
**CANADIAN BROADCAST STANDARDS COUNCIL
QUEBEC REGIONAL COUNCIL**

CHOM-FM re the Howard Stern Show

(CBSC Decision 97/98-0001+)

Decided October 17, 1997

P. Audet (Chair), Y. Chouinard, M. Gervais, S. Gouin and
P. Tancred

and

**CANADIAN BROADCAST STANDARDS COUNCIL
ONTARIO REGIONAL COUNCIL**

CILQ-FM re the Howard Stern Show

(CBSC Decision 97/98-0015+)

Decided October 18, 1997

A. MacKay (Chair), R. Stanbury (Vice-Chair), R. Cohen (*ad hoc*),
P. Fockler, M. Hogarth and M. Ziniak

THE FACTS

The Howard Stern Show is produced at WXRK-FM in New York City each non-holiday weekday morning. (It has originated there since September 1985 and in its morning time slot since February 1986.) It begins at approximately 6:00 a.m. and, in principle, finishes at 10:00 a.m., although the ending time of the show is not fixed; in the time period dealt with in this decision, the show generally ran 60-90 minutes beyond the 10:00 a.m. projected ending.

On Tuesday, September 2, 1997, the show was syndicated in Canada for the first time. Two Canadian stations, CHOM-FM in Montreal and CILQ-FM in Toronto, began to broadcast the show on that date. During the course of that initial episode, the host made many comments about which listeners to the stations immediately objected. The initial complaints received by the CBSC were followed by complaints signed by over 1,000 individuals to date in relation to

the episode of September 2 and other specific dates in the first two weeks, as well as the Howard Stern Show *generally* for the period. The substance of those episodes which required CBSC review will be described below. There were also letters of support for the show received directly and indirectly by the CBSC.

Before dealing with the substance of the complaints, there are some preliminary matters with which to deal.

SOME PRELIMINARY MATTERS

Procedural Questions

As a result of that initial episode, complaints began flowing in to the Canadian Broadcast Standards Council ("CBSC") and the Canadian Radio-television and Telecommunications Commission ("CRTC") by e-mail, fax and letter from the very first day, namely, September 2. In due course, all Code-related complaints directed initially to the CRTC were forwarded to the CBSC. In the normal course of events and in accordance with standard CBSC practice, these complaints were forwarded to the two broadcasters, whose General Managers sent letters to each complainant individually, each station explaining its position regarding the complaints which had been made.

Due to the great quantity of complaints, the chain of events which began with responses from the CRTC and the CBSC to complainants and continued with the remittance of those letters to the broadcaster and the broadcasters' responses, occurred over an extended period of time. Moreover, complaints about the Howard Stern Show as a whole, as well as numerous other individual episodes, during and following the first two weeks, have continued to arrive, all of which has resulted in the return to the CBSC of Ruling Requests on a staggered basis. As of the date of the meetings of the Quebec and Ontario Regional Councils, and continuously thereafter, Ruling Requests were still reaching the CBSC's offices and it is the CBSC's expectation that they will continue to arrive after this decision. Since only one Ruling Request is sufficient to trigger the adjudication process, that process was undertaken before all Ruling Requests related to the numerous complaints had been returned.

The Quebec and Ontario Regional Councils consider that the complaints covering the episodes for the first two-week period can be considered together. In fact, for reasons which will be discussed at greater length below, the Councils are of the view that, while the subject matter of the daily Howard Stern Show episodes of course varies from day to day, the presentation of the content which is the principal subject matter of this decision remains systematically *similar* in approach from one day to the next. As in the case of *CIII-TV re Mighty Morphin Power Rangers* (CBSC Decision 93/94-0270 and 0277, October 24, 1994), the two weeks of episodes reviewed will be a fair reflection of the type of approach and attitude which the show could be expected to reflect on an ongoing basis. In the *Power Rangers* case, the Ontario Regional Council concluded:

that their observations entitle them to take the generalized position that the approach of the entire series is such that it would likely be in breach of those articles of the *Violence Code* in the same manner as the episodes which the Council members viewed in order to render this decision.

The Quebec and Ontario Regional Councils consider that those remarks apply by analogy, with respect to the *Code of Ethics* and the *Sex-Role Portrayal Code*, to the Howard Stern Show.

It should be noted that the vast majority of the listeners' opening episode complaints related to Stern's comments on the French and French-Canadians. Some related to other issues and those arising from later episodes within the opening two-week period did not deal with the French/French-Canadian question. It is significant to the two Regional Councils that the complaints which focussed on that initial issue were almost as often sent by Anglophones as Francophones. The Regional Councils will have more to say about this phenomenon below.

Since, in the vast majority of cases, it was possible to attribute the complaints to CHOM-FM and CILQ-FM separately, the CBSC scheduled two separate Regional Council meetings. That of the Quebec Council took place in Montreal on October 17 and that of the Ontario Council took place in Toronto on October 18, 1997. Although the possibility that the two Regional Councils meet together had initially been contemplated, it was ultimately decided that their deliberations should occur separately. It was also decided by the Ontario Regional Council that its members would not be informed of the course of the discussion or the results of the Quebec Regional Council's deliberations of the previous day until after they had come to their own conclusions.

While the components of the two Regional Council debates differed to some extent, the conclusions of the two Regional Councils regarding the essential issues dealt with herein were identical and, in the end, the text of this decision was reviewed and concurred in by the two Regional Councils. It was agreed by both the Quebec and the Ontario Councils that each could subscribe fully to the reasons and the conclusions of this decision text and that, consequently, the decision should be issued jointly by both the Quebec and the Ontario Regional Councils.

A Jurisdictional Issue

Many complaints relating to the Howard Stern Show raised only the question of the nationality of the originating program's host. Others dealt with both the substance of the show and Stern's nationality. Those complaints which fell into the former category were retained by the CRTC to be dealt with pursuant, the Regional Councils assume, to the CRTC's mandate relating to the determination of the "Broadcasting Policy for Canada" under Section 3 of the *Broadcasting Act*, as well as such other statutes, regulations and policies as the Commission might consider relevant. Sections 3(1)(d), (e) and (f) of the Act provide:

(d) the Canadian broadcasting system should

(i) serve to safeguard, enrich and strengthen the cultural, political, social and economic fabric of Canada,

(ii) encourage the development of Canadian expression by providing a wide range of programming that reflects Canadian attitudes, opinions, ideas, values and artistic creativity, by displaying Canadian talent in entertainment

programming and by offering information and analysis concerning Canada and other countries from a Canadian point of view,

(iii) through its programming and the employment opportunities arising out of its operations, serve the needs and interests, and reflect the circumstances and aspirations, of Canadian men, women and children, including equal rights, the linguistic duality and multicultural and multiracial nature of Canadian society and the special place of aboriginal peoples within that society, and

(iv) be readily adaptable to scientific and technological change;

(e) each element of the Canadian broadcasting system shall contribute in an appropriate manner to the creation and presentation of Canadian programming;

(f) each broadcasting undertaking shall make maximum use, and in no case less than predominant use, of Canadian creative and other resources in the creation and presentation of programming, unless the nature of the service provided by the undertaking, such as specialized content or format or the use of languages other than French and English, renders that use impracticable, in which case the undertaking shall make the greatest practicable use of those resources.

Among other things, the Regional Councils are also aware of the forthcoming Review of the Commission's Policies for Commercial Radio (Public Notice CRTC 1997-104) and, from the text of the letters to complainants originating in the Correspondence and Complaints Division of the CRTC, expect that the issue of nationality may be treated there: "In early December, the Commission will hold a public hearing to review all of its policies concerning commercial radio and this could provide an opportunity to review the importation and means of distribution of foreign-produced programming on Canadian radio stations." In a recent address to the Canadian Association of Broadcasters Annual Convention, Françoise Bertrand, Chairperson of the CRTC said: "But radio issues go beyond technology. On the content side, is there a reason for the Commission to be concerned about talk radio? Are we witnessing an increased reliance on imported US product instead of developing Canadian programming? Does this mean we will see increasing Americanization of Canadian radio, both in terms of air time and values?" Whether the issue of nationality is or is not treated in that forum is ultimately not a matter of moment to the CBSC, which does not itself have jurisdiction to deal with the issue. Consequently, even with respect to those complaints which the Regional Councils retained by reason of their *substantive* content but which also raised the issue of non-Canadian content, the CBSC has restricted its examination of matters arising therefrom to Code-related issues.

Presentation of Excerpts from the Howard Stern Shows

Customarily, CBSC decisions begin with excerpts of the program in question and follow it with excerpts from the complaint and the response of the broadcaster. This is hardly practical in a case which has generated as many complaints as the Howard Stern Show. Due to the length of the show, the number of individual Stern programs complained of, and the number of Code-related issues raised, it is also impractical to include *lengthy* excerpts of the various episodes in the body of the decision. Accordingly, the CBSC will divide the decision by issue and include brief portions of the programs which are illustrative of the problems dealt with in each area. Lengthier excerpts will be annexed to this decision as appendices A through D. The CBSC's decision on each issue will be discussed on a separate basis under each heading.

Presentation of Complainants' Letters

What is true of the content of the Stern episodes is equally true of the complaints, which would constitute hundreds of pages of text. In the circumstances, the CBSC has decided to include brief excerpts from a certain number of the complaints divided by issue as Appendix E and fuller texts of another group of complaints as Appendix F. The Regional Councils have also decided to present these complaints in their language of submission in both the French and English versions of this decision.

The Broadcasters' Responses

Since, by and large, the broadcasters responded to the complainants in terms which could be described as substantially similar, although prepared individually in each case, it is a simpler matter to include relevant paragraphs from their letters in the body of this decision. Accordingly, those portions from the CHOM-FM and CILQ-FM letters are quoted here. It should be noted that the broadcasters' responses modified slightly over time and, in the Council's view, it is fairer to provide a reflection of that evolution, even though some of these modified texts may have been used between the dates of the Regional Council meetings and the date of this decision.

The essence of the CHOM-FM responses was as follows:

Like you, we at CHOM-FM were concerned by certain uninformed remarks made on September 2nd by Howard Stern relating to francophones. We know that those remarks were perceived to be offensive and insulting to a large segment of our audience and to Canadians as a whole.

We should stress that the unfortunate remarks made by Mr. Stern on September 2nd do not reflect the views or opinions of the management or personnel of CHOM-FM or of its parent company, CHUM Limited.

While the overall objective of The Howard Stern Show is to amuse and entertain through comedy, this is sometimes done through comments which some may find shocking or outrageous. Such comments are, of course, intended to be humorous, and are in no way intended as serious commentary on social or political issues.

CHOM-FM's decision to broadcast The Howard Stern Show was made in the context of the existing Montreal radio environment. Fortunately, contrary to other outspoken radio hosts in Montreal, Howard Stern means to be humorous. Many Montreal radio listeners find his particular approach to humour amusing and entertaining and acceptable to their tastes. Early audience surveys confirm this and reflect his position as an established North American entertainment star. The Howard Stern Show was added to the CHOM-FM schedule with the knowledge that Montreal listeners who are not amused or entertained by such radio programs, have many other listening options. CHOM-FM regularly airs listener advisories informing its audience that some listeners may find the material in the program offensive.

