
**CANADIAN BROADCAST STANDARDS COUNCIL
ONTARIO REGIONAL COUNCIL**

CHUR-AM re Newscast (Abortion Poll)

(CBSC Decision 92/93-0207)

Decided February 15, 1994

Marianne Barrie (Chair), Al MacKay (Vice-Chair), Susan Fish,
Paul Fockler and Robert Stanbury

THE FACTS

During its 9 *a.m.* news report on August 2, 1993, CHUR aired an item that cited the results of a *Toronto Star* article on abortion. The item was issued originally by Standard Broadcast News and read on-the news report. The CHUR reporter stated on air that,

A new poll out today indicates about a third of Canadians support the total legalization of abortion. The figures from the Gallup poll were unchanged from September of 1992. Results show 56 per cent of respondents believe abortion should be legal when the mother's health is at risk, or if conception occurred because of rape or incest. Only ten per cent said abortion should be outlawed in all cases.

A listener wrote to the Canadian Radio-television and Telecommunications Commission (CRTC) several days after the airing of the news report. According to the complainant, the reporter had stated that "fully one-third of the people polled believe that abortion should be funded." The listener added that the reporter had "neglected to say ... that two-thirds of the people polled believe that abortion SHOULD NOT be funded." She felt that such reporting distorted the results of the survey, and she asked rhetorically, "Are radio stations allowed to skew the facts? Are they allowed to mislead the public? Surely this kind of blatant bias is not allowable?"

As CHUR is a member of the Canadian Broadcast Standards Council (CBSC), and the issues raised by the complainant fell within the Council's mandate, the CRTC referred the complaint to the Council for consideration. The Council sent the complaint to the broadcaster for response.

On August 18, 1993, the Vice-President of Radio of the corporate group that includes CHUR, responded to the complaint. He stated that the news reporter had "simply read the stories almost verbatim" from the Standard Broadcast News wire service. He enclosed the copy of the news item, as provided to the Station by Standard Broadcast News. He added that his corporate group "is striving for fair and objective reporting in each of our news rooms. We take our commitments in each of our communities very seriously and are constantly striving to improve our service for our listeners." He apologized for disappointing the listener and expressed his appreciation of her concerns.

The complainant was unsatisfied by this response, and wrote to the CBSC on August 21, 1993 to explain her dissatisfaction and request that the CBSC consider her complaint. In her opinion, the fact that the station had derived the news item from a news wire service did not excuse the station from its responsibility to report the news fairly and accurately. In her words, the response demonstrated a "pass-the-buck mentality" that could "hardly be used as an excuse to justify questionable journalistic standards, particularly from a business that purports 'fair and objective' reporting as its aim. The CHUR announcer stated, as the survey (and wire service) indicated, that '31% of Canadians believe that abortion should be legal in any circumstances.' However, what of the remaining 69% of Canadians? Why was the obvious minority opinion highlighted in the radio announcement?"

THE DECISION

The CBSC considered the matter under clause 6 of the *Code of Ethics* of the Canadian Association of Broadcasters. The clause reads as follows:

Clause 6 -- *News*

It shall be the responsibility of member stations to ensure that news shall be represented with accuracy and without bias. The member station shall satisfy itself that the arrangements made for obtaining news ensure this result. It shall also ensure that news broadcasts are not editorial. News shall not be selected for the purpose of furthering or hindering either side of any controversial public issue, nor shall it be designed by the beliefs or opinions or desires of the station management, the editor or others engaged in its preparation or delivery. The fundamental purpose of news dissemination in a democracy is to enable people to know what is happening, and to understand events so that they may form their own conclusions.

Therefore, nothing in the foregoing shall be understood as preventing news broadcasts from analyzing and elucidating news so long as such analysis or comment is clearly labelled as such and kept distinct from regular news presentations.

Member stations will, insofar as practical, endeavour to provide editorial opinion which shall be clearly labelled as such and kept entirely distinct, from regular broadcasts of news or analysis and opinion.

It is recognized that the full, fair and proper presentation of news, opinion, comment and editorial is the prime and fundamental responsibility of the broadcast publisher.

The Regional Council (composed of five members, broadcaster member Don Luzzi being absent) listened to a tape of the August 2, 1993 news report of 9 a.m. and reviewed the relevant correspondence, including the copy from the news wire service. The Regional Council decided that CHUR had not contravened clause 6.

In the Council's view, the station had reported, without distortion, the item in the *Toronto Star* article. The broadcaster had not suggested that the minority opinion on the legalization of abortion was, in fact, the *only* opinion; the report had clearly indicated that a proportion of Canadians polled did not believe *at all* in the legalization of abortion. Therefore, contrary to the listener's contention, the station had not highlighted *only* a minority opinion in favour of the legalization of abortion; it had *also* highlighted the fact that some Canadians do not favour the legalization of abortion at all. In this sense, the station did not distort the news or attempt to further or hinder *either* side of this controversial public issue.

At the same time, the Regional Council carefully considered the complainant's reporting of the station's broadcast. The Council noted a number of errors in the original complaint letter and realized that the complainant's perspective of the broadcast might have been different had she had the precise words used by the on-air reporter. In this context, The Regional Council looked to the B.C. Regional Council's decision in *CFOX-FM re the Larry and Willie Show* (CBSC Decision 92/93-0141, August 30, 1993). In that decision, the Regional Council had noted that,

While, in general, each complainant to the CBSC uses his or her best efforts to reconstruct with accuracy the words used by the broadcaster, it is understandably difficult to expect that complainants will be able to supply precise and total recollection of the on-air moment.

Regional Council members always have the benefit of logger tapes and the ability to play and re-play the material moments of an allegedly offending broadcast until they have been able to fairly assess the *tone*, as well as the actual words used.

The Council noted the complainant's misquote of reporter as stating that "*fully*" one-third of Canadians believed that "abortion should be *funded*." In fact, the announcer had not referred to "fully" one-third of Canadians, nor had he indicated that these Canadians believed that abortion should be *funded*, but that this proportion of Canadians believed that abortion should be *legalized*.

Even if these errors of factual appreciation would not have deterred the complainant from her perspective, the Council did not agree with her contention. In the Council's view, the news report had provided a fair understanding of the poll and the issue, and had not distorted the poll results.

This decision is a public document on its release by the Canadian Broadcast Standards Council, and may be reported, announced, or read by the station against which the

complaint had originally been made; however, in the case of a favourable decision, the station is under no obligation to announce the result.