

RTÉ's coverage of the campaigning on the Eighth Amendment to
the Constitution: Issues of Objectivity, Impartiality and Fairness

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Abstract

The referendum on the Eighth Amendment to the Irish Constitution, what became known alternatively as the Pro-Life or the Abortion Referendum resulted in a new Constitutional provision that: "Acknowledged the right to life of the unborn, with due regard to the equal right to life of the mother". The campaign, which had been initiated by Catholic groups in an effort to protect traditional moral views, became bitter and divisive within society as it progressed. In its news and programme coverage of this campaign, RTÉ, the national broadcaster, was confronted by many new editorial challenges as to how it might cover an inter-communal debate on an issue of constitutional change. In particular it was required by law to cover the campaigning in a manner that was objective, impartial and fair to all concerned.

Chapter 1

Introduction

Background:

This study will examine RTE's editorial management of their radio and television coverage of the competing campaigns in the 1983 Referendum on the Eighth Amendment to the Constitution. This event, amongst other descriptions, is often referred to as the Pro-Life, or Anti-Abortion Referendum. The Referendum posed particular challenges for RTE's editorial decision makers in ensuring that its coverage was objective, impartial and fair, as was required by law. This was the first time that RTE was required to cover a Referendum in which the campaigning groups were not political parties.

Abortion was a deeply divisive issue within the community. Many people held differing, but deep religious, moral and ethical convictions on the issue, alongside the many social, legal, political and medical considerations that had always been a part of the abortion debate. In the past that debate had been relatively understated, some would say avoided, in Irish society. The Referendum campaign created the circumstances for a national, public debate on abortion. RTE as the national public service broadcaster was obliged to facilitate that debate to the degree merited by such an important issue, fundamental to the ordering of society.

History of the Constitutional Amendment Campaign

In April 1981 the Pro-Life Amendment Campaign (PLAC) announced its intention to lobby the Government to hold a referendum for a Constitutional Amendment that would prohibit abortion. PLAC comprised a number of Catholic lay activist groups which had emerged or formed during the 1970s, “committed to the defence and promotion of traditional Catholic values”(Girvin, 1986: 67). Within 2 weeks of the PLAC launch, motivated by “a mixture of piety and naivete as well as political calculation”, Fianna Fáil and Fine Gael, the majority parties in the Dáil, had committed to support the amendment proposal (Girvin, 1986: 67). Thus began a two and a half year long campaign that, as one historian observed “proved to be one of the most vitriolic and divisive in the history of the state” (Keogh, 1994: 370). PLAC’s initiative was opposed by the Anti-Amendment Campaign, at the core of which were pro-contraception groups, a small number of pro-abortion activists, feminists, as well as supporters from the legal and medical professions. The Constitutional Amendment was carried by a two to one majority in September 1983.

Divisions in Irish society on issues of sex and morality, though not necessarily on abortion, were also evident amongst staff and management in RTÉ. The attitudinal tenor of that divide can be illustrated, on the one hand by the views of a Director General (DG) who, in 1971, having observed the station’s coverage of the Irish Women’s Liberation Movement ‘Contraceptive Train’ from Belfast, remarked that RTÉ seemed to be “over-concerned with the contraceptive issue” (Horgan, 2004: 93). On the other hand, a popular radio presenter who, having been criticised by clergy “from the altar” for speaking openly on air about sex and women in the late 1970s, said: “What bothered them was that we were uppity women...and a threat to (their) moral authority” (Finucane, 2005).

The views of some RTÉ personnel with important editorial responsibilities represented a broad range of attitudes to the campaign to amend the Constitution. The Chairman of the Authority, Fred O’Donovan, said at the time:

“If I thought that we, as a Broadcasting Authority failed and because of our failure we had the same situation on abortion as in America I would step on the boat and I would never look back on this country” (*Magill*, January, 1983).

Some of the most senior members of the RTÉ Editorial Committee were described by one of its members as being deeply and intuitively conservative on matters of contraception, with abortion not “even on the Richter Scale” (Collins, 2005). On the other hand, one senior producer in RTÉ’s leading current affairs programme, felt that, ‘the overwhelming feeling within *Today Tonight* would have been sympathetic to the Anti-Amendment Campaign” (The main group opposing PLAC) (Blake-Knox, 2006). My own experience whilst working as a producer in RTÉ radio during this period was that colleagues in operational editorial positions, who were considerably younger than members of RTÉ’s Editorial Board, expressed their sympathies more in terms of being anti- PLAC than necessarily pro-abortion; which in effect meant they were Anti-Amendment. In the RTÉ newsroom, journalists and editors were more circumspect: “It was really delicate; people didn’t really declare how they felt” (Erskine, 2006). These conflicting viewpoints found a medium for expression in the abortion issue:

“(T)hose who were employed by the national broadcaster had a very influential medium by which and through which that debate could be influenced. On an issue as emotionally charged as sexual morality it was perhaps inevitable that those on either side of the debate would be tough and determined in having their way” (MacConghail, 2006).

Scope of this study:

The legislation governing RTÉ’s affairs required that, in dealing with a matter of public controversy, such as the Pro-life referendum, it would “be fair to all of the interests concerned”, and to present and report in “an objective and impartial manner” (*Broadcasting Authority (Amendment) Act*, 1976, 3.1.b). This study will attempt to determine if RTÉ observed those requirements in the editorial decisions it took in its

coverage of the public campaigning on the Eighth Amendment to the Constitution in 1983.

Radio Telefís Éireann (RTÉ), the national public service broadcaster, provided coverage of this campaign in its programmes. (RTÉ Staff Information Bulletin, 24 August 1983) RTÉ policy for its current/public affairs programmes was “to provide the public with the information and knowledge on which it can make up its mind on the question at issue” (RTÉ Policy on Current/Public Affairs Broadcasting (1970) in Horgan, 2004: :223).

There are many views on objectivity, impartiality and fairness, including those from some academics who argue its impossibility, to those who argue its undesirability ((McQuail, 1992: Bennett, undated). One particular political view, that of Conor Cruise-O’Brien, who as Minister for Posts and Telegraphs amended the relevant section of the Irish broadcasting legislation, was that “Objectivity may be unattainable, but I think the effort towards objectivity is always recognisable” (Dáil debates, Vol. 282 :1086). This study will examine the manner in which RTÉ editorial decision makers were cognisant of their objectivity obligations, and the policies, directions and retrospective reviews required to fulfil those obligations.

Chapter overview:

Chapter 4 will examine the introduction of concepts of objectivity, impartiality and fairness into Irish broadcasting legislation; the intentions of the legislators; how the legislation was interpreted by RTÉ; and how the management and editorial structures of RTÉ adapted to and implemented their own policies in the light of this legislation. It will also examine the important historical, political, social, religious and broadcasting themes that converge around the public debate of the abortion referendum issues and the coverage of that debate on radio and television.

Chapter 5 will examine RTÉ’s editorial management of the issues of sex and sexual morality covered in radio and television programmes between 1978 and 1983; the five

years leading into the abortion referendum. It will explore areas of conflict between management and programme makers in drama, documentary, interactive programmes and the pioneering programme *Women Today*. It will also consider a perceived growing concern amongst members of the Editorial Committee that RTÉ's programme coverage of the campaign was biased against the Amendment.

Chapter 6 deals with the outcome of the appearance on the *Late Late Show* in November 1982, of Anna Raeburn, an English journalist, who told of having had an abortion. It will examine the editorial management of her appearance on the show; the editorial considerations of balance and objectivity that arise from broadcasting emotionally charged personal accounts; and the management of complaints.

Chapter 7 will deal with restrictions by the RTÉ Authority on the editorial management of the Amendment campaign as a consequence of the Anna Raeburn interview. It will consider conflict within RTÉ as to where the ultimate editorial control and responsibility lay between the Authority and the Executive; and the consequences of this conflict for RTÉ's editorial treatment of the final stages of the Abortion Referendum Campaign.

Chapter 8 will provide conclusions.

Chapter 2

Methodology

Introduction

This is an examination of the editorial decision making process of RTÉ management and programme makers for the national broadcaster's coverage of the competing organisations engaged in campaigning on the proposed Eighth Amendment to the Irish Constitution.

Research Objectives

This study will attempt to determine if RTÉ coverage fulfilled its legislative obligations to "report and present in an objective and impartial manner" and to be "fair to all interests concerned" (*Broadcasting Authority (Amendment) Act, 1976*)

There are many critics of objectivity. In journalism and the editorial process, the concept has an "ambivalent status"(McQuail,1992: 195), but no matter what objections there may be to the concept, journalistic practice cannot continue "without assuming both the possibility and value of objectivity"(Lichtenberg, 1990: 230). This discussion will refer to issues of the impossibility and undesirability of objectivity, and how it can be assessed. Objectivity may have to be seen in the negative, rather than the positive: "Objectivity was founded not on the naïve idea that humans could be objective, but on a realization that they could not" (Streckfuss, 1990: 974). Bennett talks of the paradox in journalism, where the product they produce, the news, is not actually something they have a hand in making,

only discovering. "...reporters must 'discover' news that has been (or can be) made entirely by others" (Bennett: undated: 9). Thus the conflicting faces of objectivity (and impartiality and fairness) must be discussed against the realities of news, current affairs and talk programme coverage of the abortion debate. Consideration will also be given to the intent of the Oireachtas members who, in enacting the broadcasting legislation, were conscious of the difficulties of attaining objectivity: The legal objectives set by the Bill were intended "to point in a direction that is desirable if not fully attainable. Objectivity may be unattainable, but I think the effort towards objectivity is always recognisable" (Conor Cruise O'Brien, Minister for Posts and Telegraphs, Dáil Eireann, Vol.285:872).

Qualitative research methods will be employed to gather an understanding of the participants in the social and cultural contexts in which they were placed. The objective is to draw out from their language and logic an understanding of the issue from their point of view. "The strengths of qualitative research derive primarily from its inductive approach, its focus on specific situations or people, and its emphasis on words rather than numbers" (Maxwell, 1996: 17). Qualitative research is especially suited for the purposes of this research because it allows an understanding of the meaning that the participants in the study give to the events in which they were involved. It also allows an understanding of the context within which the participants acted and the influence of this context on their actions; and "an understanding (of) the process by which events and actions take place" (Merriam, 1988: xii).

The subjects of enquiry in this research are the persons or groups who were responsible for editorial decision making in RTÉ in its coverage of the Referendum Campaign: Journalists, Programme Producers, Programme Department Managers, the Programmes Executive, the Director General, and the RTÉ Authority. Examination of the understandings and motivations of the Senior RTÉ Administrative Executives and the Authority is drawn from contemporaneous documents; those of Programme Executives and Programme makers are drawn from interviews conducted for this study

Documentary material sourced for this study:

The minutes of the RTÉ Editorial Committee which dealt in detail with the Board's views on proposals for programmes from the Controllers of Programmes in television and radio; reaction to programmes which had been broadcast; responses to concerns and complaints (seldom to praise) from the public, and an overall view on the extent to which the organisation was meeting its objectives.

The files of Bob Collins, Assistant Controller of Programmes TV One in the period in question, and latterly Director General. Collins supervised RTÉ Television's programme coverage of the Abortion Referendum. His files contain communications and contemporary commentary on the editorial decision making process, including conflicts between the television Programme Executive, the DG and the Authority. They also contain details of meetings between the Programmes Executive and the DG, and with the *Late Late Show* team and Trade Union representatives.

RTÉ newspaper cuttings file. This is particularly important for access to provincial papers' coverage.

RTÉ Audio Archive for the Radio Documentary on abortion: *The Lonely Crisis: Abortion*
It was considered not necessary to view RTÉ Television programmes. There was sufficient information regarding editorial decisions and content available in the written archive; and a comprehensive analysis of important *Today Tonight* programmes was available in an MA thesis of Walsh, Brian (1995) "The abortion referendum 1983: an analysis of two *Today Tonight* broadcasts". DCU library.

Oireachtas debates on the *Broadcasting Authority Act, 1960* and the *Broadcasting Authority (Amendment) Act, 1976* to establish the intentions, concerns and expectations of legislators

The Broadcasting Complaints Commission files for details of complaints made against RTÉ, and the Commission's decisions on those complaints.

Interviews with a number of key RTE editorial decision makers and programme makers, one important programme contributor, and one founder member of the Irish Womens' Right to Choose Group.

Bob Collins, former DG, and in 1982/83 responsible for management of RTE television programmes covering the Amendment campaign (September, 2005);

Muiris MacConghail, who was Controller of Programmes TV One for the latter part of the campaign period (October, 2006);

Gay Byrne, producer/presenter of the *Late Late Show*;

Marian Finucane, presenter of the first radio documentary on abortion, and presenter of *Women Today* (September, 2005);

David Blake-Knox producer/director in charge of the *Today Tonight* coverage of the Amendment campaign (October, 2006);

Caroline Erskine, newsroom journalist with responsibility for *News* coverage of the Amendment campaign (October, 2006);

Anna Raeburn, Interviewee on *Late Late Show*, who told on air of having had an abortion (October, 2005).

Mary O'Sullivan, researcher on *Late Late Show*, who pre-interviewed Anna Raeburn of her programme appearance (October, 2005)

Private Source. Founder member of Irish Woman's Right to Choose Group, and counsellor with Irish Pregnancy Counselling Centre (October, 2005).

A study such as this raises questions of how material was collected and evaluated and of the biases of the author: "(Scholars) do not split their work from their lives. They seem to take both too seriously to allow such dissociation, and they want to use each for the enrichment of the other" (Mills, C.W.1959: 215-216). Even research on objectivity can have its own objectivity questioned. Often research is a triangular process involving reporter, a third party and researcher; with the researcher sometimes adopting a position

for or against the third party – causing “objectivity research itself to attract accusations of bias” (McQuail, 1992: 184). In writing about a milieu and a issue in which one was once a participant, there are the obvious issues of one’s own biases, of then and of now. But to be true to the task on hand, detachment is an obligation, and distance must be maintained. My task is to reveal, to discuss and to understand; not to make value judgments.

Chapter 3

Literature Review

Introduction:

The scope of this study requires an understanding of how the craft of journalism, and by extension, broadcast programme making, interacted with the social, economic, political and religious factors that brought about the Pro-life Amendment Campaign which culminated in the Eighth Amendment to the Constitution which, “Acknowledged the right to life of the unborn, with due regard to the equal right to life of the mother” (*Bunreacht na hÉireann*). For that purpose I have read a range of literature covering theories of journalistic practice; histories of emergence and development of RTÉ and its news, current affairs and features programming; the relationship between Church and State in Ireland; economic and social development in Ireland, particularly in the 1960s and 1970s; the competing arguments of the pro-contraception debate, and the campaigning of the Pro-Life Amendment Campaign and the Anti-Amendment Campaign.

Objectivity, impartiality and fairness

McQuail defines objectivity as “rendering a true account of events” – a journalistic ideal in that its realisation cannot always be fully attained. (McQuail, 1992: 49) Objectivity, he argues, implies an unwritten contract with the reader, listener or viewer “that news can be

believed, trusted, taken at face value, readily understood, without the need to ‘read between the lines’” (McQuail, 1992: 187). Impartiality may be defined as an absence of prejudice and “balance in the choice and use of sources, so as to reflect different points of view, and also neutrality in the presentation of news” (McQuail, 1994: 255). Fairness, which amongst some journalists has come to replace the term objectivity, is defined as presenting both sides, and giving both “equal time to register their comments and interpretations” (Bennett, 1983: 143).

History of objectivity in journalism

The concept of journalistic objectivity developed in the American press in the last half of the 19th century as populations concentrated in the large cities and innovations in communication allowed newspapers to develop as a mass marketable commodity. Early newspapers had tended to be privately funded and aimed at a narrow, targeted audience. The arrival of the penny press created a commercial incentive to create news formats with mass appeal. However, the profitable marketing of this new product required it to be less ideological or partisan. Thus, as a by-product of commercial necessity, a pragmatic, objective journalism was born. Telegraphic communications, in turn, led to the development of the news story – a format which could be “readily understood by the growing mass audience” (Bennett, undated: 15). Quickly, with the development of a journalistic profession, the pragmatic practice began to develop as a normative justification. (Bennett, undated: 15-18))

Objectivity, as a philosophical concept, was adopted by some radical US journalists in the 1920s as a development of scientific naturalism, a school of thought that rejected metaphysical explanations and *a priori* truths. This approach in turn began to be applied in journalism. As originally understood, objectivity meant more than neutrality, as expressed in words like unbiased or uncoloured which were common in the vocabulary of late 19th and early 20th journalists. Objectivity meant: “finding the truth through the rigorous methodology of the scientist” (Streckfuss, 1990: 975).

Objectivity in the post World War One period took on a more radical political perspective. Liberal thinkers saw it as a defence against right wing media propaganda. There were fears that propagandists through their manipulation of the media were “making the ‘facts’ delivered by the press a tainted commodity, thus tainting public opinion”. (Streckfuss, 1990: 975) Objectivity was seen to present a bulwark against the sensationalism and bias of the popular press (McQuail, 1992: 50).

Other significant economic factors that hastened the drive towards objectivity were the newspaper mergers which began in earnest in the 1920s. In 1920, 55% of American cities had only one daily paper; by 1930 that figure had jumped to 71.5%. This forced many editors to drop party partisan position in favour of a new more broadly marketable espousal of objectivity. But this was not the objectivity of the scientific naturalists. By the 1930s when objectivity had become part of the vocabulary of journalists, its meaning had become diluted. “Objectivity had shrunk from a methodology needed to preserve democracy to a practical posture of day to day production” (Streckfuss 1990: 982-983).

There is an argument that objectivity is either impossible to achieve, or that it is undesirable (McQuail, 1992: 187-195). Added to that is the argument that the norms of objectivity can, in themselves, introduce systemic bias into reporting (Bennett, undated: 8).

There are a number of reasons for arguing the impossibility of objectivity. Firstly, there are the issues that arise from the selection of stories, sources and information, which may affect the capacity of journalists to deliver objectively (McQuail, 1992:187). Perhaps one of the biggest obstacles is the dependence of journalists on “prepared news” – “news” that is contrived by political actors, and intended by its authors to serve their interests alone. The journalist, by colluding in reporting within the norms of objectivity, what is essentially propaganda, allows those norms to be subverted “in ways that prevent journalists from commenting on or ever recognising the subversion” (Bennett, undated: 10).

The suppression of issues from the news agenda for what are seen as positive social reasons that fall within the cover of normative standards may also make objectivity impossible. Such omissions and silences, “may reflect implicit and subjective judgments...about society and its values” (McQuail, 1992: 187). What editors refer to as standards of decency and taste may exclude what may be undesirable but true aspects of society from coverage, and contribute to a narrowing of debate; effectively creating “a bias in favor of...status quo values” (Bennett, undated: 30).

There is also the view that there is no objective reality out there to report; that the best we can expect are “different versions of a multifarious set of impressions”. Theodore Glasser makes reference to the objective journalist’s “naively empirical view of the world; a belief in the separation of facts and values, a belief in the existence of a reality – the reality of empirical facts” (McQuail, 1992: 188).

The undesirability of objectivity is argued on the grounds of its impossibility, in that “it is misleading to offer something that cannot be delivered” (McQuail, 1992: 188). The ethical issue to be considered is that what purports to be objective “may be likely to privilege one account among several” and the privileged one is likely to be the more powerful and more efficient (McQuail, 1992: 188). It is also argued that the normative standards of objectivity are essentially just a dressing up of the commercial needs of mass marketing, and that these standards merely serve the needs of “elites, leaders and political groups to represent affairs in themes that appear to be “the most plausible, natural, and inescapable ways of thinking about politics” (Bennett, undated: 44).

Bennett is critical of what he calls the key practices of the normative standards of objectivity: Neutral adversity, he argues, may appear to suggest journalistic independence; but such independence, he claims is “based on social posturing, not on any observable rules regarding the treatment of news substance”(Bennett, undated: 24). Standards of decency and taste introduce “selective moral perspectives”, often for reasons of commercial advantage. These standards limit the degree to which “divergent values and morals” can debate. This limitation is often to the benefit of “status quo values”. (Bennett, undated: 30) Documentary methods that require reporting only of witnessed information

and facts confirmed by credible sources, leave journalists with no defence against “prepared news” supplied by routine sources. Without evidence that they were being misled by these sources, reporters would violate their own documentary codes if “they aired their suspicions about the majority of news events” (Bennett, undated: 37) The story, which appears to have the “normative goal of providing objective, independently judgeable descriptions of events” is a limited methodology. Stories do not mirror events, they interpret them; and within the constraints of political communication, the journalist has no choice but to “tap existing dramatic formulae in the political culture” – formulae designed to support the interests of elites. (Bennett, undated: 44) Similarly, the training and employment of journalists as generalists, who will write to the normative rule requiring the use only of observable information, leaves them greatly dependent on elites for news and information, or on the work of other journalists. (Bennett, undated: 49-50) The process of editorial review, the notion of the editor as watchdog of the journalistic code, is also challenged. In a commercial news enterprise, there are many other codes to be followed, not all advantageous to the general public interest. Truth may suffer in the “pervasive tension between actual journalistic practices and the normative justifications that transform economically useful practices into apparent social virtues”. (Bennett, undated: 53)

Despite the contradictions between journalistic norms and practices, and despite the inability of objectivity norms to “make the news really real”, Bennett argues that, nonetheless, the norms “enable people to treat news as though it were real”. And, “as a result of this news realism, popular responses to news events have real effects on real life situations” (Bennett, undated: 64)

Another objection relates to balance, meaning an even-handed presentation, or impartiality, whatever the justice of the case; treating facts “as if they have no moral implication or qualitative dimension beyond their verifiability” (Hemánus, 1976 in McQuail, 1992: 188). Objectivity, some would claim, may “elevate impartiality from the status of an instrument to that of an ideal, implicitly denying strong belief, partisanship and social solidarity” (McQuail, 1992: 188).

The tradition of a partisan press, which gets normative support from values of freedom and diversity, sits uneasily alongside a commitment to objectivity. But at least in an openly partisan press, the reader should be aware of such partisanship. But this, in itself, can be problematic because often such leanings can be blurred. Propaganda, on the other hand, which is a covert form of partisanship, is more problematic in that it involves a deliberate attempt to manipulate in the interests of the sender, while often concealing the real purpose and identity of the originator. There is another type of non-objective reporting which involves unwitting bias or hidden ideology – it differs from partisanship and propaganda because of the absence of a deliberate intention to be partisan. There are various forms that can include subjective viewpoints and inclinations, and even the very process of news-collecting routines which can come to depend on a small group of contributors with narrowing range of interpretation (McQuail, 1992: 190-191).

The investigative news tradition is also difficult to reconcile with objectivity. This is the watch-dog or Fourth Estate role where “media represent the interests of the general public (and) adopt an adversarial stance in relation to government and powerful interests” (McQuail, 1992:191). Although it introduces a partisan role for the journalist, McQuail argues that it is not inconsistent with truth and balance, and a “neutral presentation” can be respected.

The opposite of objectivity is bias, described by McQuail as “a systematic tendency to favour (in outcome) one side or position over another” (McQuail, 1992: 191). However, it can be more complex than this description provides. Bias may be a journalistic response to the self-interested activities or statements of those in power or activists, wherein the “bias” of the journalist may simply provide balance. Bias may be introduced also by editorial selection and reduction, where issues are presented as, “a simple conflict between protestors (or non-authorities) and authorities” - and by such excluding other relevant views. Bias must also be seen in the likely perception of the audience to news. Bias may be “information in news that is discrepant with mental pictures held by the receiver” (McQuail, 1992: 193). Determining this bias may involve predicting the likely evaluative response of the audience to the news ‘text’.

McQuail, suggests 4 types of news bias. There is intended and unintended, bias, each of which can have open or hidden forms. Partisanship is intended, but open. It can take the form of an editorial, opinion column or forum. In some cases it may be possible to treat open journalistic campaigning and investigative or critical journalism in this category (McQuail, 1992: 194).

The other intended, but hidden bias is propaganda. It can come in the form of information or disinformation supplied by sources, who control the information from which news about their activities must be fashioned (Bennett, undated: 4). Or it may come from pseudo-events staged to attract media coverage (McQuail, 1992:194).

The very fact that it is hidden is perhaps its most serious feature. It is difficult to identify, and researchers may require to look for evidence of particular presentational devices, use of language, prominence and attention exceeding news values, positioning of stories in positive or negative contexts (McQuail, 1992: 194).

Unintentional or unwitting bias is also open. It usually appears in the selection of topics and events to be covered, and in the news angle applied to them. The organisational features of news gathering is most often cited as the cause of this bias – usually suggesting that it is a product of “reliance on certain sources, routinisation, making assumptions about audiences etc.” (McQuail,1992: 194).

The other form of unintended bias is ideological. It is difficult to identify because it is concealed and may only be identified by close interpretation. It is often indicated by “the presence of a more or less coherent world view underlying the accounts which are offered” (Van Dijk, 1983 in McQuail, 1992: 194). The enduring values of a society, whether religious, social or political, can have a tendency “towards expressing consensual values” (Mc Quail,1992: 195).

McQuail points to the “ambivalent status of the objectivity concept” , and how difficult it is to identify. But he does warn of how the conventions of objectivity can be misused by “propagandists and all who have an interest in the ‘management’ of truth” (Mc Quail,

1992: 94). But he argues that no matter what objections there may be to the concept of objectivity, we cannot get along in journalism “without assuming both the possibility and value of objectivity” (McQuail, 1992: 95).

RTE

Objectivity

Horgan, in his history of RTE’s news and current affairs programming, questions the viability of the objectivity demand and recognises that an attempt towards fairness has been a long-standing feature of journalism. He recognises too that the perception of objectivity, impartiality and balance have contributed to the high credibility ratings of broadcast media. He is alert to the manner in which objectivity itself can be used as a device to weaken journalism; and he shares with Bennett the concern that journalists can be co-opted by sophisticated and powerful elites. He draws attention to the generally muddled thinking on these issues in RTE and how little the terms meant to the legislators who inserted them in the broadcasting Acts. Impartiality was generally understood to be something that was only required to be maintained between politicians; it was not seen to have any application to the public (Horgan, 2004; Bennett, 1983). Given that the Referendum Campaign was conducted outside of the party-political framework an examination of how RTE dealt with this new phenomenon will be worthwhile. As the campaign was dominated by two organised, opposing groups, the issue of how RTE accommodated the right to access and non-organised individuals becomes of interest.

Church influence on RTE

The Catholic Church maintained a strong influence on Radio Éireann and later RTE programmes. (Whyte, 1980: Fuller, 2002; Keogh, 1994) The influence of the Archbishop of Dublin, John Charles McQuaid, in whose diocese Radio Éireann was based, was

particularly strong. The Archbishop managed not only to convince the Government to allow him censor programmes that concerned Catholic affairs, but he also had at his call a top senior civil servant with responsibility for broadcasting who would attempt to ensure that people considered hostile to the Church would not get on air. In the 1960s and 1970s, Church influence in RTÉ began to wane, mostly as a result of the intake of young radical programme makers into radio and television. Such was the degree of fall off of Church influence, that in 1971, Cardinal Conway, Archbishop of Armagh, complained to RTÉ's Head of News of the station's tendency "to put forward the advocacy of change or the progressive viewpoint to the detriment of the conservative, establishment, or status quo attitude" (Horgan, 2004: 92). Horgan sees a continuing conservative and nervous attitude in the senior ranks of RTÉ management to the opening up of issues of sex, morality and access to contraception being promoted, as they saw it, by young programme makers.

MacConghail believe it was not just programme makers who brought about change in the broadcasting landscape. Events in the world, such as the Second Vatican Council, Pope Paul VI's *Humanae Vitae*, and the Second Programme for Economic Expansion had opened up a public debate that found a place on RTÉ's programme output (MacConghail, 1984).

Earls saw that important new fora for national debate, such as the *Late Late Show* which had been opened up by television, were under attack "from traditional sources within the political and cultural establishment who resented the emergence of a forum for popular debate which was liberal in bias and outside the control of traditional cultural authority"(Earls, 1984:108)

Savage confirms the Catholic Church's intent to maintain an influence on Irish broadcasting. In the 1950s, prior to the establishment of RTÉ, the Vatican saw a role for Irish television in "combatting irreligion and materialism" (Savage, 1996: 154). Civil servants in the Department of Posts and Telegraphs worried about television showing things that were quite alien to this country: sex and the exploitation of semi-nudity, blue jokes in comedy shows, and documentaries on unmarried mothers (Savage, 1996: 46). The

Report of the Television Commission, 1959, in addressing the concerns of the Church, particularly about sex, worried about the suitability of some material for broadcast, and they recommended an advisory committee on the handling of sensitive material. This was a view shared by Protestant clergy on the Commission who agreed “that no immoral or offensive material be broadcast” (Savage, 1996: 115). This study will examine if Church influence continued to affect editorial decision making on issues of sexual morality, including coverage of the Constitutional Referendum.

Relationship of RTÉ Authority with Executive

The relationship of the RTÉ Authority to the Executive will be examined in this thesis. Prior to 1972, the Authority was seen as an assessor of how RTÉ implemented its public service role, with the Director General filling the role of Editor-in-Chief. Post-1972 and the sacking by the Government of an Authority, following the broadcast of interviews with members of the IRA, the Authority took a more pro-active, pre-transmission role. This form of executive action by the Authority was, according to Horgan, something, that had been sought by the Government. Pre-transmission involvement by the Authority in Executive editorial responsibilities became a continuing feature in RTÉ in the late 1970s. (Horgan, 2004) Editorial interventions by the RTÉ Authority as described by Horgan, tended to focus on political crises. This study will examine the Authority’s responses to conflict that involved matters of sexual morality.

Church, State, Society and the Pro-Life Amendment Campaign.

The newly independent Irish Free State of the 1920s proved a willing servant of Catholic Church thinking. The first 20 years of independence saw much restrictive legislation, based on Church thinking on sexual morality, affecting film and book censorship, divorce, dance hall licencing, pub licencing, and contraception (Whyte, 1980; Fuller, 2002; Adams,

1968; Rockett, 2004). It would be wrong to think that these moral restrictions were simply imposed on an unwilling population. They were not: "The strength of Ireland's moral community was that it was both popular and democratic" (Girvin, 2002: 106). The influence of the Church began to decline from the 1950s onwards. Greater economic prosperity, the decline in emigration, population movement to the cities in the 1960s, international influences that came with American investment in the economy and membership of the EEC., the challenging of church authority in the wake of the Second Vatican Council and *Humanae Vitae* and the removal of the special position of the Catholic Church from the Constitution created a climate in which many of the restrictions of earlier legislation came to be successfully challenged, amended or overturned (Lee, 1989; Keogh, 1994; Ferriter, 2005). Challenges to the state's laws on contraception became the subject of court challenge and legislative change in the 1970s; the Irish Women's Liberation Movement's campaigning for more liberal birth control provisions was greatly enhanced by having some of its leading members employed as journalists in the print media and RTÉ. (Solomons, 1993; Levine, 1982) As Whyte commented: "The world-wide debate among Catholics on the ethics of contraception has spilled over into Ireland, and both sides of the case are now freely argued in books, television and newspapers" (Whyte, 1980: 346 – written for 1971 edition).

The Pro-Life Amendment Campaign was formed in 1980, made up of established conservative Catholic organisations, and moral crusading groups who had been founded in the 1970s. Its objective was a constitutional ban on abortion. Its method was to campaign for an amendment to the Constitution, which required Dáil approval, before it could be put to the people. PLAC got the support of the two main political parties, Fianna Fáil and Fine Gael. Both parties were anxious not to alienate the conservative vote at a time of political instability which saw three general elections within a two year period coinciding with the Pro-Life campaign (Hesketh, 1990; Girvin, 1986; O'Reilly, 1992). This study will examine how RTÉ responded editorially to the liberalising of debate on issues of sex, contraception, abortion and family life.

Conclusions

The literature suggests areas of investigation regarding how broadcasting legislation was understood and implemented by RTÉ in its programming policies and editorial management. Mindful of the arguments for the impossibility, undesirability and potential use of objectivity to favour particular partisan outcomes, the study will examine: Could such considerations have made it impossible for RTÉ to be objective in its coverage of the abortion debate? Did the dominance of the debate by two well-organised campaigning groups restrict journalists to coverage of 'prepared news'? Were there understood issues of decency and taste that inhibited open discussion? In a debate centred on values, where did journalists find objective reality on which to report? If objectivity was impossible, did the process of purporting to be objective favour one or other party to the debate? Did journalists bring personal conviction, partisanship or a 'watch dog' role to their reporting and coverage, and if so, did this affect the objectivity of their reporting? Was there any contemporary evidence or suggestion of bias in coverage, and in what manner was this addressed? The literature also points to the possibility of conflict between liberal-minded programme makers and more conservative managements; uncertainty about the place of the RTÉ Authority in editorial decision making; and the acceptance of non-current affairs programmes to which the public had on-air access, as suitable arenas for public debate on social, political and moral issues.

Irish broadcasting legislation and the introduction of concepts of objectivity, impartiality and fairness.

The concept of objectivity and impartiality was introduced into Irish broadcasting, in RTÉ establishing legislation, the *Broadcasting Authority Act, 1960*. Section 18 (1)

“It shall be the duty of the Authority to secure that, when it broadcasts any information, news or feature which relates to matters of public controversy or is the subject of current public debate, the information, news or feature is presented objectively and impartially and without any expression of the Authority's own views.”

The *Broadcasting Authority (Amendment) Act, 1976*, Section 3(1), added a “fairness” obligation to RTÉ’s objectivity and impartiality requirements.

“(a) All news broadcast by it is reported and presented in an objective and impartial manner and without any expression of the Authority’s views

(b) The broadcast treatment of current affairs, including matters which are either of public controversy or the subject of current public debate, is fair to all interests concerned and that the broadcast matter is presented in an objective and impartial manner and without any expression of the Authority’s own views.”

