/child abuse groups organized private screenings of *BTS*. The invitees often included legislators and judges. Additionally, demonstrations were held at state court houses and city halls. The intent was to influence the enactment and enforcement of child custody laws.

Many of the screenings were held before the October 20 release date of *BTS*. Many of these screenings featured versions of *BTS* that carried the PBS or Connecticut Public Broadcasting logo. The logo is the indication of formal PBS approval. This suggests these advocates obtained their copy of *BTS* from PBS or a PBS affiliate before the official release date.

In one case, the affiliate (KAKM of Alaska) planned to publicize these advocacy efforts. The event organizer wrote:

"We have not yet chosen our date, but since we got the PBS affiliate's go-ahead today, we can now pick any date we want and start planning. *The local PBS station has said they will help us advertise and promote our event because we will then in turn promote viewing of their screening date.*" (emphasis added).

When this fact was revealed in a December 7 editorial [<http://www.ifeminists.net/introduction/editorials/2005/1207.html>], the organizer had the incriminating statement hastily removed from the webpage. [http://www.breakingthescience.org/MRRC_Removes_Listing.php]

We conclude that such activities, which may also run afoul of IRS requirements for non-profit, tax-exempt organizations, tarnish PBS' image of fairness, objectivity, and honesty.

Actions that PBS Needs to Take

Breaking the Silence is not flawed merely because it contains misstatements of fact, misrepresents the truth of a key character in the program, or is biased in how it presents a controversial social issue. Rather, as Mr. Bode put it, “PBS may find that it has been the launching pad for a very partisan effort to drive public policy and law.” Likewise, Mr. Getler raised the concern that *BTS* comes across “as a one-sided, advocacy program.”

Using the dictionary definition of “information, rumors, etc. deliberately spread widely to help or harm a person, group, movement, institution, nation, etc.”, *Breaking the Silence* meets the definition of propaganda.

Section 19 of the Public Broadcasting Act requires “strict adherence to objectivity and balance in all programs or series of programs of a controversial nature.”

We conclude, therefore, that *Breaking the Silence* represents a direct and serious violation of the Public Broadcasting Act. It is no longer in the best interests of PBS to be associated with this program.

We believe that it is incumbent on the Public Broadcasting Service to:

1. Retract *Breaking the Silence*. Retraction will necessitate the following steps:
 - a. Issue a press release announcing the retraction
 - b. Cease distribution of the documentary, and instruct Tatge/Lasseur Productions and other distributors to do the same.
 - c. Advise PBS affiliates of the decision and request that they not air the program
 - d. Send a letter to persons who have already purchased the program requesting that they not show it to others.
2. Produce and air a documentary that highlights the plight of children endangered by a court system that awards custody to fathers only 15% of the time. This step can be accomplished under Section 19, paragraph 2C. of the Public Broadcasting Act which requires the Corporation for Public Broadcasting to “take such steps in awarding programming grants” to facilitate “objectivity and balance in programming of a controversial nature.”

Additionally, state-level domestic violence groups have shown *BTS* to legislators, judges, and others. If that information is not counteracted, the result may be falsely-conceived legislation that places children at risk by unfairly removing them from their fathers.

Therefore, we believe PBS has an ethical and moral obligation to work with RADAR and other appropriate groups to support efforts to counteract the false information that has been disseminated. Such an effort is necessary both to counteract the misinformation that has arisen from *BTS*, as well as to assure overall journalistic balance and responsiveness to community needs.

Call for a CPB Inspector General Investigation

The US Congress has mandated that the Corporation for Public Broadcasting assure “strict adherence to objectivity and balance in all programs or series of programs of a controversial nature.” In the case of *Breaking the Silence*, many break-downs occurred in the procedures and practices that normally assure a documentary is appropriately researched, produced, and disseminated.

We believe that the CPB Inspector General needs to conduct a broad inquiry to assess why CPB’s current policies and procedures failed to prevent the approval and broadcast of *Breaking the Silence*. Based on those findings, the Inspector General needs to make specific recommendations how to prevent a recurrence of this serious violation of CPB’s legal mandate.

The public’s perception of fairness and objectivity by taxpayer-supported public broadcasting will ultimately hinge on the outcome of this investigation.

We await your response.

Sincerely,

Richard L. Davis
Director

cc:
Patricia Harrison
Pat Mitchell