

29 November 2006

Robyn Langwell  
Editor  
North & South  
ACP Media New Zealand  
Private Bag 92512  
Auckland 1141  
New Zealand

Dear Ms Langwell,

Re: November 2006 issue of *North & South*

We are writing to seek full acknowledgement from North & South in its next issue that the publication of the article "Asian Angst: Is it time to send some back?" was an editorial decision that fell below the standard expected of a national news and current affairs magazine. This is a formal letter of complaint, and not for publication.

This complaint is directed against the editorial judgement of *North & South* in publishing the aforementioned article. By 'the article' we refer to all elements that are subject to editorial control *viz.*:

- the cover of the issue including headline and subheading
- the text of the contents page summarising the article
- the summary paragraph and author attribution at the beginning of the article
- the text of the article, including inserted columns, subheadings, and pull quotes
- the images in the article, including captions.

### *Complaint*

This complaint seeks direct, full and unequivocal acknowledgement from the pen of the editor that the decision to publish the piece, and the article itself, were below the journalistic standard expected of a national news and current affairs magazine. Within that acknowledgement, we seek an editorial admission that:

1. The article contained intellectually dishonest misuse of statistics, and specific language, in order to misrepresent the level of crime committed by Asian people in New Zealand.
2. The article's journalistic purpose to raise issues of public interest and provoke debate was not executed in good faith, and was indistinguishable from an intent to vilify and offend.
3. The article was biased and intentionally unbalanced.
4. The article suggested that Asian New Zealanders were not New Zealanders, or were lesser New Zealanders than other New Zealanders.
5. The article contained unacceptable and uncritical use of racial slurs including "Asiatic" and "Asian menace."
6. The readers of North & South, and the approximated 400,000 Asian people residing in this country, are owed an apology for the above facts.

Further details on points 1-6 are explored in the attached appendix.

Publication of letters to the editor, opinion pieces or further feature articles by members of the public, freelance journalists or staff journalists acknowledging these issues, will not be considered an adequate response to this complaint, which seeks an acknowledgement of direct editorial responsibility.

If an acceptable response is not received to this complaint, or if this complaint is not actioned by *North & South* in its December issue, we will consider lodging a complaint with the New Zealand Press Council, noting that:

7. ACP Media is a participating member of the New Zealand Press Council; and
8. The substance of Press Council decisions which are upheld or partially upheld must be published in the publication concerned.

For your information, the last significant complaint before the Press Council regarding the negative depiction of Asian migrants by the *East & Bays' Courier* (1993), was partially upheld. The Council's finding that the article was "unsavoury", insensitive and fell below expected journalistic standards, was accordingly published at length in the newspaper. We are of the view that 'Asian Angst' article is more objectionable than the 1993 *East & Bay's Courier article*, and that a complaint is likely to be upheld on as many if not more counts.

Please direct your response care of Tze Ming Mok, [contact details removed].

Yours faithfully,

[26 signatories, including mostly Asian community leaders, academics, journalists, business leaders & artists]

cc: Heith Mackay-Cruise, CEO, ACP Media; Joris deBres, Race Relations Commissioner, Human Rights Commission

## APPENDIX

### 1. The article contained intellectually dishonest misuse of statistics, and specific language, in order to misrepresent the level of crime committed by Asian people in New Zealand

The New Zealand Press Council's first principle is that of accuracy:

*"Publications (newspapers and magazines) should be guided at all times by **accuracy, fairness and balance**, and should not deliberately mislead or misinform readers by commission, or omission."*

#### *Statistics*

The article presented obfuscatory statistics on police arrest figures, in order to present the appearance that 'Asian crime' is increasing – but without reference to the base population figures which showed that arrest rates of 'Asians' (excluding South Asians) were actually decreasing per head of population. The article quoted police arrest figures showing that in the period 1996-2005, arrests of 'Asians', excluding South Asians, increased 53% - however, the East and Southeast Asian population increased by more than 100% in that time, meaning that population went from being under-represented in arrests by a factor of 2 to 1, to a factor of nearly 4 to 1. Instead of noting this, the author made an irrelevant comparison to raw numbers of Pacific Island arrests, in order to show that 'Asian' arrests were increasing faster than Pacific Island arrests, again without reference to the base population growth of those two ethnic categorisations. As noted by journalist Keith Ng, "the fact that [the article] switches from one measurement to another completely irrelevant one would suggest that it's an act of intellectual dishonesty, rather than statistical incompetence."<sup>1</sup> Additionally, the most recent police arrest data shows that the same number of 'Asians' (excluding South Asians) were arrested in 2005 as were arrested in 2001, so it is difficult to argue that there has even been a recent net increase in 'Asian' arrests.

