

Tze Ming Mok
[address]

18 December 2006

The Secretary
New Zealand Press Council
PO Box 10-879
The Terrace
Wellington

Dear Sir/ Madam,

Re: Complaint against North & South November cover article: ‘Asian Angst: is it time to send some back?’

In this complaint against the editor of *North & South*, I am seeking a finding from the Press Council that the publication of *North & South*'s December 2006 issue cover article (published November) “Asian Angst: Is it time to send some back?” did not conform to the Press Council’s first principle: 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.”

I submit that the article misused and omitted statistics, and used specific language, in order to misrepresent and exaggerate the level of crime committed by Asian people in New Zealand. I submit that the article’s bias and imbalance in its overall content was intended to support this misrepresentation and exaggeration.

By ‘the article’ I 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 summarizing 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.

I note that the Press Council has recently held that significant errors should be acknowledged and corrected by the publication itself, and that merely publishing or offering a reply is not enough (Cases 1048, 1050, 1004, 916). In particular, I note that in Case 1051 it was found that omitted statistical content led to an error that should have been corrected, and that in Case 1047 it was found that a paper’s acknowledgement of error was not strong enough.

Misleading by omission - statistics

Asian New Zealanders have long been under-represented in conviction and arrest statistics, and as the Asian population of New Zealand increases, they are becoming even less likely to be arrested. The article, however, was dedicated to portraying an increase in ‘Asian crime.’ All standard analysis of crime incidence, including ethnic analyses, examines *crime rates*, i.e. using number of offences or arrests as the numerator and the population as the denominator, such as the national population or an ethnic category population. To remove the population denominator while alluding to crime rates is misleading:

“In 2001 ...although Asians made up 6.6 per cent of the population, they were responsible for just 1.7% of all criminal convictions. However, according to Statistics New Zealand national apprehension figures from 1996 to 2005, total offences committed by Asiatics (not including Indian) aged 17 to 50 rose 53% from 1791 to 2751. Compare that with offences committed by Pacific Islanders, who make up 6.5% of the population. They certainly committed more offences – 11,292 in the same decade – but their increase was only 2.9%.” (p.44)

“Asiatic” is a police term referring to Asians who do not appear to be South Asian – therefore, East and Southeast Asians.¹ The East and Southeast Asian population increased by more than 100% between 1996-2005, meaning that even with a 53% increase in the number of arrests, that population went from being underrepresented in arrests by a factor of 2 ½ to 1, to a factor of **4 to 1** (see tables at Appendix A i).² However, the article failed to report the decreasing proportion of “Asiatics” in crime, let alone that this decrease in the Asian crime rate was linked to an increase in the Asian migrant population. Instead, following the use of the 53% absolute increase figure, the article made a distracting comparison to the absolute increase in Pacific Island arrests in order to demonstrate that “Asiatic” arrests were increasing faster than Pacific Island arrests – without reference to the base population growth of either of those two groups.

In summary, the article abandoned the use of crime proportions after one sentence, in order to demonstrate an increase in ‘Asian crime’ which is not borne out by any increase in ‘Asian crime rates’. It also omitted the fact that since 2001, when it noted that “Asians were responsible for just 1.7% of all criminal convictions”, there has been literally *no* increase in absolute arrest figures for “Asiatics” to 2005.³

I believe the reason for these omissions was to support the article’s thesis that New Zealand has “unacceptable levels of Asian crime” (p.5) and that lax immigration is resulting in a “gathering crime tide.” (p.40) As discussed above, this thesis is not substantiated by facts.

¹ See note to Appendix A i for more details on calculating the ‘Asiatic’ crime rate.

² One explanation for this corresponds to the well-documented ‘healthy immigrant effect’ (see Ministry of Health, *Asian Health Chart Book*, Wellington: Ministry of Health, 2006), in that the current administrative selection and self-selection process of migrants to New Zealand means they are more likely than local-born people to be law-abiding, healthy members of society.

³ See Appendix A.

Misleading by commission – language

The article's use of specific phrases supports its purposeful misuse of arrest data, reinforcing the impression of:

- an increase in 'Asian crime' rates rather than a decrease, and:
- that Asian migrants are more associated with criminality than 'local' Asians and 'New Zealanders', despite increased immigration being associated with decreasing rates of Asian crime.

Examples:

"...our unacceptable levels of Asian crime." (p.5)

"...the gathering crime tide..." (p.40)

"...the Asian menace has been steadily creeping up on us." (p.41)

"It's capitalism at play, crime following market forces, and currently the market is bullish..." (p.40)

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

Lack of fairness and balance

The article was not an opinion column, but an investigative news feature. Nevertheless, it had a strongly stated editorial bias that appeared to conflict with the principle of being guided by fairness and balance.

The intent of the article, stated within the piece (and repeated later by the author in a *Herald on Sunday* opinion column justifying the article), was to demonstrate that "not every Asian is a good Asian" (p.40). The article also stated: "Alongside the undeniable benefits of Asian immigration, New Zealand has also imported an alien, ruthless and secretive crime culture committed by educated, profit-driven individuals and gangs. Nonetheless, commentary on Asian immigration has been overwhelmingly positive." (p.42) To compensate for this "overwhelmingly positive" commentary, the 6000+ word article features overwhelmingly negative content about recent Asian migrants and Chinese students, apparently in an attempt to rectify this alleged media imbalance on Asian issues.⁴ It is possible that the author believed that this meant the article was being guided by balance. However, attempting to address perceived (but unproven) media imbalance through an unbalanced response that omits or misrepresents vital contextual facts is poor journalistic practice. This may be acceptable in an opinion column, but not for an investigative news feature in a credible national monthly news and current affairs magazine. Regardless of motivation, the result was the selection of misleading facts and employment of misleading language, as discussed above, leading to an unbalanced article overall.