The revised version of the letter included the following text:

We note your strong objection to The Howard Stern Show is based primarily on the fact that it contains language and statements which you and others find offensive.

When we took the decision to schedule the syndicated Howard Stern Show on CHOM-FM, we realized that it would contain material of a controversial nature. Moreover, we were aware that some aspects of the show would contain language and themes suited for mature audiences. For that reason, CHOM-FM regularly airs listener advisories informing its audience that some listeners may find the material in the program offensive, and that they may, therefore, wish to tune to another station.

The overall objective of The Howard Stern Show is to amuse and entertain. However, the particular brand of comedy contained in that program admittedly sometimes includes comments which some may find shocking or outrageous. Such comments are, of course, intended to be humorous, and are not in any way intended as serious commentary on social or political issues.

The initial CILQ-FM response letter included the following text:

We do recognize that the Stern Show is not for everyone's taste and we both respect and understand every individual's choice not to listen to the programme.

Howard Stern has made it clear on a number of occasions that he is a comedian and entertainer by trade and reputation. He has also made it clear that his material should not be treated as the social or political commentary of a politician or journalist. He is not a news/trained journalist or talk host dealing with the issues of the day in a traditional open line style of talk programming. Indeed he has never held himself out to be one and is well known to the public as a performer, not a serious commentator. He clarified the nature of his comments on two separate occasions. The first was on September 4th when a news reporter from Quatre Saisons Television in Montreal called into the programme and questioned Howard and the second was on the 10th of September when it was raised in the Toronto news conference by the Global Television reporter covering the event. He said "I'm always amazed how people want to take me seriously...I'm a disc jockey...I'm joking...explain it to everyone."

Howard Stern's humour is of the Lenny Bruce, Don Rickles, Sam Kinison style and although it may be deemed to be in bad taste by some, his comments are not motivated by personal animosity or racism. We believe his style of satire, like Norman Lear's "All in the Family", is principally a parody of those people in society who really do hold intolerant views.

We have taken steps to ensure that warnings about the nature and adult content of the show are broadcast at least twice each hour and in other dayparts whenever the programme is being promoted in an effort to inform the listeners who may be sensitive to such issues.

Some of the CILQ-FM letters used the following language in responding to the specific complaints about the French and French-Canadian comments:

Comments regarding language used in the Stern show from time to time are being evaluated against the standards that are acceptable within our listening community. ...

...

Stern's comments about the French should be seen in this light. He has stated on several occasions that the comments are based on his view of the actions taken by some French citizens and government officials in France during the second world war. He has explicitly denied any animosity toward the population of Quebec.

...

We monitor the response and attitude of our audiences very closely and continually assess what we need to provide to satisfy their listening needs. Ultimately, our actions are determined by the response within the listening community.

The subsequent CILQ-FM text included the following paragraphs:

We do recognize that the Stern Show is not for everyone's taste and we both respect and understand every individual's choice not to listen to the programme.

Your letter did not reference a specific example of Stern's use of crude language which makes it difficult for us to respond to that part of your letter. We can say that we believe he uses language that is common vernacular in our society. Often, what is offensive to some is not perceived that way by others. We have taken steps to ensure that warnings about the nature and adult content of the show are broadcast at least twice each hour during the program and in other dayparts whenever the program is being promoted, in an effort to inform listeners who may be sensitive to such issues.

Having said that, we understand that not everyone appreciates Stern's brand of entertainment and we regret that you found his comments to be offensive. Howard Stern is a satirist whose comments on societal issues are meant to parody those people in society who really do hold intolerant views. Input such as yours, as well as editorial comment from other media has been given to Stern to apprise him of the different sensitivities that may exist within Canadian audiences.

A Preliminary Word on the Listener Advisories

Both broadcasters noted that they had used listener advisories. Regardless of the CBSC's views on the appropriateness of the Howard Stern Show in the light of the Codes (dealt with in detail below), the Regional Councils applaud the broadcasters for ensuring that listeners are constantly alerted to the nature of the Howard Stern Show. Moreover, the broadcasters have not been reluctant to use material critical of Stern in those advisories and this is to their credit. The CBSC must, however, underscore the fact that the use of advisories never relieves broadcasters of their responsibility to adhere to the standards in the Codes. Ultimately, of course, the issue is the content of the episodes which must be measured against the Codes. Nonetheless, the provision of such information in the case of potentially controversial radio, as much as in television, is absolutely essential to inform the medium's audience.

Canadian and American Approaches to Broadcast Speech

Before delving into the specific issues raised by the initial episodes, it seems appropriate to deal with certain themes which will be common to the CBSC's treatment of all issues raised by the Howard Stern Show.

The CBSC considers it appropriate to draw certain distinctions between Canadian and American approaches to the free speech issue which might result in the non-acceptability of a broadcast in one country and the acceptability of the same program in the other. In broadest terms, the texts of the First Amendment in the American Bill of Rights and the first and second sections of the *Canadian Charter of Rights and Freedoms* are materially different. The American approach is far more sweeping. It provides that:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

In Canada, freedom of expression is nowhere declared to be as absolute. In the *Canadian Charter of Rights and Freedoms*, Section 2(b), which declares the existence of the fundamental freedoms “of thought, belief, opinion and expression, including freedom of the press and other media of communication”, is expressly declared to be subject to the limitation imposed in Section 1, which declares:

The *Canadian Charter of Rights and Freedoms* guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

Thereafter, neither the *American Communications Act of 1934* nor the recent *Telecommunications Act of 1996* contains any provisions which purport to restrict freedom of speech whereas the Canadian *Broadcasting Act* and the regulations created under it do. The logic of those restrictions begins with the principle enunciated in Section 3(1)(b) of the Canadian law, which states that “the Canadian broadcasting system, operating primarily in the English and French languages and comprising public, private and community elements, *makes use of radio frequencies that are public property ...*” [Emphasis added.] It follows that the CRTC, as the body administering the Act, the Regulations and the licences granted under those instruments, could be expected to impose standards which would have the effect of *restricting* access to those licences by imposing both positive and negative proscriptions. One of the most fundamental positive requirements is that “the programming originated by broadcasting undertakings should be of high standard”. There are also negative restraints, one of which, Section 3 of the *Radio Regulations, 1986*, clearly restricts untrammelled freedom of expression, is relevant to the matter at hand. It provides that:

A licensee shall not broadcast

(a) anything in contravention of the law;

(b) any abusive comment that, when taken in context, tends or is likely to expose an individual or a group or class of individuals to hatred or contempt on the basis of race, national or ethnic origin, colour, religion, sex, sexual orientation, age or mental or physical disability;

(c) any obscene or profane language;

(d) any false or misleading news;

...

Furthermore, all Canadian broadcast licencees know perfectly well that there are public rules *in Canada* to which broadcasters must adhere as well as others to which private broadcasters have *chosen* to adhere. In this latter category fall the Canadian Association of Broadcasters Codes, of which there is no equivalent in the United States. These are, however, viewed by Parliament and the CRTC as a necessary and integral component to our broadcasting system. As the CRTC said in its opening words to the Public Notice approving the creation of the Canadian Broadcast Standards Council (PN CRTC 1991-90),

The purpose of this public notice is to advise licensees and the public that the Commission fully supports the objective of the Canadian Broadcast Standards Council (the CBSC), which is to encourage high standards of professional conduct on the part of private radio and television broadcasters by ensuring that social concerns and values are reflected in their programming decisions. The Council administers specific codes of broadcast conduct and provides a means of recourse for members of the public regarding the application of these standards.

Among its conclusions in that Public Notice, the Commission stated:

The Commission is confident that CBSC member stations will not only fulfill the commitments they have formally agreed to uphold as a requirement of membership, but also that they will demonstrate, in all aspects of their programming, their dedication to the objective of improving program quality and their willingness to accept a greater degree of responsibility for responding to social issues and community values.

The Commission has subsequently indicated its willingness to entrust the CBSC with greater responsibility and, in this regard, with those further cautiously created limitations on freedom of expression which necessarily accompany any imposition of standards. Thus, in recognizing the private broadcasters' *Voluntary Code on Violence in Television Programming*, the Commission stated its confidence that that Code "achieves the appropriate balance between preserving freedom of expression and protecting the viewing public, especially children, from the harmful effects of television violence." (PN CRTC 1993-149)

The CBSC has frequently observed that freedom of expression is the *basic* rule which it applies in the rendering of its decisions but it believes that this principle is not absolute. It is and must be subject to those values which, in a free and democratic society, entitle all members of society, on the one hand, to speak freely while, on the other hand, remaining free from the abrogation of those other values in which they and other Canadians believe. Free speech without responsibility is not liberty; it is licence. The freedom to swing one's arm ends where it makes contact with one's neighbour's nose. The length of that arc is what the CBSC must determine from case to case.

It must also be recognized that the scope of freedom of expression will be greater in a private or even limited public environment than it will be on the airwaves. As noted above, the airwaves are public property. They are also a scarce resource and available only to those who will exercise their broadcast entitlement by the rules. Access to a broadcast licence is a privilege, not a right. As the Quebec Regional Council observed in *CFJP-TV (TQS) re "Quand l'amour est gai"* (CBSC Decision 94/95-0204, December 6, 1995),

The Canadian Broadcast Standards Council has, on numerous occasions, confirmed its attitude regarding the principle of freedom of expression. It is hardly necessary to restate the importance of this principle to a democratic society; however, it may be useful for Canadians to remind themselves from time to time of the critical role played by radio and television broadcasters in the exercise of this freedom. After all, while the purity of the principle remains the same in small or large groups, the freedom to express cannot be as pervasive or influential exercised in a kaffeeklatsch or a street corner as across the public airwaves.

As it happens, among the limited restrictions on free speech in the American broadcast context are the indecency provisions contained in the American criminal law, which prohibits the uttering of "any obscene, indecent, or profane language by means of radio communication."

Even in the more absolute free speech environment of the United States, the Howard Stern Show has fallen afoul of those obscenity provisions. On September 1, 1995, the FCC approved a \$1,715,000 (Cdn\$2,400,000) settlement agreement with Infinity Broadcasting Corporation resolving *several* pending indecency enforcement proceedings against Infinity broadcast stations (in New York, Pennsylvania and Virginia). As FCC Chairman Reed Hundt stated, "A core mission of this agency is to give parents the tools to shield their children from indecent and violent broadcast programming. ... The settlement ... represents the largest amount ever contributed to the U.S. Treasury by a broadcast station licensee." More recently, the FCC has issued further Notices of Apparent Liability on October 15, 1996 and April 8, 1997 against Virginia and Louisiana radio stations with respect to subsequent episodes of the Howard Stern Show.

These American proceedings have been instituted in a social context far more tolerant of free speech. As noted above, the Canadian approach to broadcast speech is far more cautious and reflective of the need to respect *other* Canadian values.