#### *Language*

Despite the decreasing proportions of recorded evidence of 'Asian' crime, and same total number of East and Southeast Asian arrests in 2005 as in 2001, the article's use of language created an impression of an increase in 'Asian crime' rather than a decrease. Examples:

"...our unacceptable levels of Asian crime." (contents page)

"...the gathering crime tide.."

"...the Asian menace has been steadily creeping up on us."

"It's capitalism at play, crime following market forces, and currently the market is bullish..."

"...she's sad and angry at increasing criminality among recent Asian immigrants."

### 2. The article's journalistic purpose to raise issues of public interest and provoke debate was not executed in good faith, and was indistinguishable from an intent to vilify and offend.

The New Zealand Press Council's Principle against Discrimination states:

*"Publications should not place gratuitous emphasis on gender, religion, minority groups, sexual orientation, age, race, colour or physical or mental disability. Nevertheless, where it is relevant and in the public interest, publications may report and express opinions in these areas."*

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<sup>1</sup> <http://www.publicaddress.net/onpoint#post3707>, accessed 25 November 2006.

It is relevant and in the public interest to investigate specific forms of crime affecting specific ethnic communities or committed by specific organisations. However, this article did not have a good faith premise with which to investigate issues in the public interest, and its investigative technique was not one that would be applied to the varied kinds of crime committed by people in other ethnic categories, for example, Pakeha. The article's device of skipping around descriptions of unconnected forms of crime affecting and committed by different communities and ethnic groups, on vastly different levels of organization and impact, ranging from the bloody and violent, to minor violations of business compliance regulation, to a case of infectious disease control (not actually a crime) ran to a clear purpose. The stated intent was to show that "not every Asian is a good Asian," and that deportation laws and immigration access should be made harsher in order to specifically target 'bad' Asians such as the ones described. These 'bad' Asians were related or connectable to each other in the article not by the type, organization or social and economic determinants of the crimes, nor by their residency and citizenship rights, or length of time spent in the country, nor even by their specific ethnicity – they were singled out and grouped together only through perceived 'race', such as "a Chinese-sounding name." It would be similarly illogical to group the activity of the Headhunters, corporate tax evaders, and violent homicides as a result of mental health breakdown, together in one article on 'White crime.' As is further demonstrated by the issues discussed of imbalance, misleading use of statistics, misleading language, and racist language, we accordingly believe the editorial direction placed a gratuitous emphasis on ethnicity (or a pan-ethnic construct) and perceived race, and that the resulting article appears discriminatory.

### **3. The article was biased and intentionally unbalanced**

The intent of the article, stated within the piece (and repeated later by the author in an opinion column justifying the article), was to demonstrate that "not all Asians are good Asians". To illustrate this intended point, her logical approach was to describe numerous 'bad' Asians at length in order to portray a "gathering crime tide".

Again the article clearly states: "Alongside the undeniable benefits of Asian immigration, New Zealand has also imported an alien, ruthless and secretive crime culture ...Nonetheless, commentary on Asian immigration has been overwhelmingly positive." The piece was not internally balanced; rather, was specifically attempting to rectify the "overwhelmingly positive" imbalance on Asian issues that the author perceived in the wider media.<sup>2</sup>

The editorial direction of the article was clearly thus: that there is a "gathering crime tide" of 'Asian crime', and New Zealand is not "tough" enough in its dealings with this, because of political correctness.

Attempting to address perceived (but unproven) imbalance through an unbalanced response, is a poor journalistic practice – acceptable perhaps for an opinion column but not for serious investigative journalism in a credible national monthly news and current affairs magazine. The attempt to 'rebalance through imbalance' led to a low standard of accuracy in presentation of the facts (as discussed above), journalistic imbalance, and obvious bias that appears discriminatory.

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<sup>2</sup> Oddly, it was also an internally contradictory intention, as the article also noted in several places that "Asian crime continues to greet us with monotonous regularity as we open daily papers and turn on the telly."