A comprehensive description of elements of imbalance is available in the original complaint letter (see Appendix B ii-vi). In summary, while describing or naming numerous

⁴ 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." (p.47)

Asian people (or people imputed to be Asian) associated with various crimes (or disease), there were no quoted interviews with any Asian people about their experiences with any crimes (or disease). Asian people interviewed or approached for interview who gave opinions contrary to the editorial purpose were not quoted, and opinions of non-Asian people quoted that ran contrary to the editorial purpose were framed negatively. Not only was this coverage of 'Asian crime' (or other generic problems with 'Asians') unbalanced and inaccurate, it was also unfair on Asian communities, particularly recent migrant and student communities. They were the subjects of the article, but their opinions were completely excluded.

The article is offensive on several levels, and carried racist overtones. Further details may be viewed in the original complaint letter, but in summary, the article contained descriptions that were objectifying and dehumanizing, which implied that Asian New Zealanders are not New Zealanders or are lesser New Zealanders than the rest of the population, and which included uncritical reproduction of anachronistic racial slurs such as "Asian menace" and "Asiatic". Offensive perspectives are a matter of opinion, style, and freedom of expression. If they are not only offensive but also misleading, they may be inappropriate outside an opinion column, below the expected standards of a quality publication, and may appear discriminatory.

However, offensiveness and discrimination are not the subject of this complaint. For the purposes of this complaint, the article's racist overtones simply illustrate its overall editorial objective to represent 'Asians' as a source of threat. The problem with the article's perspective is that it ultimately hinges on a misleading representation of facts - namely the representation of the level of 'Asian crime'. Without statistical figures showing an increase in 'Asian crime', there would have been inadequate foundation for the rest of the story's xenophobic opinions.

Correspondence with and response from North & South

A comprehensive letter of complaint was sent to the Editor of *North & South* on 29 November 2006, approximately 20 days after the publication of the issue in question, from 25 signatories representing journalism, business, academic, and arts sectors, and ethnic community groups. A copy of this letter of complaint is attached at Appendix B. As of 18 December 2006, no response has been received from *North & South* to this complaint.

In the following January issue of *North & South*, published on approximately 10 December 2006, there was no direct editorial acknowledgement of the complaint. Letters criticising the article were published, but this did not adequately resolve the complaint, which requested direct editorial acknowledgement, and correction, of the misrepresentation of 'Asian crime' statistics. No such correction or editorial statement was made. Indeed, *North & South* published a *defence* of the original use of statistics at the heart of the complaint.

A signatory to the original group letter of complaint, Mr Keith Ng, had a personal letter published objecting to the article's use of statistics – but it was immediately followed by a

published rebuttal by the writer of the article, Ms Deborah Coddington. Ms Coddington's reply did not clarify or agree that Asians were increasingly under-represented in crime, or acknowledge that she should have compared the percentage of 'Asiatic' arrests to the increasing percentage of 'Asiatics' in the national population. Instead, Ms Coddington attacked the validity of Mr Ng's statistical analysis because he used a wider age-range in his figures than she did, saying "Ng alleges my statistics are wrong. He's the one who's mistaken." (Appendix A ii) Her critique of Mr Ng's crime figures was again misleading, as the pattern of decreasing Asian representation in crime is repeated for all age groups (see Appendix A i). However, her rebuttal was effective as an obfuscating device to take the force out of Mr Ng's statement of facts. It nullified any 'balancing' that the publication of Mr Ng's letter could have provided, and indeed, served to cast further doubt in the minds of readers who did not have access to those facts.

The editorial note from Ms Robyn Langwell at the end of the letters (Appendix A iii) defended the article on the grounds that it expressed and highlighted the "anguish" of "New Zealanders". The note did not provide a correction, or acknowledge any misrepresentation of levels of 'Asian crime'. (Indeed, the editor repeated another questionable factoid from the article that conflated "foreign nationals" from Asian countries caught smuggling drugs across the border, with the Asian population living in New Zealand.⁵)

North & South's continued editorial defence of the article's use of statistics has prompted me to seek a Press Council ruling on behalf of numerous of the original signatories of the 29 November 2006 complaint letter. As Asian individuals and communities of diverse backgrounds, we are directly affected by the generalised implications of the article.

For tables of National Apprehension figures showing an increasing under-representation of East and Southeast Asians in arrests in all age groups, Mr Ng's letter, Ms Coddington's rebuttal, and Ms Langwell's editor's note, please see Appendix A. For the original complaint letter to *North & South* from 25 signatories, please see Appendix B. For a copy of the article, please see Appendix C.

Yours faithfully,

Tze Ming Mok (Ms)
[email & phone number]

⁵ This issue was mentioned in the original complaint letter, at Appendix B v. Immigrants, even those from Asia, have residency status and are not classed as "foreign nationals." On p.42 a member of the Drug Squad speaks of inbound drug trafficking from foreign countries, saying that "of our big Auckland drug cases...90 per cent involve foreign nationals and the large majority of those are Asian. The only recent case involving New Zealanders was the so-called celebrity bust." On p.47 Ms Coddington tells the Immigration Minister and Opposition Immigration Spokesperson that "Asians" dominate drug crime, without reference to whether or not they are international traffickers or the Asian population normally resident in New Zealand. Ms Langwell's footnote to the letters page replicates this dubious conflation.