The origins of the concepts of objectivity, impartiality and fairness in Irish Broadcasting legislation.

The requirements of objectivity, impartiality and fairness that are contained in the *Broadcasting Authority Act, 1960* and the *Broadcasting Authority (Amendment) Act, 1976* bear some similarities to broadcasting regulation experienced in the USA and the UK. Regulation of broadcast transmission was introduced in the USA in the 1920s and was supplemented by objectivity and impartiality requirements, including a Fairness Doctrine.

Although the USA had a preponderance of commercial broadcasters, and the UK, up until 1954, had an exclusively public service, non-commercial tradition, the British service did over time, incorporate elements similar to the American regulatory practice and the Fairness Doctrine. In turn, Irish legislators, in framing the 1960 broadcasting legislation that allowed for the establishment of RTE, drew some lessons from the UK experience, particularly the *Television Act, 1954*.

Origins of the objectivity requirement: The American Broadcasting experience

In the USA in the 1920s, the objectivity requirement was introduced into broadcasting legislation to reconcile the conflict between the commercial needs of broadcasters and the need for democratic access to media. This problem surfaced when the early practice of issuing licences to all-comers led to chaos from the “unregulated interference of one signal with another” (Cave and Melody, 1989: 227). The debate that led to the Radio Act of 1927, and the Communications Act of 1934 centred on the issue of control of on-air access to a scarce medium. The outcome was a compromise that required broadcasters to operate in the “public interest, convenience and necessity” (NTIA website). The justification for this public interest requirement was that, unlike with the press, the number and diversity of broadcast outlets was technically limited by the airwaves spectrum: in granting a licence to one broadcaster, the government denied it to another. To balance the privileged treatment of the licencees, the licencees in turn had to accept some limitation of their commercial and editorial freedoms.

In the early 1940s the Federal Communications Commission (FCC), tightened its restrictions further by ruling that stations could never editorialise, in order that they present “all sides of important public questions fairly, objectively and without bias” (*In the Matter of The Mayflower Broadcasting Corporation and The Yankee Network, Inc.* (WAAB), 8 FCC 333 (January 16, 1941) sourced on NTIA website). However, by the end of the 1940s the FCC decided that the ban on editorialising was too restrictive and not in the public interest. But while they were prepared to liberalise this provision they were determined that broadcasters would not use their stations “for the private interest, whims

or caprices [of licensees], but in a manner which will serve the community generally" (113 FCC 1246, 1248-9 on NTIA website). The new means of protecting the public interest was the Fairness Doctrine, which required licencees,

“to aid dialogue on vital issues by providing reasonable opportunities for the presentation of opposing viewpoints on controversial issues of public importance” (McQuail, 1992: 51).

American broadcasting was regulated by a combination of FCC rules and court determinations which provided a number of incremental changes as various interest groups challenged standing rulings. As a result the Federal courts and the Supreme courts had a “significant impact on many major issues of broadcasting policy”. (Cave and Melody, 1989: 227) Access to the superior courts allowed broadcasters who objected to the chilling effect of the Fairness Doctrine to challenge it in the Supreme Court. Many of the challenges, such as, *Red Lion Broadcasting Company V FCC*, cited the First Amendment to the US Constitution, which guaranteed rights to free speech (Constitution of the United States of America). However, the courts noted that scarcity of available wavelengths was a factor that had to be balanced by a “public service” requirement: The Government may require a licensee,

"to share his frequency with others and to conduct himself as a proxy or fiduciary with obligations to present those views and voices which are representative of his community and which would otherwise, by necessity, be barred from the airwaves" (*Red Lion Broadcasting Company V FCC*, on University of Wisconsin-Madison Website).

An important interpretation by the Supreme Court of what it saw as the intended outcome of the application of the Fairness Doctrine was stated in this case:

"It is the right of the viewers and listeners, not the right of the broadcasters, which is paramount...It is the right of the public to receive suitable access to social, political, esthetic, moral and other ideas and experiences which is crucial here.

That right may not be abridged either by Congress or by the FCC” (*Red Lion Broadcasting Company V FCC*, on University of Wisconsin-Madison Website).

However, the Fairness Doctrine did not survive the technological and political changes of the 1970s and 1980s. New technologies offered greater broadcast diversity, and the political climate under Ronald Reagan favoured a free market approach. The result was a *volte face* by the FCC. In 1985 the FCC decided that the Fairness Doctrine was not in the public interest, and by 1987, with court approval, effectively withdrew from its enforcement. The Fairness Doctrine was gone (Messere, Fritz) (*Syracuse Peace Council v. FCC*, 867 F.2d 654 (D.C. Cir. 1989), *cert denied*, 493 U.S. 1019 (1990) cited on NTIA website). Subsequent de-regulation abolished practically all content requirements (McQuail, 1992: 51).

UK experience with objectivity and impartiality

Popular national broadcasting began in the UK in 1922 with the formation of the British Broadcasting Company. There had been a number of regional ‘experimental’ stations operating (Gorham, 1967: 6). From the start, the BBC’s General Manager, John Reith, believed the Company had a critical obligation to inform – even if that task was tightly curtailed by them being forbidden to deal with controversial issues (Abramsky, 2002). The first major test of the Company’s independence came during the General Strike of 1926 when, with all of the newspapers closed, the radio station was the only form of popular mass communication available to report. After the strike had ended, Reith told staff: “There could be no question about our supporting the Government in general, particularly since the General Strike had been declared illegal in the High Court...But as it was we were able to give listeners authentic impartial news of the situation to the best of our ability” (Briggs, 1961: 334). The reporting is described by Abramsky as lacking “today’s emphasis on impartiality (and) fairness”, but “The coverage was sober, it was non-inflammatory, it was accurate...but it was very far from comprehensive” (Abramsky, 2002). Although Reith’s attempts at impartiality might not stand up to scrutiny in today’s standards, it can be observed that, right from the start in British broadcasting there was a

recognition by broadcasters that impartiality was important. Reith's difficult balancing act between demands of government and his needs to establish the credibility of the BBC as an impartial source of news has got some recognition over subsequent years, as Curran and Seaton comment: "The BBC emerged from the crisis with an ethic of political neutrality..." (Curran and Seaton, 1988: 128).

Regulation of broadcasting in the UK, from its beginnings owed something to the American regulatory experience, and was "partly influenced...by observation of unregulated interference of one signal by another in the United States" (Cave and Melody, 1989: 225). Regulation, is defined by Cave and Melody as "Any intervention by government to constrain or direct the activities of industry".

From the start, the British Broadcasting Corporation was under instruction from the Postmaster General that it was "not to broadcast its own opinions on matters of public policy nor was it to broadcast on matters of political, industrial or religious controversy". The ban on controversial broadcasting was withdrawn 'experimentally' in 1928 and the discretion of what to broadcast was left to the DG and the Governors (Briggs, 1961: 359). The impartiality required of the BBC was further underlined in the manner of its establishment. The BBC was established by Royal Charter, and not by statute, because the Postmaster General felt that a statute would prejudice the position of the new body from the start "by investing it in the mind of the public with the idea that in some way it is a creature of Parliament..." (Briggs, 1961:353).

The Annan Report of 1977 provided insights into the thinking of BBC and IBA managers and programme makers on how issues of objectivity and impartiality are dealt with in both broadcasting services. The report pointed out that the BBC was "long required" by the Minister responsible for broadcasting, under Clause 13(4) of the BBC's Licence and Agreement, "to refrain from expressing the opinions of the Corporation on current affairs or on matters of public policy" (Annan, 1977: 267). The report also revealed that Lord Normanbrook, formerly a chairman of the BBC Board of Governors, had in 1964 given an undertaking to the government that the BBC would continue to treat 'controversial subjects with due impartiality' (Annan, 1977: 267). The legislation governing commercial

television's impartiality obligations was even more emphatic than that for the BBC. The *Independent Broadcasting Act, 1973*, required that the Independent Broadcasting Authority satisfy themselves "that all news given in the programmes...is presented with due accuracy and impartiality" (Annan, 1977: 267). The Annan Committee noted that it was this impartiality that marked out broadcasting from the print media and that the requirement for the legislation arose out of the scarcity of broadcast frequencies (Annan, 1977: 268). This mirrors the American experience, where the scarce frequency argument was important in the framing of the Fairness Doctrine.

A positive outcome of the impartiality requirements, which Annan found, was that, in a society where political party commitment amongst the electorate was diminishing, and where voters were more likely to vote on issues rather than by party allegiance, television had a greater effect as a communication medium. One independent study commissioned for the BBC in 1971, which is cited by Annan, indicated that television was considered by the public to be more trustworthy than the newspapers. Another study, this one commissioned by the Annan Committee, found that television was associated in peoples' minds with "fairness, impartiality, neutrality and reasoned choice" (Annan, 1977: 267).

The question of who should have access to the airwaves was also deliberated on by the Annan Committee. They were told by the BBC that it was their policy to try to ensure that "every view likely to impinge on public opinion" was reflected at some time in BBC programmes. The BBC did not see it as their role to filter out objectionable voices. They claimed to leave it to the public to decide "when some of these voices are valid voices, and voices that indeed would undermine the very fabric of society" (Annan Committee, 1977: 268).

The Committee also had submissions from several groups who disputed the BBC's declared sense of openness. Some argued that there was in broadcast output "a constant thread of anti-establishment, anti-institutional, anti-capitalist and free enterprise, anti-parliamentary and anti-American attitudes" (Annan, 1977: 278). On the other hand, others, including broadcasting trade unions, had diametrically opposed views: The NUJ's London television and radio branches claimed output was biased towards the attitudes of the

Establishment; the ACTT argued that the balance of output was defined within fairly narrow boundaries of what was “acceptable political conflict” (Annan, 1977: 278).

What is clear is that there was in UK broadcasting a declared and accountable commitment to provide coverage that was objective and impartial and fair to all concerned. The 1996 Licencing Agreement for the BBC codified it more clearly than earlier, and required that the BBC provided programmes that “contain comprehensive authoritative and impartial coverage of news and current affairs...to support fair and informed debate...” (BBC Agreement, 1996, Section 3(2)c). The continued support in the 1996 BBC Charter ensured that the tradition of impartiality in UK broadcasting had avoided the process of deregulation introduced in the USA in the 1980s.

Irish broadcasting legislation and objectivity

Radio Éireann – *Wireless Telegraphy Act, 1926*

The legislation establishing the first Irish broadcasting station, 2RN, (Radio Éireann as it later became known) did not contain any objectivity or impartiality requirement (*Wireless Telegraphy Act, 1926*). This absence of formal objectivity rules may be understandable given that the post-independence culture of the Cumann na nGael government saw radio as “primarily a medium for instruction, education and entertainment, and only secondarily (if at all) as a medium of information, commentary or criticism” (Horgan, 2004: 4). In the early days of the service, which was run by the State, within the Department of Post and Telegraphs (Gorham, 1967: 17-18), there was little concern for a policy on balance given the low priority of news in the service; the heavy dependence on foreign news to fill bulletins; and the practice by government of avoiding controversial statements on air to preclude demands from opposition for a right of reply. Fianna Fáil ministers in government from 1932 to 1948 would later dismiss opposition demands for air-time balance by insisting that ministerial broadcasts relating to their departments were not “political addresses” (Horgan, 2004: 5-7). Wartime censorship between 1939 and 1945

further contributed to tightening the government influence on what went on air – and rendered Radio Éireann a totally partial service (See Séamus Ó Braonáin in Horgan, 2004: 9).

Radio Éireann's relationship with the Catholic Church was not, however, constrained by any sense of obligation to be objective or impartial. Throughout the 1940's there were examples of how the Catholic church maintained a strong influence on radio output. The church operated a vetting system on discussion of issues of concern to them. The Secretary of the Department of Post and Telegraphs, Leon Ó Broin, could assure the Archbishop that "Liberals" and fellow travellers could be blocked from contributing to programmes (Horgan, 2004: 12-13). The Archbishop of Dublin, John Charles McQuaid was permitted to give a radio talk for the purpose of raising funds for the Italian Christian Democrat party to confront the Communist party in elections. In the 1950s greater objectivity was in evidence and the grip of the Department began to be relaxed, with proposals from the Minister that the broadcasters be given the "widest measure of freedom possible to do their job" (Horgan, 2004: 16). By 1955, the Head of Radio Éireann's Public Affairs section claimed to have "real freedom to import controversy into its programmes". (Horgan, 2004:17) This view was supported in the Seanad by Senator Sheehy Skeffington who believed that, where previously Radio Éireann "was afraid to mention any controversial material...it has been allowed grow up in recent years. "(Seanad debates, 1959, Vol 52:159) However, Deputy McQuillan criticised the "censorship of contentious matters which may be of great importance to the nation" ...That results in a wishy-washy, milk-and-water production" (Dáil Debates, 1959, Vol.180:621). By 1960, the requirements of objectivity and impartiality that were evident in the USA and UK systems were penetrating the Irish service. Radio Éireann was about to be subsumed into the new combined radio and television service, Radio Telefís Éireann (RTÉ).

Radio Telefís Éireann – *Broadcasting Authority Act, 1960*

Section 18 (1) of the *Broadcasting Authority Act, 1960*, enshrined RTÉ's responsibility with regards to objectivity and impartiality in its treatment of news, controversy and current public debate. It passed both houses of the Oireachtas, the Seanad and Dáil, without amendment (Seanad Vol.52: 609 and Dáil Vol. 180:1729). Section 18 (1), read:

“It shall be the duty of the Authority to secure that, when it broadcasts any information, news or feature which relates to matters of public controversy or is the subject of current public debate, the information, news or feature is presented objectively and impartially and without any expression of the Authority's own views.”

The mood of Senators and Deputies seems to have been well captured by the Bill's proposer, Michael Hilliard, Minister for Post and Telegraphs, when he said: “I do not think there will be any opposition to the provision” (Dáil Éireann, Vol.179: 760). In this he proved to be entirely correct. However, there were two jarring notes. One concerned the opposition's perception of pro-government partiality by Radio Éireann (Seanad, Vol. 52: 85, 162, 184). The other concern was the possibility of a clash between Section 18 and Section 31. In the Seanad debate, Professor Hayes claimed that “Section 18 and Section 31 seemed to be totally at variance” (Seanad Vol. 52: 459). Fine Gael's Senator Donegan asked “How can the Television Authority be impartial in obedience to Section 18 if, in Section 31, the Minister takes the right to have announcements made...” (Seanad, Vol.52: 548). These remarks were lightly brushed aside by the Minister during the Dáil debate, without any serious concerns being expressed from across the House (Dáil, Vol. 179: 760 -761).

There is some indication that Oireachtas members were conversant with UK broadcasting legislation. The UK's *Television Act, 1954* was mentioned on a number of occasions during the Seanad debate. From the content of the very short debate on the provisions of

Section 18 it seems that the Minister for Post and Telegraphs, Michael Hilliard, and some of the members of the Oireachtas had read, or had knowledge of the UK Act, and were familiar with the requirement that news should be presented with accuracy and impartiality (Professor Hayes, Seanad, Vol. 52: 25; Mr O'Quigley, Vol. 52: 84; Mr Lenihan, Vol. 52:328; Mr Hilliard, Vol 52: 433).

RTÉ'S interpretation of obligations to objectivity and impartiality.

RTÉ's formal understanding of the editorial requirements of Section 18 of the *Broadcasting Authority Act, 1960*, was set out in a policy document, "RTÉ Policy on Current/Public Affairs Broadcasting" on the 8th May, 1970 by the Director General, T.P. Hardiman (Horgan, 2004: 223-226, Appendix 2). The policy document framed the legislation in the context of two fundamental rights. The Constitutional right of citizens to "freely express their convictions and opinions" (*Bunreacht na hÉireann, Article 40*), and the right "to receive and impart information without interference by public authority...", set out in Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECPHRFF, 1953), to which Ireland was a signatory.

The policy document, was a guide to programme makers on the editorial role of RTÉ, on the station's legal responsibilities, and the considerations to be borne in mind by programme makers in serving those roles and responsibilities. "News" was described as a service which provided facts to the public. "Current affairs" examined the background of events and public affairs and provided analysis. The purpose of these programmes was to widen and deepen public knowledge, while respecting societal standards of taste, decency and justice. The policy required the service to be impartial, and to observe the law. But it also allowed that impartiality did not preclude the critical examination of public issues.

The Hardiman document spelled out the RTÉ executive management's interpretation of the Section 18(1) in the light of some considerations, inter alia:

"The Authority, in this context is taken to include all its staff..."

“The obligation to objectivity is seen as requiring broadcasting staff to apply normal programming criteria in their selection and presentation of programmes without allowing personal leanings to influence their judgement in a manner inconsistent with those criteria.”

“It is recognised that, especially in ‘live’ programmes, the achievement of objectivity and impartiality can be judged only after transmission.”

The document contained a framework of reference for current practice – a description of what is meant by normal programming criteria:

That “no arbitrary limit” be put on the scope of current affairs programmes

That information, skilled analysis, informed comment and open discussion were essential parts of current affairs programmes.

That there was a primary obligation to be fair to all interests.

That the balance of viewpoints in programmes, over a reasonable period of time, would discharge the obligation to be impartial.

The Hardiman document was seen to be a defensive response to the Tribunal of Inquiry set up by the government in 1969, into the making of a programme on money lending by the *7 Days* current affairs programme. The report of the Tribunal was very critical of the programme makers (Horgan, 2004: 72). Programme producers saw the report as a serious restraint on their independence. One producer saw it “as the re-establishment of the control of broadcasting by politicians” (Feeney, 1984: 63). This compounded RTÉ’s internal editorial difficulties, already heightened by an attack by three disaffected producers, Lelia Doolan, Jack Dowling and Bob Quinn (Doolan, Dowling and Quinn, 1969). The three had resigned in protest against what they described as RTÉ’s “trivial” and “emasculated” programming, and their experiences of RTÉ’s willingness to bow to pressure from government and commercial interests (Horgan, 2004: 68-69).

If Hardiman's 1970 document is looked at in the light of both internal and external criticism, and especially in the light of such strong perceptions that the station management would bow to outside, establishment pressure, it takes on a different complexion, and may not have been so defensive after all. In fact, the document spells out quite clearly important rights and obligations for programme makers.

The guarantee that programmes could be made "without interference from public authority", and that the "critical examination of public issues" was not precluded, was a very important assurance to programme makers in the aftermath of the money-lending Tribunal and the *Sit Down and be Counted* controversies. The Tribunal had been critical of a *7 Days* programme on money-lending, and the effect of the findings had been a "discernible chilling effect" on RTE programme makers (Horgan, 2004: 72). While some might argue that this re-assurance was simply a formality and would not be realised in the normal course of editorial decision-making, it nonetheless provided programme makers with a formal standard and management commitment within which they could argue for their independence.

That guarantee was balanced by editorial norms : programme makers would have to "apply normal programming criteria"; and programmes would be made "without allowing personal leanings to influence their judgment in a manner inconsistent with those criteria". That balance was an assertion of management prerogative. Norms and criteria would require oversight and decision where there was conflict of understanding or interpretation, so the defining of those norms was important for how they were interpreted by staff, and by the public, whose interests RTE claimed to serve. The assurance that "no arbitrary limit" would affect the scope of programmes was important because it provided protection against interference from politicians. Such interference had been experienced when programmes on the Vietnam war, and the activities of the Garda Special Branch had been blocked (Horgan, 2004: 69).

The spelling out of what were recognised elements of current affairs programmes also moved the understanding of what constituted broadcast coverage beyond simple

information or the “political addresses” favoured by earlier Fianna Fáil ministers (Horgan, 2004:7). The new dispensation allowed for “skilled analysis, informed comment and open discussion”. Each element was qualified, which allowed for management oversight and the setting of standards; leaving the questions of whether contributors were suitably skilled or informed, or whether discussion was suitably open, to be resolved in the interaction of management and staff.

The Policy document added a new dimension to broadcasters’ responsibilities which was not in the 1960 broadcasting Act, but which was part of the USA broadcasting tradition: it placed being “fair to all interests” as a “primary obligation”. In this, Hardiman pre-empted the 1976 amending Act. More controversially, he had decided that the issue of balance, which arose out of the 1960 Act requirement for objectivity and impartiality, could be satisfied over a “reasonable period of time”, and not necessarily in one programme. This was an important support to programme makers because it made it easier to get investigative programmes to air, and to allow for difficult social or moral issues to be introduced to public debate. Producers of investigative programmes might not be able to balance their findings until those targeted by them felt obliged to respond to the pressure and publicity arising from the broadcast. Such latitude could be abused by careless or biased producers and journalists, but what would appear to be the RTÉ management’s balance to this new freedom was the requirement of fairness, which the document made clear was a “primary obligation”.

A significant new feature in the policy was the recognition that the “achievement of objectivity and impartiality in programmes, and especially in ‘live’ programmes, “can be judged only after transmission”. This deferral of judgment was particularly important to current affairs programmes such as *Today Tonight* where it could transpire that a news-breaking investigation or revelation contained in a filmed report was not balanced, and where the programme makers planned to achieve balance in a subsequent studio interview in the same programme. Failure by the programme makers to get a commitment to a balancing response, because the persons under investigation refused to be interviewed, could not then be used as a device to block the broadcast of the filmed report. It was also important for the development of interactive radio programmes, such as the *Gay Byrne*

Show and *Women Today*, which depended on the listeners' narratives being delivered live to the programme over a phone line, unheralded, unedited, unscripted, and often with little or no opportunity for the programme makers to check the veracity of the callers' stories, or to provide immediate balance.

Amending Legislation – *Broadcasting Authority (Amendment) Act, 1976*

Section 18(1) of the 1960 Act was amended by the *Broadcasting Authority (Amendment) Act, 1976*. Section 3 (1) of the amended Act, required of the RTÉ Authority *inter alia* :

“(a) All news broadcast by it is reported and presented in an objective and impartial manner and without any expression of the Authority's views.”

“(b) The broadcast treatment of current affairs, including matters which are either of public controversy or the subject of current public debate, is fair to all interests concerned and that the broadcast matter is presented in an objective and impartial manner and without any expression of the Authority's own views.”

The 1976 amendment recognised the manner in which current affairs programmes had developed over the years to incorporate the wider brief adopted by many RTÉ programmes (Horgan, 2004: 141). The amendment also required that such programmes would be “fair to all interests concerned”. This requirement was a recognition that exclusion was as much an important part of editorial decision making as inclusion, and that programme makers could be made accountable for such exclusion.

Another important aspect of the 1976 Act was that the words used to describe RTÉ's obligations were changed from adverb form to adjective form. The 1960 Act required that broadcasts be “presented objectively and impartially”; the 1976 Act amended this requirement to read “presented in an objective and impartial manner”. It is arguable that the change from adverb to adjective, and the addition of the word “manner” reduced significantly the imperative intent of the act, suggesting that the act should stand as an

indicator of desired good practice, rather than as a legally or politically enforceable editorial obligation.

The 1976 amending Act seems to have embraced some of the interpretations of the 1960 Act which were contained in the Hardiman document, such as the concept of ‘current affairs, and the requirement to be ‘fair to all interests’. Another significant lift from the Hardiman document was the allowance that controversial programmes need not be internally balanced in one programme, but could be seen to be balanced over a reasonable period of time:

Section 3.1: “Should it prove impracticable in a single programme to apply paragraph (b) of this subsection, two or more related broadcasts may be considered as a whole; provided that the broadcasts are transmitted within a reasonable period.”

The Minister for Posts and Telegraphs, Dr. Conor Cruise-O’Brien, who proposed the amending legislation to the Oireachtas, validated the Hardiman document when he recognised that RTÉ’s notion of spreading the requirement of impartiality over a number of programmes was “a sensible interpretation” of the 1960 legislation, and that he was incorporating this interpretation into the 1976 amendment “for the sake of clarity” (Seanad Éireann, Vol. 81: 473). Opposition senators were not so accommodating of this point of view. Senator Brian Lenihan argued for single programme balance:

“It is a well known fact that ...if the first broadcast(s) by radio or television (are) not amended or rebutted on the spot, it is these impacts...particularly through television with its powerful visual content, that tend to lodge in the public mind” (Seanad Éireann, Vol. 81: 486).

Senator Liam Lawlor was critical of what the Minister had called a “sensible interpretation” of the 1960 Act, and was concerned that the Director General had “found it possible to go beyond the intention expressed by the Oireachtas” (Seanad Éireann, Vol.

290: 557). He worried that the new, more liberal legislation might open up new opportunities for new interpretations.

A number of senators, mostly members of the Minister's Labour Party, were concerned about the impartiality requirements, and opposed to them. Senator John Horgan questioned the effectiveness and enforceability of the Bill: "As a legal concept, I find impartiality in the context of modern broadcasting and communications generally (is) almost meaningless" (Seanad Éireann, Vol. 79: 866). Senator Michael D. Higgins described objectivity as a "fantasy in the history of the social sciences". Senator Higgins believed that the concept of objectivity, "lacked the certitude of expression which is required of a legal norm. It may be an appropriate professional norm but it is not a good legal one" (Seanad Éireann, Vol.80: 1013). In the Dáil, Fianna Fáil deputy, Major Vivion DeValera, was similarly sceptical, believing that objectivity was beyond the power of any individual:

"I do not for a moment deny the concept of objectivity (but) we cannot separate completely what we commonly understand as objectivity in reporting from the subjective approach of the reporter" (Dáil Éireann, Vol.285: 872).

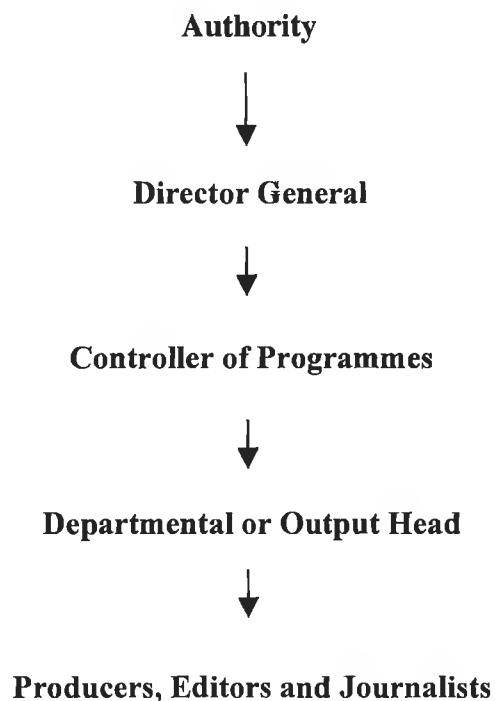
In reply, the Minister sought to remove or diminish the view that there was a binding legal nature to the Act's requirements to be objective and impartial. The legislation, he said, was intended rather to provide "pointers" for the Authority. The amendments would create, not a legal straitjacket, but a "kind of general conceptual framework" within which the Authority could approach their responsibilities (Dáil Éireann, Vol 285: 1084). The Minister allowed that, considered philosophically, objectivity was "not attainable humanly", nor were the legal objectives of the Bill "within reach". Instead, he explained, the legal objectives set by the Bill were intended "to point in a direction that is desirable if not fully attainable". "Objectivity", said the Minister, "may be unattainable, but I think the effort towards objectivity is always recognisable" (Dáil Éireann, Vol.285: 1086).

An “effort towards objectivity” seemed to be at the heart of what was the Minister’s intention in bringing in this amendment to the broadcasting legislation. What the Minister appeared to suggest was that the amending Act would not introduce a punitive editorial system administered by the courts, nor would the system be politicised and in the hands of government or civil servants. According to the Minister, programmes would be made, and the effort towards objectivity would be overseen, by the Authority who would “judge when the effort is there and when it is not and to curb its not being there – if one can restrain a negative” (Dáil Éireann, Vol. 285: 1086). Section 4 of the Act provided for oversight of the Authority by the establishment of a Broadcasting Complaints Commission (BCC) which, *inter alia*, could receive complaints from persons regarding RTÉ’s observation of its obligations to objectivity and impartiality, and which would make its findings public. The BCC, like the RTÉ Authority, seemed, from the manner described by the Minister, to be intended to rule with a light touch. The Commission could not impose sanctions. Their sole constraint lay in their findings (Dáil Éireann, Vol.285: 1088). The Government, however, expected the Authority to take the findings of the BCC seriously and to act responsibly, particularly if the Authority was found to be constantly in breach. Failure by the Authority to act “responsibly”, would be considered when the Authority came up for re-appointment. The ultimate sanction, suggested by the Minister, was that the removal of the Authority “might have to be considered even before that”. The Minister recognised that this was the “implicit sanction behind the complaints commission”, but insisted that this was “implicit only” (Dáil Éireann, Vol. 285: 1088). By way of what could be considered to be extra protection for programme makers and the RTÉ Authority, the capacity of the government to remove that Authority before their period of office expired, as a previous government had done in 1972 (Horgan, 2004: 120), was further circumscribed by the 1976 amending Act :

“A member of the Authority may be removed by the Government from office for stated reasons, if, and only if, resolutions are passed by both Houses of the Oireachtas calling for his removal.” (Section 2, *Broadcasting Authority (Amendment) Act, 1976*)

The exercise of editorial control in RTÉ.

The organisational structure of RTÉ was a hierarchy which had at its head an Authority, of not more than nine members, appointed by the government for a period not exceeding five years (*Broadcasting Authority Act, 1960*, Section 4.1). Next, in descending order, was the chief executive officer of the Authority, the Director General, who was appointed by the Authority, but whose appointment and dismissal required the consent of the Minister (*Broadcasting Authority Act, 1960*, Sections 11 and 13.4). Beneath the Director General were the Divisional Directors, Heads of Departments and producers (Murray, 1970: 74). None of these staff titles, other the Director General, has a statutory basis; all of their responsibilities are assigned by the Director General.



(RTÉ organisational chart)

Working from the bottom up, the producer was responsible in the first instance for the creation, management and editorial control of a programme:

“Producer/Directors were the driving force of television, where they combined editorial and directorial control of their programmes with financial responsibility” (MacConghail, 2006).

The RTÉ producer’s status is similar to that of a producer in the BBC, where “Responsibility for each programme is delegated to the producer”. (Annan, 1977: 101) Producers referred upwards to their Department Heads on the content of upcoming programmes, and were expected to be aware of, and to indicate, any potential editorial difficulties. The Department Head had management responsibility for a number of programmes and producers. Again, this system is similar to the BBC, where the referral system was used to “resolve possible conflicts...evolve programme policies...(with the support of) those with longer experience” (Annan, 1977: 102). RTÉ Department Heads in turn reported to their Divisional Director – in their case the Controller of Programmes. The News division had a similar system but titles were different. In ascending order they were: Journalist, Editor, Heads of TV and Radio News, and Director of News. The Directors/Controllers of Television and Radio, and the Director of News all reported directly to the Director General. (This is the management structure as experienced by the present writer as a programme producer and news editor in RTÉ over a 25 year period. See the minutes of the weekly RTÉ Editorial Committee meetings under the heading of “Upcoming Programmes” for forward notice to the Director General and other Directors of programme plans. See Horgan, 2004: 100)

The Director General is Editor-in-Chief (Director of Television Programmes to Gay Byrne, 9 Dec. 1982), who in the final analysis, is “expected to accept responsibility for individual programming decisions” (Horgan, 2004: 115). The role of Editor-in-Chief had in the early days of RTÉ been a function of the Controller of Programmes, but in the early 1970s this role was taken on by the Director General (MacConghail, 2006). This mirrors the BBC where, “The Director-General is both Editor-in-Chief and Chief Executive” (Annan, 1977: 117).

The RTE Authority is the “body corporate” which is invested with “all such powers as are necessary (to) establish and maintain a national television and sound broadcasting service” (*Broadcasting Authority Act, 1960*. SS 3.2 and 16.1).

The issue of editorial control, as between the RTE Authority and the Director General is not specifically addressed in the 1960 Act, but it is worthwhile to look at the Oireachtas debate on the Broadcasting Authority Bill, 1959, to establish the legislators’ intentions. In reply to questions, the Minister for Post and Telegraphs, Michael Hilliard, said:

“The Authority will decide all matters of policy and the Director General will operate the service according to the broad outline of policy conveyed to him... The Director General will be the executive authority, in an executive position, and he will be responsible for the day-to-day work of the service. The Board itself, and the Chairman of the Board as such, will not interfere unduly with the Director General in the carrying out of his duties” (Seanad debates, 1959, Vol. 52: 289).

As if assuring the independent editorial standing of the DG, the Minister said:

“The Bill gives no authority to the Chairman to interfere or to give direction to the Director-General but the Authority is... the policy-making body” (Seanad debates, 1959, Vol. 52: 90).

However, as a result of serious disputes in the early 1970s between RTE and the Government over the management of programmes concerning Northern Ireland, the locus of ultimate editorial control shifted from the Director General to the Chairman of the Authority (Horgan: 2004: 113-120). While the move may have been seen in a positive light by senior executives (Irvine, John, 1976, cited in Horgan, 2004: 120), little consideration seems to have been given to the effect on the organisation of the editorial engagement of the Authority in determining programme content in advance.

