
**CANADIAN BROADCAST STANDARDS COUNCIL
ONTARIO REGIONAL COUNCIL**

CTV re Canada AM (MacDonald Interview)

(CBSC Decision 94/95-0059)

Decided August 18, 1995

M. Barrie (Chair), A. MacKay (Vice-Chair), P. Fockler, T. Gupta, R. Stanbury

THE FACTS

As a part of its Canada AM broadcast of November 11, 1994, the 7:10-7:20 a.m. segment consisted of an interview by Keith Morrison with Mark Brayford, the attorney for Robert Latimer, the Saskatchewan farmer charged with the murder of his severely disabled daughter, and Gerry MacDonald, an advocate for the disabled.

The Canadian Broadcast Standards Council (CBSC) received a complaint sent on the date of the broadcast, which had initially been made to the Canadian Radio-television and Telecommunications Commission (CRTC), and which had been forwarded to the CBSC by the CRTC on December 01. In it, the complainant stated:

This morning on "Canada AM" ..., I heard a man names Gerry MacDonald say succinctly "You're a pedophile." My experience has shown me to find this disgusting example of slander to be reprehensible. I am tired of insults, racial slurs and other derogatory nonsense. ... That comment was broadcast nationwide, and nobody accuses a Nobel Prize nominee of sexual assault, specifically regarding children.

CTV's Vice-President, Corporate Communications, responded to the complainant on January 19, 1995. In her letter, she explained that she had spoken to the production staff of Canada AM about the complaint raised.

If I understand your letter correctly, you say that Gerry MacDonald accused someone of being a pedophile. I have discussed your complaint with the production staff of Canada AM. Mr. MacDonald appeared on the program to

talk about the rights of the disabled. He did not accuse anyone of being a pedophile.

The CTV response did not satisfy the complainant, who returned to the CBSC with her request that the matter be referred to the Regional Council for adjudication.

THE DECISION

The CBSC considered the complaint under Article 6 of the Canadian Association of Broadcasters *Code of Ethics*, the text of which reads as follows:

CAB Code of Ethics, Article 6

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 broadcasters 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 broadcast 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 reviewed all the correspondence and watched the tape of the program in question. Members also had the benefit of a transcription of the interview. The Regional Council did not consider that the broadcast had breached the Code.

Simply stated, a review of the tape and the program transcript indicated that the guest, Gerry MacDonald, had not uttered the words quoted by the complainant or anything remotely similar to them. Indeed, it was difficult to see what part of what MacDonald had said could possibly have given rise to such an accusation. The subject matter of the

interview never approached *any* sexual issues. Furthermore, members of the Regional Council were puzzled by the reference to “a Nobel Prize nominee” in the complainant’s letter. It seemed to be as remote from the reality of the interview as the matter of pedophilia.

This is not the first occasion on which viewers or listeners have “heard” remarks which were not present on the logger tapes. As the British Columbia Regional Council stated in its decision in *CFOX-FM re the Larry and Willie Show* (CBSC Decision 92/93-0141, August 30, 1993). See also *CHUR-AM re a Newscast (Abortion Poll)* (CBSC Decision 92/93-0207, February 15, 1994),

The Council noted a number of errors in the complainant's report of the hosts' on-air statements. 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.

In the present case, in which the complaint appears to have been utterly unfounded, the Regional Council considers the response of CTV’s Vice-President, Corporate Communications, to the complainant to be amply satisfactory in the fulfilment of broadcaster responsiveness to a complainant.

This decision is a public document upon 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.