THE ISSUES

The Regional Council members listened to the tapes or reviewed the transcripts of the following September programs (September 2-5, Monday, September 1, having been Labour Day, and September 8-12) and reviewed all of the correspondence relating to complaints for which Ruling Requests had been received by their respective meeting dates, as well as a significant sampling of support letters and other complaints for which there had been insufficient time to generate Ruling Requests as of the time of the meetings.

The various programs of the first two weeks of the Howard Stern Show give rise to numerous issues which return with regularity. With respect to many of these, as will be noted below, the Councils consider that the broadcasters have breached one or more of the Codes. With respect to certain others, the Councils do not consider that there has been any breach. Their reasons are discussed under each heading.

1. Bad Taste

Many of the complaints received regarding the *Howard Stern Show* related to questions of taste. Stern was accused of being offensive, vulgar, adolescent, rude, unsuitable, outrageous, sick, tasteless and so on. (A sampling of complaint letters is provided in Appendix E below.) The Quebec and Ontario Regional Councils are, however, agreed that, under the present Codes, matters of taste must be left to be regulated by the marketplace. Such choices remain those of the listener. This is the time when the on/off switch is the listener's coping mechanism. Unless comments made by a broadcaster are of a nature to breach provisions of one or more of the Codes, the CBSC will not judge them one way or the other.

Consequently, the Quebec and Ontario Regional Councils do not find that the broadcast of material which may, in their view, as well as that of many complainants, be in bad taste, is in breach of any of the Codes which the CBSC administers.

When, however, the comments cross the line into the territory covered by the *Broadcasting Act*, the *Radio Regulations, 1986*, or the various private broadcasters' Codes, the on/off switch is no longer the solution in Canada. Those laws, rules and standards have been established to ensure that, in its broadest terms, "the Canadian broadcasting system should serve to safeguard, enrich and strengthen the cultural, political, social and economic fabric of Canada" and that "the programming originated by broadcasting undertakings should be of high standard." The general standards administered by the CRTC, as well as the codified principles administered by the CBSC, exist to ensure that the Canadian public will benefit from a suitable level of quality of programming. The issue is not, however, only for the benefit of the public at large. It is also, from a competitive point of view, for the benefit of the broadcasters themselves. If, after all, most "play by the rules" while some do not, there may be a cost to those who toe the line and a benefit to those who do not.

In sum, the questions of good and bad taste will not be judged here; nor will those generic issues which, pursuant to the *Broadcasting Act and Regulations*, fall within the bailiwick of the CRTC. Only those specific Code-related issues which are the responsibility of the Canadian Broadcast Standards Council are dealt with in the balance of this decision.

2. The Anti-French Comments

When the first episode began, Stern's comments were directed at the program's international audience (fuller extracts are provided in Appendix A below). He said, in part:

Howard Stern: Good morning everybody, welcome back to the program that never ends. You know, a two week vacation you figure you come back all fresh and ready to go but it's worse than ever. Yeah, back to work, back to the same battles, back to the same old crap. We are international now. For the first time this broadcast is international and I couldn't be happier because I'm sick of just being on in the United States of America. Yes, we have two affiliates in Montreal, Canada and Toronto and let me tell you something, this is no small feat. If you're thinking, "well, big deal, Canada is just the United States anyway", well, I'm thinking the same thing, but it's still very difficult to get this program on in Canada. All hell has broken loose. In fact, I'll ask Gary later in the program to bring in all the different articles that have come out, particularly in Montreal, where the French-speaking people are out of their minds. They are insulted, you know, they're a bunch of peckerheads. In Montreal, the French, the English-speaking people are fine, they're like us. The French are jack-offs.

Robin Quivers: Now, what is their problem?

Howard Stern: There is something about the French language that turns you into a pussy-assed jack-off. I swear to God.

...

Howard Stern: But the biggest scumbags on the planet as I've said all along are not only the French in France but the French in Canada.

Robin Quivers: Anybody who speaks French.

Howard Stern: Anybody who speaks French is a scumbag. It turns you into a coward, just like in World War Two the French would not stick up for us. The French were the first ones to cave in to the Nazis, and certainly, certainly were over-productive for the Nazis, when they became their puppets.

...

Robin Quivers: People still think there is still something special about the market they're in.

Howard Stern: Yeah. And Toronto and Montreal created problems. Montreal in particular because of the French there who are complete pussies who think that somehow speaking French is the most important thing in the world.

...

Caller Darrell (from Toronto): Howard, this is the greatest day. We are so proud that you're up here. Ignore all those editorials; that's Montreal and they don't know better up there.

Howard Stern: It's a big day! [Playing Howard Stern song and singing along with it] Is in Montreal and in Toronto! Turn it on baby! Got a little penis, baby! Yeah, baby, conquering Canada! Yeah, and Robin, too! Yeah, baby! There's a lot of angry people but we're on in Canada! Hey, I'm singing, Frig the French! Screw the French! You're going to have to listen to Americans now! Screw your culture and we're invading your ass! For as long as it lasts! Sorry.

The Decision Regarding the Anti-French Comments

The CBSC's Quebec and Ontario Regional Council considered the complaints relating to the French and French-Canadians under the *Code of Ethics* of the Canadian Association of Broadcasters (CAB). Clause 2 of that Code reads as follows:

CAB Code of Ethics, Clause 2:

Recognizing that every person has a right to full and equal recognition and to enjoy certain fundamental rights and freedoms, broadcasters shall endeavour to ensure, to the best of their ability, that their programming contains no abusive or discriminatory material or comment which is based on matters of race, national or ethnic origin, colour, religion, age, sex, marital status or physical or mental handicap.

The CBSC also referred to the CRTC's *Radio Regulations, 1986* on the question of abusive comment and reference is made to them as well. The text of Section 3(b) of the *Radio Regulations, 1986*, reads in pertinent part:

A licensee shall not broadcast

...

(b) abusive comment that, when taken in context, tends or is likely to expose an individual or a group or class of individuals to hatred or contempt on the basis of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability;

The CBSC has frequently been called upon to deal with the meaning of Clause 2 of the *CAB Code of Ethics*. In *CHUM-AM re Brian Henderson Commentary* (CBSC Decision 95/96-0008, 0060 and 0061, March 26, 1996), the Ontario Regional Council brought together many of the principles which had been laid down by the CBSC over the course of the preceding three years. Aspects of the *CHUM-AM* decision were strikingly similar to the case at hand:

The wording chosen by the private broadcasters parallels, not inadvertently, the Council believes, that used in the *Radio Regulations, 1986*. Whether intended to be humorous or serious in tone, programming, whether live or pre-recorded, which “tends or is likely to expose an individual or class of individuals to hatred or contempt on the basis of [their] race, national or ethnic origin, colour [or] religion” is not tolerable on Canadian airwaves. While each individual must determine his or her limits of tolerance *at home*, the manifestation of such intolerance on the *publicly*-owned airwaves is unacceptable. The freedom to speak or express does not include the freedom to defame.

In an era when the airwaves are transformed more readily and frequently from music and drama to talk and comment, there are, as a matter of fact, more talk and comment and more *words* on the air. Consequently, on a simple proportionate basis, there are more opportunities to err regarding the social responsibilities and community values enshrined in the *Code of Ethics*. More care is, therefore, required by broadcasters to ensure that the Code provisions are respected.

In another CBSC decision in which striking language was also used, namely, *CKTF-FM re Voix d'Accès* (CBSC Decision 93/94-0213, December 6, 1995), the Quebec Regional Council held:

What may constitute the limits of acceptability in each challenged case will need to be appreciated in its context. Certain cases will clearly fall on one side or the other of the boundary. Others will lie uncomfortably on the line. The matter at hand was, however, free of doubt; the depiction of “Newfies” as “assholes” was clearly unacceptable.

The CBSC has no hesitation in finding that, in this case, the expressions “peckerheads”, “pussy-assed jack-offs”, “scumbags”, “pussies”, “Frig the French” and “Screw the French” are clearly as abusive as the term “assholes” used by the host in the *CKTF-FM* matter.

The Comedic Defence

In the present case, Stern indicated on September 2 that “This is another silly comedy show”. Similarly, on September 3, he disparaged those who take the show and his comments seriously by saying:

We’re just trying to entertain, okay? This is not - I’m not a head of state. We ought to remind Serge Menard that I am not a head of state. Okay? I’m a disc jockey. Mellow out, get a sense of humour. Stupid. It’s comedy, not U.S. policy. Okay? I’m not the president yet.

And, on September 4, he used similar terminology:

Yeah, you can’t say anything in fun. I’m evidently the president of the United States.

And again on September 5, he expanded on the theme when the Coalition for Responsible Television began urging a boycott of the show:

Howard Stern: Hey, just in case you’re following Canada, all hell broke loose. Now, the Coalition for Responsible Television, the CRTV, some national advocacy organization representing over a million Canadians is urging the boycott of the Howard Stern show, of advertisers.

Robin Quivers: But we're a radio show.

Howard Stern: Yes.

Robin Quivers: Why are they getting into this field?

Howard Stern: They're branching into radio because of me because I said stuff like screw the French culture, frig the French, and all that kind of stuff. Big deal! These attacks on Quebec are outrageous, said Valerie Smith, a woman with a lot of time on her hands, and the Vice-President of the Coalition. Stern clearly made statements contravening CRTC regulations against the broadcast of comments likely to expose people to hatred or contempt. Who knew they had a law like that?

Robin Quivers: Well, they do, apparently.

Howard Stern: Yes, well. It's jokes, it's jokes. Get a life.

In their responses to the complainants, the broadcasters had also defended Stern's statements on the grounds that they were not intended to be taken seriously. The CBSC has dealt with this issue on several occasions and one of those earlier decisions provides an explanation of the circumstances in which the comedic defence or excuse is relevant.

In *CFTR-AM re Dick Smyth Commentary* (CBSC Decision 95/96-0062, March 26, 1996), the commentator argued that he had not *intended* to be racist or biased in his comments. In this case, Stern argues that he intends his comments to be understood as humorous, as comedy, and that he ought not to be taken seriously. He is not, he argues, the "president" or a "head of state" and his comments ought not to be taken in that vein.

The fact that no-one mistakes him for a head of state does not mean that this gives him the entitlement to say whatever comes into his head and out of his mouth. The Regional Councils cannot comment on whether he might have such a privilege in the United States but, in their view, he cannot expect such a free rein in Canada. There are in this country limitations on what a broadcaster is free to air and the use of abusively discriminatory language such as he used on September 2 clearly surpasses the permissible. Even had his comments been understood as comedic by some elements of his audience, they would be excessive by Canadian standards. As the Quebec Regional Council held in *CKTF-FM re Voix d'Accès* (CBSC Decision 93/94-0213, December 6, 1995), quoted in part above:

The matter at hand was, however, free of doubt; the depiction of "Newfies" as "assholes" was clearly unacceptable. Whether intended seriously or in jocular fashion, the use of that term in reference to this or any ethnic, racial, national or other discernible group was derogatory, abusive and discriminatory and in violation of clause 2 of the *CAB Code of Ethics*.