Coincidentally, in the UK, in the mid 1970s, the same issue of the relationship between the Director General and the BBC Board of Governors, and where editorial control would ultimately lie, was considered by the Annan Committee. There had been calls for a more positive role for the Governors, and that they “should see and endorse controversial programmes before they are transmitted”. The Committee rejected this view, arguing that “the Governors should operate by retrospective review of programmes” (Annan, 1977: 121). The Committee considered that as the Governors were “trustees of the public interest”, they should not be involved in day to day management decisions for fear that such close involvement would inhibit them from acting independently of the management, or that they would “never be able to call for a change in policy in the public interest” (Annan, 1977: 118). The Governor’s editorial involvement at the BBC was in highlighting and discussing concerns, and building up a forms of precedents and “case law” to cover difficult situations. As Sir Michael Swann, then Chairman of the BBC Board of Governors, told the Annan Committee, the Board did not issue “guidelines”; the role of the Governors was to “perceive a public worry and to interest themselves sufficiently in the problem so that something is done about it” (Annan, 1977: 119). This is a gentle phrase, but undoubtedly Swann did not speak like this to present himself as a fool. He seems to indicate that the Board had more than a little influence on the thinking of the BBC management. In many ways it reflects the thinking behind the Irish *Broadcasting Authority (Amendment) Act, 1976*, which can be summarised from the Oireachtas debates as follows: To allow for editorial independence in the public broadcasting service, free from interference; but also to maintain, somewhere in the background, an authority that can interpret the public interest in a transparent way, and which by influence and argument can have an effect on editorial thinking and decision-making.

Chapter 4

Social and Political background to RTÉ's coverage of the campaign on the Eighth Amendment to the Constitution, 1983.

The writer, Colm Tóibín, has said that without RTÉ's *Late Late Show*, it would have been possible for people to have lived and died in twentieth-century Ireland without ever having heard any discussion of sex (Ferriter, 2005: 602). Such an outcome to the arrival of RTÉ in 1961 was very much what leaders of the Catholic Church, and the State, had feared would happen. Lurid images of sex on television seemed to loom large in the minds of the leaders of church and state at the time. The Catholic Church in Ireland could take its lead from Pope Pius XII who warned "that television would bring into peoples' homes "an atmosphere poisoned by materialism, fatuity and hedonism" (Savage, 1996: 110). An even more colourful view of the potential threat of Ireland's fledgling television service was published in the Catholic Truth Quarterly,

"More souls may be taken away from Christ through the Gospel of pleasure they absorb through TV, than if the anti-Christ would start an open bloody persecution in our country" (Savage, 1996: 109).

The President, Eamon DeValera, feared that television could "lead, through demoralisation to decadence and dissolution". (Fuller, 2002: 128).

There was a sense of nervousness in these voices of Church and State that they did not, nor could not, control the impact of television on the moral lives of their congregations and citizens. Such indications of vulnerability were new to Irish public affairs. From the outset of independence in 1923, the Cumann na nGaedhael government was compliant with the Church and proved "willing to use the power of the State to protect Catholic moral values" (Whyte, 1980: 37). Similarly, the Fianna Fáil government of 1932 was anxious to demonstrate its "Catholicity". As Eamon DeValera then Taoiseach, put it,

Ireland “remains a Catholic nation” (Whyte, 1980: 48). Catholicism, up until the 1940s, was the informing spirit of Irish culture (Fuller, 2002: 3-18). This guiding light heralded a raft of morally charged laws covering censorship of books and films; restrictions on pub licencing, dance halls, contraception, divorce, newspapers; and a Constitution that recognised the ‘special position’ of the Catholic Church (Whyte, 1980: 24 – 61). The Free State, with its 95% Catholic population, became a laboratory for “experiments in creating a social and moral code appropriate to a Catholic state” (Murphy, John A., 1984: 52). This was not to suggest that society or government were coerced to bend to the Church’s teachings or directions: “The Catholic Church’s position in Ireland was hegemonic precisely because coercion was not required and because the Church’s power and influence was not resisted” (Girvin, 2002: 125).

Radio Éireann, did not have a reputation for resistance: “The national station’s attitude to political elites was rather deferential” (Keogh, 1994: 93). Radio Éireann was generally reflective of the Catholic ethos and had no shortage of monitors to ensure that it remained that way. Popular music was a magnet for complainants, some of them priests, concerned that moral standards were being attacked by songwriters engaged in a deliberate process of breaking down barriers of reticence. (Fuller, 2002) Deference by Radio Éireann to the Church in political matters and in the opposition to Communism was evident in the decision to allow the Archbishop of Dublin, Dr McQuaid, to broadcast an appeal for funds to fight the Communists in the Italian election of 1948. (Whyte, 1980: 166). In 1955, at the instigation of the Archbishop, Radio Eireann “declined to broadcast a commentary” (Whyte, 1980: 318) when Ireland played an international soccer match against Yugoslavia, which then had a Communist government. On another occasion, Dr. McQuaid was sufficiently influential to extract from the Minister for Post and Telegraphs a commitment to allow him to pre-censor radio programmes that purported to “give a Catholic viewpoint” (Horgan, 2004: 12). Church influence on programmes was further enhanced by actions of the Secretary of the Department of Post and Telegraphs, León Ó Broin, a devout Catholic, who was willing to use his office to exclude potential contributors to radio programmes whom he considered to be liberals, and to seek preference for Catholic activists (Horgan, 2004:14).

From the 1950s onwards, the morally conservative legislation of the 1920s and 1930s began to be eased or abandoned and the bishops were seen to have had “increasing difficulty in securing acceptance of their point of view” (Whyte, 1980: 322). The Report of the Television Commission, 1959, which had been set up by the Government to advise on the establishment of the proposed new service, addressed the concerns of the Catholic hierarchy regarding sexual morals in relatively muted tones:

“...the Commission cautioned that television would have a negative effect on children, and society in general, if steps were not taken to ensure the suitability of the material that would be broadcast” (Savage, 1996: 179).

Nonetheless, a measure of self-empowerment which was emerging in Radio Éireann during the 1960 preparations for the launch of its new sister television service, can be seen in the correspondence of a Radio Éireann executive who wrote to the government, briefing that

“...the former practice of keeping controversial matter off the radio has been completely abandoned in all broadcasting and television organisations and the policy is now to have these matters fully and impartially ventilated” (Horgan, 2004: 20).

The statement appeared to be more of a point of information than of immediate intent, but it did indicate a shift towards a desire for independence and a move away from the deference of earlier days.

A similar move away from the thinking and restraints of earlier days was also evident in the (First) *Programme for Economic Expansion*, the brainchild of Dr. Ken Whittaker, Secretary of the Department of Finance, which was launched as a White Paper in November 1958 (Lee, 1989: 344). The Programme, which was enthusiastically adopted and pursued by Taoiseach, Sean Lemass, turned the failing economy away from protectionism in agriculture and industry and towards what Whittaker called “active competitive participation in a free-trading world” (Keogh, 1944: 244). The Programme

was a reaction to the outcome of discredited policies that saw Irish economic growth rates stalled at 1%, (Lee, 1989: 354) and an average of 43,000 persons per annum emigrating between 1956 and 1961. As Lee notes, "Four out of five children born in Ireland between 1931 and 1941 emigrated in the 1950s" (Lee, 1989: 359, 379). Perhaps one of the more important aspects of the implementation of the Programme was that it represented a departure from populist political and economic verities of the past and a determination by an elite in government and the civil service to make new and difficult decisions.

According to David Thornley, the Programme was authored

"...deep below the surface of politics, in a creative dialogue between a group of first-class non-partisan administrators and a handful of politicians who had enough courage and common sense to recognise stark necessity when they saw it" (Thornley, 1964:2 in Ferriter, 2005: 563).

The new plan showed positive results quickly. National economic growth rates from 1959 to 1973 ran at 4%, though agriculture still languished at 1%. As Lee noted (1989: 354-358): "The index of production of transportable goods had increased from a base of 100 in 1953 to 252.5 in 1971". By 1973 overseas firms "accounted for almost one third of manufacturing employees" (Ó Gráda, 1997: 144), and new grant-aided foreign firms accounted for at least 56% of total industrial exports. Lemass was also prepared to break old moulds by treating with the ancient enemy and in 1965 signed the Anglo-Irish Free Trade Agreement, which gave Irish industry immediate tariff-free access to the British market (Lee, 1989: 353). Those in the 1960s choosing or forced to leave were attaching importance "to the active vision of being able to return home if the circumstances so dictated" (Delaney, 2002: 26, quoted in Ferriter, 2005: 542).

There was a perception of the 60s as a golden era, "given the virtual absence of the emigration that had become a standard feature of Irish life since independence" (Ferriter, 2005: 537). Lemass's claim that he "was not prepared to watch calmly the depopulation and impoverishment of our country" (Lee, 1989: 387), became more than mere rhetoric: by 1971 the total population was 2.98 million, back above its 1950 level of 2.96 million (Lee, 1989: 359-360). Population movement off the land and back from England meant

expansion of the urban areas, particularly Dublin, which in turn created huge pressure on housing stock and the capacity of local authorities to house those in need (Lee, 1989: 637; Keogh, 1994: 268-269).

In 1966, the Education Minister, Donogh O'Malley, introduced free secondary education (Ferriter, 2005: 597). Figures for post primary school participation show considerable increases in the following years: 1966/1967, 148,883; 1974, 239,000 (Keogh, 1994: 276). However there continued to be disparities between children of different social classes in accessing post-primary education. A survey from 1981 showed that, among persons in the 15 to 19 years age group, an average of 56% attended full-time education. When broken down on social class the survey revealed that participation of those from 'professional' backgrounds was 76%; while for those from semi/unskilled manual backgrounds participation was only 31% (Keogh, 1994: 277).

Other than structural developments that impacted on Irish life, Keogh identifies a number of other events that shaped and liberalised Irish society, viz.: The founding of RTÉ television – which also heralded the *Late Late Show*; rock and roll music and large dance halls; the relaxation of cinema censorship; the women's movement; Vatican Two and Catholic Church reform; student revolt in the universities; and the growth of the leisure industry and holidays in the sun (Keogh, 1994: 244-245). Many of these brought opportunities for access to new experiences, to new ideas, to questioning of faith and morals. New ideas and new questions now had platforms in the universities, the press and on radio and television on which to confront and debate.

Vatican Two opened a new era of understanding of the role of the Church in civil society. Its planned fusion of the ideas of the Church and modernity, opened the Church and public to accept a less defensive attitude to devotion and a more relaxed attitude to modern life (Fuller, 2002: 130-138). When the effects of Vatican Two joined with those of the removal of the special position of the Catholic Church from the Constitution in 1972 (IPA, 2004: 432), it brought about a new dispensation in which the bishops no longer ran a theocratic state with politicians at their beck and call. Their chosen status was a middle path which posed them as the moral conscience of society rather than as its moral arbiter

(Whyte, 1980: 362 –376). But all of these changes to what had been acceptable as part of a national way of life could not happen without making an impact on society; and not all of it was observed to be positive.

“The growing affluence, the new technologies, the great shift in personal relations which television produced, and above all the revolution in the Catholic church which made provisional much that appeared timeless and changeless – all this produced something of a state of anomie...” (McCarthy, 1973, quoted in Lee, 1989: 644).

From the post-Famine period of the mid-nineteenth century the established methods of population control were later and fewer marriages, rigorous sexual self-control and emigration (Lee, 1989: 513, 645). By the early 1970s emigration was turned round, when “the numbers immigrating remained over a sustained period higher than the numbers leaving” (Delaney, 2002: 26 in Ferriter, 2005: 542). The 1971 census recorded the number of ‘families’ up by 48,000 since 1961, compared with a rise of only 11,000 in the previous 15 years. The number of marriages was up from 14,700 in 1957 to 22,000 in 1971. And the mean age at marriage for men fell from 30.6 to 27.2 years; for women it fell from 26.9 to 24.8 years (Lee, 1989: 360). Demand began to be exerted for access to methods contraception, (Solomons, Michael, 1993) which had for years been made illegal by the *Criminal Law Amendment Act, 1935*. Nonetheless many women and couples were accessing contraception. The Irish Family Planning Association estimated that 12,000 women in Ireland were using the contraceptive pill in 1967 (Keogh, 1994: 267).

The first Irish family planning clinic opened in Dublin in 1967, but later closed because of pressure exerted by the publication in 1968 of the Papal Encyclical, *Humanae Vitae*, which prohibited the use of artificial contraceptives by Catholics (Ferriter, 2005: 572-573). Michael Solomons, a Dublin doctor, who in 1969 was one of the founding members of The Fertility Guidance Company, which later opened a clinic in Merrion Square in February 1969, recalled his experiences of demand in Ireland for artificial contraception. The clinic initially offered medical advice on the “rhythm method, the pill and diaphragms” (Solomons, Michael. 1993: 30). Later the clinic’s services were extended to

providing illegally imported condoms and spermicidal jellies, with charges being made for prescriptions, not contraceptives, in order to avoid prosecution. (Solomons, Michael, 1993: 31-40). A new type of Irish Catholic had developed out of the experiences of change in the 1960s who rejected many of the traditional teachings of the church and its authority in political or moral matters. These Catholics were not content to covertly import contraceptives and were prepared to challenge the authority of the Church and State in the courts. As a result, "The legalization of contraception was the main focus of tension during the 1970s." (Girvin, 1986: 66). In 1973 the Supreme Court ruled in favour of Mary McGee, a married mother who sought to import contraceptives from the UK. The court, in effect, "legalised the importation of contraceptives for married couples" (Keogh, 1994: 326). An attempt by the Government to legislate to regularise this situation failed when the Taoiseach and six Fine Gael TDs voted against their own government's Bill in the Dáil (Fuller, 2004: 209) Legislation making contraceptives available on a doctor's prescription "for the purpose, *bona fide*, of family planning" was enacted in 1979 (*Health (Family Planning) Act, 1979, S4(1)(b)(ii)*). Events had overtaken the Catholic Church's directives on the issue of contraception; by 1980 its teaching "was ignored by a substantial, perhaps by a majority, of the relevant age groups" (Lee: 1989: 656).

Feminists and women activists of this period came on the public stage in the late 1960s campaigning for equal pay and for the right of married women to continue in employment (Ferriter, 2005: 572-575). On 22 May 1971, World Communication Day, a group of feminists, members of the Women's Liberation Movement, several of whom were journalists with the main national newspapers, journeyed to Belfast to purchase contraceptives and to return by train to Dublin. The return involved them in passing through Customs in Dublin, where they protested at the laws banning the importation of contraceptives. Customs officials did not seize any of the contraceptives; nor were any of the arresting protesters arrested. One of the protestors, Mary Kenny, Women's Editor of the Irish Press, appeared on RTE's *Late Late Show* that night to tell her tale (Levine, 1982: 174-182). Later RTE's Director of Personnel, commenting on the show, wondered whether RTE was being seen as "over-concerned with the contraception issue" (Programme Policy Committee, 25 May, 1971 in Horgan, 2004: 93). The *Late Late Show* had begun to be an important platform for the discussion of women's affairs. In March

1971 an entire programme was devoted to discussion of feminist issues and to the launch of a Irish feminist pamphlet, *Chains or Change* (Levine, 1982: 160). *Chains or Change*, was also “thoroughly reviewed by the national newspapers” (Levine, 1982: 170): helped undoubtedly by the fact that the ranks of the Women’s Liberation Movement, which would be founded at a meeting in the Mansion House a few weeks later, numbered many who were both activists and journalists in their own cause, and who were “all agreed on contraception being a basic issue of women’s liberation, most claiming it as the central issue” (Levine, 1982: 172-173). Feminists and feminist journalists were an important feature of the 1970s media. They provided newspaper editors, such as Douglas Gageby of *The Irish Times*, who were anxious to expand his paper’s readership, with a means of “recognising the importance of women, the younger generation, and a more independent-minded Catholicism” (Ferriter, 2005: 610). Those activist women along with other challenging voices, allowed the *Late Late Show* to become “the surprise facilitator of questioning of accepted political and social orthodoxies” (Ferriter, 2005: 602). Television provided a platform for opening up areas of debate that had long been ignored or suppressed: “Many did not like what they saw. But they now had to exert themselves to even more heroic self-deception to pretend it did not exist” (Lee, 1989: 405). RTÉ television and radio had revealed a lot about Irish society and its attitudes to sex in the first 20 years of its service. Despite the protests of some, Gay Byrne the *Late Late Show*’s presenter argued that the great strength of the show was “its willingness to deal with new, even frightening, ideas” (Byrne, 1989: 155). That said, he was aware of the importance of not being too far in advance of the public: “We would never impose a discussion on a society that was not ready for it, because it would be fruitless to do so” (Byrne, 1989: 155).

In 1980 the Irish Woman’s Right to Choose Group opened an abortion referral clinic in Dublin, the Irish Pregnancy Counselling Centre (IWRCG, 1981: 1). In that year over 3000 women with Irish addresses had legal pregnancy terminations in Britain (Keogh, 1994: 371). Also in that year preparations began for the founding of the Pro-Life Amendment Campaign (PLAC), a group of anti-abortion Catholics, who were eventually successful in 1983 initiating a referendum to amend the Constitution (Hesketh, 1990: 1-12). The campaign was, by chance, conducted in a period when there were three General Elections

and three changes of government (IPA, 2004: 430), which allowed for a demonstration of “the ineptitude and, in some cases, the deviousness of Irish political leadership and the radical conservatism of the Irish electorate” (Keogh, 1994: 370). Twenty years into the existence of RTE, sex still loomed large in the minds of leaders of church and state, and this time it was they who were bringing sex to the airwaves.

Chapter 5

The editorial management of issues of sex and sexual morality in RTÉ Radio and Television programmes in the years 1978 to 1983

"The old world is dying and the new cannot be born. In this interregnum there are many morbid symptoms". Antonio Gramsci, quoted by Bob Collins, former RTÉ Director General, on the challenge of change for the RTÉ Editorial Committee in the late 1970s and early 1980s (Collins, 2005).

In the 5 years, 1978 to 1983, leading up to the Pro-Life Amendment referendum, there was at times open conflict between RTÉ programme makers and the senior station management about programmes dealing with morality, sexuality, contraception and abortion. The editorial management record of the station is particularly relevant in assessing how the Pro-Life Amendment campaign coverage of 1982-1983 was approached, planned and managed. If the management of editorial judgment in dealing with issues of morality can be demonstrated to have been affected by personal, religious, social and cultural considerations, it will raise legitimate questions as to whether, and to what extent, these considerations came into play in the editorial process during the referendum campaign.

The attitude of many of the RTÉ managers of that period to nationally controversial issues of sex, contraception and divorce has been described as being intuitively conservative, with abortion not "even on the Richter Scale"(Collins, 2005) . The view of these managers

of the role of RTÉ as national broadcaster was underpinned by a “very Catholic way of thinking” (Collins, 2005). Some of these managers it is claimed,

“...had views which were protective of the interests of the orthodoxy of the Catholic Church...[and, or were]... probably members of right-wing Catholic organisations, including the Knights of Columbanus” (MacConghail, 2006).

The influence of the Knights of Columbanus in RTÉ has also been commented upon by former Head of News, Wesley Boyd (Horgan, 2004, 49). A former senior executive, and member of the RTÉ Editorial Committee, Robert Gahan, was appointed an Honorary Life Member and Trustee of the Knights of Columbanus in 2000, shortly after his retirement from RTÉ (Who’s Who in Catholic Life, 2006).

In Radio there were young programme makers, determined to open the airwaves to unfettered debate on sex and sexuality, and for whom “nothing was taboo” (Finucane, 2005). Television had also recruited programme makers who were anxious to flex their editorial muscles to change society:

“There was a potentially explosive group of academic-intended people, and foreign affairs-intended people, liberal in concepts, who now joined RTÉ and had something to say. And given the materials and the training involved, began to say it. It wasn’t a conspiracy of change. Suddenly television began to expand in the hours that it had; programming expanded on all fronts: drama, documentary film, light entertainment. All these (new) people expanded into those areas and took on those roles. What flowed from that was an inevitable confrontation and questioning of the current establishment...” (MacConghail, 2006).

***The Spike* – ten part drama series withdrawn from transmission**

RTÉ's management's attitude to issues of sexual morality was made clear when the Director General withdrew from transmission a ten-part drama series, *The Spike*. A scene in the fifth episode, where a nude woman modelled for an adult art class, precipitated the 'axing' of the series. The DG defended his decision in the *Irish Times* on the grounds that the series "had failed to achieve its programming objectives". The RTÉ Authority backed the DG, observing that the series had made RTÉ a "target of ridicule" (*Irish Times*, 3 and 7 March, 1978, in Sheehan, 1987).

The Spike, was a politically left-wing drama set in a run down public sector school. Its broad canvas covered problems of poverty, illiteracy, church and education, domestic violence, sex and politics, with "an unmistakable indictment of those in power in both church and state" (Sheehan, 1987:162 – 177). At an early stage the series ran into a barrage of criticism and complaints from some sections of the public for "artistic crudity and moral laxity" (*Irish Catholic* in Sheehan: 173). Complaints came from Local Authorities, national politicians and teachers' unions; from a Catholic action group, the League of Decency; and from "a certain degree of orchestration...by church institutions" (Sheehan, 1987: 173).

The DG's bland explanation hinted at editorial and artistic deficiencies in the production, which were indeed acknowledged by the producer, Noel O Briain, and by the Controller of Programmes, Muiris MacConghail, But the DG did not make any public reference to his own concerns that *The Spike* had presented "serious moral issues in an offensive manner" (RTÉ Programme Policy Committee, 17 Feb. 1978). In the experience of the present writer who has 20 years of production and editorial experience in RTÉ, coterminous with the period under study, the word "offensive" is commonly used by station management to express their own hostile reaction, or the reaction they anticipate or

have experienced from complainants to sexual matters being discussed or presented on radio or television.

RTÉ managers were very sensitive to complaints, and audiences were very effective and sophisticated in the way they conveyed their views. Most of the written complaints landed on the desks of either the DG or the Controllers of Programmes in radio and television, and their impact was vastly greater than their numbers. Phoned complaints, compiled by the RTÉ Press Office, were circulated to senior managers. Even in the 1970s, when only a relatively small group of better-off people had telephones in their homes, there was an assumption in RTÉ that, if they felt strongly enough to phone in a complaint, whilst they were not representative in the strict sense, they were at least indicative of the feelings of others in the community. Managers felt that it would be irresponsible to ignore any serious blip on the graph of complaints. “Something like the volume and intensity of complaint generated by *The Spike*, was bound to get a reaction” (Collins, 2005).

The involvement of Catholic groups and individuals in protesting against *The Spike* was recognised in an *Irish Catholic* article which proudly boasted that it was “the plain people of Ireland” who had “called them (RTÉ liberals) to account...for their moral laxity” (*Irish Catholic*, March 9, 1978 cited in Sheehan, 1987: 173). However, while it may have been a narrowly based group who were calling RTÉ to account, it would be wrong to underestimate the extent to which that group was capable of accurately reflecting public opinion. An RTÉ Audience Research Survey of the time found that “66% (of the sample surveyed) believed that the series as a whole was poor”, and that “56% approved of RTÉ’s decision to stop transmission” (RTÉ Audience Research Reports: February 28, March 3 and April 26, 1978, cited in Sheehan, 1987: 174).

Within RTÉ, most programme makers interpreted a manager’s use of words or descriptions like “offence” or “offensive” in relation to their programmes as either a warning or a rebuke. Such comments were seen as an indication that they had been remiss in a particular decision, and that the error was not to be repeated, for fear of retribution.

Another form of warning or rebuke commonly used in RTÉ, when dealing with issues of sexual morality in programmes, was for managers to express concern for the potential effects of the programme content on children. Many of the complaints received by RTÉ regarding *The Spike*, “related to the vulgarity of the series as a whole with concern being expressed that the programme was viewed by children” (Programme Policy Committee, 8/78). Concern for the effects of programme content on children is clearly a priority for any responsible broadcaster, but the view of one manager, was that the level of some managers’ concerns for the impact on children of sex in programmes had been elevated to the level of an “obsession” (Collins, 2005).

Not everybody in RTÉ’s senior editorial ranks agreed with the DG’s decision to remove *The Spike*. The then Controller of Programmes for television, Muiris MacConghail, in a private letter to television producers set out his concerns for the independence of the editorial process. The decision to cease transmission, he said, would “give substance and definition for a long time to a rather narrowly-based articulation of morality” (Sheehan, 1987: 170).

The censoring of *The Spike* was approved by An Taoiseach, Jack Lynch, who used the occasion of the Jacob’s Awards to declare that, “speaking objectively” he supported the DG and the RTÉ Authority (Sheehan, 1987: 172 – 173). RTÉ programme makers and managers who were present at the Jacob’s Award could hardly have missed the coded, brutal humour of Lynch’s use of the word “objectively”. Such an irony-laden word, broadcast live to a television audience, while being delivered from the stage to an assembly of chastened broadcasters, could perhaps be likened to his privately stated “fuck them”, when challenged on an earlier occasion by Ulick O’Connor for his sacking of the RTÉ Authority in 1972 (Ulick O’Connor, 2001, cited in Horgan, 2004: 120).

The decision to withdraw *The Spike* was taken by the DG, acting as Editor-in-Chief, with the support of the Authority, and against the wishes of the Controller of Programmes. It is not unknown for the DG to over-ride editorial decisions of programme management. During the 1970s the Controller of Programmes TV was regularly over-ruled by the DG, to the point where the DG was accused by the Irish Press television critic, Tom O’Dea of

making interventions as Editor-in-Chief which were “frequent and deep” (Irish Press, 5 January 1977, in Horgan, 2004: 149).

Moloney’s intervention to overrule the Controller of Programmes was just part of a gradual weakening of the authority of the Controller. In the opinion of former Controller of Programmes, Muiris MacConghail, from the mid-1970s onwards editorial decisions were excessively influenced by senior managers from non-programming areas who were both conservative and Catholic in their views, particularly “where matters of deep personal and sexual subjects were frequently dealt with in the course of plays” (MacConghail, 2006). At a period when there was intense public debate about issues of sexual morality on which the Catholic Church had a position to defend, MacConghail asserts that it allowed those managers considerable scope to affect programme output.

“Not only because they were naturally conservative, but because suddenly they were exposed for the first time to friends, colleagues and acquaintances, who made representations to them about programming which they had seen last night.

And because of the pressure under which they were put, or because of their own personal beliefs, or both together, it brought them to express views intolerant of the kind of plurality which I thought should exist in television production. And particularly in matters of drama, which up to that point, would never have been the subject of – certainly in the early 60s – the subject of editorial content of the kind which was then gradually discussed. And I could see suddenly, the nature of the editorial meetings, as such, changed in hue and nature as a result of that.

Removing a major drama in mid series was a very drastic form of editorial control. And allowing that the decision to remove *The Spike* was taken by the DG, over the head of the Controller of Programmes, reveals a fault line dividing the senior management which was not unlike that which divided the wider society in discussing and deciding on issues of sex and sexual morality” (MacConghail, 2006).

George Waters, Director General, RTÉ, 1978 to 1985

In March 1978, George Waters was appointed Director General (RTÉ Timeline). Waters had previously been RTÉ's Director of Engineering. As an engineer, he would not have had editorial training, or direct programme-making experience. However, as an *ex officio* member of the Programme Policy Committee he would have had considerable engagement with editorial decision-makers, albeit at a remove from actual programme or news production. George Waters' term as DG ran from 1978 to 1985 (RTÉ Timeline), which covered the entire period of the pro-life campaign and the abortion referendum from 1981 to 1983 (Girvin, 1986: 61-68).

During Waters' period as DG, sexuality, contraception and abortion became staple fare of programme output in features, current affairs and news programmes and particularly on radio. Many of the themes and treatments of these issues reflected events in the political sphere; the more liberal viewpoints of emerging socially conscious, campaigning groups (Keogh, 1994: 379); and also a more liberal and challenging attitude amongst programme makers (Finucane, 2005; MacConghail, 2006). There was also plenty of scope for public debate about sex, contraception and abortion. A month after Waters took up office the Irish Catholic Hierarchy, in the midst of a vigorous national debate, modified its outright opposition to contraception, and issued a statement to the effect that "while contraception was morally wrong, it did not follow that the State was bound to forbid it" (Whyte, 1980: 413). Within fifteen months the Minister for Health had legislated for the sale of contraceptives "for the purpose, *bona fide*, of family planning or for adequate medical reasons" (*Health (Family Planning) Act, 1979*). In June 1980 the Irish Pregnancy Counselling Centre opened a clinic in Dublin offering a referral service to clinics in the UK offering legal abortion services (Irish Woman's Right to Choose Group, 1981). In June 1981 the Pro-Life Amendment Campaign (PLAC) was launched (Girvin, 1986: 68).

Some of the public reaction to this more open discussion of sex on radio and television was expressed in the many letters of complaint received by RTÉ, and by the numerous

complaints filed with the Broadcasting Complaint Commission (BCC). (The experience of this writer was that RTÉ got very little correspondence from people expressing satisfaction with programmes.) One complaint from Miss Kennedy of the Irish Family League to the BCC accused one of RTÉ radio's first access programmes, *Open Line* of not being fair, and of inciting to crime, i.e. the programme discussed abortion and homosexuality. RTÉ managers noted with satisfaction that the complaint was "comprehensively dismissed"; and that their track record with the BCC was good, with judgments running 16:2 in their favour (PPC, 5 May, 1978)".

New Editorial Committee established

In November, 1978, the Programme Policy Committee (PPC) was re-named the Editorial Committee (EC). The PPC had originally been established by DG Tom Hardiman, and was continued by Oliver Maloney. According to MacConghail,

"It was a way for establishing for the first time, away from commercial management and other matters, the nexus around which and from which, the corporate editorial view of the organisation would be expressed. In many cases a decision was not made by the EC, rather was the EC informed of proposals being made in broadcasting terms by the output heads of radio and television and news. Insofar as any discussion might arise from that, for the guidance of the particular output head, those guidance notes (were) to be a point of reference and guidance for the output heads. The minutes were a recital of the events discussed and how it was a particular matter was to be dealt with" (MacConghail, 2006).

At its first meeting under its new title, the Editorial Committee members again showed their sensitivity to the possibility of causing "offence" on moral grounds. A suggestion that a content warning be given at the start of the *Late Late Show*, alerting viewers to the showing of clips from the movie *The Stud*, which was currently showing in Irish cinemas, was rejected by the DG, on the grounds that "we were making too many announcements regarding possible offence" (EC. 7 November, 1978).

More than any other subject, issues of sex and sexual morality in programmes featured week after week in the discussions recorded in the Editorial Committee minutes. The remarks and proposals in the minutes usually fall short of censorious, but there was a sense in them of fear from attack from outside; that something would be said or done on a programme that would bring down the wrath of individuals and those conservative groups, who campaigned constantly against the portrayal of sexuality on the airwaves.

Bob Collins, who attended those meetings from 1979 attributed this to the sexual conflict in the wider society. On one side he observed the more radical and questioning programmes of the young, newly recruited broadcasters – sometimes slightly “adolescent...and not very measured” ; and on the other the reactions of senior managers whose deeply conservative world view led them to an “intuitive dislike” of a lot of the material that was being broadcast. He observed that, while these managers displayed a caution arising from their personal, moral and philosophical convictions, they were also battling with their own emerging, genuine appreciation that they would have to “reflect (these) other points of view” (Collins, 2005).

“Part of the agonising was a recognition that things were changing, and that it was appropriate that things should change. Otherwise there would have been a blanket – don’t do that; don’t go there! But there was a recognition that that as a response was no longer adequate. There was a combination of a response that we have a responsibility to the audience to exercise the judgments that we are there to exercise; but at the same time a real agitation to how the audience might respond, and how that response might colour the audience’s perception of RTÉ. And somehow in that mix how that might colour the overall perception of RTÉ. And how it would affect the organisation’s standing; its capacity to convince people of the validity of another increase in the licence fee; of the appropriateness of public funding for broadcasting which was offensive to many people, subjectively. And also whether it might be lowered in the estimation of people generally, to its ultimate disadvantage” (Collins, 2005).

Muiris MacConghail, in his periods as Controller of Programmes, found himself under even more intense scrutiny by his Editorial Committee colleagues:

“Personal kinds of stances were taken in which people lost the head frequently. And made accusation such as: ‘We can’t have this. This is wrong, morally wrong.’ To say that some of them frothed at the mouth would be to go to the extreme. But certainly they were quite violent in their view about some of the broadcasting... which touched on matters of sexual mores. It was startling, and it was in the non-output area, in the engineering and commercial interest areas of broadcasting in particular. It was then I noticed frequently at editorial meetings, that the editorially competent, those charged with those responsibilities, were in the minority at those meetings because they were overtaken by people from other departments and disciplines” (MacConghail, 2006).

The review process of any broadcasting management obviously concerns itself with a number of issues: creativity, artistic and technical standards, audience measurement, public reaction, media reviews, costs, talent development, facilities allocation, and general line-management issues. But we know now from MacConghail and Collins, that when an RTE programme dealt with issues of sexual morality, there were two additional factors shaping the Editorial Committee’s thinking: Firstly, their response to complaints from offended individuals or organised groups; and secondly, the personal and sometimes shared dispositions of members of the Editorial Committee.

The attitude of the Editorial Committee to two programmes broadcast in 1979 provided some insight as to how the editorial process was retrospectively supervised. In February, the *Late Late Show* featured an item on transvestism; in July, *Summerhouse*, a summer television programme, featured a nude scene in a review of a stage play, *Yes, We Have No Pyjamas*.

The Editorial Committee’s response to the transvestism item was low key, but, nonetheless, reflected an understated concern: “It was agreed that Gay Byrne had handled the transvestitism item on the *Late Late Show* with discretion” (EC. 16 Feb, 1979). Given

that there was no mention in the minutes of complaints, it suggests, perhaps, that any sensitivities to the item lay with the committee members themselves. According to Bob Collins, there were frequent arguments at those meetings about the treatment of homosexuality, even the very fact that it should be mentioned on air (Collins, 2005).

The recording in the minutes of the term “with discretion” was, as Muiris MacConghail has said, the manner in which the Committee indicated “how a particular matter was to be dealt with” (MacConghail, 2006). It indicated that the programme treatment had remained within accepted, undefined, but commonly understood, parameters of taste. The conveyance of this understanding back to the programme makers served to indicate the limits that were acceptable, and also to gently warn of a potential negative reaction if, in future, those parameters were exceeded without prior approval.