*Imbalance in sources quoted or interviewed*

The imbalance was most clearly demonstrated by the lack of inclusion of voices or interviews of people from the recent Asian migrant communities that were the subject of the article, or with people who have strong connections with or knowledge of those communities. The following tables show some comparisons of people interviewed or quoted in the article, and how their comments are framed by the article:

<b>Non-Asian people quoted</b>	<b>14</b>
Non-Asian people quoted offering opinions or information supporting editorial direction	10
Editorial framing of the opinions of the non-Asian people interviewed who agreed with the editorial premise	Positive, uncritical, 'as fact'
Non-Asian people interviewed who offered opinions contrary to editorial direction	3
Editorial framing of the opinions of the 3 non-Asian people interviewed who disagreed with the editorial premise	Negative, mocking, incredulous  Eg 1: quotes from Api Fiso, New Zealand Immigration Service, are framed oppositionally, with air of disbelief, by the author: Fiso: denies border control is soft on crime. Article: "Well, couldn't we be more careful?" Fiso: affirms that there is no age limit on international students, as older students are welcomed and make a contribution. Article: "Incredibly, there's no age limit."  Eg 2 & 3: David Cunliffe, Minister for Immigration asserts immigration and deportation laws are tough enough; he and Lockwood Smith, Opposition Spokesperson for Immigration dispute the author's problematic description of 'Asian drug peddling.' Editorial framing: "two senior politicians from opposing parties are both ignorant... nearly everyone in authority approached for comment... seems more concerned about praising law-abiding and industrious Asian immigrants than getting tough on the ones who go bad... Haven't we all become a bit too PC?"

<b>Asian people quoted</b>	<b>2</b>
Asian people interviewed or approached for interview whose comments were not included	4
<b>Recent migrant Asians quoted from interview</b>	<b>0</b>

Asian people with specialist knowledge of crime affecting Asian communities interviewed (eg Police Asian Community Liaison Officers, community advocates)	0
<b>Asian people quoted who had opinions contrary to editorial direction</b>	<b>0</b>
Descriptions and/or namings of Asian individuals or people <i>imputed to be Asian</i> associated with crimes or potential outbreaks of infection	35
<b>Asian people involved in or affected by crime or infection quoted</b>	<b>0</b>
Asian people described as not speaking English in public, or imputed to not be speaking English in public	Students, shopkeepers, families in restaurants
Asian students, shopkeepers, families in restaurants quoted	0

*Overview of Asian (Chinese) sources used and not used:*

- Lincoln Tan, recent migrant, newspaper editor, interviewed but interview not used, **selectively quoted from published sources** to support the editorial direction
- Rosemary Jones, long settled migrant, no role within a community association, who **specifically dissociates herself from new migrants and international students, interviewed and quoted at length in support of editorial direction.**
- KY Charles Chan, long settled migrant, newspaper editor, interviewed with Tan, **interview not used**
- Justin Zhang, recent migrant, director of most popular Chinese language web forum for international students in New Zealand, interviewed, **interview not used**
- Pansy Wong, long settled migrant, MP and community advocate on Asian issues and Asian crime issues, **not interviewed** after first contact, after Wong sent Coddington a brief description of her contact with the Asian communities over crime issues, **comments not quoted, not quoted from other published sources**
- Jessica Phuang, Police Asian community liaison for Auckland Central, **not approached for interview.**

As summarised by Keith Ng:

*"[Coddington] interviewed [or approached for interview] three people who actually have connections with and knowledge about the Asian migrant communities, but didn't report on a single one of the interviews (yet, still quoted Tan's column).*

*2) She quoted, instead, from one Asian who actively dissociated herself from the Asian migrants who are the subjects of the article.*

*3) When two well-placed sources - the Minister of Immigration and his National Party counterpart - said they're not aware of such a problem, she dismissed the opinion of these sources and calls them ignorant.*

*4) She didn't interview the police Asian Community Liaison Officer, the first and by far most obvious port-of-call on the subject."<sup>3</sup>*

<sup>3</sup> <http://www.publicaddress.net/onpoint#post3712>, accessed 25 November 2006.

### *Imbalance in overall content and volume of words*

The following comments are not suggesting that to achieve 'balance' articles must count and categorise 'positive' and 'negative' words about an issue. However in this case the sheer scale of imbalance is informative. Out of an article approximately 6,490 words long, the article includes approximately 450 words in total that are positive about Asians, or which challenge stereotypes, or disagree with the editorial direction, including:

- that Asians have brought wealth to New Zealand
- that they have a low crime rate
- interview content from the Immigration Service and Minister of Immigration saying that New Zealand is not a 'soft touch'
- Police comment that there are no 'triad' gangs as such
- the question (*not further addressed by the article*) of whether 'Asian crime' gets more attention because they look "so different".

Most of these 450 words are specifically presented within an editorialising context that negates, undermines or mocks these statements (as shown above in *Imbalance in sources quoted or interviewed* and Section 1 discussion on misleading use of statistics and language).

Notwithstanding inevitable subjectivities about what is neutral and what is negative, we also submit the following approximate word counts for a broad overview of the rest of the content.