Some have suggested that the fact that a significant proportion, perhaps 65%, of the CHOM-FM audience is French-speaking had a bearing on the appreciation of the comments made by Howard Stern. The suggestion has been made that the abusive comments may have been made worse by reason of the make-up of the station's audience. The Regional Councils disagree. Every Canadian, regardless of nationality, is diminished by abusively discriminatory remarks which are aimed at *any* identifiable group.

It has not, in fact, been surprising to the members of the CBSC that a sizable component of the complaints relating to the negative comments directed at the French and the French-Canadians have been articulated by *Anglo*-Canadians in letters coming from Quebec and elsewhere in the country. What is prohibited by the Code is the abuse of any group by comments "based on matters of race, national or ethnic origin, religion, age, sex, marital status or physical or mental handicap." It is clear that representatives of English and other linguistic groups have been as offended by the comments directed at *one* group of Canadians as the Francophone members of that group have been. That has also been as true of Canadians outside Quebec as Canadians inside Quebec. This may be comedy in Stern's WXRK studio; it is not in this country.

Consequently, the Quebec and Ontario Regional Councils find that CHOM-FM and CILQ-FM are in violation of Clause 2 of the *CAB Code of Ethics* with respect to the September 2 broadcast.

3. Political Commentary Relating to Quebec, France and Canada

The Regional Councils note the importance of differentiating between insults aimed at identifiable groups and comments related to the political or historical environment in Canada and in France. The breach they find is limited to the comments mentioned in the foregoing section. Those comments relating to the state of radio in Canada, the use of English in Quebec, the value of French culture, Canada as an appendage of the United States, the role of the vanquished French in Vichy France, the issues relating to separatism, and so on, are the host's *opinions* and, unless utterly and irresponsibly uninformed, as in the case of *CKTB-AM re the John Michael Show* (CBSC Decision 92/93-0170, February 15, 1994), they are his to espouse.

In *CKTB-AM re the John Gilbert Show* (CBSC Decision 92/93-0179, October 26, 1993), the Ontario Regional Council stated

that an opinion on the government *policy* of bilingualism constituted an *opinion* on that issue and was not *racially* driven. Nothing can be more fundamental to the principle of freedom of speech enshrined in the *Charter* than the entitlement of an individual to express a differing view on a matter of public concern, including government policy.

Even in the *John Michael* case, the Ontario Regional Council pointed out that it took no issue with the host's political perspective:

Mr. Michael expressed his opposition to the official government policy of bilingualism and stated "nor could I give a damn if Quebec stays in this country or not." He added, among other things, that "We no longer wish to kneel and bow to this one province." With these political perspectives, the Council takes no issue. The host also opined that Quebecers control the civil service and generally wielded enormous political power within Canada. These opinions may or may not be sustainable but they are at least legitimately debatable.

The Quebec Regional Council adopted a similar position in the case of *CFTM-TV re Mongrain* (CBSC Decisions 93/94-0100, 93/94-0101, and 93/94-0102, December 6, 1995).

As a public affairs program, *Mongrain* presents lively debate on topical, and controversial, issues. The host may present a point of view on such issues but, as the *Code of Ethics* affirms, there must be fair and balanced treatment of those issues. In the case at hand, Council asserts that Mongrain was entitled to express an opinion on the nature, principles and operations of the Raélien movement.

In general, the Council's review of the first two weeks of the Stern show discloses that the bulk of the commentary relating to Quebec, France and Canada following the September 2 debut was of this nature rather than of the abusive variety manifested in the comments directed at French-Canadians on the very first day. It is the view of the Regional Councils that these political and historical comments fall squarely within the bounds which freedom of expression is meant to protect.

4. Abusive Comments Directed at other Identifiable Groups

Stern's remarks relating to French-Canadians were, in fact, only an example of his casual attitude toward abusive commentary directed at identifiable groups by virtue of their race, gender or sexual orientation. There is a regular flow of racial, homophobic or gender-related offensive comments, some of which are brief digs, and others of which extend to longer discussions. In the period reviewed by the Regional Councils, he has targeted Japanese, gays, Poles, Sikhs, blacks and Arabs among others. For example, on September 3, he referred to Sikhs by saying "smack the guy on the back of his turban" and, on the following day, he mocked the Arabs:

Howard Stern: They found a beach without water, a desert, and there was really nobody on it except some nomads and the reason they were nomads, Arabs didn't even want these people.

Robin Quivers: And there was no place to stay on this strip of desert for any great length of time. So they kept moving around.

Howard Stern: There was no - It was nothing. And they went there and now there's a problem. So either the Israelis are allowed to blow up all of their Arab neighbours, which I don't think is a bad thing because we would end up with all the oil.

On September 8, he commented on blacks in the following terms:

Howard Stern: You must be black because you have two kids and you're not married.

Robin Quivers: Now, now, now.

There is no need to extract every such comment from the endless stream of invective. Nor is it necessary for the Regional Councils to repeat here what they have said above regarding abusive and discriminatory comments relating to the French and French-Canadians. They apply equally to these comments made regarding other identifiable groups. The point, in the CBSC's view, is that such comments are in violation of Clause 2 of the *Code of Ethics* and that they will be ongoing, day after day, episode after episode.

5. Sexist Comments

One of the most continually recurring categories of Stern comments reflects his on-air commentaries regarding women. It is clear to the members of the Regional Councils that Stern portrays adolescent, puerile, crude attitudes toward many sex and gender-related issues. These, though, generally fall within the category of bad taste and are left by the CBSC to be judged, as noted above, by the marketplace. Since, however, Stern regularly speaks his mind, his general attitude has no more bounds in this area than in others noted by the Regional Council members. Those comments which exceed bad taste and violate Sex-Role Portrayal Code provisions fall into the area of words and expressions used, degrading remarks regarding individual callers, and comments reflecting on the intellectual and emotional equality of women generally. Many, but not all, examples of Stern's sexist comments in the two weeks of programs reviewed are quoted in Appendix B below. Briefer references are cited here.

In addition to terms such as "pieces of ass", "horny cow", "dumb broads", "dikes" (referring to women with even moderately feminist views), and "sluts", which sprinkle the dialogue on the Stern Show, he frequently deals with female guests on the basis of their physical attributes and sexual practices rather than, or occasionally in addition to, the skills or talents which are the reason for their common recognition. In the case of callers, he regularly avoids the subject with respect to which they have called in order to seek details of their bust size and weight as well as their sexual practices, despite the fact that this information is *utterly* irrelevant to the subject of interest. Excerpts from a number of the episodes in the first two weeks follow.

Excerpts from the September 2 episode:

Howard Stern: ... Hey, I got to take a break, Spice Girls are here.

Robin Quivers: Oh, they are?

Howard Stern: Yeah, they're little knockouts. Little pieces of ass. I wonder what they're doing here?

...

Howard Stern: I don't know their music but I don't care, I want to get in their pants.

...

Howard Stern: One of the Spice Girls is trying to be like women's lib. Seriously, aren't you? Like, you're angry -

Guest: We're about being girl power which is being who you want to be. Actually, I reckon we should teach you a little bit about girl power.

Howard Stern: No. What are you, a bunch of dikes?

...

Howard Stern: And what were you doing with your boyfriend, making out and stuff?

Melanie: Well, yeah I was actually.

Guest: We're not here to talk about that stuff!

Howard Stern: Yes you are.

...

Howard Stern: Yeah, I hear you, that sounds good. Spice Girls, will you honour me by doing a song.

[Spice Girls sing their song.]

Howard Stern: All right, everyone, take off their tops now and do it.

Guests: Awww! You have to get rude, don't you?

Howard Stern: (laughing) Big deal.

Guests: Awwwww!

Howard Stern: Awwwww! I wish you were naked.

Excerpts from the September 4 episode:

Howard Stern: I see. So you're against separatism and then you had to get in touch with me, and then -

Robin Quivers: Because you were feeling bad.

Caller Nicole: I was feeling bad and I was panicking and I couldn't see anybody else that I could reach because here it's very bad, okay? And I couldn't reach you because then you weren't with CHOM.

Howard Stern: Now do you feel better?

Caller Nicole: Yeah.

Howard Stern: What is your cup size?

Caller Nicole: Oh, come on.

Howard Stern: No really, how big are your breasts?

...

Howard Stern: Okay there you go. How much do you weigh?

Caller Nicole: How much do I weigh? 130.

Howard Stern: How tall are you?

Caller Nicole: 5'3".

Howard Stern: Oy vey. Oh boy. Oh boy. Cellulite city.

...

Howard Stern: All right, ma'am, you gotta lose weight. I don't know what you're talking about in terms of Canada and stuff.

Robin Quivers: Yeah, stop worrying about what we say and start running.

Howard Stern: Stop worrying about separatism and start worrying about your weight.

Caller Nicole: I find you very insulting.

Howard Stern: Yeah, most of your country does. 130 pounds and what?

Caller Nicole: I'm not saying.

Howard Stern: 5'3".

Caller Nicole: You're very insulting.

Howard Stern: Yes. If your parents aren't going to tell you, I have to tell you. [Cow sound effects] That's too much weight.

Excerpts from the September 8 episode:

Howard Stern: Do you want to talk to a woman who was raped by a psychic?

Robin Quivers: Oh, geez.

Howard Stern: Jillian?

Jillian: Ah, yes, is this Howard?

Howard Stern: Yes, hi, how are you doing?

Jillian: Pretty good.

Howard Stern: So how were you raped by a psychic?

Jillian: It's not quite that simple. I was dating a -

Howard Stern: Are you good looking, by the way? I mean, just so we have some background, not that it's relevant.

...

Howard Stern: But you're just very blessed with a gorgeous body.

Jillian: Right.

Howard Stern: And your ass is like super firm?

Jillian: Ah, ah, yes.

Howard Stern: Okay, all right. I just wanted to know who I'm dealing with, that's all. Not that has any relevance on -

Robin Quivers: Not to rape.

Howard Stern: Not to rape, but, you know.

...

Howard Stern: Would it be rude of me to ask for a nude picture of her?

Robin Quivers: Yes.

Howard Stern: It would?

Robin Quivers: Under these circumstances.

Howard Stern: She sounds really odd. Would you mind? Could you send me some bikini shots?

Extracts from the September 11 episode:

Howard Stern: Patricia, you're on the air.

Caller Patricia: I'd just like to voice my opinion about you, and I'm real sorry but I think you're very crude and that you have absolutely no respect for the dead.

Howard Stern: Where are you calling from?

Caller Patricia: From Florida.

Howard Stern: How's the weather?

Caller Patricia: The weather is absolutely wonderful because you're not here, dear.

Howard Stern: You want to know something? You fat cow! Let me tell you something, honey.

Caller Patricia: I weigh less than 100 and I didn't call about my weight.

Howard Stern: You anorexic worm!

...

Howard Stern: You cow!

Caller Patricia: Well, you're a son of a bitch, asshole. Why don't you stick your head where the sun don't shine?

Howard Stern: Maybe I will. Why don't you come down here? All you want to do is bend over a chair and get a good high, hard one anyway, you horny cow. That's your problem. No penis. Hey, you left, huh? Coward! Hum...