The complaint from an Authority member about an on-air nude scene in a review on television’s *Summerhouse* of a drama, *Yes, We Have No Pyjamas*, playing at the Oscar Theatre, was firmly resisted by television Executives. The ghost of the axing of *The Spike* can be seen hanging over this issue, with the television Executives attempting to claim back some of the editorial responsibility they lost in that affair; and at the same time trying to push out the boundaries of a new formula for a degree of nudity to be acceptable in certain programmes or circumstances. The television Executives argued, and it appears to have been accepted by the Editorial Committee, that the “play’s language and nudity might have been vulgar but was not salacious”. The extracts, they argued, “were not overly offensive”. But by way of concession to those Authority members who might not be totally convinced, the television Executive advised that he had requested *Summerhouse* to “mount extracts from other productions in order to provide equilibrium” (EC. 20 July, 1979).

This was a meaningless commitment at the late stage of a summer series. *Summerhouse*, as the title suggests, had a limited run, and managers could be reasonably confident that, by the time the programme’s balancing act was completed, the opportunity for further nude displays would have passed. But there was an important advance from the precedent created by *The Spike*, where the programme had been taken off air ostensibly because of

nude scene. On this occasion there was no formal recognition by the Editorial Committee that it was not acceptable to show a nude person on screen, nor was there a formal commitment that it would not be done again. The Programme Executive approach had avoided a confrontation with the Authority on a difficult issue without appearing to back down. But they had, in an unstated way, conceded to the Authority concerns when they ensured that *Summerhouse* was quietly and effectively prevented from showing any more nude scenes.

In both cases there were tentative steps towards allowing discussion and representation of sex and sexuality on radio and television, albeit with some sleight of hand to conceal this move. Collins observed a continuing concern amongst some of the Editorial Committee that “right thinking people” might find such programmes objectionable. Although there was more acceptance of new approaches to programme content, there was still a discomfort about the way in which sexual matters were becoming part of the broadcasting currency, and about how they were being dealt with. The responses were less focussed on completely keeping sex out of programmes; but had moved to asking, “Are there any boundaries? Is there no limit? Is there no point beyond which RTÉ should not go?” And while Collins accepts that there was a certain amount of “Canutism” within the committee, there was also a general awareness that the external world and the internal broadcasting circumstance had changed radically and that old answers and restraints could not continue (Collins, 2005).

The Lonely Crisis: Abortion

RTÉ’s first substantive programme on abortion, a 45 minute radio documentary titled, *Abortion*, was broadcast in 4 April, 1979. The RTÉ Guide listing for it was: “*Abortion: A woman’s experience recorded recently by Marian Finucane*” (RTÉ Guide, 30 March, 1979). The programme was recorded on location as the woman travelled from Dublin to London; in the clinic during her preparation for the abortion; whilst in the recovery room

immediately after the abortion; and six weeks later after the woman had returned home. The documentary was originated and presented by Marian Finucane, then a continuity announcer in RTÉ Radio, and produced by Dick Warner (Finucane, 2005). The programme came about from an approach by Marian Finucane to the Well Woman Clinic. Marian had learned from discussions with a number of clinics that they “set up everything” for clients who wished to get an abortion in England (Finucane, 2005).

A short promotional feature in the RTÉ Guide says that, in the documentary, Marian Finucane would not moralise against it (abortion), or propagandise for it. “I want to have as little as possible of me, my own reaction. I just want to convey what it is like for one person going through it” (RTÉ Guide, 30 March 1979). In the documentary, the woman subject told the story of getting pregnant; her relationship with the father of the child; her family and social circumstances; her decision to have an abortion; the absence of abortion facilities in Ireland, and her moral concerns. The interviewing was sympathetic and non-judgmental; the story was told by the woman without her being subjected to hard interrogation. At no stage in the documentary was abortion advocated as a global solution to the issue of unwanted pregnancy (RTÉ Sound Archives, A858).

In the documentary, Marian’s questions, were primarily aimed at getting the story documented, and then at eliciting the woman’s social and moral views on the issue of abortion, and her own abortion. When asked, prior to the operation, if she thought what she was about to do was wrong, the woman replied: “A certain part of me thinks it’s wrong because of my Catholic upbringing. I feel it’s right for me, at the moment. But I don’t think it’s right under all circumstances – that might be a hypocritical thing to say”.

The first reference to the *Abortion* documentary in the Editorial Committee minutes lists it under “Upcoming Programmes” – the forward plans list submitted weekly by all output areas. In the radio section it was described as: “a documentary on abortion”. It was further minuted that the radio management “will investigate the suitability of this item before it is transmitted” (EC. 30 March, 1979). That required the radio management to decide whether the totality of the programme: concept, subject, content, contributors, treatment

and production was suitable for broadcast, and whether it came within the parameters of what was generally understood by the committee to be acceptable.

The investigation of the documentary's suitability fell to Michael Littleton, Head of Features and Current Affairs in Radio, and line manager to the Documentary Unit. He obtained the programme tape from Marian Finucane, and said to her, as she recalls: "I want to listen to that to see if it is suitable for transmission". Given the similarity of language in her recollection to the minuted decision of the Editorial Committee regarding "the suitability of this item before it is transmitted" it appears safe to accept her recollection as accurate. Littleton's reaction was positive: "He came back, and he came over to me and said, 'That's OK: the sound quality is excellent'. He never said another word to me about it. And it went out." Marian was surprised at the brevity of his response and thought him oddly short on analysis and detail. "In retrospect", she now says, "I think he was making another point altogether" (Finucane, 2005).

Such lack of detail or circumspection was not uncommon in the description and presentation of advance plans for programmes to editorial line managers and to the Editorial Committee. Such devices were often used by programme makers to dampen anticipated hostile responses from managers, or to avoid editorial interference, or to circumvent restrictions they feared might be placed on controversial items. RTÉ programmes divisions had a system of upward referral that required all programmes to provide a listing of the likely content to be broadcast in the following week. These Forward Plans were prepared by programme producers, discussed amongst peers and managers at weekly programme department meetings and then provided to the weekly Editorial Committee, where they were dealt with under the heading Upcoming Programmes. Sometimes, in the case of daily current affairs or talk programmes, it could be difficult to provide anything more than indicative plans, because often the content of such programmes was dependant on or could be changed by breaking news. But in some circumstances, where programme makers intended dealing with matters of sex or sexual morality, where they anticipated a hostile injunction from programmes or station management, they might consider it prudent to under-describe or cloud the intentions of a programme item or a contributor, or even to exclude mention of the item. This writer used

such stratagems, and saw them used by colleagues, throughout the 1970s, and into the 1980s, when sensitivities amongst RTÉ managers to the discussion of sexual morality were acute. Muiris MacConghail, who was Controller of Television Programmes for periods around this time, reveals that he too resorted to such stratagems when dealing with the Editorial Committee:

“Some of my time was spent, when I was Controller of Programmes, in under-describing the likely content of some material, so as to avoid what might be difficulty, just difficulty, personal difficulty in particular; but editorial difficulty if you wish, at editorial meetings.” (MacConghail, 2006).

Marian Finucane’s documentary, *Abortion*, was broadcast on Wednesday, 4th April, 1979 at 19.45 (RTÉ Guide, 30 March, 1979), as Marion says figuratively, “to an audience of one and a half people” (Finucane, 2005). In fact, the audience was more likely to number about 35,000, of whom, more than 50% were over 55 years of age (JNMR, 1979). There was a positive reaction from the Editorial Committee meeting of the following week, “The programme on abortion which had been excellent would be repeated” (EC. 6 April, 1979). The use of “excellent” as a description was probably, in a word, the highest praise that could be given. The fact that it would be repeated, was not necessarily indicative of approval: all radio documentaries were repeated. But the willingness to repeat it at least indicated that the Committee felt they could comfortably defend the documentary against criticism. The minutes also noted that, one week after the abortion programme, “The documentary on Mother Teresa would be transmitted on Wednesday, April 11”. There was no suggestion in the minutes that it should be checked to assess its suitability for broadcasting.

At this same meeting the radio management warned that they were “not happy that some parts of the programme were suitable for day-time broadcasting”, in other words: that it was not suitable for young people, who would have access to programmes when not at school. Bob Collins believes that the management’s concern was “the argument about children at home”. He says:

“There was a real sense of the responsibility that rested upon RTÉ as a national public broadcaster, and the custodian of the public trust, because it was going into every household. And there was an obsessive concern about what children might hear....Even until quite recently (there would be concern) about what might be transmitted in holiday periods when more children might be likely to be at home...There was a feeling...that standards were expected of RTÉ that were not expected of others. That the audience were reposing a certain confidence in RTÉ in what might be transmitted to them, particularly their children...” (Collins, 2005)

At the next Editorial Committee meeting it was minuted that the “two documentaries (abortion and Mother Theresa) had been extremely good” (EC. 12 April, 1979). There was concern for young listeners in one complaint that the early Saturday morning repeat of the abortion documentary was “somewhat inappropriate”. Radio management said they had requests for “a further repeat”. It is difficult to calculate from available figures the audience for the repeated programme transmitted on Saturday, April 7 at 10.00 a.m. (RTÉ Guide, 30 March, 1979). The average audience for RTÉ Radio One at that time on Saturday was 380,000 approx. There is no separate breakdown for numbers of people under 20 years of age who were listening (JNMR, 1979/80). The difficulty is compounded because figures cover a split wavelength arrangement for Saturday mornings where the documentary going out nationally on VHF 1, and in Dublin on 240 medium wave. The other medium wave channels, normally allocated to RTÉ Radio One, carried a country music programme (RTÉ Guide, 30 March, 1979).

The *Abortion* documentary, re-titled *The Lonely Crisis: Abortion* was entered for the 1980 Prix Italia international competition for radio and television programmes, hosted by RAI, the Italian national radio and television service (Prix Italia website). The programme won the National Italian Press Association Prize for Documentaries at the 1980 Prix Italia (Prix Italia Past Edition Winners, 1949-2003). There was one jarring note for Marian Finucane. She was accompanied to the prize giving ceremony by a senior RTÉ Radio manager, and she felt the manager had some reservations about the programme:

“I said to (him): I don’t know, but I get the impression that you were not overenthusiastic. And he said: Oh, it was a wonderfully made programme. And I said: Did you think it was in any way biased? And he said: I suppose people can’t help their own bias” (Finucane, 2005).

Marian denied any partiality. Throughout the documentary, she is heard to maintain a sympathetic personal relationship with the woman. This is not to suggest that she professed to support the woman’s decision to have an abortion. There were a number of factors that would lead her to behave in a sympathetic manner. She may have felt genuine personal sympathy for the woman, whom, it can be heard in the recording, was clearly distressed by her experience. At a professional level, Marian’s objective was to complete her documentary, and she would not want to alienate or frighten her subject, for fear the woman would refuse to continue to participate. Such a concern on Marian’s part may be evident from what she told of her first meeting with the woman who was going to have the abortion. When the woman asked her what her agenda was,

“I told her, broadly speaking, I was opposed to it (abortion), but in the best possible way. But that this would have no bearing on the programme, that I would give the facts as she experienced them” (Finucane, 2005).

The differences between Marian Finucane and the radio manager may indicate different perspectives. Managements and programme makers can have different and opposing perspectives:

“There is a rather consistent tendency on the part of those in authority to look to public communication media for at least tacit support in the task of maintaining (symbolic, cultural) order” (McQuail, 1994: 148).

This tendency could apply to what some senior RTE executives saw as opposing the “process of normalising what was perceived to be abnormal; or in the case of abortion... to be downright evil. (Collins, 2005) In what McQuail called “a very mixed set of normative perspectives concerning social order” he suggests that there is

“...a viable normative expectation of mass media (to) sympathetically recognize the alternatives and provide access and symbolic support for relevant minority groups and views” (McQuail, 1994: 150).

This is not to say that Marian Finucane demonstrated bias in her choice of abortion as a subject for her documentary. To choose a subject is not to promote it. As Bob Collins observes: “To treat of something in a programme is not to advocate it”, a point he was required to make often in replies to complainants (Collins, 2005). It is indicative of sensitivities to this subject that, twenty six years after the programme was made, Marian Finucane was still circumspect about her motivation:

“Around that time there was an awareness, because I don’t think there had been an awareness before that, of women going to England for abortions. And I spoke to some women in what we could call Women’s Clinics, and I was quite surprised to learn that they set up everything. And I said, ‘That would be very interesting, because I don’t think a lot of people would know that’. It was as casual, kind of, as that” (Finucane, 2005).

It is interesting that in the moral atmosphere of the time that one could approach making a programme on abortion in such an apparently naïve way. It perhaps reflects the broadcaster’s need to adopt and observe a veneer of exaggerated disinterest for fear that anything less would leave one open to be criticised for bias or propagandizing.

The statement by Bob Collins that “To treat of a something in a programme is not to advocate it” is debatable. One of the problems that confronts journalists in all situations is the danger of systemic bias which occurs, not in spite of professional standard of impartiality and fairness, but because of them. Documentary reporting, which falls under one of the key standards of objective reporting and involves the reporting only of witnessed and/or verified information, is vulnerable to being trapped by “staged political performances” that “emphasize particular issues and values” (Bennett, 1983: 157). It is arguable that the journey to England by the woman in the Finucane documentary was a

staged performance. It had a predictable, enacted, story-line or 'script' that was determined in advance by the player and the event, and it could not be altered by the journalist unless she went beyond her own claim to simply "give the facts as she (the subject) experienced them", and became an active agent in shaping the story. The event also had a political dimension in that it was a commentary on an issue subject to legislation: abortion was illegal in Ireland, yet clinics in Ireland were, possibly illegally, referring Irish women for abortions in the UK and facilitating their journey. More than three thousand Irish women were travelling to England each year for abortions, and groups of Irish women were campaigning to have abortion made legal here (*Offences Against the Person Act, 1861* S.58; IWRCG, 1981: 1; Keogh, 1994: 37). Whether or not the event was intended by all participants to have a political effect is open to question. The woman who had the abortion may not have had a political agenda. But it is arguable that those organising the woman's referral may have judged that there would be positive publicity for their cause to be gained from having the story told.

On the other hand, this was the first substantive treatment of the abortion issue done by RTÉ Radio. The antipathy of senior RTÉ managers to coverage of abortion issues was immense (Collins, 2005), and may have caused other programme makers not to cover the issue. One television producer described the fearful atmosphere in television after the Pro-Life referendum coverage ended by suggesting that "There was a thing that people felt they would be under increased scrutiny if they dealt with the issue" (Blake-Knox, 2006). It is arguable that RTÉ management's commitment to what could be called the "enduring values" of society" (McQuail, 1992: 194), or the "avoidance of offensive ideas and values", had deprived the public of awareness of "true aspects of the real world" (Bennett, 1983: 153). It could be said that the documentary was unbalanced and unfair in that it presented only the point of view of a person who was having an abortion, and did not include a contributor with an opposing view. Against this it can be argued that an anti-abortion view was dominant in society (Whyte, 1980: 400), and that if placed in the same programme together, the dominant idea might simply discount the new. As Bennett argues:

“If the goal of the news is to present information so that new perspectives can be grasped alongside the old, then a new conception of information balance over time might replace the currently popular assumption that balance within each story is the ideal” (Bennett, 1983: 145).

In that circumstance it is arguable that Marian Finucane’s documentary may have provided a counter-view to RTE’s own corporate perspective, or bias.

Uncertainty amongst managers on how sex and sexual morality should be discussed on air

From 1979 onwards, with some of the constraints of a long period of caution and strict censorship lifted, there was a dramatic increase in the number of programmes dealing with all manner of sexual issues. (Editorial Committee Minutes, 1979 – 1983) Not all of the programmes were very well handled. Often there was little concern shown for those who might genuinely be offended or have difficulty with being assailed by sexually explicit discussion over the airwaves. One senior view was that there was often a touch of the locker room about the way issues were discussed, perhaps as a reaction to the long repression of views, and that this cavalier abandon prompted a counter reaction in management attitudes. (Collins, 2005) The intensity of this counter reaction can be observed in the occasional outbursts of frustration at Editorial Committee meetings :

“(T)here seemed to be an anti-amendment bias among programmers”. (EC. 15 October, 1982);

“*Gay Byrne Show*...quite explicit on the activities of homosexuals...wrongly giving youngsters the impression that this was ‘normal’ behaviour” (EC. 8 October, 1982);

“(T)otally against the appearance of the transsexual, April Ashley, on the *Late Late Show*...unsuitable guest for a light entertainment show” (EC. 30 April 1982);

“(B)ad language, immoral behaviour, insinuations etc,...(on) *Sunday One* drama” (EC. 22 January, 1982);

“*Women Today*...judgments made from a predictable and single-minded viewpoint” (EC. 8 January, 1982);

“*Women Today*...women’s sexual problems...transmitted at an unsuitable time of the day... many young children would have been listening” (EC. 31 August, 1979).

A number of cases will demonstrate this concern further: Forward plans from radio in June 1979 listed an item on lesbianism. The response from the Committee, while not actually mentioning young people, “drew attention to the timing of minority-interest programmes at mid-day and during holiday periods. It was generally felt that subjects like lesbianism should not be dealt with in daytime broadcasts” (EC. 15 June, 1979). However, the decision to go ahead with the item on lesbianism, in a daytime slot, was defended by the radio management. The following year, an item on incest listed in upcoming programmes from *Women Today*, drew the observation that “daytime radio programming should not be unsuitable listening for young people now that the school holiday period was approaching” (EC. 16 May 1980).

A month later, the radio programme that replaced *Women Today* for the summer, *Youngview*, was criticised for being “excessively anti-authority”. Attention was also drawn to “complaints about the handling of moral issues” on the programme. This time there was a view that “a programme aimed at young people would be unrealistic if relevant questions in modern society were not examined” (EC. 27 June 1980). Three months later the problem of the suitability of broadcast material for young people arose when *Day By Day*, a mid morning radio programme, proposed an item on “Prostitution in Dublin”. The question was asked whether “consideration was given to the fact that it was school holiday time at present and the audience mix was different to usual”. (EC. 18 July,

1980). By March 1981 there is at least some evidence of nuanced differences of opinion at the Editorial Committee. A *Youngline* television programme which dealt with homosexuality, and which had received “a number of complaints”, but also “significantly favourable reaction from adolescents” got mixed responses. On the one hand there was a recognition of generation gaps and the legitimacy of allowing young people to “discuss such topics among themselves”. However, there was criticism of the ‘transmission time’, and more definitively, there was a decision that, in the next series, “The programme would cater more for the younger group” (EC. 13 March, 1981).

In these examples there was a concern by RTÉ managers that young people should not be exposed to discussion of sexuality. Abortion, lesbianism, prostitution, homosexuality, incest were considered to be “unsuitable listening for young people” (Collins, 2005). Although there was a view emerging from the minutes that older youths might have access to discussion on these subjects, these programmes were definitely not for children (although children were not clearly defined in specific age terms). However, those expressions of concern for young people, or for the sensitivities of audiences, could be interpreted by programme makers as a threat of censorship and could produce a chilling effect, where broadcasters would not air moral issues for fear of sanction. Such sanction could come in a number of ways. Firstly, the programme maker might fear that their employment or career would be damaged; or that their next programme assignment would be affected; or that they might be stopped from dealing with the issues they would wish to cover. Or, given the youth factor, the programme, or programme content, might be restricted to a late night slot with a very small audience. A programme maker would not want that because, as one radio manager argued, “evening radio was for minority listening” (EC 29 June 1979). An average Radio One audience at 1430 hours was 230,000; at 2300 hours the average audience was 22,000 (JNMR, 1979/80).

Women Today

A sustained challenge to the Editorial Committee's views about the on-air treatment issues of sex, sexuality and morals came from the *Women Today* radio programme, which first went on air on 31 May, 1979 (Horgan, 2004: 158). Its broadcast time was 2pm to 3pm, Monday to Friday. The programme was presented by Marian Finucane, and produced by Claire Duigan and Betty Purcell. From the start, *Women Today* raised issues of women's sexuality, health and social standing that were a difficult challenge to those in RTÉ of a more conservative mind than the programme makers. The Editorial Committee's response followed the pattern of understated objection, sensitivity to outside complaint, concern for "suitability", protection of youth, and suggestions of moving the programme to a less prominent slot.

An early *Women Today* programme item on pornography was considered "unsuitably scheduled at 2pm" (EC, 8 June 1979). An item on lesbianism got the response that "subjects like lesbianism should not be dealt with in daytime broadcasts" (EC, 15 June 1979). An item on nudity was somewhat defensively described by radio management as having been "handled well"; though it was also pointed out that there had been "a considerable number of phone calls objecting" (EC, 13 July, 1979). An Upcoming Programmes listing which included "contraceptive methods, sexism in schoolbooks, sexual problems in women and medical advice" drew the rejoinder that "*Women Today* tended to deal too frequently with topics of minority interest" (EC, 24 August 1979).

Throughout 1979, *Women Today* featured prominently in the discussions of the editorial board; most often in commentary on items dealing with sexual behaviour and morality. The reason for this was clear: *Women Today* was the first RTÉ programme to give so much of its airtime to these subjects. Every week new issues were raised that caused difficulty for a cautious and conservative management. A look at just one week's listing of Upcoming Programmes on the Editorial Committee's agenda offered a stark comparison

between the output of radio programmes and the output of RTÉ One television. Radio offered: “Women and the disco scene; hysterectomy; cult of the Virgin Mary; women at work; coping with mentally handicapped children; illegitimacy; stereotypes; hire purchase; nudity.” Television offered: “House mortgages; Mass from Armagh; tennis from Wimbledon. *The Sunday Game*...” (EC, 6 July 1979). It is evident why radio, and particularly *Women Today*, was getting so much discussion time at committee level. Radio was engaged in the production of challenging ideas; television was simply covering externally-generated events. Radio (in this summer-time example) was controversial and demanding of editorial management; television required mostly the scheduling of technical facilities.

On the other hand, most of the issues of sex and sexuality dealt with by *Women Today* were already readily available in the Irish print media (Levine, 1982: 117-118). Marion Finucane was aware of the wider media context against which they would be perceived:

“The previous decade was full of the Women’s Movement; the newspapers all had women’s pages dealing with women’s issues, and not just knitting and crochet” (Finucane, 2005).

The content of *Women Today* arose out of the discussions of the programme team:

“We came to more of an attitude than a policy, which was that we would allow what we knew, or what we were told by the listeners eventually, were the issues they wanted us to talk about” (Finucane, 2005).

The success of *Women Today* in identifying the issues that listeners wanted them to talk about is confirmed by the success of the programme. As we have seen, there were considerable concerns about the programme’s content, and many complaints. Finucane attributes some of this complaint to the degree to which the programme was normalising the debate of intimate issues:

“I think it was the ‘matter of fact’ that annoyed people. If you covered certain issues of health, and you called a breast a breast, and a vagina a vagina...that gave rise to people getting very angry indeed. Or the matter of factness that nobody was going to get over-exercised” (Finucane, 2005).

Objections sustained

It was not immediately obvious to the RTÉ management that it was out on a limb in clinging to a narrow moral pathway, while the print media blazed new trails in challenging moral conventions (Gillespie, 2003: 140-166; Levine, 1982: 116). There were those who considered that RTÉ had a special responsibility to protect its listeners from objectionable material. The word “objectionable” had a special place in Irish life – everything from crossroads dancing to jazz, newspapers, literature and film had at one time or other been found to be objectionable (Ferriter, 2005: 336, 409; Adams, 1968: 16, 35; Rockett, 2004: 29). But as Bob Collins asked: “Objectionable in whose mind? For some RTÉ managers something was objectionable if it was,

“The kind of thing to which right-thinking people might take exception. People whose opinion should be taken account of, like bishops, priests or well-informed lay Catholics” (Collins, 2005).

That so many people had chosen to listen to *Women Today* and not get “over-exercised” or find the material objectionable was indicative of the extent to which the programme makers were rightly interpreting the wider public mood. This raised the question of how the RTÉ management could be so out of touch with this public mood; why they clung to their conservative viewpoints; and why they were so sensitive to complaints about the programme? Bob Collins recognises that RTÉ was sensitive to the concerns and uncertainties of people within the audience and aware that, while they could control output, “The audience simply had it leaping out of the radio or television at them” (Collins, 2005).

There is evidence that, while many senior managers shared a conservative view on issues of sexual morality, there were some who recognised that the world was changing and that they would have to open up the airwaves to reflect other points of view. The very fact that the station was prepared to bring *Women Today* into the schedule in a prime listening slot, on five days a week is seen by Bob Collins, who was a member of the Editorial Committee, as an extraordinary commitment. But he does observe that many of the committee found it difficult to adjust to the open and frank manner in which the programme approached sexuality:

“There was a degree of discomfort, entirely understandable, and sometimes appropriate discomfort, about the way in which certain topics were becoming part of the broadcasting currency, and about the way in which they were being dealt. And *Women Today* was the lightning rod for an awful lot of that. It was broadcasting in peak time radio about aspects of women’s sexuality, and ergo everybody’s sexuality, which never had been talked about out loud. And they were being discussed on the open air and everybody could hear it. Men could hear it” (Collins, 2005).

It would be wrong to simply assign the Editorial Committee into conservative and liberal camps, and expect them to divide in obvious ways when issues of sexual morality were being dealt with, as this was not always the case. Other loyalties came into place, including departmental and staff loyalties that could supersede philosophic or moral stances. The Controller of Programmes, Radio, who was seen by Collins to be a “very conservative Catholic”, was also seen by him, in those Editorial Committee discussions on *Women Today*, to be “supporting what his programme makers wanted to do...he did it fairly well, to give him his due” (Collins, 2005).

The extent of the concern, and division amongst members of the senior RTE management, emerged clearly at a meeting of the Editorial Committee in August, 1979, whilst still in the period of school holidays. Senior managers “expressed concern over some of the topics discussed recently on *Women Today*”. Three of the most senior managers said that they “had listened to a recording of the controversial programme broadcast on August 21

dealing with women's sexual problems". "All (three managers) were agreed that, while the programme had been handled responsibly, it was transmitted at an unsuitable time of the day". The problem of "many young children" listening was raised. It was then suggested that *Women Today* would be moved to the "time of 11.00 p.m. or even an early morning slot" (EC. 31 August, 1979).

If effect was given to this suggestion it would have taken the programme out of a prime-time radio listening slot, and consigned it to an off-peak period, where, as one manager at the meeting, who opposed the suggestion said, "(it) would not reach the audience towards which it was aimed". This was the first time the Editorial Committee's minutes recorded a significant split on the issue of sexual morality. The very fact that these very senior managers had taken the time to listen to a recording suggests considerable concern. That concern may have arisen from personal conviction, internal station commentary, or from a large number of external complaints. (see EC. 14 September, 1979 for mention of "many letters") Or it may have arisen from a desire on their part to have a prepared and agreed position prior to attending the Editorial Committee meeting.

Young people and the watershed

The proposal to move *Women Today* to a late night slot was not pursued, but a new suggestion was made that "sensitive issues" would not be covered during the summer, but would be held over to "be taken up during the winter months". The suggestion of deferral was rebuffed by the radio management, who argued against having a "closed season" in broadcasting. This was an important principle being made by the radio management, given that there was already an acceptance in television of the notion of a Watershed: "21.00 (hours) is fixed as the time up to which nothing is shown that is unsuitable for children" (RTÉ Programme Makers' Guidelines, 2002: 43).

The argument against a closed season, or watershed, was the first attempt by the radio management to nuance the approach to youth audiences. It was in line with practice in BBC radio where editorial guidelines require that the scheduling of programmes which

“contain explicit sexual discussion” needs to be “relevant to the audience expectations of each radio network”. BBC policy was that,

“We should judge the suitability of content for our audiences, including children, in relation to the expectations of the likely audience at a particular time on a particular day, and in relation to the nature of the service as well as the nature of the content” (BBC Editorial Guidelines, 2006).

It is arguable that *Women Today* was an adult programme and that it had created amongst its audience particular content expectations. From the start, its agenda was to discuss adult topics which the programme members believed were relevant to women:

“(…money, sex, relationships…the homosexual son…things that women would discuss if they got together over a pot of tea” (Finucane, 2005). From its first broadcasts it contained explicit sexual discussion, so clear expectations of content were established. Parents were unlikely to be caught by surprise at what was being discussed, even at times when children were off school, or on holidays. Parents also had the option of turning off the radio if that was their choice. The argument against a closed season, or watershed, was also facilitated by the inauguration of RTÉ Radio 2, an alternative station for a young audience. RTÉ Radio 2 began broadcasting on 31 May 1979, the same day *Women Today* first went on air (RTÉ Timeline). The alternative choice of Radio 2 at least allowed that Radio 1 be deemed an adult station, where audiences were entitled to listen to adult topics at important peak listening times. There was also an arguable point, that to operate a closed season could, as argued in one American case where the suitability of taboo words was at issue, “reduce the adult population…to [hearing] only what is fit for children”. (FCC V Pacifica Foundation, 1978) It may also have been a reassurance to RTÉ that the stations track record with the Broadcasting Complaints Commission was good. (PPC, 5 May 1978; BCC, 2006) and that despite the steady flow of letters and calls of complaint, there was no general sense in the public arena that RTÉ’s handling of sensitive issues was distasteful or obscene or likely to corrupt children. There was also at this time at Editorial Committee level a recognition of change:

“...the penny dropped that daytime (on radio) was the quintessentially adult listening time (and that) because life operates at a variety of levels, a pre-school child will have no sense of what is being discussed in a programme like *Women Today*” (Collins, 2005).

Support for *Women Today* came also from television managers who argued that the programme had,

“given a new dimension to women’s programming and that restrictions should be kept to a minimum as long as the team accepted management’s reasonable wishes” (EC. 31 August, 1979).

New tentative ground rules had evolved. All areas of sexuality were being opened for discussion and programme treatment. All of day-time radio would be treated as adult listening, notwithstanding that young people might be listening. Restrictions would be minimal, unless programmes stepped outside the “reasonable wishes” of management – a condition that remained undefined. Within a fortnight, the enthusiasm of radio producers for the sex/morality debate was evident, with Upcoming Programmes listings offering “transvestites and wives; divorce and annulment; women’s sexual problems (promised follow-up programme)” (EC. 14 September, 1979).

Throughout the next two years issues of sex, sexual morality, and the laws which sought to control or manage these aspects of human behaviour were the subject of a considerable amount of programming on RTÉ radio and television. Among the subjects covered were: parents and homosexual children, making choices between adoption and abortion, divorce, lesbianism, social attitudes to male homosexuality, several discussions on abortion, discussion on the pro-life amendment, sex guilt in young people, sexual hunger in the west of Ireland, prostitution in Dublin, transvestites, rape, sexual stereotyping, young prostitutes, women’s sexual fantasies (this raised some questions as to “suitability” (EC. 16 January, 1981)), gay rights conference in Cork, marriage and sex therapy (EC. September, 1979 – December, 1981).

The minutes of the Editorial Committee show a number of complaints about coverage. There are a number of reminders, particularly coming into summer school-holiday periods of the need to be aware of what could be “unsuitable listening for young people” (EC. 16 May, 1980; EC. 5 June, 1981). Two weeks after this warning, the summer radio programme for teenagers, *Young View*, listed a programme item “sex guilt in young people” (EC. 30 May 1980).

Emergence of the Pro-Life Amendment Campaign (PLAC)

In 1980 there were few social indicators to suggest that any group should feel compelled to propose a Constitutional Amendment to ensure that abortion could not be legalised in Ireland, either by statute, or by ruling of the courts. Catholic Ireland ought to have felt confident that there was very little challenge to the Church’s opposition to abortion as set out by its Bishops (Irish Bishops’ Pastoral, *Human Life is Sacred*, 1975: 5-25). Catholics were an undisputable majority in the Republic: the 1971 Census recorded Catholics at 93.9% of the population (Census of population, 1971 Vol. 1X: Religion). Observance of weekly mass attendance was high: a 1974 poll showed 90.9% of adults claiming to attend (Nic Ghiolla Phadraig, Maire, 1976: 129). And a survey published in 1977 showed that 95% of lay Catholic respondents thought abortion was “always wrong” or “generally wrong” (*Irish Times*, 21 July 1977). J.H. Whyte author of *Church and State in Modern Ireland* declared dismissively in the Epilogue chapter of the 1980 reprint, that, “Abortion need not detain us long” (Whyte, 1980: 400). Whyte pointed out that only one TD., Noel Browne, had “spoken in favour of abortion in any circumstances”; and that only one women’s organisation, Irish Women United, “was stated to favour legal abortion” (Whyte, 1980: 400).

While there was little support for the legalisation of abortion here, there were a significant number of women going to Britain for legal terminations of their pregnancies. In 1980 the recorded figure for abortions in the UK for women with addresses in Ireland was 3,320 (Keogh, 1994: 371). This figure had risen year by year from only 122 in 1969, the first

year after legal abortion had become available in Britain (David Nowlan, *Irish Times*, 2 April, 1979). In June 1980, those whom Whyte called the “radical fringe” in the form of the Irish Woman’s Right to Choose Group, a campaign group for “Legalized Abortion” and “Open access to abortion facilities for all women in Ireland” (IWRCCG, 1981: 29) opened the Irish Pregnancy Counselling Centre (IPCC) in Dublin. The Centre offered a “full-time counselling service willing to discuss all the options open to pregnant women”. The language employed by the IPCC to describe its service was more euphemistic than the explicit references to abortion of its campaigning wing, the IWRCCG; but it can be correctly understood that those travelling to “the clinics to which it (IPCC) makes referrals” in the UK., were going there for the purpose of having an abortion. (Private source: former IPCC counsellor , 2006)

Campaign of Complaints

From January 1981, and throughout the period of the Pro-Life campaign up to the referendum in September 1983, there was evidence of a well focussed, and arguably organised, series of complaints to RTÉ about its handling of moral issues. Complaints were not limited to the abortion issue, but ranged across many issues concerning sex and morality. In January 1981, the Fine Gael TD, Richie Ryan, complained about an advertisement on RTÉ for a first issue of a medical advice magazine, *Doctor’s Answers*. The complaint was not about the content of the advertisement, but rather that *Doctor’s Answers* contained an article which “advocated abortion”. The Committee seems to have been satisfied that the article complained of was “explanatory” and did not advocate abortion (EC. 9 January, 1981). The Committee discounted the complaint, but were sufficiently concerned about being caught in a difficult row, that they decided to contact the Department of Justice and the Censorship Board to be made aware of any decisions that might be taken at that level. It was a small thing, but the nervous response was indicative of a sensitivity to criticism and a perceived need to be ready for trouble.

