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**CANADIAN BROADCAST STANDARDS COUNCIL  
PRAIRIE REGIONAL COUNCIL**

CKND-TV re Newslines

(CBSC Decision 96/97-0081)

Decided December 17, 1997

S. Hall (Chair), D. Braun (Vice-Chair), K. Christensen, D. Dobbie,  
V. Dubois and D. Ish

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**THE FACTS**

During its 6:00 p.m. *Newslines* broadcast, CKND-TV (Winnipeg) reported on the charges laid against Graham James, a junior hockey coach. The story (of 2 minutes and 19 seconds in length) was introduced by the news anchor. It began over a shot of Graham James, with the words "CONVICTED COACH" below. The news anchor said:

Good evening. Thanks for joining us. It's a horrible thought for any parent with a child in sport, your son or daughter, molested by a coach, a person in a position of trust and authority. As we told you last night on *Newslines*, former MJHL coach Graham James was sentenced to three and a half years in prison for sex crimes involving some of his players. As *Newslines*'s Warren Preece reports, it likely wasn't an isolated incident in the world of amateur sports.

The news report by Warren Preece was followed by an interview with a professor from the University of Winnipeg. It was in turn followed by an interview with a representative of the Coaches Association of Manitoba, who observed that "The coach is often the most influential person in a young athlete's life." The report returned to the interview with Prof. Kirby, who added: "It's one where the athletes are very dependent on the coach for their success as players and in fact for their success as people." The news report concluded with the reporter's comments:

Calls for more aggressive education for athletes are coming from all quarters. There are sexual harassment policies in place in different sports but a lot of work remains to be done to ensure young athletes know where to turn when confronted by an abusive coach. In Winnipeg, Warren Preece, CKND *Newslines*.

Later in that newscast (at 6:26 p.m.), the sports segment also dealt with the Graham James story. The sports anchor began:

The Chairman of the Western Hockey League's Swift Current Broncos is calling it a black day for the whole hockey world. Ben Wiebe made that statement after Graham James, a former coach of the Broncos, pleaded guilty to sexually assaulting some of his former players and was sentenced to three and a half years in jail. The news has indeed shocked the world of hockey.

The story continued with a report from CICT-TV, Calgary, which began:

As a father figure and coach, Graham James held incredible power and authority over his players. He could assess their talent, assign ice time and control their lives and careers. But for ten years, James violated that trust and committed three hundred and fifty acts of masturbation and fellatio on two of his players. He pled guilty to sexual assault and got three and a half years.

The report then cut to a comment by the Crown prosecutor, who used the expression "some of the assaults took place ..." The defendant's lawyer was interviewed and the reporter concluded: "James was described in court as a homosexual who could not find gay men his age. ..."

## **The Letters of Complaint**

A Winnipeg resident sent two letters of complaint. In the first, dated January 3, she said:

I was both pleased and disappointed with your coverage of this story. First the good stuff. the sports anchor did the BEST job with this story. I find that ironic since sports anchors and reporters USUALLY go over the top with their use of hype, jargon and 'cute' catchphrases to beef up their reports but he didn't do that with this story and I commend him for his professionalism. He stated the facts and nothing more, well done.

Warren Preece OVERALL did a good job on his report except for his including someone's comment that Graham James assaulted these kids because he was a homosexual who couldn't find men his own age to have sex with. If you did any research on the facts about such things you would have found out that most normal people without sexual partners, homosexual OR heterosexual, do NOT abuse children. Only pedophiles abuse children, boys OR girls, and most pedophiles are heterosexual NOT homosexual. Pedophiles have an abnormal sexual preference for children, usually of one gender or the other, but the main point is that the preference is for children period. It is a fallacy that lack of access to sexual partners of one's own age is why pedophiles abuse children. Many pedophiles are married or live with an adult partner or if nothing else have access to sex from adult male or female prostitutes or, as with any single person, meeting partners in other ways, bars, clubs, etc. But pedophiles don't WANT sex with adults, access or opportunity has nothing to do with it. As an excuse or a reason it is pathetic. It is a choice that they make and to present this false information as fact with no counterargument does a disservice not only to most homosexuals but to ALL people who don't abuse children whether they have an adult partner or not.

Lastly, I would like to comment on [the news anchor's] introduction to the story. Phrases like 'sex charges' and 'sex crimes' are commonly used by media in these cases but are basically meaningless oxymorons. Underage children cannot even legally CONSENT to sex so to CALL this sex is just plain wrong. Graham James was convicted of hundreds of 'sexual assaults' not acts of 'sex'. 'Sex' is a legal, voluntary activity participated in by people of an age to consent to it. It's not a crime. Sexual assault, gross indecency, and sexual interference are 'crimes' and can be offences an individual can face criminal 'charges' for. Using phrases like 'sex charges' and 'sex crimes' is not just bad reporting, it's very poor English as well. These phrases are vague, inaccurate and misleading. Sexual assault and sex are not the same things. One is a crime and the other is not. Am I making my point? I hope so because it's bad enough the rapists and child molesters don't know the difference at least the rest of us should know better.