Robin Quivers: Why do people want to call you and tell you?

Howard Stern: Well, it's funny. What a dumb broad.

Further excerpts from the September 11 episode:

Howard Stern: Yes, let the guy watch a ball game. He's a man.

Caller Marie: Howard, the problem was he was watching too many ball games.

Howard Stern: For you. I don't mean to be crude, ladies, but would a man ever spend ten seconds with a woman if she didn't have a vagina?

Robin Quivers: Ah, ah, ah.

In an unusual and particularly offensive moment, Stern made the following sexist comments with violent overtones during the course of the September 4 episode:

Howard Stern: Yeah, Spike Lee. But now she wants to shut up. Oh, I just wanna take that piece of ass body, put tape over her mouth, and do things to her. [Playing sound effects of a woman in a sexual encounter throughout the following passage.] And have her lay by my pool in a bikini and have her come out and service me. And I'm laying by my pool, in comes that nude with just a pair of heels. And then like, I reach in, I yank out her vocal chords and then she just orally satisfies me by the pool. Oh, she's totally a mute Kim. And she's totally nude.

Robin Quivers: That's a perfect world.

Howard Stern: Oh. And then I break her legs and position them in the back of her head so that she's sitting, and they're permanently fixed like that. We let them knit and mend.

He made a similar sexist/violent comment again on the 11th:

Howard Stern: You know why I dig that chick with the giant breasts, the big balloon breasts, the one who gets a little chunky every once in a while.

Caller Blake: Tiffany.

Robin Quivers: Oh, she's got that round face.

Howard Stern: I like that. I'd like to suck her cellulite out of her body.

Caller Blake: Man.

Howard Stern: Yes, I'd like to cave her head in.

The Decision Regarding the Sexist Comments

The Quebec and Ontario Regional Councils considered Stern's sexist comments under Clauses 2 and 15 of the *CAB Code of Ethics* as well as several of the provisions the *CAB Sex Role Portrayal Code*. The texts of the relevant Code clauses follow (except for Clause 2, which has been cited above). Clause 15 (Sex-Role Stereotyping) of the *CAB Code of Ethics* reads as follows:

Recognizing that stereotyping images can and do cause negative influences, it shall be the responsibility of broadcasters to exhibit, to the best of their ability, a conscious sensitivity to the problems related to sex-role stereotyping, by refraining from exploitation and by the reflection of the intellectual and emotional equality of both sexes in programming.

The original *CAB Code of Ethics* was followed by a more detailed Code which expanded on the principles contained in Clause 15 of the earlier Code. The *CAB Sex Role Portrayal Code* provides, among other things, the following rules. First, the background of the Code is declared in its Introduction:

This Code reflects the responsibility of licensees, under the *Broadcasting Act*, to assure that their programming and broadcast services achieve the highest professional standards and demonstrates the broadcasters' commitment to the fair and equitable portrayal of all persons in television and radio programming.

Negative or inequitable portrayal and representation of women or men can be expressed explicitly in programs and commercial messages, as well as implicitly through images, dialogue and character portrayal. Canadian broadcasters recognize the cumulative effect of negative and inequitable sex-role portrayal, and seek to address this issue effectively and responsibly with this Code

In its definitions, the Code provides that:

Negative or Inequitable Sex-Role Portrayal refers to language, attitudes or representations which tend to associate particular roles, modes of behaviour, characteristics, attributes or products to people on the basis of gender, without taking them into consideration as individuals.

Clauses 2(c) and (4) of the Code specifically prohibit the type of exploitation which is endemic to the Stern Show:

(2) *Diversity:*

(c) Television and radio programming shall respect the principles of intellectual and emotional equality of both sexes and the dignity of all individuals. Television and radio programming should portray women and men as equal beneficiaries of the positive attributes of family or single-person life. Women and men should perform in a range of occupations and function as intellectual and emotional equals in all types of thematic circumstances.

...

(4) *Exploitation:*

Television and radio programming shall refrain from the exploitation of women, men and children. Negative or degrading comments on the role and nature of women, men or children in society shall be avoided.

The unrelenting use of terms such as “pieces of ass”, “dumb broads”, “fat cow”, “dikes” (to refer to women *because* they may have even moderately feminist views), and “sluts” and the like are exploitative and unacceptable. This issue has long since been decided by this Council, which ruled in *CFRB re Ed Needham (OWD Publication)* (CBSC Decision 92/93-0096, May 26, 1993) that, where a “host used abusive, degrading and discriminatory language when referring to women”, the broadcaster would be in violation of Clause 2 of the *CAB Code of Ethics* (cited above) as well as Clause 15 of that Code and various provisions of the *CAB Sex-Role Portrayal Code*.

It appears to the CBSC that every Stern episode reviewed by the Regional Councils has revealed sexist comments which fall afoul of one or more of the foregoing provisions. The CBSC's experience with Canadian broadcasters is contrary to that observed here. In general, the CBSC has found that Canadian broadcasters respect the provisions of the Codes which require them to refrain from exploitative language and the negative reflection of the “intellectual and emotional equality” of the sexes. Apart from two older *CFRB* decisions, only one CBSC decision has been contrary to this experience. In *CKAC-AM re the Gilles Proulx Show* (CBSC

Decision 94/95-0136, December 6, 1995) a letter of complaint from a listener was *followed* by the broadcast which became the subject matter of the complaint by the same listener. A listener sent two letters commenting on the treatment of listeners and the use of the French language by one of the station's talk show hosts. The host responded by quoting from the letters, stating, several times, the listener's full name and city along with several unacceptable comments including:

Why don't you get a job, you idiot, and if you don't like it and have nothing better to do than write letters, at least send me a photograph, so I could put it on my dartboard. You must be as ugly as sin.

The Council found that this broadcast violated Article 4 of the *Sex-Role Portrayal Code* (among other Codes):

In exclaiming, for instance, that she was a "petite niaiseuse" (dumb broad), "needs a good lay", "as ugly as sin," and "an idiot" Proulx was aggressively abusive toward this female listener. The Council believes, furthermore, that this language constituted "negative or degrading comments on the role and nature of women" in clear breach of the provisions of Clause 4 of the *Sex-Role Portrayal Code*.

Stern *consistently* uses degrading and irrelevant commentary in dealing either with guests or callers. The CBSC understands, by his demeanour and laughter, that *he* and, presumably, Quivers and others on his show find such comments amusing. It may well be the case that many in his audience find such comments entertaining. This sort of adolescent humour may work for some in private venues but it is thoroughly in breach of Canadian codified broadcast standards. Women in this country are entitled to the respect which their intellectual, emotional, personal and artistic qualities merit. No more than men. No less than men. But every bit as much as men.

There may be broadcast circumstances, say in a dramatic or informational context, in which the physical attributes of either men or women may be relevant. There may be corresponding circumstances in which sexual experiences of either men or women may be relevant. The CBSC has not seen the relevance of any of these, as spoken by Stern, in any of the tapes or transcripts it has reviewed. Moreover, their use seems almost exclusively reserved for Stern's dealings with women. The CBSC does not, however, consider that their regular application to men would be an improvement in any way, except in the *balance* of insults and irrelevancies. Such comments are constantly present and reflect a fundamental attitude of the Show's host and his self-granted entitlement to say whatever crosses his mind at any time. Many of the subsequent complaints received disclose the same consistent approach to sexist commentaries and the CBSC expects that future episodes, as well as those reviewed, will be consistently in breach of the sex-role provisions of the CAB Codes.

6. Suitability of Subject Matter for Children

While the type of comments dealt with above which breach the Codes would do so at any time of the day, the CBSC is, with respect to other matters, greatly concerned by the time of day at which the Stern Show is broadcast. It was at least a persistent theme in many of the letters of complaint was the inappropriateness of the content of the Howard Stern Show for the time of

day in which the program is broadcast, between 6 a.m. and approximately 10 a.m. on weekdays. As one complainant put the matter: "Early, drive to work, a.m. radio is not 2 a.m. 'for adults only' air time." [CBSC Complaint 97/98-0214] The issue would even appear to be one of concern to Stern himself, who engaged in the following repartee with a reporter during the Montreal press conference of September 2:

Unidentified Reporter: Howard, I understand you don't even let your own children listen to your show.

Howard Stern: That is correct.

Unidentified Reporter: Why not?

Howard Stern: Would you let your kids listen to this show? Do you think I'm proud of this. No, listen, my kids are young kids. This show is not appropriate for a 11-year old. I'm a parent and, as a responsible parent, I wouldn't let my kid listen to the show.

Robin Quivers: Nor should they be watching all movies or reading all books.

Howard Stern: Yeah, I'm a parent. And that's what I suggest everyone does. You know, people say to me, well, gee, how can you be on the air if you don't believe your show's appropriate for children? Well, I'm a parent. I don't let my kids watch every movie. I don't let my kids watch every television show. Actually, I do, but. Cause I'm a lazy parent. And actually, if they're listening to this show, I wouldn't even know it. But, you know, I think also, actually, I would actually let my kids listen to the show but the weird thing is that I'm their father and when I'm talking about me shaving my pubic hair and stuff, I don't want my kids to know I'm up in the bathroom doing that. I don't mind if your kids know that but I don't need my kids knowing that.

Examples of inappropriate subject matter for that time of day abound. On September 3, Stern began by saying:

Howard: All right, I want to get to your phone calls in two seconds, but I read some amazing things in the newspaper I had to tell you about. Before I went to bed last night and before I masturbated I was watching some of the U.S. Open.

He then quickly got graphically into the subject of sex with his wife on their recent vacation.

Howard Stern: That's right, I've got my birthday coming up. But anyway, I'm 43 and I swear to you I have the sexual libido of an eighteen year old. Robin, when I was on vacation, okay while I was in Florida I didn't diddle myself at all because the kids, it was a family vacation and I was trying to sort of be a family guy.

Robin Quivers: And when you think of family you can't do it.

Howard Stern: Yeah, and my wife and I had sex very little on vacation, actually. Two times, maybe. Two times exactly, not maybe. Two times exactly. We forgot to bring the vibrators and that's what went wrong.

Robin Quivers: You're kidding, you have to travel with them?

Howard Stern: Yeah, oh, yeah.

Robin Quivers: My goodness.

Howard Stern: My wife said the second we got there, “You’re not going to believe what I forgot.” I go, “What?”. She goes, “The vibrators”. I said, “Well, there goes everything.”

Robin Quivers: Well, there goes the party.

Howard Stern: I mean the second we got there she realizes. It’s so embarrassing for me because I’m so bad in bed. And what my wife needs is an orgasm, a lot of orgasms, before actual sex. And then she doesn’t care how long I last.

The September 5 episode opened with the following comments from pornographic film star Jenna Jameson:

Jenna Jameson: Good morning and welcome to another Howard Stern Show. My name is Jenna Jameson. I’m a famous porno actress. Howard thinks that I’m very beautiful. Do you know that I’m holding this microphone between my breasts, my firm, young 36D breasts? Now that I’ve gotten your attention, stop grabbing yourself and turn up the radio because it’s time for the Howard Stern Show.