In March, the Editorial Committee meeting was advised by the DG that he had received “a number of complaints” about a *Youngline* programme which had dealt with homosexuality (EC. 13 March, 1981). The minutes noted a “favourable reaction from adolescents. The criticism of the programme by adults underlined the generation gap”. The minutes also note a view that homosexuality “was a legitimate subject to be aired since young people did discuss such topics among themselves and the programme was in effect, ‘listening in’ to their conversation. While this validation was a bit tortuous, the manner in which all of these points were minuted suggested some relaxation of attitude at Editorial Board level to the discussion of homosexuality on air. That this discussion was being allowed for young people makes it even more significant. It was a far cry from Bob Collins’ observation of the previously deeply conservative attitudes, and the “intuitive dislike” of some powerful members of any discussion of homosexuality on air:

“Homosexuality was certainly a no-no...Open debate about the validity, or justifiability of, or the normality, or the legislation, or the ordinariness of homosexuality, was bad Karma” (Bob Collins, 2005).

However bad the Karma, programme makers continued to have the issue discussed on air.

“There were frequent arguments at those meetings about the treatment of homosexuality; the very fact that it should be mentioned; the excessive presence of David Norris on air” (Collins, 2005).

Although homosexual acts were subject to legislation, against which the aforementioned David Norris, and others, were actively campaigning, the Editorial Committee did not discuss or make any determination on its responsibility in this circumstance to its own legal responsibilities to be objective, impartial and fair.. The only concerns recorded by the Editorial Committee were personal, moral and social. But there was recognition, despite the numbers of complaints, that homosexuality was a legitimate subject for discussion. Seven years later, David Norris, at the European Court of Human Rights, successfully challenged Irish laws that criminalized homosexuality (Norris V Ireland – 10581/83 [1988] ECHR 22 [26 October 1988]).

The Easter edition of the *RTE Guide* was the target for complaints. The Head of Information, on to whose desk a lot of these complaints landed, noted that several of the correspondents had complained that the *Guide* cover had not been “seasonal”, meaning that it was secular and not religious. The Head of Information was of the view that the complaints had been inspired by the intervention of a Catholic priest, in a “ sermon preached in a Dublin parish on Palm Sunday” (EC. 24 April, 1981). The suggestion from the Head of Information was that there was either a concerted campaign of complaint; or at least, that there was a sense of grievance against RTE being encouraged from the pulpit.

In October, the first indications that the Editorial Committee was concerned that coverage of the abortion issue on radio tended to favour an anti-amendment position were noted. The Head of Information observed that,

“(R)epresentatives from the Well Woman Centre were being given a lot of publicity, particularly on radio. He felt that other agencies dealing with similar problems should be given the chance to air their views as well” (EC. 23 October, 1981).

The DG agreed and asked that the Director of Radio investigate the matter.

Maintaining Editorial balance

Throughout 1982, right from New Year’s Day, RTE was dealing with problems of maintaining editorial balance in its handling of moral issues. The Head of Information thought that the *Women Today* programme on New Year’s Day presented what it purported to be important events for women “from a predictable and single minded viewpoint”. He felt that “other attitudes should also be heard” (EC. 8 January, 1982). The seriousness of the complaint was underlined by the fact that both the Assistant Director of Programmes, Radio, and the Controller of Radio 1 agreed. The suggestion that the

judgments made on *Women Today* were “predictable” indicated an on-going difficulty. The fact that two senior editorial managers in radio agreed suggested that editorial balance on the programmes was perceived as an unresolved, on-going problem. A later reference in the minutes from the Deputy Director General (DDG) that the Controller of Radio 1 had earlier “reassured the Authority regarding balance on the programme” confirmed that this editorial concern for balance and fairness on *Women Today* had reached the highest levels of the organisation, but had not been resolved.

The meeting raised another important issue about the manner in which contributors from either side are selected by programme makers, and the extent to which this selection process was biased. A qualifying and moderating argument that the Controller of Radio 1 offered to the committee to explain the imbalance on the programme was that “it was quite difficult to find upholders of conservative positions who could speak articulately”. This was not an unrealistic argument in the circumstances, and in the experience of this writer, it was one that cropped up regularly in the early days of RTE discussions on sex, contraception, abortion and divorce. The liberal viewpoint tended to be argued by people who were young, articulate, modern and glamorous. These people were the zeitgeist, the spirit of the age; and they were of an age with the programme makers.

One of the problems for the Pro-Life campaigners in their dealings with young, questioning broadcasters was that they seemed to be the very models of an aged establishment: eminent Catholic gynaecologists lined up with eminent jurists, supported by shadowy members of the Knights of Columbanus, and of SPUC, the Society for the Protection of the Unborn Child, an organisation which had gathered intelligence on Pro-abortion groups dating back to the mid 1970s (Hesketh, 1990:5). When constituent organisations of PLAC such as SPUC, said that what they sought was “the establishment and maintenance of traditional values; or when the Irish Responsible Society said that “Ireland had already traveled far down the road to moral decadence” (Hesketh 1990: 11 and 5), they must have sounded, to the academically bright, liberal young broadcasters wanting to confront “the current establishment”, (MacConghail, 2006) like throwbacks from what John A. Murphy called the “Republic of Virtue...Ireland, not only free, but virtuous”, (Murphy, John A. 1984: 52). A negative journalistic attitude to PLAC was not

confined to broadcasters. Gerald Barry of the Sunday Tribune noted that at PLAC's campaign launch in August 1983, the "hostility of the journalists was palpable"; while the "distinguishing characteristic of ...[the AAC] news conference was the general amity between the journalists and the platform" (Sunday Tribune, 21 August, 1983). But Bob Collins saw not just generational solidarity in the editorial decisions of the stations' young producers, but also a sometimes juvenile thumbing of noses, a certain relish in being able to use the national broadcast service to stick it to the establishment:

"I think there was a touch of adolescence...By which I mean: if you repress something for long enough, once an opportunity arises it is not very measured. There was a touch of the locker-room about the way some of the issues were treated. It was yay hay I said fuck twice on my programme...It was inevitable, and not necessarily a bad thing. But it prompted a counter reaction in terms of internal attitudes" (Collins, 2005).

David Blake-Knox, who was a producer/director with *Today Tonight*, and who was in charge of the programme's coverage of the abortion referendum campaign, observed another dimension whilst producing programmes with PLAC and AAC. Firstly, the poor quality of spokespersons available to PLAC:

"One of their big problems was that they had very few women spokespersons. They had this woman called Julia Vaughan, whom they put up regularly. She was a nice woman, actually. She was an ex-nun and she was a doctor. The problem they had with her, and they recognised it, was, that despite her decency and intelligence, she was not comfortable discussing sex and conveyed the impression that she was not comfortable being the spokesperson. It did militate against them." (Blake-Knox, 2006).

This created problems for a producer in assuring balance and fairness as between competing parties. But just because one side was older and uncomfortable, and the other was young and bright, did not, in Blake-Knox's opinion mean that the scales were totally weighted on one side:

“On the other hand, the Anti-Amendment Campaign was heavily reliant on lawyers and young barristers to put their point of view. These were very bright guys. But for a lot of the audience they were pricks; Fine Gael legals, with no real contact with life. Some of them, because of their age, would come across to the audience as arrogant.. That was a disadvantage. It wasn’t as though the AAC had lots of media friendly users. And a lot of the AAC focussed on legal issues, as a result of the involvement of so many young barristers and solicitors. On the other hand, the Pro-Life campaign focussed on emotional, kind of felt issues. So that had an impact on the type of campaign that they ran.” (Blake-Knox, 2006).

More and more complaints

The tempo of complaint increased throughout the month of January 1982. At the last Editorial Committee meeting of the month the DG drew attention to the

“increased volume of correspondence he had received in the past few weeks relating to bad language, immoral behaviour, insinuations etc., (largely) directed at the *Sunday One* drama programmes”. He felt the public outcry had been caused by “a succession of programmes containing unacceptable levels of bad language, immoral behaviour etc” (EC. 22 January, 1982).

The *Sunday One* television drama series had been described as “liberal probes into particular areas of social tension” (Sheehan, 1987: 292). In responding to the DG, the Assistant Controller – RTÉ 1 noted that while complaint levels were rising, so were audiences for home produced drama – with “average ratings...increased from 23 to 40 in the past year”. He thought that drama “focussed on contemporary social topics and aspects of 1980s life....would deal with sensitive topics which could offend people” . The DG was having none of it: He was not suggesting that these sensitive topics should not be dealt with “but the danger of overstepping the mark on occasions should be kept in mind”. The

DG then singled out *Women Today* as a programme which had been at fault for overstepping the mark from time to time.

Editorial duties and responsibilities

By March 1982 the Editorial Committee “agreed” that there was a “concerted campaign against certain RTE programme content” (EC. 5 March 1982). A number of Catholic priests were identified as being associated in some way with that campaign: Rev. Simon O’Byrne who had criticised a recent *Today Tonight* programme on divorce; Fr. Lawlor S.J who had made criticisms in the previous week; and the Auxiliary Bishop of Dublin, Brendan Comiskey, who had recently attacked RTE in a religious magazine and in Irish Broadcasting Review. Bishop Comiskey argued that RTE programmes gave a prominence to those who opposed the official teaching of the Catholic Church. He linked the Church’s teaching with the beliefs of a majority whose viewpoint represented “traditional values”.

“...there is certainly a very clear perception among many of the more traditional groups...that the minority point of view always gets the greater airing in relation to subjects such as divorce, contraception and abortion” (Comiskey, 1981: 10-11).

The Head of Information was also in receipt of “a large volume of letters of criticism”. One of the lightning rods for letters of criticism being dealt with at this meeting was a *Today Tonight* programme on divorce. The Controller of RTE 1 Television argued in its defence that,

“...many of the objections might have been based on a misunderstanding of the purpose of the programme – the programme was looking at the legal aspects of divorce and not religious factors etc” (EC. 5 March, 1982).

The Head of Information asserted that the programme went

“...beyond the legal aspects” and “to the edge of the impartiality rules” by interviewing a person on the programme about ‘the human aspects of separation without divorce’ (EC. 5 March, 1982).

He “wondered if a balancing programme was planned”. The Controller responded that the issue would be re-visited in future programming. This promise to re-visit the issue was an implied acceptance that the description of the divorce programme as merely “looking at the legal aspects of divorce” had not survived challenge, and that the programme may not have been adequately balanced.

What was clearly a lively meeting, sharpened by the volume of external criticism, and the open frankness of the internal debate, provided an opportunity to examine some difficult issues, and to establish clear management perspectives. A number of fundamental points emerged, about which there was no recorded dissent:

- It was RTÉ’s right and duty to cover various topics.
- There was a dilemma for RTÉ in necessarily covering sensitive subjects which might be offensive to some older members of the audience. (The television audience profile was different to the population profile in that there was a much larger viewing audience in the over-40 age group.)
- While RTÉ had sympathy for the views of older people, that could not deflect it from its obligation to reflect changes occurring in society.
- Programme standards could slip, leaving RTÉ vulnerable to criticism.

These were significant points, not least in that they marked a watershed in Executive thinking at RTÉ. This was the first time in the course of the Editorial Committee’s many discussions on programmes with a moral dimension that there was seen to be a general acceptance that RTÉ had both a right and a duty to cover such topics. Media which did require to be licensed could claim those rights under constitutional law (*Bunreacht na hÉireann, Article 40*), or international human rights provisions (*European Convention for the Protection of Human Rights and Fundamental Freedoms, Article 10*). RTÉ’s rights,

while also underpinned by the constitution and the ECHR, were, additionally sanctioned by legislation to

“...establish and maintain a national television and sound broadcasting service (having) such powers (as) to originate programmes” (*Broadcasting Authority Act, 1960. S.16*).

The Act, as amended in 1976, did not place a duty on RTE to cover any particular matter; But it did cover the manner in which particular matter was covered. (Section 31.2 of the 1960 Act did place particular duties, but they are not relevant this study.) What the Editorial Board seemed to be saying was that where a topic was the subject of public controversy or current debate, it had a duty to cover this topic in order to observe its duties of fairness, objectivity and impartiality.

There were caveats built into the new dispensation. The recognition that “programme standards could slip, leaving RTE vulnerable to criticism” was a marker that this issue could be revisited on a case by case basis when circumstances dictated. The knowledge that a concerted campaign of protest against RTE for its coverage of moral issues, one in which prominent clergy were taking part, would make it a certainty that it would be revisited. What Bob Collins describes as the minority of “Canutists” on the committee were vigorous and hard-fighting:

“It wasn’t as if there were battle lines drawn, and there was a big joust , and they lost, and were forever after silenced, because they were not. There was a real recognition on their part that they were not going to win on a long-term basis, but that did not stop them fighting” (Collins, 2005).

The Bishop Comiskey article suggested a widespread concern amongst traditional Catholics, whom he claimed to be a majority in Irish society, that on matters of divorce, contraception and abortion, their voice was no longer a dominant perspective in RTE programmes. This is a view that was echoed in many of the letters of complaint coming into RTE. It was also the view of some senior RTE executives recorded in the Editorial

Committee minutes. There was no evidence in the Committee minutes that these concerns made an impact on editorial decisions at programme level. There was a view that the perspective of the younger generation of programme makers was seen to be closer to the dynamics that were changing attitudes to traditional values in Ireland, than they were to the traditional values themselves. It is evident from the RTÉ records that, when programmes dealt with issues such as divorce, contraception and abortion, the Editorial Committee members from non-output areas of management could not impose editorial influence on how these matters were treated by programme makers. It is also apparent that television's Programme Executives were satisfied with the overall editorial performance of Television Programmes, while radio Programme Executives had continuing issues with the *Women Today* programme.

Election-type situation

Three weeks later at the Editorial Committee meeting, the Head of Information

“drew attention to the pressure campaign at present being waged against RTÉ from Church quarters. Bishop Comiskey and Rev. Lawlor SJ, had publicly condemned RTÉ for its presentation of moral issues. Meetings had been set up by groups, at one of which he had been harried and abused. He felt it would be wrong to ignore the existence of these groups since many sincere people were involved” (EC. 25 March, 1982).

The DG noted

“that there had been considerable amount of correspondence on this particular subject. He was meeting Bishop Comiskey and Bishop Cassidy for lunch on Monday next. (The DG added) that programmes dealing with abortion should endeavour to achieve balance within each programme since RTÉ was now in an ‘election’-type situation following the Taoiseach’s announcement of anti-abortion legislation” (EC. 25 March, 1982).

In the immediate period preceding elections or referenda, it was RTÉ practice to put in place a Steering Group to coordinate coverage of the campaign. Its decisions were to be heeded by all programme makers (RTÉ Programme Makers' Guidelines, 2002). In the experience of this writer, the establishment of the Steering Group, and strict 'stop-watch' balancing, did not normally come into play until the election or referendum was officially announced. Otherwise, if there was a minority government, RTÉ could be in an 'election'-type situation for the duration of the lifetime of that government.

The DG's announcement of an 'election'-type situation was a departure from the normal procedure where election situations, were usually introduced upon formal announcement of the proposed election or referendum by the Government. Polling day in the referendum was not published until more than a year later. (Government Information Service, 7 July 1983). The Steering Group usually set up to monitor election coverage was not set up until seventeen months later, on 5 August 1983 (EC. 5 August, 1983). Formal, public, referendum campaigning of the AAC and PLAC began respectively on 15 and 16 August 1983 (Hesketh, 1990: 304). In fact an 'election'-type situation could not exist until the Constitutional requirement for the referendum proposal to be "passed or deemed to have been passed by both Houses of the Oireachtas" was fulfilled (*Bunreacht na hEireann*: 46.2; Seanad Debates, May 1983, Vol. 100: 1342). The political state of play in March 1982 was far from being analogous to what RTÉ normally deemed to be "an election-type situation".

From an editorial point of view, the importance of the DG's intervention was that the imposition of 'election'-type conditions placed a very restrictive burden on programme makers. It is extremely difficult, and not always the best way to service a free and open debate, to insist on "balance within each programme". This difficulty was recognised within the broadcasting legislation. The *Broadcasting Authority (Amendment) Act, 1976*, allows that in regard to fairness, objectivity and impartiality, should these "prove impracticable in a single programme...two or more related broadcasts may be considered as a whole". The 'election'-type situation does not get mention in subsequent minutes,

until August, 1983, so it is reasonable to assume that the DG's proposal was not immediately pursued.

A continuing stream of complaints

A month later, a proposal from the *Late Late Show* to feature and interview with an English transsexual, April Ashley(www.aprilashley.com), drew heavy criticism from the Assistant Director General (EC. 30 April, 1982). The manner of the criticism indicated a heightened nervousness at management level in dealing with any sexual/moral issues. The stated reason for opposition to her appearance was that "She was an unsuitable guest for a light entertainment show". April Ashley was not the first transsexual to appear on the *Late Late Show*, so it was not as though she was creating a precedent. Jan Morris, the travel writer, and transsexual, had been a guest on the show eight years earlier, following publication of her book, *Conundrum* in 1974 (Byrne, 1989: 236).

What may have been the problem with the proposed appearance of April Ashley on the *Late Late Show* was the fear of a negative response, from those whom the Head of Information called, "the mainly conservative audience". He, having personally borne the wrath of these conservatives at a number of public meetings, and being familiar with their anger, warned of "the unnecessary presentation of distasteful subjects (which) played into the hands of such critics" (EC. 30 April, 1982). Meanwhile, Programme Executive members of the Committee continued to argue that "it was incorrect to foreclose programmes from dealing with certain topics". Again there was conflict here between responding to the complaints of some of the audience and with delivering on RTÉ's acknowledged responsibility to the wider public.

Perhaps what was most serious in what was objected to in the proposed appearance of April Ashley was not that she was an "unsuitable guest" *per se*, but rather that she was an unsuitable guest for the *Late Late Show*, because it was "a light entertainment show". This was an unusual point for a senior RTÉ Executive to make. The *Late Late Show* was not simply a programme of light entertainment. It had elements of light entertainment, and the

programme came under the management of the Light Entertainment Department. But its content, from its first billing in the *RTV Guide* of 15 June, 1962, always went beyond the limitation of the departmental title, to become a forum for: "Spontaneous talk...idle chatter...controversy...all unexpected, all unrehearsed" (Byrne, 1989: 107). Gay Byrne later described the programme as:

"...a town hall of the air . There are Ye Current Entertainments, and then, when we are discussing any current topic of note or controversy, I am a kind of chairman, running a debate in as fair a manner as possible....The object is to allow in as many points of view as possible" (Byrne, 1989: 185).

As Peter Feeney, a producer of the *Late Late Show* from 1980 to 1981, put it:

"The *Late Late Show* has been, and continues to be, a most suitable programme for the discussion of serious subjects of public controversy. To regard the *Late Late Show* as merely a 'light entertainment' programme is to misunderstand the pivotal role of the *Late Late Show* in RTÉ's output over the last two decades" (Peter Feeney to Tom Quinn, Secretary to the RTÉ Authority, 12 January, 1983).

Or as an editorial in the *Irish Times* put it:

"...the *Late Late Show*, (is) a programme long outstanding not merely as light entertainment but for discussion of important questions". (*Irish Times*, 31 December, 1982)

Throughout the rest of 1982 complaints continued to pour in, and at times senior clerics were seen to be, if not directing, at least influencing the tone and content. In May, the Editorial Committee's attention was drawn to a sermon given by the parish priest of Blackrock, County Dublin, in which he used the occasion of Communications Day to "imply that RTÉ had fallen into the hands of minority groupings". Similar comments were reported to have been made in another Dublin parish church and in the religious column of

a Sunday newspaper. One Executive was of the view that these comments “represented the views of Archbishop Ryan” Archbishop of Dublin (EC. 27 May, 1982).

Within the Editorial Committee the conflict continued between those who wished that programmes would refrain from addressing controversial moral issues for fear of giving offence, and those who argued for the legitimacy of broadcasting these topics. Head of Information “questioned whether RTÉ was sufficiently aware of its public” (EC. 2 July, 1982). At issue was an edition of the radio programme *Saturday View* where Gay Week and the 50th commemoration of the 1932 Eucharistic Congress were discussed. He complained that Gay Week had been discussed “uncritically”; while the Congress was discussed in “an analytical manner”. He was concerned at the gratuitous underscoring of controversial matters. Radio programme management argued for the legitimacy of broadcasting in an ongoing and balanced way.

The Committee meeting of the 27 August discussed a proposed interview with a homosexual and a transsexual on Pat Kenny’s Radio programme. The Head of Information, with support from the Deputy Director General, thought that audiences were “not interested in hearing these subjects so frequently” (EC. 27 August, 1982). At an October meeting the Deputy Director General was concerned at the amount of time given on the *Gay Byrne Show* to a discussion which had been “quite explicit on the activities of homosexuals”. The programme had featured two doctors discussing a recently noted outbreak of Kaposi’s Sarcoma, in New York homosexuals. This was the first mention on RTÉ of what would later be called AIDS. Head of Information thought that some recognition of the “tastes and needs of the audience, mainly housewives, at that time of day, might be made” (EC. 8 October, 1982). Head of Production Facilities, TV., said that, “RTÉ generally was wrongly giving youngsters the impression that this was ‘normal’ behaviour”. Later in the month, and back on the abortion issue, there were internal criticisms that “there seemed to be an anti-amendment bias among programmers”, and DDG stressed the need for impartial coverage (EC. 15 October, 1982). While there was no evidence adduced to stand up the charge of bias, it may be taken as the honest personal impression of one executive. At least it was expression of a concern for the station’s

responsibility to be objective in programme coverage, not just that the individual had moral concerns.

Under-described programme content

A week later at the Editorial Committee, a very short description in Upcoming Programmes from the *Late Late Show* listed: “An English Madam – TBC (meaning To Be Confirmed)” (EC. 22 October, 1982). As it happened, the English Madam did not appear on that week’s programme.

At the Committee meeting of 5 November the Assistant Director General “referred to a considerable volume of letters addressed to the Director General criticising pro-abortion views expressed on the *Late Late Show* of 23 October. Controller Radio One said opposite opinions had been given on several radio programmes. Director News said there was a danger that over-all programming would be weighted in favour of the amendment instead of being impartial (EC, 5 November, 1982).

In a classic example of what Muiris MacConghail referred to as being “under-described” (MacConghail, 2006), the “English Madam” re-appeared in the Upcoming Programmes listing, this time as “Cynthia Payne – authoress” (EC. 5 November, 1982). There was no mention of the book she authored: *An English Madam: The Life and Work of Cynthia Payne*. With such an anodyne billing the proposed item was uncommented upon by the Committee. It would certainly have got a lot more attention if it had been more fully described, as it was subsequently on the programme description in the RTÉ library files: “Cynthia Payne she ran a whorehouse in England general chat about sex and prostitution”. Another similarly under-described listing for the *Late Late Show* that week read simply “Anna Raeburn”. It was also uncommented upon. It too would have got a lot more attention if it contained the subsequent library description: “Anna Raeburn – Cosmetic promoter, feminist, talks about abortion with input from audience and Ulick O’Connor” (RTÉ Library reference: B90/965, LB 769, B90/966).

CHAPTER 6

It Started on the *Late Late Show*

On RTÉ's *Late Late Show* of 6th November, 1982, a statement by a guest, Anna Raeburn, that she had once had an abortion, brought down on the station one of the biggest protests the broadcaster had ever experienced (EC.12 November, 1982). The internal RTÉ editorial crisis that stemmed from this *Late Late Show*, and the subsequent protests, expressed itself in a clash between the RTÉ Authority and a divided station Executive that radically re-defined the editorial management process, and resulted in the RTÉ Authority transferring editorial and "editor-in-chief" responsibility for the management of the Abortion Referendum coverage from the station Executive to the Authority.

The *Late Late Show* (RTÉ Weblog: No.b90/965 *Late Late Show* 6 November, 1982) guest who caused the furore was Anna Raeburn, journalist, writer and sometime BBC 'agony aunt'. She was in Dublin for the purpose of promoting a range of cosmetics and had been invited on to the programme in that context. There was no pre-arrangement or understanding that she would speak about her abortion, although it was known to the programme team that she had had one (O'Sullivan, 2005). During the course of the interview, Gay Byrne asked her to tell about her abortion. She replied: "I had a backstreet abortion when I was not quite twenty one years old. I had it for various and several personal reasons. I was a single woman; I had very little money" (Tyrone Productions, 2005). As Gay Byrne recalled later in his autobiography, she "spoke movingly of the regrets and sadness she felt" (Byrne, 1989: 221).

In her interview, Anna Raeburn did not advocate or decry abortion; neither did she directly express an opinion on the forthcoming Pro-Life Amendment referendum, which at

the time was an issue of intense public and political discussion. However, her appearance was immediately interpreted by many viewers to be a partisan intrusion into the debate. The Editorial Committee minutes of the following week record an “unprecedented adverse reaction” in the immediate aftermath of the show, with “up to 500 letters...received” (EC. 12 November 1982). There seemed to be general agreement that the criticisms of the Anna Raeburn interview were exacerbated by the appearance on the same show of Cynthia Payne, aka ‘Madame Sin’, who had managed a brothel in England. As one manager remarked to the Committee: “...any one of them might have been acceptable alone, but not all together on the one Show”. That said, it appears from the Editorial Committee minutes of subsequent weeks that ‘Madame Sin’ was quickly forgotten.

Four other points were raised at the meeting of 12 November that were important and which continued to reverberate throughout the controversy (EC. 12 November, 1982). Firstly, it was agreed that all of the letters from complainants “should be replied to”. Two different letters were sent: one from the Director General, George Waters, unreservedly apologising for the programme; the other from John Kelleher, Controller of Programmes, RTÉ 1, allowing that the programme dealt with adult themes (*Anglo-Celt*, 17 December, 1982).

Secondly, while there was an impression in the minutes of criticism from one manager that “Mr. Byrne had repeatedly defended the show”, Gay’s defence was supported by a television programme Executive who said that Gay “made the point that each of the subjects dealt with were legitimate broadcasting topics”. This exchange points up an issue that recurred regularly in executive minutes: a continuing split between those who objected to programmes about sex in moral terms, and those who allowed for them as a broadcasting responsibility.

Thirdly, was reference to a report in the *Sunday Press* (7 November 1982) which was thought to be “an embarrassment to the Authority and executive since it appeared to leave programme decisions in the hands of programme-makers”. This raised the thorny question of where editorial responsibility rested in RTÉ: the Authority, Executive or programme makers ; and whether the Executive was competent to manage its editorial responsibilities.

Fourthly, it was noted that, “Mr. Byrne would make an apology on the *Late Late* tomorrow night. This should be a corporate one on behalf of the organisation as well as himself”. As it transpired, Gay Byrne did not quite make the apology as it was thought he would; again underlining the weakness of executive resolve or influence in the editorial decision making process

Normalising Abortion

This was the first time since the Pro-Life Amendment Campaign (PLAC) began in April 1981 that any woman had said on an RTÉ produced television programme that she had an abortion. It is possible that many of those who supported the Pro-Life cause interpreted this very public statement, made in a non-confrontational context, as a publicity coup for their anti-amendment opponents. It would have to be considered that perhaps the extraordinarily hostile reaction to Anna Raeburn’s revelation on the *Late Late Show* that she had an abortion, arose out of a fear that her saying so on Ireland’s most popular television programme somehow made abortion seem more normal. Kevin Rockett, in that section of his book which deals with cinema censorship in Ireland in the 1940s, recounts the banning of an American film for having a theme based on the illegitimate conception of a child. The reason given for the banning, on which he quotes the then Film Censor, Richard Hayes, suggests that the censor had fears that the film might have made illegitimacy seem more normal:

“The theme is worked out in such a way that a certain sympathy is aroused right through for the mother, while a glamour is created around illegitimacy” (Rockett, 2004: 117).

Spooling forward 40 years, and with the agenda shifted from the cinema screen to a television chat show, those in favour of the Pro-Life amendment may also have felt that Anna Raeburn’s contribution to the *Late Late Show* might have made abortion seem more normal. Such fears were supported by some commentary and reporting which

subsequently appeared in religious and provincial press. An *Irish Catholic* editorial, charged that:

“The teaching of the Catholic Church on marriage, the sanctity of life and love were sometimes presented by panelists as being behind the times and ‘out of date’” (*Irish Catholic*, 30 December, 1982).

The Society to Outlaw Pornography (which shared an address in Dublin with the Knights of Columbanus), was likewise concerned. In a letter to the *Offaly Topic*, its chairman Nial MacDara wrote:

“There is little sympathy at RTÉ for the effect of these programmes (on the audience) – destabilisation of marriage, pregnancies to the young, lost parent/child relationships” (*Offaly Topic*, 9 December, 1982).

A woman’s right to choose

Another factor which may also have generated PLAC protest was that, while Anna Raeburn did not promote abortion in any direct way, neither did she explain it away as a response to an horrific personal, social, familial or psychological experience or circumstance – a response that might have “excused” her action to her audience, or diminished her personal culpability. Instead, she justified her choice to have an abortion in the context of what acute observers at the time could have interpreted as a highly political statement: a personal choice, made to accommodate her circumstances and her wishes. “I had it for various and several personal reasons. I was a single woman; I had very little money”. Whilst Anna Raeburn did not explicitly promote or support the pro-abortion or anti-amendment argument, the circumstances of her own abortion and the manner of her decision reflected one of the core positions of the Irish Woman’s Right to Choose Group (IWRCG), as outlined in their campaigning literature:

“Every child should be a wanted child and not a burden or a point of resentment...the ultimate decision should lie with women. Whether we decide to have a child or terminate the pregnancy, it’s our bodies and our lives that are principally involved” (Irish Woman’s Right to Choose Group, 1981: 24-25).

It is arguable that the “unprecedented adverse reaction” recorded in the immediate aftermath of the show, with “up to 500 letters...received” (EC. 12 November 1982), could have been the spontaneous reaction of a shocked and outraged audience. But it would be naïve to think that PLAC and its constituents would not have been angered that a panelist on the country’s most popular television programme, managed to deliver, unchallenged, the “woman’s right to choose” message of its opposition. Anna Raeburn was young, physically attractive and articulate (See programme tape). She wrote for a glamorous women’s magazine, *Cosmopolitan* (Raeburn, 2005). She was a personality who was in Ireland to promote a leading brand of cosmetics, Erno Lazlo (O’Sullivan, 2005). Raeburn may well have been perceived by PLAC and its supporters to have combined sympathy and glamour to make abortion and a woman’s right to choose seem more normal. Or, perhaps more worryingly for PLAC activists, Raeburn’s personality status may have alerted them to how dull and out of date were their own front line advocates - an important factor when competing for an electorate where the voting age begins at eighteen (*Bunreacht na hÉireann*, 16.1.2).

PLAC’s fears that Raeburn could influence viewers attitudes are understandable. Nonetheless, it is difficult to gauge just what effect such a performance could have on viewers. The theory of hypodermic effect, of the strong and universal influence of such exposure has given way, in time, to one of limited effects; that people respond to persuasive communication in line with their predispositions and change or resist change accordingly (McQuail, 1994:338-344). There is a possibility that some viewers whose viewpoint on abortion was not fully committed, might be persuaded by Anna Raeburn that abortion could be acceptable in some circumstances. The 1977 attitudes poll which showed 95% of Irish lay Catholics opposed to abortion, when broken down, had shown 74% who thought that abortion was always wrong; 21% thought abortion generally wrong

(*Irish Times*, 21 July 1977). In other words there were Irish Catholics who were open to persuasion on the abortion question.

Raeburn's interview and story can be viewed as a successful piece of "mass political communication", where in order to persuade, a political issue or problem is represented in "familiar themes that tap existing dramatic formulae in the political culture" (Bennett, undated: 44). It is arguable that Anna Raeburn tapped into that dramatic formula. On prime time television she "revealed that she had had an abortion and spoke movingly of the regret and sadness she felt" (Byrne, 1989: 221). Anna Raeburn as a young woman was confronted with a very difficult personal dilemma, she made a hard choice which many, but not all, would find reprehensible. She got on with her life and public work and was successful. She had no regrets for the choice she made, but she would always carry a deep personal sadness – which makes her more human, her plight universal, and her actions more normal. She was not an ogre. She had sinned, but had found redemption, and as Gay Byrne, Ireland's most famous television presenter said: "she spoke movingly". In other words she made her response to her problems "seem to be the most plausible, natural and inescapable way of thinking about (them)" (Bennett: undated: 44).