Neutral description and factual context, approximately 1410 words, including description of:

- the demographic change of Auckland
- the demographic change of the country
- description of specific Chinese organised crime behaviour
- descriptions of patterns of international amphetamine smuggling and its effect on New Zealand
- description of paua poaching gangs (no ethnicity specified) and illegal export of paua to China and other Asian countries.

Contextually or directly negative content generically about 'Asians' as individuals or as a group, approximately 4630 words, including:

- descriptive litanies of crimes committed by Asian people, or people imputed to be Asian, or crimes potentially able to be committed by people who could potentially be Asian
- how 'Asian crime' is inflicting "trauma" on "ordinary New Zealanders", such as "carefree boaties" and children playing innocently in their suburban gardens
- general descriptions of 'Asian crimes' such as running "illegal brothels"
- people who have brought "disease" to New Zealand
- objectification of Asian people observed in public as alien, secretive and disliked
- people expressing views that NZ is a "soft touch" for 'Asian crime'
- people expressing views that new Asian immigrants are ruining Asians' reputation in NZ
- Police in Asian Crime Unit describing the prevalence of crime committed by Asians in the work they do in the Asian Crime Unit.
- misleading statistical analysis on demographic trends and 'Asian crime' rate
- conflation of "foreign nationals" from Asia involved in international drug trafficking with New Zealand citizens and residents of Asian ethnicities

- editorial views from author that Asian immigrants and visitors be subjected to harsher deportation laws, withdrawal of legal aid entitlement, and study restrictions.

#### **4. The article suggested that Asian New Zealanders were not New Zealanders, or were lesser New Zealanders than other New Zealanders**

Examples of this in use of language:

- Headline: “Asian Angst: Is it time to send some back?” This associates Asians with deportation; something that is not associated with other ethnic groupings in New Zealand. It carries the implication that belonging to an Asian ethnicity and not being a “good Asian” means that one’s residency status is liable to be questioned.
- A reference to “Kiwi kids” on the North Shore in opposition to “Asian” resident school students – demonstrating a belief that Asian New Zealanders are not “kiwis”.
- Description of a police officer as so busy with ‘Asian’ crimes in downtown Auckland that he couldn’t respond to calls “from the public”, implying that Asians are not part of “the public.”

#### **5. The article contained unacceptable and uncritical use of racial slurs.**

*“Asian menace”*

The article states that “the Asian menace has been steadily creeping up on us.” The use of the term “Asian menace” is a specific and offensive throwback to historically racist terminology, including such other terms as “filthy yellow hordes” and “yellow peril.” The use of all these terms came into vogue in reaction to migrant labour flows to countries like New Zealand and the United States, and the perception of a physical or economic threat from Asian countries and Asian people, dating from the late 19<sup>th</sup> century. John Dower provides context on the use of the “Asian menace” term from that period and the early 20<sup>th</sup> century:

*“[T]he vision of the menace from the East was always more racial rather than national. It derived not from concern with any one country or people in particular, but from a vague and ominous sense of the vast, faceless, nameless yellow horde: the rising tide, indeed, of color.”<sup>4</sup>*

*“Asiatic”*

The article refers to “...total offences committed by Asiatics”. ‘Asiatic’ is a term used by police for categorising arrests. It has however, long been accepted to be an offensive term from 19<sup>th</sup> century biologically racist discourse, and uncritical reproduction of this term, for example without inverted commas, is a disturbing oversight. Previous use of the term in New Zealand has included the “Anti-Asiatic League”, an overtly racist organization originally formed in the late 19<sup>th</sup> century to

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<sup>4</sup> Dower, John. *War Without Mercy: Race and Power in the Pacific War*. New York: Pantheon Books, 1986.

keep out migrant Indian labour, and which also lobbied against Chinese labour migration.<sup>5</sup>

*“Asiatic n. Often Offensive. An Asian.*

*Usage Note: As with Oriental, the use of Asiatic in referring to the peoples and cultures of Asia sounds conspicuously dated in contemporary American English, tending to evoke the prejudicial and offensive stereotypes of an earlier era. The preferred ethnic term is now clearly Asian.”<sup>6</sup>*

**6. The readers of North & South, and the estimated 400,000 Asian people residing in this country, are owed an apology for the above facts.**

This point is self-explanatory.

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<sup>5</sup> <http://www.teara.govt.nz/NewZealanders/NewZealandPeoples/Chinese/3/en>, accessed 25 November 2006.

<sup>6</sup> <http://dictionary.reference.com/browse/Asiatic>, accessed 25 November 2006.