There was considerably more material of that genre during the course of the September 5 episode. Indeed, there is during virtually every episode. In addition, there were more complaints about the indecent language used by Stern than almost any other matter during the course of the first two weeks.

The Decision Regarding the Suitability of Subject Matter for Children

Children represent an important value to Canadian society. This is reflected in Section 3(c)(iii) of the *Broadcasting Act*, which states that the Canadian broadcasting system should “serve the needs and interests, and reflect the circumstances and aspirations, of Canadian men, women and children...” Out of concern for children, Canada’s private broadcasters, supported entirely in this regard by the CRTC, in 1993 adopted the *Voluntary Code regarding Violence in Television Programming*, which contains *strong* proscriptions regarding television programming containing violence intended for adult audiences. In the first, and only, decision dealing with the children’s sections of that Code, *CIII-TV re Mighty Morphin Power Rangers* (CBSC Decision 93/94-0270 and 0277, October 24, 1994),

the Council considered it appropriate to remind Canadians that *the protection of children was one of the pillars of the Code’s existence*. Furthermore, those who drafted the Code were conscious of the need to create this protection in an environment in which preservation of the freedom of expression remains a paramount but not immutable principle. [Emphasis added.]

The Ontario Regional Council also referred to the CRTC’s Public Notice (PN CRTC 1993-149), in which it said (at p. 2):

The Commission is generally satisfied that the CAB’s revised Code achieves the appropriate balance between preserving freedom of expression and protecting the viewing public, *especially children*, from the harmful effects of television violence. [Emphasis added.]

The Public Notice returns to this theme again at p. 3:

The Commission is pleased that the Code establishes clear guidelines for the depiction of violence in children's programming that take into account *the particular vulnerability of young viewers*. ... [Emphasis added.]

In the introductory language of the *Violence Code*, it was declared, "Canadian private broadcasters are publicly endorsing the following principles":

- 1.2 By their adherence to this Voluntary Code of practice,
 - 1.2.1 that programming containing gratuitous violence not be telecast,
 - 1.2.2 that *young children not be exposed to programming which is unsuitable for them*,
 - 1.2.3 that viewers be informed about the content of programming they choose to watch.
- 1.3 By the adoption of this Voluntary Code Canadian private broadcasters shall ensure these standards are met in the production, *the acquisition, the scheduling*, the promotion and the telecast of their programming. [Emphasis added.]

It is worth adding that the issue of content suitability for children has also been addressed more recently by Canadian television services in the development and application of a program classification system. Even though the CRTC only *required* broadcasters to develop a classification system for violence in programming, the broadcasters voluntarily added sex, nudity, language and mature themes to their comprehensive rating system, as their extensive field research had shown that these content elements were also of concern to parents.

While the *Violence Code* provisions are not directly applicable to this case, the concerns for children giving rise to those provisions exist throughout Canadian broadcasting. Just as Canada has chosen *not* to abdicate responsibility for the welfare of its children in the area of programming containing violent material intended for adults, the CBSC considers that the assessment of shock radio programming must reflect the application of analogous concerns. Nor is this difficult to achieve, in terms of Canadian private broadcasters' codified principles. In the "Background" section to the *Code of Ethics*, the broadcasters state that:

the most valuable asset of a broadcast is public respect which must be earned and can be maintained only by the adherence to the highest possible standards of public service and integrity.

Then the Code goes on to provide, in Clause 6(3), the language which is the provision always used by the CBSC to deal with open-line or talk radio:

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 CBSC considers that the "proper presentation of ... opinion [or] comment", in the case of children is a function of what is *suitable* for them. In determining that, the Regional Councils consider it instructive to make reference to Canada's watershed rules.

The Watershed Hour

One of the major concerns of Canada's private broadcasters, as is evidenced in the above quotations from the CRTC's Public Notice, concerned the *suitability* of certain television programming to which young persons could be exposed. Thus, they included, as one of the pillars of the *Violence Code*, a "watershed hour", which was defined in the following terms:

3.0 SCHEDULING

3.1 Programming

- 3.1.1 Programming which contains scenes of violence intended for adult audiences shall not be telecast before the late evening viewing period, defined as 9 pm to 6 am.

Broadcasters have readily understood that the watershed hour, although created for questions of television violence, could serve as an across-the-board guideline for other forms of programming which might be unsuitable for children. In *CITY-TV re Ed the Sock* (CBSC Decision 9495-0100, August 23, 1995), the first decision in which the CBSC had an opportunity to examine issues of principle relating to the watershed hour, it observed, among other things, that:

it is worth noting what it is and what purpose it serves. In its literal sense, it, of course, denotes the line separating waters flowing into different rivers or river basins. Popularly, the term has been applied to threshold issues but the literal meaning of the word gives the best visual sense of programming falling on one side or the other of a defined line, in this case a time line. Programming seen as suitable for children and families falls on the early side of the line; programming targeted primarily for adults falls on the late side of the line. ...

In Canada, the watershed was developed as a principal component of the 1993 *Violence Code*, establishing the hour *before which* no violent programming intended for adult audiences would be shown. Despite the establishment of the watershed for *that* purpose, the Council has reason to believe that broadcasters regularly consider this hour as a rough threshold for *other* types of adult programming. There is, in fact, no formal restriction on the timing of broadcasting of slightly "racy" material but the earliest of the promos under consideration here could not be said to have been run in a time slot which was *primarily* a *young* children's slot or even at a time when one would have expected significant numbers of young children to be watching television at all.

In *CFMT-TV re an Episode of "The Simpsons"* (CBSC Decision 94/95-0082, August 18, 1995), the Ontario Regional Council elaborated on the significance of the watershed hour and the tendency for broadcasters to apply it not only to programming containing violent material intended for adult audiences but also to programming containing other kinds of material deemed by the broadcaster to be more suitable for mature viewers.

There has been a tendency, since the introduction of the 9:00 pm watershed hour for everyone to treat that moment as the Great Divide. The community has tended to consider that *all* post-watershed programming falls into the "adults only" category and that *all* pre-watershed programming falls into the "suitable for *everyone*, including *young* children" category. Neither generalization is wholly accurate.

The watershed hour is *only* the hour before which no programming containing scenes of violence intended for adult audiences may be shown. Private broadcasters have *voluntarily* tended to extend this principle to all programming containing any material which they believe is intended for adult audiences, even if not of a violent nature.

It is a small irony that the host of the Howard Stern Show states that, in his own view, his “show is not appropriate for a 11-year old. I’m a parent and, as a responsible parent, I wouldn’t let my kid listen to the show.” In any event, it is the *Canadian* broadcast standards which apply to this program and the stations which broadcast it and, in the view of the Quebec and Ontario Regional Councils, descriptive opinion and comment such as that cited above regarding the sex life of Stern and his wife, details of which were broadcast during hours when children could be expected to be listening to radio is certainly not proper material for Canadian children. The Regional Councils also have no hesitation in concluding that Stern’s language is not at all suitable at an hour when children could be expected to be listening to radio. Moreover, the issue of unsuitable language and the graphic discussion of sexual situations occurs with consistency, day in and day out on the Howard Stern Show.

While the CBSC has always advocated the importance of the vigilance of parents in determining what their children should watch and see, the Canadian solution has always been more pro-active than that. There is a belief among Canada’s private broadcasters and on the part of the regulator that there ought to be rules in common, applied by the broadcasters themselves, to ensure that the entire responsibility for what is viewed or listened to in Canadian homes is not left *solely* to parents. The establishment of codified standards has been a mark of the responsibility of Canada’s private broadcasters in taking these fundamental burdens initially on *their* shoulders. While the envelope gets pushed from time to time, broadcasters have also shown their willingness to have a self-regulatory body, the CBSC, evaluate and interpret the meaning of the codified principles in their name.

The globalization of the late twentieth century village does *not* mean the abdication of the maintenance of order within its Canadian borders. The existence of *other* standards in *other* parts of the global village cannot weaken the need to apply home-grown standards within the Canadian bailiwick. The bar should not be lowered in Canada just because it is set at a lesser height elsewhere in the village. There is no need for the chain of vigilance *here* to be as weak as its weakest links elsewhere. If, however, an alert to the re-definition of principles is called for by what is created in other parts of the village, Canadian broadcasters have *consistently* shown their willingness and skill to rise to such challenges. Shock radio should be no more demanding than any other challenge which has hitherto been presented to them.

It is the view of the Quebec and Ontario Regional Councils that the unsuitable language and graphic discussion of sexual situations is not proper material for Canadian children and does not meet their needs in a broadcast sense. Nor does it meet the high standards of public service and integrity that the industry has set for itself when aired during a time of the day when children could reasonably be expected to be a part of the audience. In addition, therefore, to the other concerns expressed by the CBSC, it is its view that the time period in which the Howard Stern Show plays is entirely inappropriate and that the unsuitable language and graphic discussion of sexual situations which the CBSC found in the two weeks of episodes it reviewed will be repeated on a daily basis in future episodes, thus rendering the broadcasters carrying it in constant ongoing violation of the *Code of Ethics*.

The Broadcasters’ Responses

In addition to measuring the substance of the programs against the Codes, the CBSC always considers the appropriateness of the broadcaster's response to the complainant's letter. In this case, the task for the two broadcasters was mammoth. While there is no doubt that the size of the problem related to their own decision to import the program, it must be pointed out that both stations worked quickly and efficiently to categorize the letters and to respond to them on a timely basis. Each letter was individually prepared, addressed and mailed or e-mailed, according to the medium originally used by the complainant. The letters dealt, as best they could, with issues not of their making but for which, as broadcasters, they must take full responsibility. That many listeners were not satisfied by the responses does not mean that they were inappropriately executed. The CBSC considers that both stations fulfilled their responsibility of responsiveness.

Content of Broadcaster Announcement of the Decision

Each of the stations is required to announce this decision forthwith, in the following terms, during prime time and, within the next thirty days, to provide confirmation of the airing of the statement to the CBSC and to each of the complainants who filed a Ruling Request.

In the case of CHOM-FM:

The Canadian Broadcast Standards Council has found that CHOM-FM has breached provisions of the industry's *Code of Ethics* and *Sex-Role Portrayal Code*. The Council found that each episode of the Howard Stern Show during the weeks of September 1 and September 8, 1997 contained abusive or discriminatory comments directed at French-Canadians and other identifiable groups, made sexist remarks or observations, or contained unsuitable language or descriptions of sexual activity during a broadcast period when children could be expected to be listening to radio.

In the case of CILQ-FM:

The Canadian Broadcast Standards Council has found that CILQ-FM has breached provisions of the industry's *Code of Ethics* and *Sex-Role Portrayal Code*. The Council found that each episode of the Howard Stern Show during the weeks of September 1 and September 8, 1997 contained abusive or discriminatory comments directed at French-Canadians and other identifiable groups, made sexist remarks or observations, or contained unsuitable language or descriptions of sexual activity during a broadcast period when children could be expected to be listening to radio.