Gay Byrne might not have been so positive towards Anna Raeburn. Instead of interviewing her in a sympathetic social context, he might have given her a robust current affairs type interview – and with the Pro-Life referendum looming, this might have seemed appropriate to some. But if he had, would that have changed the outcome? Would the public be left more or less disposed to her actions if she had been grilled? David Blake Knox, an experienced RTE current affairs producer, believed that when there are difficult personal and emotional issues involved it is hard to predict the outcome and impact of an interview:

"Anna Raeburn was very positive about her abortion. If you had people on who'd had abortions, and hadn't really wanted to, the interviewer couldn't be anything but sympathetic. With Anna Raeburn, at least you had the option of saying: isn't it disgraceful. But if somebody said: it was a very hard decision, but on balance it

was the right decision, the interviewer would have had very little option but to be sympathetic (Blake Knox, 2006).

Coordinated complaints about Anna Raeburn

The programme's presenter Gay Byrne believed that the hostile response to Anna Raeburn was not entirely spontaneous:

"It was just the beginning of the SPUC (Society to Protect the Unborn Child) campaign against abortion and feelings were running extremely high... The fact that we had a woman who admitted she had an abortion was sufficient to get people wildly excited" (Tyrone Productions, 2005).

But if SPUC were not entirely spontaneous, neither was Anna Raeburn a beginner at promoting the "right to choose" case. Anna had, for many years, "campaigned in favour of the legalisation of abortion at many meetings organised by... right to choose groups" (Raeburn, 2006). She had also written in *Cosmopolitan* about having had an abortion. She says that prior to her appearance on the *Late Late Show*, she had no contact or connection with any of the Irish pro-choice groups. Nor did she have any connection with the Anti-Amendment Campaign, nor speak in support of them. So, while Anna Raeburn was not on call to discuss abortion on the *Late Late Show*, she was certainly on message when it came to her description of her experience. Gay Byrne was sufficiently well informed prior to the programme to know to ask her about having had an abortion. So some prior planning and knowledge went into the question. In other words, the programme team knew that abortion was on the agenda for the programme. But the Editorial Committee was not informed of the abortion aspect in the Upcoming Programmes listing. At its first meeting subsequent to the offending programme, there were questions "concerning the lack of information provided beforehand" (EC, 12 November, 1982). And whilst Anna Raeburn is not mentioned, the lack of information regarding the other contentious guest, Cynthia Payne, is explained by the Director of Television Programmes, as "an internal breakdown of communication". Such an explanation is a bit thin, but it spares blushes. Perhaps more

likely the critical advance information on both Anna Raeburn and Cynthia Payne was kept anodyne in order to avoid trouble. At some point along the editorial line that ran from the programme, through the Programme Executive, to the Upcoming Programmes listings presented to the Editorial Committee, somebody, to use again Muiris MacConghail's phrase, may have been "under-describing the likely content of some material, so as to avoid what might be difficulty" (MacConghail, 2006).

It is very probable that SPUC, one of the constituent groups of PLAC, would have had its antennae finely tuned to the nuances of Anna Raeburn's contribution. They may well have had knowledge of her, or would have been able to quickly discover her background and credentials. SPUC was, in many ways, the intelligence-gathering wing of PLAC, and had compiled detailed information on Irish pro-choice and pro-abortion groups. According to Hesketh, the SPUC newsletter, *Response* written by John O'Reilly, the leading instigator of the PLAC, "contained detailed knowledge of these groups" (Hesketh, 1990: 5). O'Reilly identified the Irish Woman's Right to Choose Group as being at the heart of the pro-abortion lobby, and claimed that they, with other like-minded groups "had links with the National Abortion Campaign in Britain and used these links to help get the abortion movement launched here" (Hesketh, 1990: 5).

A measure of how sensitive SPUC was to what they identified as a nexus of journalists, media, activist groups and alien influences at the core of the pro-choice campaign can be seen in the words of another SPUC and PLAC founder, Loretto Browne:

"The pro-abortion lobby have been greatly assisted in the media by the fact that the British-based National Union of Journalists, to which the majority of Irish journalists belong, actively supports the Women's Right to Choose Group" (Hesketh, 1990: 6).

SPUC, being an activist group itself, not surprisingly, had its own strategy, which John O'Reilly had earlier spelled out in *Response*, Summer 1982: "Attack is the best form of defence." And one of the targets for this attack would be "pro-abortion propaganda in the media" (Hesketh, 1990: 4).

The Attack

The attack began immediately. As Gay Byrne, the target of much of the disapproval recalls:

“Naturally, SPUC manned the barricades and organised their campaign against the *Late Late* and RTÉ. The Authority members, used to getting letters at a nice steady trickle, suddenly found themselves buried in the type of avalanche we are used to; and whereas we take that kind of thing in our stride, I understand how difficult it was for members of the Authority suddenly to find themselves as personal targets, in receipt of threats, anger, and perpetual telephone calls” (Byrne, 1989 : 221-222).

At the first meeting of the RTÉ Editorial Committee following the *Late Late Show*, the Deputy Director General (DDG) drew attention to the “unprecedented adverse reaction” to the programme (EC. 12 November, 1982). The Director of Television Programmes told the Committee that “up to 500 letters had been received”. He added that “The majority of these were from sincere people”. There was no indication of the number of telephone calls received, but allowing that the DDG spoke of unprecedented adverse reaction, it is reasonable to assume that they were numerous. As Bob Collins recalls: “Anna Raeburn certainly lit up the switchboard and the postbag” (Collins, 2005).

Senior management were the main recipients of complaints: “A lot of it went directly to the DG and to whichever Controller was involved. In those days the telephone log was circulated” throughout the programmes area. (Collins, 2005) The DG was “away” on leave at this time (Collins, 2005) and is listed in the minutes as not attending the Editorial Committee meeting, so it is reasonable to assume that the letters addressed to him were sent on to the Director of Television Programmes. There is no figure available for the number of letters sent to Gay Byrne but there were many. In his introduction to the *Late Late Show* of the following week, Byrne said:

“...thank you to all the people who wrote to us after last weeks show and my goodness me did we ever have a post-bag after last weeks show. It takes me back to the Bishop and the nightie and the days of Mary Kenny and that sort of thing”.
(*Late Late Show* – 13th November, 1982. Transcript of Gay Byrne’s introductory remarks)

The right to protest or complain

The public were entitled to complain; and complainants were entitled to be heard. The Irish Constitution guaranteed “the right of citizens to express freely their convictions and opinions” (*Bunreacht na hEireann*, Article 40.1.1°i.). RTÉ in turn was required by law to uphold that constitutional “rightful liberty of expression” and to be “responsive to the interests and concerns of the whole community” (*Broadcasting Authority (Amendment) Act, 1976*: Section 13, which amends Section 17 of the 1960 Act). This amendment, codified a requirement to look beyond the interests and concerns of just those who may complain. It required that RTÉ determined actively the wider, and perhaps conflicting positions, within the whole community. This amendment to the *Broadcasting Authority Act, 1960*, was enacted ten years after the Bishop and the Nightie incident, where consideration was given to just one set of complaints.

The Anna Raeburn incident had many common characteristics with the Bishop and the Nightie affair: a moral issue on the *Late Late Show* offended a vocal group of Catholics, which included the Archbishop of Dublin, Most Reverend Dr. Dermot Ryan (*Irish Independent*, 11th December, 1982). The objectors were determined to censor or restrain or punish the *Late Late Show* (and RTÉ) for its coverage of the abortion issue. James Moynagh, former Bishop of Calabar, insisted that freedom of expression must be “guided by an informed conscience”. That conscience he suggested would be best informed by St. Paul (Ephesians 5:3) “Among you there must not be even a mention of fornication or impurity in any of its forms, or promiscuity” (*Irish Times*, 7th January, 1983). R.C. Thomson of Cobh complained in a letter published in the *Southern Star*: “The time has come for the *Late Late Show* to be taken off...to have this alleged form of entertainment

which is obnoxious to the public withdrawn” (*Southern Star*, 11 December, 1982). Nial Mac Dara, Chairman of the Society to Outlaw Pornography, in a letter published in the *Offaly Topic*, sought to recruit candidates to monitor RTÉ programmes: “Those who help us in this way will have the satisfaction of contributing towards democratic and open control of RTÉ....” (*Offaly Topic*, 9th December, 1982). This is the same Nial (Mac)Dara, a member of the Knights of Columbanus, who welcomed delegates to the founding meeting of PLAC on 24th January, 1981 (Hesketh 1990: 12). An editorial in the *Irish Catholic* was anxious that the Show be kept away from “objectionable topics”:

“Whatever the reason for its past success, the *Late Late Show* must face the challenge of producing a programme of light entertainment that will attract the same number of viewers as did the controversial and often shocking programmes of the past” (*Irish Catholic*, 30th December, 1982).

The displeasure of the Catholic Church at highest levels was signaled by the intervention of Archbishop Ryan of Dublin who stopped a planned appearance of the Glenstal Abbey monks, who were scheduled to promote an album of Irish Christmas carols (*Irish Independent*, 11th December, 1982). Among the other local, national and public organisations to record protests or write to RTÉ to protest were: Donegal County Council (*Derry Journal*, 3rd December, 1982); Tullamore Urban District Council (*Tullamore Tribune*, 4th December, 1982); Community Care Office Office Dungarvan, South Eastern Health Board (*Dungarvan Leader*, 9th December, 1982); Monaghan County Council, Tipperary North Riding County Council (*Anglo Celt*, 10th December, 1982); Kilrush Urban Council (*Clare Champion*, 17th December, 1982); Monaghan Vocational Education Committee (*Anglo Celt*, 17th December, 1982); Clare County Council, Monaghan Urban Council, The Conference of Major Religious Superiors of Ireland and the Education Commission of the Hierarchy (*Irish Times*, 18th December, 1982).

RTE's response to complaints

The manner in which RTE responded to these complaints, provided an insight into how the editorial process responded to external intervention; and whether, in dealing with these complaints they were mindful of the silent constituency – those, who along with the complainants formed the “whole of the community” identified in broadcasting legislation. The limitations of RTE's reaction of complaints suggests that they were more attuned to the vocal audience than the silent one. Bob Collins concedes that RTE would not necessarily require a body of complaints that was “representative”; they would settle for an “indicative” display.

“You could make reasonable assumptions that if they felt that way, others felt the same way but were not willing to write or to telephone or whatever....You would have been irresponsible to have ignored that stuff....While everybody recognises that 200 out of 3.5 million is not representative, nonetheless when something hit home, for good or bad, you got a reaction” (Collins, 2005).

Chapter 7

RTE Authority intervention in editorial decision-making on coverage of the referendum campaign

The *Late Late Show* “Apology”

The Editorial Committee expected Gay Byrne to make a corporate and personal apology on the *Late Late Show* of 13th November, 1982 (EC. 12 November, 1982; Collins, 2005). On the night he did not offer the apology which was required of him. “Gay fudged it – he was opposed to that kind of thing”(Collins, 2005). Gay first read out what he called a “sample of comments” he had received in a very large postbag that week. Following the reading of these extracts he said:

“There is no doubt in our minds that we offended and disturbed a great number of our viewers. I would just like to say that we are very sincerely sorry about that. It was certainly not, at any time, our intention to do so” (Transcript of introductory remarks to *Late Late Show*, 13 Nov. 1982, in RTE Archive).

This was neither a corporate nor a personal apology. It was simply an expression of regret for having caused offence and disturbance to viewers; not an apology for the item itself. RTE had worked hard to persuade Gay Byrne to make an apology, in the hope that they could mollify the Authority by reporting back to them that “the great man had swallowed his pride and done his duty” (Collins, 2005). It is perhaps understandable why Gay would

be “opposed” to offering on-air apologies. During the Bishop and the Nightie incident, when similar criticism from Church and viewers had rained down on his head, what he called the “supine” response of an earlier RTÉ management had prevailed on him to be party to an apology which had put him in a “one-down situation” (Byrne, 1989: 160 – 164). Then in a move that stoked the flames further (See Fred O’Donovan in Magill, January 1983), Byrne announced plans for even more coverage of the abortion issue, and promised a “special *Late Late Show* (on the issues) after Christmas”. As a result, what had been an executive problem became a station crisis. The Authority, in their fury, descended on the Executive “like a ton of bricks” (Collins, 2005).

Prohibition: RTÉ Authority rules on Abortion Debate.

The RTÉ Authority met on 26th November 1982 (Director of Television Programmes to DG, 29th Nov. 1982). The Dick Hill memo confirmed that the issue was discussed at the Authority meeting, and that

“...the suitability of the *Late Late Show* as a vehicle for discussing abortion and/or debating the proposed constitutional amendment was raised on at least two occasions”.

The memo sought “precise confirmation” from the DG of the outcome of the discussions which, Hill said, included a decision that the executive should write to Gay Byrne setting out the Authority’s and the Executive’s concerns. Hill offered to assist in drafting the “proposed letter” to Byrne.

This memo contained the first indication of what appeared to be an Authority and/or management decision to separate two issues: “discussing abortion” and “debating the proposed constitutional amendment”. These terms had different meanings out of which emerged important editorial consequences. “Discussing abortion” allowed for an open broadcasting forum on the issue. On the other hand, “debating the proposed constitutional amendment” narrowed the issue of abortion to a political debate that was restricted within the confines of a discourse that was shaped by political elites, or as the RTÉ Authority put

it, those involved “in parliamentary debate and in political campaigning” (RTÉ Press Office, 30 December, 1982). Those campaigning for abortion, those intimately affected by the issue of abortion, and the electorate who would decide the referendum, were by and large excluded from this debate. This restriction on the scope of the debate, and access to the debate was later recognised by Bob Collins:

“It would be a negation of democracy were the broadcasting coverage, which falls to be made by the people to be determined, in advance, by reference to the position of political parties” (Bob Collins, Handwritten notes on the conduct of the 1983 referendum, probably written in August 1983).

Of the seventeen people who appeared on the *Today Tonight* programme throughout 1981 and 1982 to debate the amendment issue (Bob Collins: Briefing memorandum for Director General, 27 January 1983), only one of them, Ruth Riddick, was openly pro-abortion and in favour a woman’s right to choose. (Hesketh, 1990: 282)

The DG, George Waters, in his reply to Dick Hill, confirmed the Authority view “that ‘abortion’ as a topic should be treated from a programming viewpoint by Current Affairs and Religious Programmes Department” (Director General to Director of Television Programmes, 29th Nov. 1982). There was no mention of the proposed constitutional amendment in this memo. But, in the DG’s use of single inverted commas on the word abortion there is an indication that he had picked up on the separation in the querying memo from Dick Hill. The Authority decision had the effect of prohibiting a number of popular talk programmes in Light Entertainment Departments in television and radio from discussing abortion, or from speaking to people who had abortions. These programmes included the *Late Late Show* on television, and the *Gay Byrne Show* on RTÉ Radio One.

It also had the effect of prohibiting any debate on abortion that could not be restricted to the two main arguments coming from the Pro-Life Amendment Campaign (PLAC) and the Anti-Amendment Campaign (AAC). “The first was a legalistic squabble over the likely interpretation to be placed on the amendment formula”. The second argument “was an intense ideological-political debate about the nature of Irish society – conducted in

terms of the ideological-political credentials of the A.A.C. and of P.L.A.C.” (Hesketh, 1990: 311).

Prohibition: banning of June Levine

On the same day, another memo was sent by the DG to the Directors of both Television and Radio Programmes, marked “Strictly Confidential” (DG to Director of Television Programmes and Director of Radio Programmes, 29 November, 1982). The memo referred to June Levine, a feminist and writer and founder member of the Irish Women’s Liberation Group, who had previously been a researcher on the *Late Late Show*, and who had just published an autobiography “Sisters” (Levine, June, 1982). Attached to the memo was a photocopy of a review of the book in which June Levine told of having had an abortion in 1965. The review quoted Levine speaking disparagingly of politicians and of their decision to go ahead with the proposed constitutional amendment. The DG instructed the Programme Divisional Directors:

“In view of the nature of the subject matter in the book, could you please take steps to ensure that Ms. Levine does not appear on any radio or television programme”.

The total prohibition of an individual in this way by the DG was rare in RTE. Other than with issues “regarded as being likely to promote, or incite to, crime or as tending to undermine the authority of the State which were covered by Section 3.1A of the 1976 Act, or Section 31 of the 1960 Act, it was practically unknown. Some controls and restrictions on individual contributors may have been instituted in cases of perceived over-exposure, or perceived legal or editorial problems. The DG did not present a clear rationale for his prohibition on June Levine; his only reference was to the “nature of the subject matter” and the attached photocopy. In the context it seems reasonable to assume he intended to refer to abortion. The DG offered no arguments based on editorial policy or practice, nor any reference to legal difficulties. He made no offer to consult with his senior editorial executives on the issue. Given that the decision was made by the DG, the putative Editor-in-Chief, it left no room for Executive appeal. In the light of the Authority’s parallel

decision to prevent the *Late Late Show* further discussing the abortion topic because it had featured another woman who had an abortion, it seems possible that there was a decision made at Authority level, or between the Chairman of the Authority and the DG, to keep women who had had abortions off the air.

Two prohibitions were put in place. In neither case were the Programmes Executive, the managers normally charged with supervising editorial decision-making, provided with a clear editorial rationale for these decisions. Judged against the criteria set out in the 1970 RTÉ document “RTÉ Policy on Current/Public Affairs Broadcasting (Horgan, 2004: 223-226), in neither case it seems had consideration been given to the Constitutional right of citizens to “freely express their convictions and opinions”; nor the fundamental freedom, set out by the ECHR “to receive and impart information”; nor to the station’s own broadcasting policies. The decision not only precluded women who had abortions from telling their stories and expressing their views, it also precluded the public from access to their stories. If the DG and the Authority gave any consideration to the internal policy objective, “to widen and deepen public knowledge”, or to their “primary obligation to be fair to all interests”, it would seem that in the midst of a public debate on abortion, that the views of the very small number of women who had abortions, and who were willing to discuss it publicly, ought to be eagerly sought by programme makers, as an essential input to the public decision making process. The Levine case was also important in clarifying the intent of the Authority and the DG. It might seem from the DG’s clarification of the Authority decision to confine treatment of the abortion topic to Current Affairs and Religious Department outputs that there could be a role for women who had abortions to tell their stories in programmes coming from those Departments. However, the instruction that June Levine was “not to appear on any (author emphasis) radio or television programme”, made it clear that such contributions would not be allowed.

Why would the Authority and the DG act in this way to restrict discussion? In the midst of a serious national debate on abortion, and in the lead-in to a constitutional referendum intended to re-inforce a legislative ban on abortion, why would women who had abortions, women who had exercised a “right to choose” - the issue that had precipitated this national debate - be debarred from the airwaves? Why, in the midst of what the RTÉ Authority

Chairman, Fred O'Donovan, called "possibly the most serious thing we will ever consider" (*Magill*, January, 1983), would those women who had first hand experience of abortion be excluded from this consideration?

One reason, or excuse, that was offered was that distress could be caused to audiences listening to personalised accounts of abortion, as evidenced by the many letters of complaint about Anna Raeburn and the *Late Late Show*. That such distress had been caused to some had been recognised and accepted within the station (EC. 12 November, 1982; Gay Byrne introduction on *Late Late Show*, 13 November, 1982). Those letters certainly had an impact on the RTÉ management, and the level of complaint guaranteed a reaction. Bob Collins, who was Deputy Controller of Programmes during that period, and in overall charge of the Pro-Life referendum coverage, recognised RTÉ's need to respond to this level of complaint, and to be aware of the sensitivities of sections of its audience at times of change and conflict (Collins, 2005). Causing distress to part of the audience was certainly discussed at the Authority meeting on 26 November, which was attended by Dick Hill. The Authority was said to be deeply concerned at the level of distress that had been evidenced in communications and felt that "their role of custodians of the public interest had been called into question for having allowed a programme capable of causing such distress" (Director of Television Programmes to Gay Byrne, 9 December, 1982). The Authority also criticised the Programme Executive for not controlling the programme content and anticipating the distress caused.

Another fear at Authority level and in the senior reaches of RTÉ management was that public discussion of abortion by women who were open and unapologetic about their decisions to have an abortion would have the effect of normalising abortion; or of moving abortion from being a taboo subject to being an item of everyday discussion in which it was acceptable to have differing opinions. There may perhaps have been a sense amongst originators of the Pro-Life campaign that in throwing the issue into the national debating arena they had unleashed consequences that they could not control; and that these consequences might be the opposite to what they had intended. It is noteworthy that Garret FitzGerald had in 1976 warned the Irish bishops not to link the issue of contraception with

abortion, arguing that they might decrease the opposition to abortion (Whyte, 1980: 400). The RTÉ Executive were certainly sensitive to the view:

“Once the referendum notion began, RTÉ had to treat it like any other topic and give it the variety of perspectives, analyse it and so on. It was probably not the objective the promoters of the referendum had in mind. I think the reflection back to RTÉ of such unhappiness inevitably caused people in RTÉ to re-question themselves, to ask: have we gone to far? To say: maybe I was right all along; maybe we shouldn't be doing this at all” (Collins, 2005).

The unexpected consequences of the abortion debate opening up discussion on other areas of sex and morality was also apparent to programme makers:

“I think it was a big turning point, and the ultimate irony is that the Pro-Life campaigners changed what it was possible to talk about on RTÉ, Because they forced the station into a kind of medical, quasi-ethical, quasi-legal, quasi-moral debate about sexual re-production. Which had people having detailed discussions about ejaculations...I mean, I learnt a lot more about the human reproductive system covering that campaign than I knew beforehand...it wasn't long after that Gay (Byrne) put a condom on his finger (On the *Late Late Show*). They let the genie out of the bottle both legally and in terms of what could be said. So it's a classical dialectical thing that has double effects, and produces something that it didn't intend to produce” (Blake-Knox, 2006.)

The possibility of unhappiness being caused to some of the audience, and particularly older people, by the on-air discussion of sex-related topics had been discussed and dealt with prior to this crisis. In March 1982 the Editorial Committee had considered this possibility and had decided nonetheless, that RTÉ had a “right and a duty” to cover difficult moral topics (EC. 5 March, 1982). The Committee had also recognised that a concerted campaign of protest was being waged against it on their coverage of abortion, but nonetheless they decided that they had an obligation to “reflect changes occurring in society”. In other words RTÉ had earlier recognised its obligations under the broadcasting

legislation to be objective and impartial in its coverage and to be fair to all interests concerned in coverage of matters of “public controversy or the subject of current public debate” (*Broadcasting Authority (Amendment) Act, 1976*). Now, confronted with a concerted attack by persons and organisations in favour of the Pro-Life campaign, the Authority, with the “complete accord” (Director of Television Programmes to Gay Byrne, 9 December, 1982) of the Director General, appeared prepared to set aside both RTÉ current affairs policies, the executives’ previously agreed position regarding the editorial management of difficult moral debates, and the provisions of the broadcasting Acts.

Rolling out the Authority’s decision

In order to understand the rationale behind the RTÉ Authority’s decision it may be useful to look at the manner in which it was explained to the RTÉ Executive and to the programme makers. In Dick Hill’s letter to Gay Byrne (Director of Television Programmes to Gay Byrne, 9 December, 1982), the Director spelt out the Authority directive in terms that made it clear that the Authority decision was primarily intended as a device to stop the *Late Late Show* from, in any circumstances, covering the topic of abortion. Hill quoted the directive “in its entirety”:

“Under no circumstances is the *Late Late Show* to mount a special programme or segment of a programme on the topic of abortion and Mr. Byrne is to be officially informed by you to that effect.”

The directive from the Authority that “Mr. Byrne is to be officially informed to that effect”, left no room for avoidance or misunderstanding. The Authority directive conveyed a clear three line whip to the Executive: accept our instruction, deliver it, and enforce it. The background thinking to the Authority’s action was included in Hill’s letter to Gay Byrne:

“...such is the sensitivity of this particular topic that there is a deep concern to ensure that RTÉ should not get itself into a position in which it could be accused of

over-emphasising or confusing the issue and I am directed that the topic should be treated by Current Affairs and by the Religious Departments only. You will appreciate that I have the gravest reservations about matter – any matter – being proscribed in this way but the Director General, in his role as Editor-in-Chief, is in complete accord on this particular topic and I am acting on his judgement.”

That was the first explanation of the Authority’s decision to prohibit the *Late Late Show* from covering the abortion issue. It does not appear to explain very much. It does not explain the basis on which programme makers were, or could be judged to be, “over-emphasising” or “confusing” the abortion issue or the Constitutional amendment debate. The fact that the decision was “not amenable to debate or appeal”, illustrated the mood of the Authority, and the extent to which it was assuming editorial control of the conduct of the abortion referendum debate.

The Authority was also critical of the Executive’s editorial management, and of a “lapse of judgement” by the producer/presenter, Gay Byrne, in his composition of the offending *Late Late Show*. This “lapse” by Gay Byrne had been publicly acknowledged and apologised for by the DG in letters of reply he had sent to every complainant:

“Thank you for letting me know your reaction to the *Late Late Show* of November 6. I felt the same concern as also did many of my colleagues.

The RTÉ Authority discussed the matter at its recent meeting and is fully satisfied that lapses of judgment were made in relation to the content of the programme. As you are probably aware, the presenter has apologised on his own and RTÉ’s behalf for any offence given.

On behalf of the Authority I unreservedly apologise for the programme and deeply regret any distress it may have caused.

With reference to abortion and the proposed Amendment to the Constitution, please be assured that RTÉ will take every care to meet its obligation under the law to be impartial in its overall presentation of the questions involved” (*Midland Tribune*, 18 December, 1982. Copy of letter from George T. Waters, Director General, RTÉ, to Rt. Rev. Msgr. P.J. Hamell, P.P., V.G., D.D., Birr).

In response to this Authority criticism, the Director of Television Programmes inserted an additional layer of editorial supervision on the programme by assigning the Group Head of Light Entertainment to act “ex officio as Executive Producer and securing the information flow between (the *Late Late Show*) and the Director General’s Editorial Committee” (Director of Television Programmes, 9 December, 1982). Hill noted the Authority’s satisfaction with this arrangement, and then warned Byrne,

“...that both the Authority and Senior Management continue to have some misgivings about the dual role (producer and presenter) and it is certain to be called into question again in the event of any future perceived lapses of judgement”.

An interpretation that can be taken from this letter, is that the Authority is now, not only taking editorial decisions, but is also engaged in personnel management in deciding on possible disciplinary action that might be taken against a contracted staff member.

This is an extraordinary situation. RTÉ’s top presenter and producer of the station’s longest-running and most popular programme was disciplined by having a new level of supervision put in over him; was threatened with career sanction; and had restrictions placed on the content of his programme. He was publicly criticised by the DG in hundreds of letters sent out to complainants; and the Senior Management of the station, not only did not protect him, but concurred with these actions.

Twenty four years later, Gay Byrne makes light of it. His recollection is that he did not feel that he was disciplined at that time; and that he was not greatly concerned at the Executive Producer being nominally put in over him. He was, he says, at the time inclined to put the whole row in what he dismissively called the “give it a week” category (Gay Byrne, 2006).

Another version of the Authority’s rationale appears in an *Irish Press* article by Stephen Collins in which he quotes claims by the Authority Chairman, Fred O’Donovan, that the

Authority's actions were in response to the "thousands of letters" received from "genuinely grieved people...(not) cranks". "Abortion is far too serious a subject to be aired on a light entertainment programme like the *Late Late Show*". O'Donovan goes on to say that "there has been too much unorganised discussion of abortion on RTÉ" (*Irish Press*, 18 December, 1982). In a *Sunday Independent* article by P.J. Cunningham, the Chairman of the Authority is a bit more personally antagonistic to Gay Byrne, suggesting that Gay take a look into a mirror and accept advice: "The last few shows were neither a credit to himself nor the station" (*Sunday Independent*, 19 Dec., 1982).

At the end of December, 1982, the Chairman and the Authority issued a public statement which refined their position and located their concerns within the requirements of the *Broadcasting Authority (Amendment) Act, 1976*, which required RTÉ to provide coverage in "an objective and impartial manner", and to be "fair to all interests concerned" (RTÉ Press Office, 30 December 1982). The Authority gave an assurance that they had "no wish to interfere with free, full and open discussion", and committed RTÉ to ensuring that "the presentation of all relevant viewpoints is facilitated".

"In the case of the proposed amendment to the constitution, not only is public opinion divided but public representatives have adopted contrary positions, both on the necessity for the amendment and for its content. These various attitudes will be reflected in parliamentary debate and in political campaigning prior to the referendum.

"In such circumstances, RTÉ's obligation to be fair and impartial is especially onerous. It would be irresponsible of the Authority not to concern itself with the broadcasting context in which the subject-matter of the public debate is discussed and not to satisfy itself generally that the provisions of the Act will be adhered to. The position is no different from the coverage of a general election, when RTÉ always takes care to specify the programmes which will deal with the campaign and maintains elaborate monitoring of broadcast output to see that the issues are adequately and fairly presented."

“On the present occasion, it has been decided that the questions at issue, the related parliamentary debate and the eventual referendum will be covered on the radio and television programmes directly involved in the presentation and analysis of current affairs.”

A hand-written commentary from Bob Collins, written in the sidelines of the copy that is lodged in the RTE Archives reads: “Ill-considered, ill-timed, inept, useless”. The Executive was now obliged to comply with Authority decisions which were clearly in conflict with its own professional judgement. As one of Collins’s side commentaries noted; “None of this justifies the attitude adopted to the possibility of a *Late Late Show* discussion / EEC programme?” Another difficulty highlighted in Collins’s notes was that although a referendum had not yet been agreed to by the Oireachtas, the Authority was creating a precedent where, when “an election or referendum or parliamentary debate are in prospect (his emphasis), we must impose Steering Group conditions”. The notion of not discussing political issues which are in prospect had once been a feature of what the BBC called the 14-day rule, a restriction by which they were not allowed to discuss subjects which were about to be discussed in Parliament. It was dropped in the mid 1950s (Annan, 1977: 267). The referendum at this point was nine months off in September, 1983; the Steering Group was not set up until August.

Steering Groups are internal planning and monitoring committees set up for the formal duration of election campaigns. They issue rules and guidelines for coverage in order to ensure balance, fairness etc., and monitor and adjudicate on complaints (RTÉ Staff Information Bulletin, 24 August 1983). Another point made in Collins’s side-notes was that the responsibility for RTÉ adhering to the provisions of the broadcasting Acts was, in the first instance, the responsibility of the Executive, not the Authority.

There was a serious clash here between Executives with professional experience of editorial management, and an Authority which saw itself acting in the public interest, but which did not have a background in editorial decision-making. To get an editorially experienced view of this conflict from outside of RTÉ it is useful to look at the editorial treatment of the events in the national newspapers.

Newspaper editorial reaction to the abortion coverage controversy

National newspaper reaction was by and large supportive of the *Late Late Show* throughout this period:

“(Despite its) extravagances and occasional lapses in good taste it represented a safety-valve for the nation” (*Cork Examiner*, 4 December, 1982).

“Some people, of course might ask why, in this day and age, the Archbishop of Dublin, or indeed, of any other diocese, should have any say in who or what appears on the National television station...” (*Irish Press*, 10 December 1982).

“...both the show and, even more so, its presenter have become national institutions...In this scenario the warning of Mr. George Waters Director General of RTÉ, to Gay Byrne to ‘be careful’ about the contents of the *Late Late Show* in the future would appear to be unwise...the merest hint of censorship is dangerous – to RTÉ, rather than Gay Byrne” (*Cork Examiner*, 20th December, 1982).

“We hope that the RTÉ authorities are not seriously suggesting by this directive either that abortion is too delicate an issue for the eyes and ears of the plain people of Ireland, or that the *Late Late*, with its enviable record of popular public service programming, is an improper forum for such discussion. Either suggestion would be palpable nonsense” (*Irish Independent*, 18 December, 1982).

“(The intervention of the Chairman of the RTÉ Authority and of the Director General is) a troubling, if not a sinister development” (it) “smacks of censorship...(and)...constituted a denial of freedom of information” (*Cork Examiner*, 31 Dec, 1982).

“(The) kind of people who persuaded the RTÉ Authority to the decision to ban discussion of abortion on the *Late Late Show*, a programme long outstanding not merely as light entertainment but for promoting discussion of important questions....Such people no doubt act with the best intentions, out of a genuine concern with what they see as the public good. But the net effect of their efforts can only be to create in Ireland a more authoritarian and more ignorant society, one less free and democratic – and ultimately less sound; for freedom and self-respect go together” (*Irish Times*, 31 December, 1982).

The *Irish Catholic* accepted that the *Late Late Show* was a very popular, family entertainment programme, but reminded how often objections had been raised to its content:

“Contraception, lesbianism, abortion, divorce and other ‘controversial’ issues had many airings on the show”. The editorial welcomed the Director General’s decision to keep “controversial and objectionable topics off the light entertainment programme”. (*Irish Catholic*, December 30, 1982)

Conor Cruise-O’Brien and the “Tin-pot Salazars of RTÉ”

A trenchant article in the *Irish Times* written by Conor Cruise-O’Brien, sought to determine the motivation of the Authority and of the complainants who had precipitated the action against the *Late Late Show*. In a column headlined “Tin-pot Salazars of RTÉ”, O’Brien, dismissed the Authority’s claim that they had to act because public opinion and public representatives were divided. O’Brien noted that division was a “normal condition of public discussion in a democracy” and was something which RTÉ should be well able to deal with.

“The *Late Late Show* reaches a very large audience and there are influential people – including, I believe, most of the Bishops – who don’t want certain sensitive subjects discussed before a very large audience, except by themselves, or in terms

approved by them. “Not before the people” is the general principle involved. Free speech is fine before small audiences. The late Salazar, that sagacious old dictator, had the idea. Portuguese censorship left expensive books strictly alone. It just clamped down on the cheap editions. The regime did not interfere with full, free and open discussion; it just regulated the context in which such discussion could take place. As here, as now. The importance of the *Late Late Show* in the development of our democracy is grossly underestimated. Apart from its entertainment value – which is brilliantly high - it is also the most important forum we have for serious discussion of ideas, with the attention of the people” (*Irish Times*, 4 January, 1983).