The complainant then sent a second letter on January 20 which covered much of the same ground but was framed differently.

Sex offender, sex scandal, sex abuse, a dozen references to sex and not one mention of power. What will it take for the media to get it through their thick skulls that these crimes are not ABOUT sex, they're an abuse of power - the abuse of power in relationships and between groups in society in general. As long as the media and thus the public believe it IS about sex, nothing will ever change. The criminals will continue to abuse and the victims will continue to suffer in silence. Because you keep telling people it's about sex, those abused feel ashamed, that this is somehow their fault for 'attracting' their perpetrator. If they understood it was about the adult abusing the power that they have over them they'd know it wasn't their fault and there's no reason to be ashamed to tell someone, right away. But that ISN'T what you are telling them, is it? No, according to you it's about something so emotionally charged, especially for males, that they are unlikely to EVER tell anyone no matter HOW much they are suffering. A few people do hear the truth somewhere, perhaps from a therapist, perhaps from the U.S. media which does a better job on these stories, people like Sheldon Kennedy. He told because he finally understood that what had happened to him wasn't about sex, it wasn't his fault and there was no shame in coming forward and making sure the abuse of his perpetrator's current victim(s) was stopped. No thanks to YOU. If it wasn't for Sheldon's courage, no one would ever know. The media certainly never investigated this story prior to his disclosure and I doubt they ever would have because of your belief that such things are just about people's private sex lives, right?

Sexual assault is no more about sex than physical abuse of children is about anger. Everyone gets horny, everyone gets angry, but not everyone goes out and rapes or beats up children. How simply do I have to EXPLAIN this to you? There is something WRONG with these people. They are not NORMAL. That's what they'd LIKE you to think, that they ARE normal and this is just about sex and love versus the perversion of them and their opposites -- violence and hate. These people abuse the power they have in a relationship in order to use the other as a sexual object, or in the case of physical abuse, as a punching bag, but to them, the other IS just that, an object, not a human being with feelings and rights. They 'get off' on controlling and manipulating their victims in order to terrorize them enough to get them to do whatever they want them. They do not see their victims as equals, they are possessions that they own. Does this sound like sex to you?

Confusing the real nature of these crimes which is the abuse of power only serves to continue the ignorance of the general public regarding these criminals and thus leaves them much less well prepared to protect themselves or their children from becoming victimized. I thought one of the roles of the media was to inform people of the facts, to provide people with clear and accurate information on issues that may affect them. Unfortunately this seems to

be a case of the blind leading the blind. It's bad enough you don't know what you are talking about but you compound the problem by keeping everyone else as ignorant and misinformed as you are.

### **The Broadcaster's Reply**

The News Director, Information Programming, at CKND-TV responded to the January 3 letter on January 20. Her letter and the complainant's second letter to the station bore the same date and obviously crossed in the mail. The broadcaster's reply was in the following terms:

Thank you for your letter regarding the above story broadcast January 3, 1997. I have reviewed both the script and video of Warren Preece's story on Graham James, and the 6:00 p.m. edition of NEWSLINE.

Neither anyone interviewed, nor Warren Preece in his voice-over made any comment of, as you say, in your letter, "Graham James assaulting these kids because he was a homosexual who couldn't find men his own age to have sex with". Neither was there any comment in Mr. Preece's story which could have implied such a deduction. Our report pertained to the specifics of the charges against Graham James and the impact on children in sports. It was not, nor was the story set up to be, a report on the behaviour of pedophiles.

You may have been confused with a story broadcast in the Sports segment of the newscast. That particular story was filed by CICT Calgary describing the court proceedings which said "James was described in court as a homosexual who could not find gay men his age."

As to the usage of the phrases "sex crimes" and "sex charges", these are commonly understood phrases used in everyday language and can apply to a story pertaining to crimes or charges involving sexual acts committed against men, women or children.

We take very seriously our obligation to provide accurate and balanced reports, particularly on sensitive issues such as the Graharn James story.

We appreciate your viewpoint and hope this clarifies our broadcast pertaining to this subject.

The viewer was unsatisfied with this response and requested, by her Ruling Request dated February 3, that the CBSC refer the matter to the appropriate Regional Council for adjudication.

### **The Complainant's Response**

The complainant also sent a reply to the letter from CKND-TV. In it she said:

Thank you for your response to my letter but since it is late I have already forwarded my lack of satisfaction with your response to my original letter - no response to the date of the deadline. I know the media puts their news coverage in a format that would be best described as "news for dummies", but I am NOT confused about the broadcast of the above story and the complaints (and compliments) that I had about it. I took notes at the time and used them

to write my letter so I feel quite comfortable with the accuracy of my complaints (and compliments).

Should I have gotten 'confused' as you so patronizingly suggest, does this imply that if you use news clips from other broadcasters you take no responsibility for their content or their accuracy? That's what you seem to be suggesting by blaming CICT Calgary for the 'offending comment'. ANYTHING you broadcast IS your responsibility.