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

CHOM-FM and CILQ-FM re Howard Stern Show

Appendices

Appendices A through D contain lengthier excerpts from various Howard Stern Shows between September 2 and 12, 1997. They are representative of material broadcast but do not purport to include every example of offensive speech in that period.

Appendices E and F contain excerpts from the various complaints.

The letters are presented as received.

[Appendix A](#) (Stern's French and French-Canadian Comments)

[Appendix B](#) (Stern's Sexist Remarks)

[Appendix C](#) (Stern's Racist and Homophobic Comments)

[Appendix D](#) (Stern's Improper Sexual Comments during Potential Children's Listening Hours)

[Appendix E](#) (A Sampling of Complaint Letter Excerpts by Subject)

[Appendix F](#) (A Sampling of Complaint Letters at Full Length)

CHOM-FM and CILQ-FM re Howard Stern Show

Appendix A

(Stern's French and French-Canadian Comments)

The following are the extracts of the Howard Stern Show of September 2, 1997 relating to the French and French-Canadians:

Howard Stern: Good Morning everybody, welcome back to the program that never ends. You know, a two week vacation you figure you come back all fresh and ready to go but it's worse than ever. Yeah, back to work, back to the same battles, back to the same old crap. We are international now. For the first time this broadcast is international and I couldn't be happier because I'm sick of just being on in the United States of America. Yes, we have two affiliates in Montreal, Canada and Toronto and let me tell you something, this is no small feat. If you're thinking, "well, big deal, Canada is just the United States anyway", well, I'm thinking the same thing, but it's still very difficult to get this program on in Canada. All hell has broken loose. In fact, I'll ask Gary later in the program to bring in all the different articles that have come out, particularly in Montreal, where the French-speaking people are out of their minds. They are insulted, you know, they're a bunch of peckerheads. In Montreal, the French, the English-speaking people are fine, they're like us. The French are jack-offs.

Robin Quivers: Now, what is their problem?

Howard Stern: There is something about the French language that turns you into a pussy-assed jack-off. I swear to God.

Robin Quivers: How could they have a problem with us already?

Howard Stern: Oh, are you kidding? When it was announced that we were coming to Toronto and Montreal, Montreal in particular, the newspapers were filled with outrage, people protesting.

Robin Quivers: Ha, before they heard us?

Howard Stern: In Toronto, one sponsor of the Toronto station which has about seven affiliated radio stations said he was pulling all his advertising off of every radio station. All hell is breaking loose, people have been writing mad letters frantically to their version of the Canadian FCC.

Robin Quivers: Well, how long do you think we'll last with this kind of onslaught?

Howard Stern: Two days, at tops, three.

Robin Quivers: How wonderful.

Howard Stern: But the biggest scumbags on the planet as I've said all along are not only the French in France but the French in Canada.

Robin Quivers: Anybody who speaks French.

Howard Stern: Anybody who speaks French is a scumbag. It turns you into a coward, just like in World War Two the French would not stick up for us. The French were the first ones to cave in to the Nazis, and certainly, certainly were over-productive for the Nazis, when they became their puppets. Just like them, the French-speaking people in Quebec have been fighting this, in Montreal, rather, they are upset, they are dismayed that I would be taking work away from Canadians.

Robin Quivers: Oh, God!

Howard Stern: They go, 'Isn't there somebody in Canada who can fill this job requirement?' like I'm a plumber. You know, I'm sort of one of a kind.

Robin Quivers: And why can't the French people hear you?

Howard Stern: Because their way of life will be disturbed, which is God knows what, speaking French.

Robin Quivers: Yes, ruin that culture.

Howard Stern: Yeah that culture, like that's an important culture. Look into your culture. You know what your culture is? A bunch of snivelling cowards. I swear to God they'd be less upset if the Eiffel Tower fell over. So the French are up in arms, all good-speaking English people want me on the air, all people who are for truth and freedom and the American way, including Canadians, want me on the air.

Robin Quivers: Well, Canadian people are in America.

Howard Stern: Yeah, that's right. You are Americans. You are the 51st state. So we welcome Montreal 97.7 CHOM, pronounced "shome".

Ralph: "Shome".

Robin Quivers: "Shome"?

Howard Stern: [Laughing] That's French. I am not pronouncing our station "shome". [Everyone laughs.] It is "chom".

Ralph: Howard, I got a huge lesson on that from the people that run the station, it's got to be "shome".

Howard Stern: No, I am changing that officially this morning . CHOM is "chom", "shome" indicates French. We are anti-French. All people in Montreal should speak English, and that's that.

Robin Quivers: See this is what happens when you don't declare a national language. Look at them.

Howard Stern: Exactly, Robin. We should be off the air in about hour. [Everybody laughs.] In Toronto, we are CLQ, Q 107 That's easy to say, it is not "clue" it is CLQ, it is not "qua" [both said with French accent] it is Q.

Robin Quivers: It's not "clue" [spoken in a French accent].

Howard Stern: [Phonetically] Agherrrue! It is Q107 and CHOM 97.7, it is not "shom" or "shome" [laughing].

Other comments relating to the French and French-Canadians and related issues were made during the course of the episode of September 2. A number of these follow.

Howard Stern: That must be to appease the French. I'm kissing the French off anyway, I figure they won't listen to us anyway.

Robin Quivers: Well, they speak French!

Howard Stern: Yeah. Merci, you bastards. [Laughing] I love it. I love broadcasting up in Canada.

Robin Quivers: Au revoir.

Howard Stern: Au revoir my ass.

...

Howard Stern: Yeah, the press has been dizzying. I can't even explain to you the resistance, and how difficult it is to put together a deal in any Canadian market. There is such resistance. It's never easy actually to make a deal to go on any radio station: the stations always have fears, they always have, "gee, is this going to work?" kind of thing. It's hard to believe after all the success we've had -

Robin Quivers: People still think there is still something special about the market they're in.

Howard Stern: Yeah. And Toronto and Montreal created problems. Montreal in particular because of the French there who are complete pussies who think that somehow speaking French is the most important thing in the world.

...

Robin Quivers: Oh, I love that, "we don't need anything new, we're tired of the new".

Howard Stern: Yeah, well how about we take away electricity, you dick. These are people -

Robin Quivers: They can't cope with new.

Howard Stern: These are all letters from people who are hung up on the French way of life which is the coward's way of life.

...

Caller Darrell: Howard, this is the greatest day. We are so proud that you're up here. Ignore all those editorials; that's Montreal and they don't know better up there.

Howard Stern: It's a big day! [Playing Howard Stern song and singing along with it] Is in Montreal and in Toronto! Turn it on baby! Got a little penis, baby! Yeah, baby, conquering Canada! Yeah, and Robin, too! Yeah, baby! There's a lot of angry people but we're on in Canada! Hey, I'm singing, Frig the French! Screw the French! You're going to have to listen to Americans now! Screw your culture and we're invading your ass! For as long as it lasts! Sorry.

Caller Darrell: Howard, let me tell you, I've been listening to Toronto morning radio all my life and all these just suck. Finally we have something we can enjoy and wake up in the morning and listen to, but I got to put a little damper. I don't know if Gary has the clippings, but what they're doing here in Toronto is putting you on a sixty second delay.

Howard Stern: That's all right.

Caller Darrell: Is that okay?

Howard Stern: I don't care.

Robin Quivers: Usually it's a seventy.

Howard Stern: Yeah, usually seventy. They're actually daredevils out in Toronto. The reason they do that, by the way, let me clear that up, is not for censorship reasons.

Caller Darrell: Well, that's what they're saying here, though.

Howard Stern: The reason they do that is they need time to in our commercial breaks link up with us to know when our last commercial is. That's all that is.

Caller Darrell: But in the articles -

Ralph: I didn't have a chance to show you everything. I was going to get to this. Toronto put out this really strange press release talking about how your show is not for everybody.

Howard Stern: And you know why? First of all, the deal was very difficult to put together. It was on-again off-again because first of all, when word even leaked out that we were possibly going on in Toronto, all hell broke loose. I can't begin to tell you how insane. I could write a book just about this one deal. It was almost cancelled about ninety times because the second that anyone caught wind of it, major sponsors said they were going to pull off, not only our show but all the radio stations the group owned.

Robin Quivers: The whole stations?

Howard Stern: Yeah. Then, the Canadian version of the FCC was being written to before we got on the air, before the deal was even done.

Caller Darrell: Yeah.

Howard Stern: It's completely out of control.

Robin Quivers: Well this is going to be a fun, short ride.

Caller Darrell: You'll be number one in Toronto within six months.

Howard Stern: Six months? As of seven o'clock this morning we were number one in Toronto.

Ralph: There was one funny line in this press release that was interesting. They said, "that obviously the Howard Stern Show generates lots of strong public reaction, both positive and negative."

Howard Stern: And that's why it's here.

Ralph: "Naturally, don't expect the show to be everybody's first, or second, or even third choice."

Howard Stern: Really? Is that what they say?

Robin Quivers: Huh? What do they want, number four?

Howard Stern: Wait, that's my station? No wonder they're dead last in the ratings.

Robin Quivers: I've never heard of anyone saying they want to be number four.

Howard Stern: Maybe they're trying to say, you know what we're hoping the show won't be that successful so that people will leave us alone. They won't complain. [Laughter.] "We don't expect the show to be everybody's first, or second, or even third choice." It's like we expect two or three listeners at the most. Please, don't get your panties in a snit.

Robin Quivers: Only our employees will listen. It's like an in-house radio station.

Howard Stern: Yeah, we control the sixty second delay in Toronto which would allow us to block content should we deem - you know what this is for, the sixty second delay, by the way, they're not contractually not even allowed to hit it, the only time they use it is so that they can -

Robin Quivers: Link up with commercials.

Howard Stern: Yes. Don't worry about that. They had to put that out so the press wouldn't be all over their ass.

Caller Darrell: Well, I'll be part of the Howard Stern radio network and monitor things for you here.

Howard Stern: You'll be our CIA, thank you. All right, there he is, our first CIA -

Robin Quivers: Wonderful. Across the border. That's wonderful. Maybe they're just playing on that whole controversy thing, too. To pump things up.

Howard Stern: No, they don't want any kind of diversity. And in Montreal it's even worse, it's unbelievable because of the French speaking -

Robin Quivers: Ugh. Can we go there? Why are we here? I want to be where the action is.

Howard Stern: Well, maybe we'll take a little visit to Canada.

Robin Quivers: Yeah, I would love to do that.

...

Howard Stern: Right. That I understand. Steve, you're on the air.

Caller Steve: Hi, Howard. Thank God you're finally on in Montreal, I've been waiting for this for years.

Howard Stern: So you're an English speaking dude.

Caller Steve: Yeah, I hate the French, and...

Howard Stern: Everyone there hates the French.

Robin Quivers: Where are you from? You have a strange accent.

Caller Steve: Well, I'm Italian.

Robin Quivers: Ahhh.

Howard Stern: That's okay. Italian is fine.

Later in the radio program of the 2nd, there was a press conference with reporters in Montreal. The following are some of the exchanges from that press gathering.