Programme Executive response to the Authority directive: First holding letter

The first Programme Executive response to the Authority directive was in a letter from Director of Television Programmes, Dick Hill to the DG (24 December, 1982), complaining that he and his senior programming colleagues were “dismayed and distressed” by events subsequent to the *Late Late Show* of 6th November, and to the manner in which the Authority had taken over editorial responsibilities from them:

“Specifically, we feel that our position has been damaged by the way in which the Authority was allowed to intervene in so many aspects of something which was, essentially, an Executive matter and culminating in the proscribing of a programme topic without our programming staff having had any other opportunity even to develop a programme proposal and format for editorial consideration by the programming Executive and yourself.”

There was an implied criticism of the DG for having “allowed” the Authority’s intervention. Hill’s letter goes on to advise that he was preparing a detailed document setting out the views of the programme management and that on foot of that document they would request a meeting with the DG.

Programme Executive response to the Authority directive: A detailed statement

A much more detailed letter from the Programmes Executive to the DG, sent early in the new year, focussed primarily on 2 issues: the Authority intervention in programme decisions, and the role of the *Late Late Show* as a national forum for debate (Dick Hill, Director of Television Programmes; John Kelleher, Controller of Programmes, RTÉ 1; Ted Dolan, Controller of Programmes, RTÉ 2, and Bob Collins, Deputy Controller of Programmes, to Director General, 4 January, 1983).

At the heart of the Programme Executives' case was the historically difficult issue of determining ultimate editorial responsibility within RTÉ: who or what is Editor-in-Chief? Is the Editor-in-Chief the Authority, the Director General, or the Director of Programmes? On this matter the executives expressed their main difficulties:

“A decision by the Authority, taken on its own initiative, to withdraw a programme in advance of transmission or to preclude coverage/treatment of a specific topic on certain programmes represents a quite extraordinary use of a power which, although it technically resides with the Authority, has always been perceived as being discharged by the Director General.”

“The decision raises questions of the most fundamental character about the role of senior programme management; about its relationship to the Director General and about the relationship of the Director General to the Authority.”

The decision to withdraw a programme in advance of transmission or to preclude treatment of a specific topic was certainly most unusual. This study examined the Editorial Committee minutes of the years 1979 to 1983 and found no other occasions when such action was taken. During that four year period there were a number of heated discussions about programmes dealing with sex and relationships, and there was considerable evidence of complaint; but despite the many reservations and expressions of outrage and

despair, and calls for more strict moral supervision of programmes, never in this time was a blanket ban of this nature applied by the Executive. Neither, during this time, was there an Authority intervention that assumed editorial powers and control.

The RTÉ programme production system left considerable control in the hands of programme makers – mostly producers, editors and journalists. The procedures in current affairs and talks programmes, was that producers created the programme ideas, selected the content, and then details of these programme proposals were referred up to the Controllers, prior to broadcast. The criteria the Controllers applied for approval and go-ahead on these proposals were, in theory, those set out in the Hardiman document of 1970: The public was to be provided with information, knowledge and the critical examination of issues and events, within the framework of broadcasting legislation, and with “no arbitrary limitation” being placed on the scope of such programmes (Horgan, 2004: 224-225). The producers’ proposals could be rejected or advised against for all kinds of reasons, many of them disputed between the parties. Managers could have difficulties with issues of quality, cost, impartiality, bias, taste, offensiveness, or just might think proposals were simply bad ideas. Whatever the differences, there was a framework within which proposals could be debated internally. Programme Controllers then brought these proposals to a weekly Editorial Committee meeting which was overseen by the Director General, where Upcoming Programmes were discussed in the context of corporate requirements and limitations.

The referral-up editorial routine is not uncommon in broadcasting organisations. RTÉ’s editorial structure is similar to that of the BBC. According to one observer, the RTÉ project was “clearly modelled on the Charter of the BBC” (Farrell, B 1983: 112). The 1977 Report of the Committee on the Future of Broadcasting, chaired by Lord Annan, was impressed by the editorial referral-up system, as practiced in the BBC. Referral-up was seen not only as an effective way to “resolve possible conflicts” but it made the experience of senior programme management available to more junior producers. The Annan Committee was firmly committed to the primary editorial role of the producer: “Editorial decisions about individual programmes should be made so far as possible by the producer of that programme” (Annan Committee, 1977: 102-103). The BBC system also allowed

for further referral to the Director General, who was “both Editor-in-Chief and Chief Executive”, and who could in turn, at his discretion, refer to the Board of Governors. On the rare occasions on which this referral was made “the Board then exercises the authority which at other times it delegates”. Annan saw the Governors protecting the public interest, not by interference with day to day decisions, but by policy making and by “retrospective review of programmes” (Annan Committee, 1977: 118-121).

In their letter to the DG, the Programmes Executive also expressed concern at the way in which the Authority intervention impacted on their managerial standing within the organisation:

“As indicated, the decision by the Authority clearly undermines our position and implies a total lack of confidence by the Authority and the Director General in the capacity of the Director of Television Programmes and the Controllers of Programmes properly to order the affairs of the Television Service. The implications of this are profoundly disturbing”.

“Further, the primary responsibility of the Director and the Controllers of Programmes is to sustain and develop the television service: there is a dimension to their role and function which transcends the purely managerial aspects of the relevant positions in the organisation...It is important also that the producers recognise that this very important principle is acknowledged and adhered to by those charged with responsibility for the Television Service.”

The fact that the Executive, in response to this expression of “total lack of confidence” in them, did not confront the Authority and the Director General with either a demand for retraction, or the threat of resignation, was an indication of their compliance, whether willing or un-willing, with the decision of the Authority to assume over-all editorial control of the broadcast coverage of the Referendum campaign.

Another weakness in the position of the Programmes Executive was that, in the “important principle” of management which underlined their responsibilities, their standing was

delegated to them by the Authority, through the Director General. Unfortunately for them, the editorial authority of the Programmes Executive had been weakened by editorial management developments in RTÉ over the previous ten years, which had mostly arisen out of events in Northern Ireland. During the early 1960s, the role of Editor-in-Chief (the substantive title does not exist in RTÉ) then rested with the Controller of Programmes. Some time in the late 1960s/early 1970s the then DG, Tom Hardiman, took onto his office the Editor-in-Chief role (Mac Conghail, 2006). Conflicts between RTÉ and the Government about appearances of IRA figures on programmes led to the exercise of this overarching role being, on occasion, assumed by the Authority, so that by the early 1970s the Authority had sufficient precedent for taking decisions as Editor-in-Chief (Horgan, 2004: 113-120, 149). The Programmes Executive indicated that they were not challenging the Authority's assumed role as Editor-in-Chief:

“...it would not be our wish to question any of the powers which reside with the Authority or which quite properly are vested in your office as Director General”
(Letter to DG from Dick Hill and others, 4 January, 1983).

So what the Programmes Executive was reduced to protesting was the manner, and not the matter, of the Authority intervention.

Principles of Management were clearly not a strong suit for the Programme Executive to play in this dispute so their letter moved on to stronger ground:

“...the assertion that the *Late Late Show* is not an appropriate forum for the discussion of the proposed Constitutional Amendment on the rights of the unborn...”(Letter to DG from Dick Hill and others, 4 January, 1983).

It then goes on to describe their view of the important contribution the programme has made to Irish broadcasting and to public debate. (See also: Horgan, 2004: 1; Keogh, 1994: 253)

“It is part of the function of public service broadcasting to reflect change in society and to present contemporary issues to all the audience. The issues involved in the proposed Constitutional Amendment (which, it is important to note, does not include the question of abortion per se – there is no proposal to alter the existing legislative dispositions) must be widely aired and the public given an opportunity to come to its conclusions. While other categories of programmes will provide appropriate coverage, the *Late Late Show* is uniquely placed to treat of the topic in a way that will reach the widest possible audience.”

“Over the twenty years of its existence, the *Late Late Show* has played a unique role in the television schedule and in Irish society. It developed as a people’s forum in which the most difficult and delicate topics were discussed frankly and openly. The overall result has been entirely positive. The influence of the programme in the dissemination of information and in confronting and exploring controversial and sensitive issues has been considerable.”

“The specific circumstances of the case do not, we suggest, warrant the Authority’s decision. RTE’s coverage of the proposed referendum has been fair and carefully balanced. Nothing that we can identify in any aspect of RTE’s coverage can justify a directive of this kind and, specifically, nothing in the *Late Late Show* has suggested that a directive of this kind was required. Such problems as arose in the programme of the 6th November, 1982 were not in any sense an indication that the *Late Late Show* could not adequately and appropriately deal with this issue” (Letter to DG from Dick Hill and others, 4 January, 1983).

The Programmes Executive view of the high standing of the *Late Late Show*, and their objections to the action of the Authority and Chairman, was also supported by the trade unions representing programme makers, the Workers Union of Ireland, the NUJ, the RTE Group of Unions, and the Irish Congress of Trade Unions (Director of Television Programmes to Bob Collins, February 1983; *Sunday Independent*, 19 December, 1982; *Cork Examiner*, 7 January, 1983).

Before looking at the rationale of the Authority for preventing the *Late Late Show* from discussing the abortion issue a number of points are worth considering: The abortion issue was seen to be so fundamental to the ordering of society that the Oireachtas had decided that it should be decided on by national referendum (Government Information Service, 7 July 1983). The *Late Late Show* was recognised by large numbers of the public, by media practitioners and by social commentators to be a popular, accessible forum. The Programmes Executive were not alone in believing that “part of the function of public service broadcasting (is) to reflect change in society and to present contemporary issues to all the audience” – Other European broadcasters shared the view that the transmission of new information is a “primary function of radio and television...based on the fact that for democracy to function people must have information” (Horgan, John, Seanad Debates, Vol.79: 973). Given all of these factors, what editorial reasoning can there be for the RTÉ Authority to ban its most popular and trusted discussion programme from discussing the abortion issue?

Programmes Executive meet the Director General

On 17th January the Director General met the Programmes Executive (Notes on Meeting held on 17th January 1983, compiled by then Deputy Controller, Bob Collins. The notes are compiled from memory, but they are authenticated by the Director of Television Programmes, Dick Hill). The tenor of the notes suggest that the atmosphere of the meeting was conciliatory, and that there were attempts made to restore some degree of managerial collegiality between the DG and the Programmes Executive. The DG is reported as having said he shared the concerns of the Executive at recent events and privately expressed a view that the Chairman may have spoken publicly in a way that exacerbated difficulties; but that he now believed that the Chairman had a clearer understanding of the relationship between the Authority and the Executive. That said, there was nothing in the notes to suggest that the Authority had pulled back from its adopted role of Editor-in-Chief. The DG made it quite clear that the Authority’s view would prevail, and that resistance from the Programmes Executive would not be tolerated.

The DG said that only one decision had been taken by the Authority: that consideration of the proposed constitutional referendum was precluded from the *Late Late Show*. But, in fact, he also had a new demand: that, at an early date, the Programmes Executive would schedule a *Today Tonight* programme on the issue of the referendum, in order that the Authority be assured of their willingness to confine coverage of the proposed referendum to the designated programme areas. The Programmes Executive argued against scheduling an artificially set date for a *Today Tonight* programme, that was not related to actual developments in the political story. They argued that the Authority should not further extend its editorial remit into scheduling. The DG is reported to have been insistent that the Authority decision could not be set aside. He believed that some Authority members would take a definite view if the station was not compliant on this issue; and that he did not want to enter into a row with the Authority.

The Programmes Executive again requested that the DG should consider the possibility of devising some mechanism whereby the prohibition on the *Late Late Show* could be set aside. They proposed that the Authority might refer the matter back to the DG and the Executive with the prospect of devising a special programme, produced by the *Late Late Show* team, based on the High Court style programme broadcast prior to the 1972 EEC referendum. (Details of the 1972 *Late Late Show* referendum programme are in a memo to the DG prepared by Bob Collins, 27 January, 1983)

How RTÉ editorial relationships were affected by the Authority decision

The impetus for the intervention came, in the first instance, from the Chairman of the Authority:

“Fred (O’Donovan) acted alone. He would have been confident that he had enough people to support him if it came to the crunch. His view was that abortion was a matter of life and death” (Collins, 2005).

The Chairman's intervention, which was subsequently supported by the Authority, (DG to Directors of TV and Radio Programmes, 29 November, 1982) was seen by some senior Programmes Executives as a move by the Chairman to take on to himself responsibilities which were normally those of the Director General:

"The Chairman (was) assuming to himself editorial, editor-in-chief responsibilities. (And the DG) wasn't prepared to fight with Fred...it just wasn't in his composition" (Collins, 2005).

This degree of intervention in editorial decision-making by a Chairman was unprecedented in RTÉ. Fred O'Donovan's action contrasted considerably with that of a former Chairman, Donal Ó Móráin, who, in the 1970s had placed himself between RTÉ and an angry Government in crises over interviews with IRA members. O Móráin defended Executive decisions which had been reported up to him (Horgan, 2004: 94-99). With O'Donovan, the response to criticism from outside was to send unsolicited editorial decisions downwards to the Executive. Muiris MacConghail, a former Controller of Programmes, likened the normal role of the Authority to that of an absorbent barrier, intended to cushion RTÉ from shock waves of attack from outside powers, so that the Executive could make informed, independent editorial decisions. In turn he saw the Executive providing a second line of absorbent defence for programme makers. He believed that under the Chairmanship of Fred O'Donovan, all of that protection was removed, and the Authority's reaction to outside attack was to interfere in the editorial process:

"(There was an) eradication of any distance between the Authority and the Director General, and between the Director General and the Controller of Programmes... a merging of all these roles into something taken over by the Chairman. So that the normal operational requirements, the hierarchical positionings capable of absorbing difficulties suddenly were removed. The weakness of the structure displayed itself."

“All of the developed relationship between the Executive, the Authority, and broadcasting under the Broadcasting Act , and the subtleties of the different roles to be exercised by each, none of that was really at play once Fred O’Donovan became chairman of the RTE Authority And therefore, the opportunity of evaluating Irish society; the bringing to bear of specialist views; the subtlety of all that requirement, none of that was there - this was simply brute force. O’Donovan said: that’s the way it is to be.” (MacConghail, 2006)

Nonetheless, the Chairman did not act alone, the DG was party to the decision-making Authority meeting where it was decided that coverage of the abortion topic would be confined to “Current Affairs and Religious Programmes Departments” (DG to Director of Television Programmes, 29 November, 1982). That meeting also directed that the *Late Late Show* would not cover the abortion topic. It was reported that the DG agreed with the directive:

“The Director General, in his role as Editor-in-Chief , is in complete accord with Authority on this particular topic” (Director of TV Programmes to Gay Byrne, 9 December, 1982).

It would appear that, in this instance, it was the Authority that had taken on the role of Editor-in-Chief in issuing a directive on programme content. If the DG was in complete accord with the Authority, it raises the question as to why, “given the sensitivity of this issue”(Director of Television Programmes to Gay Byrne, 9 December, 1982) he had not acted to effect his editorial view prior to the Authority decision.

An alternative understanding arises out of remarks the DG was reported to have made to a meeting with the Programmes Executive.) The DG was reported as being unwilling to resist Authority demands for the scheduling of a *Today Tonight* programme on abortion. The Programmes Executives warned against putting the fairness and balance of the station’s coverage at risk by ‘forcing’ a programme at a time when it might not be appropriate simply to assuage the Authority’s fears that the Executive were resisting their directive: “To use a current affairs programme as an institutional device in relation to the

present problems would be very unwise indeed” (Bob Collins to Director of Television Programmes, 18 January, 1983. Notes of a meeting held on 17 January 1983). The DG was reported in these notes to have said that he had originally taken the view that until the referendum date was set it would be strange for RTÉ to identify dates of programming. But now he felt it was impossible to set the Authority decision aside. Some members of the Authority would take a very definite view and he did not want to enter into a row with the Authority.

The DG appears to have sided with the Authority against his own Programmes Executive. To understand why he took this course it may be useful to reflect on what emerged from the Editorial Committee’s minutes of the previous three years. There was constant tension between conservative managers of non-programme areas, “those of a very Catholic way of thinking” (Collins, 2005), and the Programmes Executive, over the coverage of sex and moral issues on air. There was a view amongst these conservative managers that RTÉ was not sufficiently aware of its public; that there were standards of morality that should be, but were not, observed in programmes. The Committee minutes record continuing reservations about the appearance on programmes of transsexuals, transvestites and homosexuals; even the DG was concerned by “unacceptable levels of bad language and immoral behaviour “ in dramas. The issue of the coverage of abortion in programmes created such concerns for alleged anti-amendment bias amongst programme makers that the DG felt obliged to introduce election-type conditions, requiring strict balance within individual programmes, eighteen months ahead of the referendum. Bob Collins has characterised the DG, George Waters, as “personally and intuitively a conservative person in the notion of divorce, and contraception (and) abortion”. Some of the senior management executives he described as having “a deeply conservative...world view”. Many of these executives had failed to have their view imposed on programmes on a number of significant occasions but, as Collins says, “It wasn’t as if there were battle lines drawn, and there was a big joust, and they lost, and were forever after silenced, because they were not”. (Collins, 2005) It is arguable that when George Waters sided with the Authority to restrict the *Late Late Show*, and to impose scheduling criteria on *Today Tonight*, he had the support of the management Executives who had for so long attempted to re-impose standards that coincided with their own views on what was suitable for

broadcast, and possibly with what they thought would favour a Pro-Life outcome to the referendum.

If, on the other hand, the DG decided to resist the Authority, and insist on his right to function as Editor-in -Chief, it would have involved him in a head-on clash with the Authority and the Chairman. There was a Programmes Executive view that the DG should have confronted the Chairman of the Authority publicly:

“When this happened initially the DG should have felt compelled to protect RTÉ for the future. The ultimate thing when you become a Director General is that you have a protective role in relation to the broadcasting organisation, and to its history, and to its independence. And, when confronted with that, you have two ways of carrying on the debate. A challenge between the Director General and the Chairman, in public. Or, following on that, the possibility that the DG may have to resign from that position, and in public indicate why that is so. Even though it is very difficult for a Director General to do that, that should be done”(MacConghail, 2006).

The DG did not choose to take this course, either because he did not believe he was in conflict with the Authority; or because he agreed with the Authority and was glad of their support in managing a difficult editorial position; or as he was reported to have said himself, “he did not want to enter into a row with the Authority” (Notes of meeting between the DG and the Programmes Executive held on 17 January, 1983). Whatever the DG’s reasons, he did not confront the Chairman, nor did he resign.

On the other hand, the television Programmes Executives were in a clearer, but more difficult position. They were firmly of the view that their positions had been undermined and that the actions of the DG and the Chairman had implied a total lack of confidence in them. They stood over their coverage to date of the proposed Constitutional Amendment, which they argued had been fair and carefully balanced. They also sought to protect the standing of the *Late Late Show*, which had developed over the years as an important national forum for debate. But they were then confronted with a new intrusion by the

Authority into programme scheduling arrangements. There was no suggestion in the records of their meeting with the DG that the Programmes Executives confronted the DG in any serious way. But, if they had chosen to, what action could they have taken? Muiris MacConghail, who was Controller of Programmes during the period of the Referendum coverage from April 1983, but not at the time of the Authority intervention, believes that the Programmes Executive should have been more pro-active in confronting the DG:

“Their first response should have been absolute confrontation, disagreement and disengagement from the DG on this matter, to put him under the greatest moral and organisational pressure, that he could possibly be put under. Which would be extremely difficult for anybody faced with this situation. Personally, in a small organisation, it is very difficult to do all this, to confront this man, but this would have to be done. It wasn't. Instead of confronting him, he confronted them, and exercised absolute power in that way”(MacConghail, 2006).

Such drastic action was problematic. The individual Executives most likely had concerns for their careers. The fragmented nature of the Programmes Executive, with five managers controlling between them two television services, required a high degree of coordination and mutual trust to make an effective stand. There was also a problem with their status in the organisation, which had been diminished over the years. Their status was devolved from the Director General, and an earlier Director had removed the role of Editor-in-Chief from the Controller.

“Following on Hardiman's assumption of the role of Editor in Chief, the Controller of Programmes, the next most important person in television, ceased to have any real role. All other administrative, engineering and financial managers, now had equal voice with the Controller of Programmes at the Editorial meetings” (MacConghail, 2006).

At the point in the Programmes Executive letter to the DG where it was conceded that,

“...it would not be our wish to question any of the powers which reside with the Authority or which quite properly are vested in your office as Director General...”(Programme Executive to DG, 4 January, 1983),

it was clear that there would not be any confrontation. All that was left for the Programmes Executive was to accept the editorial directive and the scheduling proposals of the Authority, however much they felt there was a breach of normal and proper practice.

Magill Magazine: Article on Fred O'Donovan and RTÉ

In an article in the January 1983 issue of the magazine, *Magill*, written by its editor, Colm Tóibín. (*Magill* , January, 1983) Fred O'Donovan, Chairman of the RTÉ Authority, gave a totally different reason for the Authority's editorial intervention in the abortion debate. He admitted that he was motivated to take editorial action by his own very strong anti-abortion feelings:

“ Abortion is possibly one of the most serious things we will ever consider. Since 1973 in the USA 12 million children have been aborted”.

He criticised the manner in which he believed the media was used to break down resistance to abortion in the USA. He abhorred,

“...the philosophy which allows death on demand...we are answerable to the end of time if we allow the media to use that philosophy”.

He detailed what he considered to be his and the RTÉ Authority's responsibilities in regard to coverage of the abortion issue:

“If I thought that we, as a Broadcasting Authority, failed and because of our failure we had the same situation on abortion as in America I would step on the boat and I would never look back on this country”.

On the particular matter of the *Late Late Show* he explained why he thought it was an inappropriate place for the discussion on abortion:

“Because of the emotional situation with cameras, people say things they wouldn’t normally say. This is too important a subject to be treated trivially”.

Prior to this contribution, the Authority had claimed that its position was based on observance of the objectivity, impartiality and fairness provisions of the broadcasting legislation. Now it appears that the Authority intervention was intended to provide support to one side of the debate and campaign regarding the proposed Pro-Life Amendment the Constitution.

Reaction to the *Magill* article

A number of organisations and individuals responded immediately to Fred O’Donovan’s explanation. The Anti-Amendment Campaign strongly objected to what they described as:

“...decisions about what is suitable for Irish television viewers, being taken by a man who allows his personal political opinions and bias to control and restrict what the public should view” (Anti-Amendment Campaign statement, 12 January, 1983).

Peter Feeney, a senior producer in RTÉ Television, and a former producer of the *Late Late Show* wrote to the Authority to express disagreement with their view of the show:

“To regard the *Late Late Show* as merely a ‘light entertainment’ programme is to misunderstand the pivotal role of the *Late Late Show* in RTÉ’s output over the last two

decades...(the show is) a most suitable programme for the discussion of serious subjects of public controversy” (Peter Feeney to Secretary to RTE Authority, 12 January, 1983). Feeney also objected to the Chairman’s eliding from the Authority’s “retrospective...review function”, in what he claimed was, “clearly an attempt to determine programme content in advance”.

New plan for *Late Late Show* coverage of the Referendum issue

Notwithstanding Fred O’Donovan’s admission that his editorial intervention in RTE’s coverage of the Constitutional Referendum was intended to be partial, the Programmes Executive continued to function under this new dispensation. Shortly after this meeting the Programmes Executive delivered a briefing document to the DG on what might be the style and content of the special *Late Late Show* on the proposed referendum:

“The structure of the programme would be a brief introduction by the Presenter whereupon the Chairperson or judge for the evening, also nominated by the Bar Counsel, would take over and conduct the proceedings in a quasi-courtroom manner. Each side would have an agreed time for the examination of their own witnesses and the cross-examination of the other side’s witnesses. At the conclusion the Judge would sum-up but no decision would be given. A studio audience would be present, broadly divided to represent opinion on both sides. They would not, however, participate and would serve simply to represent the public in any courtroom” (Bob Collins to Director of Television Programmes, 26th January, 1983).

Two days later the Director General advised the Programmes Executive that the Authority had granted a concession:

“...the Authority would have no objection per se to a special programme modelled on the lines of the EEC Referendum programme presented by Gay Byrne on 11 March 1972” (DG to Director of Television Programmes, 28th January, 1983).

However, there was now an insistence that nothing in the approved programme would include any reference to the *Late Late Show*. Hurtful and insulting to the programme team as it was (Gay Byrne to Director of Television Programmes, 2 February, 1982), it was not as significant as two further restrictions outlined in the DG's memo. The first restriction,

"...confirmed its (the Authority's) earlier decision that the topic of the proposed Constitutional Referendum should not be treated as a programme subject in the context of a normal *Late Late Show*" (DG to Director of Television Programmes, 28 January, 1983).

This meant that, outside of the proposed special programme there could not be any interviews or discussions of the Referendum that would allow free and open contributions from either selected guests, or from a random, self-selecting audience. The effect of this was to restrict the editorial choice and decision-making of the programme producers, and to rule out any opportunity for the viewers and potential voters to have all of the issues discussed, challenged and tested in the normal, interactive process of debate. This restriction also ensured that Gay Byrne would not be allowed to conduct any interviews, or host any discussions on the matter. The text of this restriction, however, is not the same as that of the "earlier decision" where the issue that the *Late Late Show* was debarred from covering was "'abortion' as a topic" (George Waters to Director of Television Programmes, 29 November, 1982), or "the topic of abortion" (Director of Television Programmes to Gay Byrne, 9 December, 1982), and not the Constitutional Referendum.

The second restriction was evident in the manner in which the language of the briefing document was subtly changed. The Collins briefing had described the audience for the special *Late Late Show* as:

"...broadly divided to represent opinion on both sides. They would not, however, participate and would serve simply to represent the public in any courtroom" (Bob Collins to Director of Television Programmes, 26th January, 1983).

The Authority's response was that the non-participating audience would "generally be representative of the public at large" (DG to Director of Television Programmes, 28th January, 1983). The briefing document allowed that the audience would comprise people who were visually identifiable as representing the Pro-Life and Anti-Amendment sides; the Authority version did not. The difference is important in that identifiable people could provide visual cues to the home audience of support for either side, and as was apparent in the *Magill* article, the Chairman of the Authority was determined to stop any suggestion of support for the provision of abortion.

The Authority's formula for the special *Late Late Show* proved acceptable to the programme producer and presenter, Gay Byrne, who nonetheless complained that it was "petty and mean-minded" (Memo from Gay Byrne to Director of Television Programmes, 2 February, 1983) not to include the programme title on the show credits. Byrne also thought that the proposal might not be acceptable to the programme production team. Discussions between the Programmes Executive and the *Late Late Show* production team and union representatives resolved this problem (Hand written note from Director of Television Programmes to Bob Collins with details of meeting with *Late Late Show* staff and union representatives, February 1983; Bob Collins to Director of Television programmes, 4 February, 1983). However, events overtook these plans and the *Late Late Show Special* on the constitutional amendment was never broadcast. The polling day for the referendum was announced whilst the programme was off-air for the Summer (Government Information Service, 7 July, 1983), and as the *Late Late Show* did not come back on air until after polling had taken place on 7 September, the programme just did not happen (Bob Collins to Muiris MacConghail, 11 July, 1983).

In his autobiography, Gay Byrne insisted that it was "simply not true" that Fred O'Donovan, "prevented us from doing a programme on abortion" (Byrne, Gay, 1990: 222). Byrne described the timing factor that militated against them as the reason for the programme not going ahead. He was not entirely correct in saying this. What actually happened was that they were not prevented from doing the court-room style programme on the Constitutional referendum. But the Authority, with the Director General "in complete accord", most definitely prevented the *Late Late Show* from doing "a special

programme or part of a programme on the topic of abortion" (Director of Television Programmes to Gay Byrne, 9 December 1982); or to treat the Referendum "as a programme subject in the context of a normal *Late Late Show*" (Director General to Director of Television Programmes, 28 January, 1983). What that restraint ensured was that the discursive, confrontational, and often controversial type of programming for which the *Late Late Show* was renowned, and which had made such an impact on Irish society, was not acceptable to the Authority for the discussion of the topic of abortion. The *Late Late Show* was most definitely prevented from doing a programme of that kind.

***Today Tonight* coverage of the Constitutional Referendum campaign**

On the 17 February 1982, a month to the day after the meeting between the Director General and the Programme Executives, *Today Tonight* broadcast a programme on the Constitutional Referendum. This was the "early date" (Bob Collins to Director of Television Programmes, 18 January, 1983) programme the Director General had insisted was required by the Authority. On the *Today Tonight* panel for the Amendment were two doctors and one lawyer. Against the Amendment were two lawyers and one doctor (Deputy Controller of Programmes to Director General, 15 February, 1983). There was nobody in studio supporting the right to abortion, or a woman's right to choose. The abortion debate was now the Constitutional Amendment debate. Future discussion would be conducted, mostly, by political, legal and medical elites.

The proposed coverage of the Amendment debate under the editorial umbrella of television current affairs was contained in a Briefing memorandum prepared for the DG by the Deputy Controller of Programmes (Constitutional Referendum on the Rights of the Unborn: Briefing memorandum for the Director General and Deputy Director General, 27 January, 1983). The memorandum gave details of three editions of *Today Tonight*, and one edition of *Wednesday Plus*, which had been broadcast between April 1981 and October, 1982. The contributor list was dominated by professionals: Doctors, 7; Clergy, 3; Lawyers, 2; Politicians, 2; Social Affairs experts, 2; Women's Health administrator, 1; Undefined, 1; Pro-abortion, 1.

The briefing memorandum said that planning had commenced for the current affairs programmes which would cover the referendum: *Today Tonight*, *Féach* and *Wednesday Plus*. The memorandum said that it was early days yet for full details of formats and timings or programmes but it said these would “be determined largely by the passage of the Bill through the Houses of the Oireachtas and by the nature of the subsequent campaign”. If the Authority wanted further confirmation that their will was being done, that was it. That line from the briefing memorandum, was almost identical to that of the Authority statement of 30 December, which said that RTÉ would cover the various public and political views “reflected in parliamentary debate and in political campaigning prior to the debate” (RTÉ Press and Information Office, 30 December, 1982). That was the moment of defeat for the RTÉ Programmes Executive: editorial management of the coverage of the referendum campaign had been taken from them. The Authority now decided which programmes would provide coverage; when that coverage should take place; what should be covered; and whom, in structural terms, should be the contributors. To add to the Programmes Executive difficulties, if it wished to challenge the Authority directive, it could not expect support from the DG who, “in his role as Editor-in-Chief is in complete accord with the Authority” (Director of Television Programmes to Gay Byrne, 9 December, 1982). Or, in the words attributed to the DG, “did not want to enter into a row with the Authority” (Bob Collins to Director of Television Programmes, 18 January, 1983).

The first programme scheduled under the terms of the Authority directive was a studio debate broadcast by *Today Tonight* on 17th February, 1983. In favour of the Amendment were two doctors and a lawyer. Against the Amendment were two lawyers and a doctor (Bob Collins to DG, DDG and Director of Television Programmes, 15 February, 1983). The teams were representative of PLAC and the AAC, the main campaigning groups on either side of the Referendum issue. The PLAC side was for the Amendment, and against abortion. The AAC side was against the Amendment, but was “neither pro, or anti-abortion” (*Irish Press*, 21 October, 1982). The Editorial Committee which met the following day was jubilant. The handling of the amendment was considered “to have been extremely well balanced” (EC. 18 February, 1983). The DG said the programme “was a

model of its kind". Only one slightly dissenting voice, in arguing against a longer transmission, warned of becoming boring "in view of the stage-managed balance". The meeting heard that there were only four phone calls logged by the RTÉ Press and Information Office on the day after the programme. All of them were favourable: "interesting" and "informative" was the consensus.

Three weeks later on 3rd March, 1983, another *Today Tonight*, revisited the campaign with a filmed report on the arguments and cases being made by both sides in the Referendum debate. It was produced by producer/director, David Blake-Knox. He says that there was considerable sensitivity in RTÉ to the possible charge that the station was biased against PLAC, and that he was under pressure from the start from his superiors to ensure that the programme would not cause embarrassment to RTÉ.

"Part of my objective was to make an entertaining programme, in the broad sense of the term; and an informative programme. First of all I felt that the assumption would be that the programme would be biased against the Pro-Life campaigners. And there were a number of kind of obvious ways in which that could be done. Some of the AACs had a more naïve view of what television was about. But in my experience, the Pro-Lifers realised that it was not enough to be right, you had to be seen to be right. There was a definite tendency in the AAC to think that the facts spoke for themselves. I felt that, even though they (AAC) were more at ease in the media, and even though they tended to assume that I would be on their side, they were also slightly more naïve about how to represent themselves. At times there was a kind of smugness in the way they presented their stuff, that was as if they were speaking to the converted. Whereas, the other ones (PLAC) were always thinking: no, we don't want you to interview him here, we want you to interview him there. Quite often they were slightly paranoid – asking: why does he want to interview him there? He's up to something, you know."

Blake-Knox's production strategy for ensuring that *Today Tonight* was seen to be impartial, and to underline that there was no partiality towards the Anti-Amendment cause, was to display a tough attitude to the AAC representatives:

I said to the reporter: it will work better if you appear to be more aggressive in the tone that you take – you know the questions are secondary in a way – the tone you take is more aggressive toward the AAC. Because people will tend to say, because it being RTÉ, it will be biased in the other direction, and it will be better if you are seen to be tough on the AAC. And I remember, the very first interview we did was with Mary Robinson, and I had jizzed (the reporter) up: you can't let it look as though this is a polite conversation over coffee and biscuits. So she tore into Mary, and I remember that first question she asked her was: why are you so violently opposed to this amendment? (Mary Robinson was taken aback) - 'Violent? I'm not violent about the amendment!' I actually kept that question in because I wanted to establish in the programme that we were not going soft on one side as opposed to the other (Blake-Knox, 2006).