As to the usage of phrases like 'sex crimes' and 'sex charges': yes, these are 'commonly understood phrases used in everyday language' - so are profanity and ethnic and racial slurs but you don't commonly use them in your broadcasts, do you? I would assume that you don't use them because people would find them offensive. Just like I, and no doubt many other people, find phrases like 'sex crimes' and 'sex charges' offensive.

And yes, those phrases are used to describe crimes against men, women and children. You obviously didn't get my point - THEY ARE INACCURATE. These are crimes of violence not of sex, regardless of who the victim is.

## THE DECISION

The CBSC's Prairie Regional Council considered the complaint under the *Code of Ethics* of the Canadian Association of Broadcasters (CAB) and the *Code of (Journalistic) Ethics* of the Radio and Television News Directors Association (RTNDA). The relevant clauses of those Codes read as follows:

### *CAB Code of Ethics, 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 broadcasters from analysing 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.

### *Article 3, RTNDA Code of (Journalistic) Ethics (in pertinent part):*

Broadcast journalists will not sensationalize news items and will resist pressures, whether from inside or outside the broadcasting industry, to do so. They will in no way distort the news.

The Regional Council members viewed a tape of the entire *Newsline* program in question and reviewed all of the correspondence. The members consider that the program is not in breach of either Code. As the Ontario Regional Council previously observed in a case involving similar issues, namely, *CIII-TV re Newscast (Early Parole Hearing)* (CBSC Decision 96/97-0001, May 8, 1997), it is not without sympathy for an aspect of the complainant's concerns.

### **The Content of the Program**

As the complainant herself noted, the major portion of the newscast and sportscast were appropriately presented, even from her point of view. The references were almost uniformly to the former coach's sexual assaults or to the specific acts, namely, masturbation and fellatio, which he had performed on his young hockey players. The nature of the reporting, in addition to its approach to the crimes in question, was, in the view of the Council, somewhere between sober and horrified at the betrayal of the young people by the coach, who is, as stated in the newscast, "often the most influential person in a young athlete's life." To the extent that the story was *sensational*, it could be said to have resulted from the story itself and not from the reporting of it. It was, in the view of the Council, "full, fair and proper". There is no question of any breach of the Codes.

As noted above, however, the Ontario Regional Council dealt with a broadcaster description of "sexual assault" ending in murder in the reporting of the "faint hope clause" early parole hearing in *CIII-TV re Newscast (Early Parole Hearing)* (CBSC Decision 96/97-0001, May 8, 1997). The Council there also found that the broadcaster was not in breach of the *CAB Code of Ethics*. They added the following comments regarding the use of "sex" as an adjective associated with crimes of the nature of those in either the Clifford Olson or the Graham James cases, which the Prairie Regional Council considers apt in the circumstances of this decision:

Despite this conclusion, the Council considers that there is an important message in the complaint which rises above the simple technical concern of Code breaches and which was obviously the paramount issue for the complainant. Her concern was related, in a broad sense, to the use of the word "sex" in reports concerning crimes involving rape, murder and other forms of violence against women (which could be extended, presumably, to cover men and children of either gender). The Council members agree with the complainant that there may be a tendency in the media to readily use the word "sex" adjectivally in relation to the reporting of crimes whose nature is not essentially *sexual*, but which rather involve an abuse of power. The issue for the Council is not a grammatical one; it relates rather to a willingness, even if generally unintentional, to link "sex", a generally permissible social activity, with physical *crimes* extending from assault through murder, which are not. The Council considers that broadcasters should be more cautious in their linking of the two.

### **The Broadcaster's Response**

The CBSC always recognizes the broadcaster's obligation, as a CBSC member, to be responsive to complainants. In this case, the Council does agree with the complainant that there *appeared* to be an attempt to lay some responsibility for the CICT-TV portion of the newscast at the feet of the Calgary broadcaster. There is no doubt that CKND-TV was fully responsible for the clips it chose to use, *whatever their origin*. The letter was otherwise a serious attempt to deal with the matters raised by the complainant. In her view, the station did not "get it" but this does not, in the view of the Council, constitute a default on the part of the station.

Moreover, in this instance, the Council does believe it appropriate to observe that, if anyone was being patronizing in this matter, it was the complainant and not the broadcaster. By using phrases like "Am I making my point?", "It's bad enough you don't know what you're talking about ..." and so on, it was *she* who was condescending and not the broadcaster. While she is free to adopt such a position in her complaint, it ill behoves her to accuse the broadcaster of taking such a position when the broadcaster has not done so.

Finally, it is appropriate to note here that the correct version of the broadcast was that given by the broadcaster and not that resulting from the note-taking of the complainant. Council members each had the full logger tape of the broadcast in their possession and the transcription of the relevant portions is provided above. While the Council understands that it is difficult for a complainant to catch precise wording "on the fly" as a newscast is going by, the complainant's accusation of bad faith on the part of the station in telling her what had *really* been said was utterly unsupported by the logger tape.

*This decision is a public document upon its release by the Canadian Broadcast Standards Council. It 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.*