A much less aggressive stance was taken towards the PLAC representatives, partly for the optics of not being seen to be partial against them, and also to balance presentational difficulties experienced by the lead PLAC spokesperson:

“(When we) interviewed Julia Vaughan, I said people will read Julia Vaughan as not really media-savvy, and if you (the journalist) give her a hard time they will sympathise with her, and will think you are some bitch who is laying into a vulnerable person. So, with Julia Vaughan, don't give her a hard time. Let the tone be sympathetic to her. Because I suppose that my belief was that the overall drift of the programme was going to be against the Pro-Life campaign, for a number of reasons” (Blake-Knox, 2006)

An indication of the extreme editorial pressure from the Authority and the senior management which was exerted on RTÉ programme makers who were covering the Referendum campaign is evidenced in the most acute editorial oversight which was exercised:

It was unusual at that time for programmes to be watched (advance viewing) before they were transmitted, because of the timetable and resources, but this one, the documentary, was watched about three times before it was transmitted. They were quite relieved when they saw it because they thought it had walked a line. Bob Collins, had special responsibility. Bob was a bit like me in a way. He was conscious if it was seen as propaganda, he would be in the firing line, almost as much as I was. So Joe (Joe Mulholland, Editor, *Today Tonight*) watched it first, and then Bob (Collins) watched it, then a VHS was sent to Dick Hill. There was concern that if we erred too much by appearing to be in favour of the anti-amendment, that the station would be embarrassed, and there would be a whole debate about it, that it would be a bit compromising for them” (Blake-Knox, 2006).

Blake-Knox was also conscious of intimidation and pressure from some of the PLAC campaigners:

Several of the PLAC people liked to let you know they knew the score. Several of them would say: ‘Bob Collins, we know where he’s coming from. His wife is Jean Tansey (Labour Party) has made her position clear, he’s a Labour Party supporter, he’d be very pro-abortion’. And they liked doing that; they liked to try to unnerve you by throwing in these bits of information they had. (Some others had warned Blake-Knox that they had senior contacts in RTE and that they could ensure that his career prospects were damaged if they did not like the programme) They were quite well informed, and they had done quite a bit of homework” (Blake-Knox, 2006).

Audience reaction as phoned into RTE that night showed 14 who believed that the programme was biased against PLAC, and 4 who thought the programme was unbiased. Nobody said it was biased in favour of AAC. (RTE Press and Information Office: Summary of telephone reaction received on 3 March, 1983) An additional 5 callers complained that the backers of AAC, such as trade unions etc., were not named in the manner in which the backers of PLAC were. This 5 were most likely of the belief that the

inclusion of the names of the backers of PLAC was intended to militate against them, Blake-Knox explains his inclusion of the PLAC backers:

“At the end of part one of the programme I just give a list of the organisations which formed the Pro-Life campaign. And they really were an eclectic and bizarre collection. So one of the questions I was asking was how did this group manage to pull off this coup of getting this amendment – against the advice of the government’s own Attorney General. So it was also addressing that question of political culture” (Blake-Knox, 2006).

An outside broadcast from Cork, *The Referendum*, was presented by John Bowman on 10th March (RTÉ Programme running order, 8 March 1983). The programme brought the Pro Life Amendment Campaign (PLAC) and the Anti Amendment Campaign (AAC) head to head. Both sides had a two-member panel team. PLAC had Doctor Julia Vaughan and Solicitor Jim Sexton. AAC had Doctor Mary Henry and Barrister Adrian Hardiman. Each side then had an inner support group in the audience. For PLAC this group comprised: 2 doctors, 3 lawyers, 1 clergy, 1 academic and 3 organisers. For AAC the inner group comprised: 2 doctors, 1 lawyer, 1 clergy, 1 social worker and 1 organisers. There was then an outer support group. On the PLAC side were 3 doctors, 3 lawyers, 2 Catholic religious and 19 supporters from various organisations. AAC had 3 doctors, 3 lawyers, 2 Protestant ministers, 4 from 1CTU and 8 supporters from various organisations. Again in this programme, as in *Today Tonight*, the debate was dominated by doctors, lawyers and clergy. The amount of time given, or taken, by either side was Pro-Amendment, 32 minutes; Anti-Amendment, 39 minutes (Walsh, 1995: 64). The difficulty for *Today Tonight* in trying to bring coherence to a debate which included so many contributors is described by Walsh who says the programme “broke down under the weight of the issues involved” (Walsh, 1995: 60)

By concentrating on the medico/legal issues, and with clergy offering their moral views, both sides managed to avoid discussion of what was at the heart of the demand for this referendum: the determination of one side to achieve a constitutional restriction on any possibility that abortion would be legalised in Ireland. The importance of the issue or topic

of abortion by choice, and why it should have a place in the broadcasting debate, is highlighted in a survey done by the Irish Pregnancy Counselling Centre of the first 1,000 women who were referred by them to England for abortions. (Irish Woman's Right to Choose Group, 1981:2) This survey found that of the reasons given for considering abortion, 95% were for social concerns such as quality of life, family difficulties, unfavourable circumstances, youth, no relationship with putative father. Only 5% said they were worried about health. And yet, the health of pregnant mothers-to-be became a central plank in the AAC argument and got extensive coverage and debate, thus drawing PLAC into an area of debate that was not particularly to their advantage (Hesketh, 1990:84).

Today Tonight and the Referendum Campaign

David Blake-Knox, the RTE producer/director in charge of *Today Tonight's* coverage of the Referendum Campaign, was impressed by the strategic thinking PLAC had done in planning their broadcast media campaign, but was also aware of serious limitations:

The feeling I got was that the Pro-Lifers thought: this is going to be won or lost on television; radio is too impossible for us, it's too deeply committed to the anti-amendment campaign, so we're going to pull our focus more heavily on to television. They were a bit paranoid, but they were quite sophisticated as well. They had a very combative approach to what went out. They were very well organised; they were very committed; they had got very good advice from the States about how to run campaigns. Their shortfall was that they didn't have all of the cast that they needed. They didn't have young women. They didn't have many young people. At least the young people they had were slightly scary – they smacked more of religious extremism (Blake-Knox, 2006).

Hesketh has identified another difficulty which broadcasters had in covering the issue: the AAC had, for tactical reasons, restricted the scope of the debate: The AAC from the start rejected the idea of opposing PLAC from a pro-abortion position. They were of the view that, with the strong antipathy to abortion in Irish society, PLAC could only be taken on successfully "if the issue were transformed into a debate about an amendment, rather than about abortion". Their strategy was to emphasise the political issues of sectarianism, pluralism and constitution; project a strong medico/legal response to PLAC's success on this front, and to "attract influential, respectable support to counteract "the image of credibility" achieved by PLAC. In doing this they seem to have had at least the compliance of the more radical voices of the Woman's Right to Choose Group, who, throughout most of the campaign, kept a low profile (Hesketh, 1990: 84-89).

Blake-Knox also that the AAC were concerned that their more radical wing might alienate some more conservative supporters and potential voters:

"I think they were also cautious that there was a radical feminist movement that they didn't want to get on air. And a lot of them were young. They (AAC) felt that these people scared the Irish public and were counter productive because they overstated their case; or yes, this is an issue of whether you are in favour of abortion or not. Which in a sense it was; but in a sense it wasn't, at the same time. And they tried to keep those people out of the media spotlight. But they paid a price for that as well, because they forced it on to a legal examination of the thing. And, of course, the legal things were hugely important, but they didn't have that emotional appeal. I mean, the Pro-Lifers could put up a poster of a late termination, which they did. Shocking pictures of 7/8 month abortions. I remember there was one of a dustbin filled with limbs. Who would want to say: I'm for that. Who would want to stand beside this picture and say: I'm in favour of this. On the other hand, it was harder for the AAC to get pictures of the law" (Blake-Knox, 2006).

Television programme coverage continued in this vein throughout the rest of the campaign. The programmes involved were *Today Tonight*, *Féach* and *Wednesday Plus*. There was only one minor hiccup recorded: PLAC pulled out of the 25 August *Today Tonight* programme because they objected to politicians being on the panel. The panel had four panelists each for the Pro-Amendment and Anti-Amendment sides. Time given, or taken, was 32 minutes and 31 minutes respectively (Walsh, 1995: 64).

The *Today Tonight* programme of 1 September, with a duration of 90 minutes, was described in advance notice as “a major special programme...with a film report and an invited audience” (RTÉ Referendum Steering Group, 22 August, 1983). This was clearly RTÉ’s final set piece from its television current affairs department. Following its broadcast, the programme got a mixed reaction from the Editorial Committee. There had been some complaints that the programme had favoured the AAC, but this was rejected and the view was expressed that PLAC’s own contributions had themselves been “counter-productive” (EC. 2 September 1983). PLAC had declined to come on the programme because of their “objections to politicians (participating) on the panel” (Joe Mulholland, Editor *Today Tonight*, to Brendan Shorthall, PLAC PRO, 25 August, 1983). Substitutes with similar views were found, and a recorded insert featuring Dr. Julia Vaughan was used. It was not an ideal situation, but it was of PLAC’s making. The Committee was also assured that time had been evenly divided between the opposing sides. A tightly argued critique of the programme was submitted to RTÉ by the National Truth in the Media Campaign, a group supportive of PLAC. The letter broadly accepted that the number of contributors and time allowed had been balanced. But they made a point that the presentation of the programme had been slanted against PLAC, and made a number of arguable points about commentary and style of presentation. One interesting point arose about a line of script from the programme:

“Between 10 and 20 Irish girls travel to England each day to ‘terminate a pregnancy’... this is the first acknowledgement...that the question of abortion is relevant to the amendment...Throughout the film the right to life of the unborn received no attention, even though that is what the amendment is about”(National Truth in the Media Campaign, letter to Fred O’Donovan, 18 September 1983).

***Today Tonight* and complaints to the Broadcasting Complaints Commission (BCC)**

There were two complaints to the BCC regarding *Today Tonight* coverage of the Constitutional Referendum. The first complained of “unfair and partial discussion on the Referendum” on the programme of 25 August, 1983. The complaint was rejected by the BCC. The second complained of “unfair and partial discussion on the results of the Referendum” on the programme of 8 September, 1983. This complaint was also rejected. There were no complaints to the BCC about any other television current affairs programmes, nor were there complaints about any radio programmes (Broadcasting Complaints Commission, 7 November, 2006).

RTÉ Newsroom coverage of the Constitutional Referendum campaign

The RTÉ Newsroom assigned journalist Caroline Erskine as correspondent to cover the campaign for both radio and television News, preparing reports for all of the main News programmes, and bulletins. The News Division would “apply normal news values to news items” (Referendum Steering Group minutes, 22 August, 1983). The main programmes on Radio were *Morning Ireland*, 08.00 to 09.00; *News at 1.30*; and *News at 6.30*. The main Television News bulletins were at 18.00 and 21.00. Programme inputs comprised recorded and edited packages of the main story developments of the day. Stories or lines of enquiry were not initiated by the Newsroom; rather the correspondent was assigned or identified for assignment which stories, organisations or individuals that were to be covered:

“The main protagonists and therefore main interviewees would be spokespersons for PLAC and on the other side the AAC. They would tend to dictate who would be their spokespeople on the day, and you would just go with that. I mean you would not be prising the agenda in any way. The hard news coverage was dictated by the events of the day, by statements coming in, by press conferences being held. That is the basis on which editorial judgments were made about coverage. Having

led with a particular line which had news value, you would also, as part of the story, cover the counter arguments, whether they were strictly counter arguments, or related counter arguments. Very quickly the leaders of the mainstream groups emerged: If Des Hanafin (PLAC) wasn't available one day, William Binchy was available. On the other side, Mary Robinson (AAC), or Andrew Rynne, or whoever, was leading the particular press conference on the day. They would be your automatic interviewees" (Erskine, 2006).

All programme areas were required to put in place a monitoring system to keep a record of all outputs and to feed this information back to the Referendum Steering Group. The Group had noted the "general satisfaction expressed on air on Thursday 18 August by spokesmen for Pro-Life and Anti-Amendment lobbies at RTÉ coverage of the campaign" (Referendum Steering Group minutes, 22 August, 1983).

Erskine suggests that coverage and content was determined by the competing players; with balance being provided by seeking out reactions and competing views. The Newsroom did not take a lead in creating news or opening new lines of enquiry:

"In relation to the stop-watch thing. Often balance was dictated by the quality of intervention. You could have a strong story-line by a strong spokesperson that might only be 30 seconds. And then you might have a number of shorter ones by the fringe elements of the campaign on the other side, who may have got more time. It was a matter of quality and quantity. During the campaign there was an editorial committee in the newsroom, which met, initially weekly, just to assess the coverage and to see how the balance on it was going. In the last weeks of the campaign they met daily. Nothing filtered down to me that suggested that we were messing up in any way. I had no sense that there were toes I shouldn't tread on, inside the place or outside the place" (Erskine, 2006).

Editors and journalists in the News Division, like their colleagues in the Programmes Divisions, were keenly aware of the wariness of the conflicting groups towards media, and in the newsroom there was a sense of handling the issue with caution.

“If there was any kind of ethos it was: ‘try and stay out of trouble’. Because it was such a fraught issue. This was not like the normal rules of engagement in a general election, where the combatants know the rules of the game. The people who were involved were not exactly past masters at campaigning. So you had to tread very carefully. What you had here were two sides who felt they very much had right on their side, and one side also felt they had God. So the best you could do as a news journalist was: accept what they had to say and report it; then accept what the other side had to say and report it” (Erskine, 2006).

Party Political Broadcasts and Special Referendum Broadcasts

An important issue arose for RTÉ in the course of the Eighth Amendment to the Constitution Campaign on the matter of how it would allocate time for Party Political Broadcasts, which in recent years had been a feature of all national Dáil elections, bye-elections and referenda.

Party Political Broadcasts (PPBs) had first been introduced to Raidió Éireann in 1954 (Gorham, 1967: 248-249). Negotiations with the political parties for the 1954 and 1957 elections established the practice of allocating time on the basis of relative representation in the Dáil (Gorham: 1967: 272-273). PPBs were given statutory standing in the *Broadcasting Authority Act, 1960 Section 18(2)*, albeit by way of a negative: “Nothing in this section shall prevent the Authority from transmitting political party broadcasts”. The provision seems intended to overcome Section 18 (1) of the act which required objectivity and impartiality in matters of public controversy or debate; and obviously a PPB was unlikely to be impartial. RTÉ first allocated Party Political Broadcast time to a Referendum in 1968. All subsequent Referenda, except some which were non-contentious had PPBs (Healy, Kevin, 1997: 73). PPBs in referenda had not been extended beyond the political parties.

The 1983 referendum presented particular difficulties for RTÉ, the major complications being that Fianna Fáil was not taking a stance on the referendum, Fine Gael would not be campaigning, though it was likely that Labour would campaign at political level. They also had to consider whether significant campaigners, such as PLAC and AAC, should have PPB-type facilities extended to them (EC. 22 July 1983). One Programmes Executive believed that there was an obligation to give the pro and anti lobbies an opportunity to express their views, but that this expression should be within programme slots, not in an isolated broadcast item. There was also a view that in such a personal issue as an abortion referendum, the Oireachtas “was not always representative of the people”. Those opposed to PPBs being extended to PLAC and AAC saw the move as being “fraught with danger” with difficult precedents for the future. Some felt it “undesirable to tamper with RTÉ’s statutory obligations” regarding PPBs.

Legal advice to the Editorial Committee was that, as PLAC and AAC were not political parties, they would not come within the broadcasting legislation (EC. 29 July, 1983). The view was also expressed that to confine access to political parties “would be to understate the nature of the Referendum and would not be fulfilling RTÉ’s responsibilities”. RTÉ had a communication from the AAC, claiming to be the principal body opposing the Referendum and requesting equal time and exposure as the proponents.

RTÉ now had some difficult, conflicting requirements. The Pro and Anti groups were not political parties and, as such, Party Political Broadcasts, would not apply to them. There was also the issue of allocating time, which was usually done on the basis of parliamentary representation. The Deputy Controller of Television Programmes, Bob Collins laid out his thoughts at the time (Collins, Bob, August 1983, handwritten memorandum):

“The essence of a Referendum is that a Constitutional Amendment is deemed to be of such significance as to require going beyond the Oireachtas to the people.

“The precise level of parliamentary support is irrelevant both for the manner in which the ultimate decision is required to be taken and, in my view, for the manner in which the issue is covered on radio and television.

“The Referendum is designed and in the Constitution, precisely so that the decision of the Parliamentary Parties in the Oireachtas is non-decisive. The decision lies with the people. So that the decision between supporting or rejecting the proposal can properly and effectively be made, it is essential that both sides of the argument be adequately and equally represented in broadcasting coverage.

“If the parties feel that such an argument would be unbalanced or inadequate, they have to realise that the Constitution takes the issue beyond them.

“Were a Presidential Election to take place between 2 candidates, one for FF and one for the Workers’ Party would broadcast coverage be deemed to be fair if it reflected the relative Dáil strength of both parties?”.

The outcome of the RTÉ Executive deliberations was an accommodation for both the political parties and the campaigning groups. PLAC and AAC were offered what were called “special referendum broadcasts” of 4 minutes duration on television, and two minutes on radio. Go-ahead on this offer was contingent on acceptance by both groups (Deputy Director General to PLAC and AAC, 4 August, 1983). Although the AAC was disappointed with the amount of air-time on offer. Adrian Hardiman, the AAC chairman, complained: “The times they are offering would seem to me to be what you might offer an independent in a general election” (Hesketh, 1990: 302). The Dáil parties were offered “party political broadcasts”: 4 minutes television and 2 minutes radio each for Fianna Fáil and Fine Gael; 3 minutes television and 2 minutes radio for the Labour Party, and 2 minutes television and 2 minutes radio of the Workers’ Party. Non-acceptance by any of the parties would not constitute grounds for denying any of the other parties air-time. (Deputy Director General letter to political parties, 4 August 1983) Initially, Fianna Fáil, declined the offer because they were not participating in the Referendum Campaign; Fine

Gael also initially declined , saying the Taoiseach would simply issue a statement (File note, Bob Collins, 4 August 1983).

Subsequently, Fianna Fáil wrote to RTE to “reject” the proposed schedule of broadcasts, on what they called, “grounds of principle” (Frank Wall to Director General, 9 August 1983):

The proposal ignored the different numerical strengths of the parties in Dáil Eireann – the traditional basis for allocation.

The proposal was contrary to RTE’s statutory obligation to provide balance.

Fianna Fáil opposed in principle any effort to equate other groups with political parties.

There was adequate scope for RTE to provide balanced coverage of all shades of opinion through normal news and current affairs.

As it happened the first two points arose out of a (understandable) misreading of the letter of offer: the bigger parties were actually getting more time. On the more substantive matter of the campaigning groups, RTE’s position was that the offer to PLAC and AAC,

“...derived from a recognition of the special circumstances of this referendum: in practical terms, the major part of the campaign is being undertaken by these organisations” (Draft letter prepared for DG response to Fianna Fáil, 19 August 1983).

Up until 48 hours before Fianna Fáil’s scheduled broadcast, neither they nor Fine Gael had agreed to go ahead with their PPBs. Then Charles Haughey announced he would participate: “While Fianna Fáil are still very anxious that the debate should not take place along party lines I am availing of the offer to explain our position” (*Cork Examiner*, 3 September 1983). There was then little option but for the Taoiseach, Garret FitzGerald, to

do his broadcast too (Heskith, 1990: 303). RTE had succeeded in getting all the political elites on board.

It is interesting to see how the Labour Party, the Workers' Party and the AAC all confined their broadcasts to the same narrow range, with mutual concerns that the issue had divided the medical and legal professions. Nobody made the case for abortion. The Labour Party thought the issue was bitter and divisive: "The churches are totally divided on the issue; the medical profession is hopelessly split; lawyers cannot find an inch of common ground". The Amendment, they said, will "endanger human life" (Labour Party studio script, 3 September, 1983). The Workers' Party called it divisive and sectarian. "Doctors against doctors, lawyers against lawyers, farmers against farmers". "Everyone was happy with the present situation under which abortion is illegal...Leave well enough alone. Vote No." The amendment, they claimed, "will threaten womens' lives" (Workers' Party studio script, 2 September, 1983). The AAC warned of bitter divisions: "doctors bitterly divided...lawyers, like doctors are divided". "This amendment could kill women" (AAC studio script, 1 September 1983).

RTE and the Broadcasting Complaints Commission (BCC)

Between 1974, when the BCC got its first complaint against RTE, and 1983, the BCC got 14 complaints against RTE for its coverage in its programmes with issues of sex and sexual morality. 13 of these claims were rejected; only 1 was upheld. The complaints were listed as :

| | |
|---------------|----------------------|
| Contraception | 5 rejected |
| Divorce | 1 rejected |
| Abortion | 4 rejected |
| Homosexuality | 3 rejected, 1 upheld |

There were 4 complaints made to the Broadcasting Complaints Commission about RTE handling of the abortion issue in the period 1980 to 1983. Two of these complaint were

made in 1980; two were made in 1983. All of the complaints were rejected by the Commission (Broadcasting Complaints Commission, 7 November, 2006).

Chapter 8

Conclusion

This study attempted to determine if RTÉ in its coverage of opposing groups campaigning on the Eighth Amendment to the Constitution fulfilled its legislative obligations to “report and present in an objective and impartial manner” and to be “fair to all interests concerned” (*Broadcasting Authority (Amendment) Act, 1976*).

During the late 1970s, there was a dramatic increase in the number and the scope of sex related issues broadcast on both RTÉ radio and television. Despite evident tensions within RTÉ’s management concerning some of the material broadcast, a realisation emerged that the sexual mores of a younger generation of programme makers were different to those of their more elderly managers. Legislative changes and national debate, particularly on the issue of contraception and women’s rights, had created a new climate in which the presentation and discussion on air of sex and sex-related issues could not be restrained by the more conservative thinking of RTÉ’s senior managers – all of whom were men. This point is significant in two regards. Firstly, in that the editorial management relationships within RTÉ in these years significantly affected the manner in which the actual Referendum campaign was editorially managed. Secondly that it also affected the way in which issues of objectivity, impartiality and fairness were addressed by programme makers during that campaign.

In March, 1979, RTÉ's first substantive programme dealing with the issue of abortion, a radio documentary, *The Lonely Crisis – Abortion*, which subsequently won an award at the Prix Italia, identified a serious difficulty for both programme makers and management in dealing with differences that arose in making programmes dealing with sex and morality. The charge by a senior manager to the presenter that she was biased towards a pro-abortion position, arising out of what appears to have been a difference of perspective on their parts as to how abortion should be dealt with on air, was problematic. It suggested that an extreme attitude could be taken to editorial differences when dealing with abortion as a programme issue. The convoluted way in which Michael Littleton dealt with the question of the "suitability" of the programme for broadcast also suggests difficulties in management ranks in openly and frankly discussing and determining amongst themselves how their differences on the broadcast of issues of sex and sexual morality would be resolved. That was not an easy dialogue to open. As Bob Collins said, the subject of abortion was anathema for many members of the Editorial Committee. Caroline Erskine recalled that amongst journalists and editors in the newsroom, "It was really delicate: people didn't really declare how they felt" (Erskine, 2006).

The arrival of the *Women Today* radio programme in May 1979 did nothing to calm the Editorial Committee's concerns. Very quickly the new women's programme, with an eye to the success and freedoms enjoyed by women writers in the print media, went straight to the heart of what they thought women listeners wanted. Thus, along with women's rights, health matters and women's social standing, came lesbianism, nudity, pornography, contraception, and the carefully under-described, "sexual problems in women and medical advice". It is an indication of the chasm of incomprehension between management and the programme makers that a member of the Editorial Committee described that last topic, which had appeared on an Upcoming Programme listing as a "minority interest". But, despite the massive concerns of the management, it is a measure of their own capacity to recognise that they could not forever stand in the path of a changing world, that they first of all put *Women Today* on air in a prime slot, and, despite their oft stated misgivings, they left it on air. That recognition was also evident in allowing that daytime listening on RTÉ Radio One was effectively designated as adult listening, with no watershed required for younger listeners: all aspects of sex and sexuality were

open for discussion. Over the next two years, across both RTÉ radio and television, the view seemed to be that issues of sex and sexual morality were eminently broadcastable, and unstoppable.

Throughout this time there was a constant, conservative, low voice of complaint coming from the Editorial Committee meetings. A despairing sense of - What have we allowed to happen? Is there any point at which this will stop? Is nothing sacred? Do we have any control of what is happening? But perhaps all of those questions were the wrong questions. Perhaps the questions that should have been asked were: What part should we have in this? What are the entitlements of the audience? What are the concerns of the different components of the audiences? How do we provide balance and objectivity for a public debate that crosses a political and moral divide? These latter questions were not often raised by the Editorial Committee, but they eventually had to deal with them under duress.

Throughout 1982 there was a sustained and concerted campaign against what the Editorial Committee referred to coyly as “certain RTÉ programme content”. Although much of this complaint came from members of the public, a number of senior Catholic clerics were also associated with it, including Bishop Brendan Comiskey, Auxiliary to the Archbishop of Dublin. The minutes of the Committee from early 1982 displayed considerable attention to these complaints and at times even sympathy. This pressure required the Committee to evaluate the station’s rights and responsibilities when dealing with sensitive subjects. The outcome of this was an understanding that RTÉ had a right and duty to cover certain topics; that some of these topics could offend older audiences, but while RTÉ had sympathy for these older people, it could not be deflected from its obligation to reflect changes occurring in society.

There is a sense in the Editorial Committee minutes of this period, that the Controllers of Programmes of both radio and television were under sustained criticism by other members of the committee. The minutes record these criticisms, and as Muiris MacConghail points out, the minutes “were to be a point of reference and guidance for the output heads”. If the amount of criticism that is recorded in the minutes can be interpreted as guidance for the

Controllers of Programmes, it seems that some members of the Editorial Committee were intent on having a sustained impact on programme output that coincided with the viewpoints of many of the conservative complainants to the station. It is also clear that they were not having impact on editorial decisions. Perhaps a more interesting question is whether the Controllers of Programmes were capable, in these circumstances, of imposing editorial controls either. The difficulty for the Controller of Programmes, Radio in living up to a commitment to the Authority to ensure balance of the *Women Today* programme; and the Controller of Programmes, Television's concession that a *Today Tonight* programme on divorce required to be balanced are just two examples. These two examples in themselves might be aberrations. But, to judge from the content and tone of the interventions of other members of the Editorial Committee, there is a sense that they do not believe that effective controls are in place in the Programmes Divisions.

Each and every programme might not, in itself, be objective or impartial or fair, but the responsibility of the programme makers was to ensure that over a period, and in the round, there was a recognisable effort towards objectivity. Bishop Comiskey, and many complainants to RTÉ, and several members of the Editorial Committee did not believe that such an effort was being made. That was their perspective. There are other perspectives which are also worthy of consideration. In the normal course of events, recognising and dealing with the editorial consequences of differing perspectives falls within the editorial responsibility of the Programmes Executive, with the Director General in the role of editor-in-chief. Editorial decision-making by the Authority is not the norm, but the broadcasting Acts do not say it is not legitimate, and certainly there had been precedents for it. The issue in this case is not the legitimacy, but rather the appropriateness of the Authority decisions.

In the aftermath of the Authority's intervention on the broadcast conduct of the Constitutional Amendment debate, it was stated that the television Programmes Executive were satisfied with their own editorial management of the debate up to that point, and no evidence was produced by the Authority to suggest otherwise. The national print media expressed no concerns for the objectivity and impartiality of RTÉ's editorial processes. Other than the individual and organised complaints made to RTÉ, there was no other

suggestions of grievous public concern. The Broadcasting Complaint Committee had not sustained any complaints made against RTÉ for its handling of the abortion issue.

In those circumstances the question may be asked: was there a crisis of such importance or enormity that required the Authority to intervene or to act in the public interest to protect the integrity of RTÉ's editorial process? The evidence adduced by this study suggests that there was not.

That is not to say the Programmes Executive could not be accused of making serious managerial errors, or that their management of their editorial responsibilities could not, on occasion, be called into account for its laxity. It is difficult to fully understand how Anna Raeburn could have been invited on to the *Late Late Show* without everybody in the line of management from producer up through the Controller of Programmes to the DG and the Editorial Committee being told that she would be asked about having had an abortion. It was claimed later that there had been a breakdown of communication in the lines of upward referral, but it is hard not to conclude that there was an element of "under-describing" in not revealing that Anna Raeburn would be asked about having had an abortion, given that the programme production staff were aware of this, and that subsequently she was asked about it on the programme. Nonetheless, that was a single incident; it was not evidence of a systemic failure.

The manner and circumstances of Anna Raeburn's revelation on the *Late Late Show* that she had an abortion created the circumstances in which the RTÉ Authority felt it could take upon itself the role of Editor-in-Chief for the purpose of directing RTÉ's coverage of the Abortion Referendum campaign. According to the Authority, this intervention was intended to guarantee RTÉ's legislative responsibilities to provide objective and impartial coverage of the campaign that was fair to all of the parties concerned. The Authority produced no rationale to support the need for them to intervene on these grounds. The more probable reason, as revealed by the Chairman of the Authority, Fred O'Donovan, in *Magill* magazine, was that the intervention was intended to impose conditions on programme coverage which he believed would favour the Pro-Amendment case. A

possible alternative view of his intervention, was that he intended to restrict coverage which he perceived to favour the Anti-Amendment case.

The subsequent directive of the Authority comprised two editorial instructions to the RTÉ Executive. The first was to prohibit the *Late Late Show* from producing “a special programme or segment of a programme on the topic of abortion”. The second was to confine coverage of the referendum debate to “programmes directly involved in the presentation and analysis of current affairs”.

The language of the instructions is important. The *Late Late Show* was prohibited from featuring the **topic of abortion**; current affairs programmes were to engage with the **referendum debate**.

The prohibition on the *Late Late Show* meant that the issue of abortion, the central subject matter and the reason for the Constitutional Referendum, could not be discussed on the programme, despite the fact that the programme had, over twenty years, established a reputation as a respected and trusted national forum for the discussion of sensitive and difficult issues. The prohibition on other non-current affairs programmes meant that discussion was restricted to the self-selected elites of both sides of the debate in PLAC and the AAC, with occasional inputs from professionals, politicians and clergy. The effect in both cases, not least as a result of the evolution of the concept of impartiality in news and current affairs programming, was to disbar the public from access to a public broadcasting space in which to debate the issues of personal, moral and social concern that were at the heart of decisions on abortion. There were no programmes on which any person who had an abortion or might consider abortion could discuss their concerns or motivations. The banning of June Levine from “any radio or television programme”, because she had written about having had an abortion, lends credibility to this view. Or conversely, as one Pro-Life complainant to RTÉ wrote, “the right to life of the unborn received no attention, even though this is what the amendment is about”.

The evidence adduced in this thesis strongly suggests that the decisions of the Authority were intended to be partial and to bias RTÉ’s coverage of the Constitutional Amendment

campaign in favour of the Pro-Life Amendment Campaign. This raises the question of whether the effect of these decisions was to bring partiality and bias to programmes covering the campaign? The evidence suggests that it did. The exclusion of the general public, the electorate, from the debate, in circumstances where RTÉ had long-established programmes capable of hosting public viewpoints removed an important voice; and the prohibition on contributions from persons who had abortions removed a relevant, and seldom heard point of view.

The confinement of the debate to news and current affairs programmes of itself meant that tenets of objectivity and impartiality, as understood by journalists, ensured that the debate was confined to the elites: "...two familiar, predictable, and legitimate groups or actors" (Bennett, 1983: 144), who in turn restricted the debate to their chosen agenda. Within those parameters, the application of equal time to both sides, as was done, could not allow for equal impact of the non-traditional views of the Anti-Amendment Campaign, who were trying to bring a new understanding to an issue on which the public and authorities of state and church had long-standing and rigid views. As Bennett argues:

"New ideas take more time and effort to communicate intelligibly than old familiar ideas. Given equal time, the information edge goes to the official, stereo-typical pronouncement in almost every case" (Bennett, 1983: 144).

A question which arises is whether the RTÉ Executive, the professional editorial management of the station, being mindful of the Authority's declared partiality, facilitated or allowed that partiality to impede the implementation of RTÉ's legislative commitments. The record suggests that the Director General declined to challenge the Authority, even when it emerged that it was intended by the Authority that their intervention in the Constitutional Amendment campaign would favour the Pro-Amendment side. It is possible that a number of non-output area Executives, given their oft-stated concerns based on their own perspectives, may even have welcomed the Authority intervention. In turn, the Programmes Executives were either unwilling, or unable, to challenge the Authority or the Director General on the intervention of the Authority.

Therefore, the evidence adduced from this study suggests that the RTÉ Authority intervention in RTÉ's editorial coverage of the campaigning on the Eighth Amendment to the Constitution was partial to the Pro-Life Amendment Campaign, and caused a partiality in RTÉ's coverage. As such, RTÉ could not be considered to have fulfilled its obligations to be objective, impartial and fair.

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Bob Collins, former DG, and in 1982/83 responsible for management of RTÉ television programmes covering the Amendment campaign (September, 2005);

Caroline Erskine, newsroom journalist with responsibility for *News* coverage of the campaign (October, 2006);

Marian Finucane, presenter of the first radio documentary on abortion, and presenter of *Women Today* (September, 2005);

Muiris MacConghail, who was Controller of Programmes TV One for the latter part of the campaign period (October, 2006);

Mary O'Sullivan, researcher on *Late Late Show*, who pre-interviewed Anna Raeburn of her *Late Late Show* appearance (October, 2005)

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