Robin Quivers: We are now open for questions.

Howard Stern: I'm open for questions, Robin.

Reporter Joe Singerman: Good morning, Howard. I work for CFCF television here in Montreal. You were saying earlier this morning that all you want to do is good radio and make people laugh.

Howard Stern: That's correct.

Reporter Joe Singerman: Why are you doing that at the expense of French-Canadians? Why not the folks out in Iowa?

Howard Stern: Well, only today I'm concentrating on the French Canadians. By tomorrow I'll be on the people of Iowa.

Robin Quivers: Why do you say it's at the expense of?

Howard Stern: I'm not doing it at their expense, I for a long time have been miffed by this Canadian attitude that if Howard Stern comes from America, therefore it's bad for the culture or something. I mean, American culture is pervasive, we are the largest export of programming in terms of television and now radio, well of course, why would it be bad? Why is it that I'm bad but yet, you know, American television shows are allowed all over the place? Why is the controversy with me? Why is it bad to have me on? Certainly you have enough Canadian broadcasters on the dial, why shouldn't I be allowed to broadcast into your fine country?

Robin Quivers: And anything good generally breaks through.

Howard Stern: Right. And quite frankly, what does it have to do with borders and all that kind of stuff. Good radio is good radio and you put it out there.

Robin Quivers: You want us to stop sending you movies.

Howard Stern: Yeah, we'll do that if you want that.

Reporter Joe Singerman: If I could just interject. I'm not questioning good radio or why you're here or diversity in radio or cross cultures etc. What I'm questioning is why you're picking on French people.

Howard Stern: Oh, I've been picking on the French people for 15 years. I don't like French people. I felt that during World War II France betrayed us. I believe that what they did was the most cowardly act. That when the Nazis marched into France, the French bent over. They not only accepted the Nazis and did little to fight them, but they produced. Do you know they were

the number one producers of products for the Nazis during WWII? When you're a conquered people, you can slow down production a little bit. I never saw people enthusiastically and vigorously support the Nazi regime like this by producing and putting out the greatest output of goods for the Nazis. In recent history, the French have been abusive toward America, anyway, when we were involved with our troubles in the Middle East, with Iraq and Iran, and we asked the French if we could use their air space. And of course, once again they backed down and said, "No, we don't want to get into trouble" [imitating French accent].

Robin Quivers: I think you were talking about the Libyan raid.

Howard Stern: That was the Libyan raid, right. Thank you, Robin, for correcting me. The French once again afraid. What are they afraid of? We are their ally. When I was over in France recently, Americans are looked at as dirt, as filth. We are the people that liberated them during WWII. They would be Nazis, they would be under the Nazi regime right now. They should only be kissing our asses, singing our praises. And if the French are protesting my entrance into the market, I only say bend over like you did for Hitler now that I am here and accept me. Thank you.

...

Ian: Okay, we have a question from Bernard St. Laurent.

Reporter Bernard St. Laurent: Hi, two questions. First of all, what difference do you make between French from France and French from Quebec?

Howard Stern: None. I think that the French from Quebec are as silly as the French over in France. Sitting and worrying about "we have to preserve the culture". What culture? What culture are they preserving? What, a building? What, they have to force people, they can't put up an English sign? It's absolutely absurd. English is the predominant language, English is the language of big business, of productivity. Most of the people of the world speak English or Spanish. Why would you hold onto that archaic language anyway? It's absurd. French is as relevant as Yiddish.

Reporter Bernard St. Laurent: My second question is, 65% of CHOM's audience is French-speaking, what are you going to do to keep -

Robin Quivers: We'll clear them out.

Howard Stern: Well, they're pretty much gone at this point. [laughter] Is that really true? Is 65% of the audience French-speaking?

Ian: That's right.

Robin Quivers: Wow.

Howard Stern: That doesn't make sense.

Ian: 65% of our audience, Howard, are bilingual Francophones.

Howard Stern: Oh, that's fine.

Robin Quivers: Francophones?

Howard Stern: Frankenphones. [laughter and grunting sounds] What's a Francophone?

Robin Quivers: I have no idea.

Howard Stern: Well, listen. I'll tell you this: those people -

Robin Quivers: Are gone.

Howard Stern: (laughter) Yeah, we've got bad news for ya. I had no idea. You should have told me ahead of time. I would have been a little more polite. I thought they were all English-speaking. I got some bad information.

Ian: So what are you going to do?

Howard Stern: Nothing. There's nothing I can do.

Robin Quivers: It's too late.

Howard Stern: It's too late. I can't backpedal at this point. I would have an hour ago but I didn't realize.

Robin Quivers: (laughter) You should have called.

Howard Stern: French? I love 'em. (laughter).

Appendix B

(Stern's Sexist Remarks)

The following excerpts are from different episodes. They begin with that of September 2.

Howard Stern: They'll publish them if they've got any kind of balls, they'll publish them.. Just pay your million and then - They've already been published in Germany. Hey, I got to take a break, Spice Girls are here.

Robin Quivers: Oh, they are?

Howard Stern: Yeah, they're little knockouts. Little pieces of ass. I wonder what they're doing here?

Robin Quivers: Well, I heard they were a bunch of models who could sort of sing and somebody put them together -

Howard Stern: Really.

Robin Quivers: ... because they figured it would be a good payday.

Howard Stern: Yeah, that's a great idea. In fact, all bands should be models.

Robin Quivers: Why didn't you think of it?

Howard Stern: I'd love that. Who wants to see an ugly band?

Gary: Their music sucks.

Howard Stern: That's your opinion though.

Robin Quivers: That's an opinion.

Gary: Oh, come on you're just kissing up to them now.

Howard Stern: No, I never even heard a Spice Girls song.

Gary: Really?

Howard Stern: I swear.

Robin Quivers: You didn't see them on Saturday Night Live. "Tell me what you want, what you really really want."

Howard Stern: No.

Robin Quivers: That's all I know of it.

Howard Stern: I don't know their music but I don't care, I want to get in their pants.

...

Robin Quivers: Well, they've been stalked, I'm sure

Gary: They get chased a lot by the public.

Howard Stern: Yeah, but they probably love it.

Robin Quivers: We will find out.

Howard Stern: What do you think, they want to be a bunch of good-looking broads and nobody pays attention to them?

Robin Quivers: Because I know one of them I saw photographed in a pool with her boyfriend, like they were making out at some hotel pool.

Howard Stern: She probably loved it.

...

Howard Stern: Now which one of you is the angriest broad? I know one of you is angry. You don't like wearing fancy little mini-dresses right?

Guest: I just wear what I want to wear.

Howard Stern: Really?

Guest: You wear what you want, don't you?

Howard Stern: Yeah, I wear what I want. But you gotta go along with the program. You've got to dress like in leopard outfits and little mini-skirts.

Guest: No we don't.

Howard Stern: Yes you do.

Robin Quivers: They've been getting away with it so far.

Howard Stern: One of the Spice Girls is trying to be like women's lib. Seriously, aren't you? Like, you're angry -

Guest: We're about being girl power which is being who you want to be. Actually, I reckon we should teach you a little bit about girl power.

Howard Stern: No. What are you, a bunch of dikes?

...

Howard Stern: Any of you married?

Guests: No. To each other.

Howard Stern: Really? Any of you ever had lesbianism?

Guests: Oh, you're obsessed! I saw your film last night...

Howard Stern: I'm not obsessed with it, I'm just asking a question.

Guests: I saw your film, Howard...

Howard Stern: Anybody had lesbianism?

Guest: How about you? Have you had a homosexual affair?

Howard Stern: No, no one wants me. Look at me. Who would touch me? Look at me. What was that?

Guest: You got a nice body. I could go with that hair.

Howard Stern: Yeah, exactly. Listen....

Guest: Yeah, get in touch with your feminine side.

Howard Stern: All right, listen girls, ladies, women, whatever.

Robin Quivers: Girls. They say "girl power".

[Guests laughing]

Howard Stern: Look, you all look pretty hot, that's all I'm I'm saying. You look nice. You're good-looking women, that's all I'm saying. I would love to hear you sing a song.

...

Howard Stern: That's it. And Cancer, I have it, okay. So there. And I'm not afraid of it. Jennifer. You claim to be a virgin?

Guests: Who's Jennifer?

Howard Stern: Aren't you Jennifer?

Guests: That's Emma.

Howard Stern: Emma, you claim to be a virgin..

Emma: Yeah, I might be. I might be.

Robin Quivers: How old are you?

Howard Stern: How old are you? What are you, twelve?

Emma: I'm 21.

Howard Stern: Are you 21, and you've never had a man.

Emma: That's none of your business.

Howard Stern: Yeah, bend over this console.

Guests: (jeering) Ugh! Oh, my God!

Howard Stern: I'll tell you right now you've never had it so good.

Robin Quivers: Is that in the Spice Girl literature?

Guest: I firmly believe...

Howard Stern: Seriously, you are a virgin, is that true?

Emma: I'm not saying yes or no.

Howard Stern: Why the controversy? Why not be proud of it if you are?

Guest: She is proud of it but she's just not going to tell you.

Howard Stern: Why are you keeping it, is it an issue? I don't understand.

Emma: Because I might be and I may not be and I choose not to tell you.

Howard Stern: What's the big deal?

Emma: I'll tell you what the big deal is, every one wants to know something about everybody and there are some things you want to keep personal, to yourself. Why let everybody know?

Howard Stern: That? What's the big deal, so you never got laid? You're a good-looking girl, obviously you could. Obviously you've got a sexual problem..

...

Howard Stern: Are you a virgin, Emma?

Emma: Why do you keep asking me?

Howard Stern: I'm curious, fascinated that a beautiful woman like you has not been taken yet by someone in my ranks. Really.

Guests: Ughhh, put him out of his misery.

Howard Stern: Now are you or aren't you, I'm curious. Are you a virgin?

Guests: I wouldn't tell him ever. Tell him it's none of his business. It's none of your business.

Howard Stern: Why wouldn't it be any of my business? I'm an interviewer.

Guests: Do you think anybody is driving their car right now going "come on, Emma, come on, what are you?". Do you care?

Howard Stern: I think it would be an interesting line of questioning to say why are you a virgin? Is it to save yourself for marriage? Is that it?

Guests: (laughing) Yeah, she is...

Howard Stern: Are you holding out for a special man?

Emma: Yeah.

Howard Stern: All right, so there's nothing wrong with that just answer the goddamn question, you guys are getting uptight over nothing.

Guests: No, we're all different. Maybe Emma is a virgin and maybe some of us aren't or maybe I'm not.

Howard Stern: I guarantee all of you aren't.

[Guests moaning and jeering]

Howard Stern: You girls all look like you love it, you love it. All right, listen I want to hear you sing. Are any of you sluts?

Guest: ALL OF US ARE! No more questions, Howard.

Howard Stern: All right, let me hear the Spice Girls sing something. All right, you said...

Guests: I'm gonna cut your hair off. Then you'll lose your strength. I'm gonna cut his penis off.
(laughing)

Howard Stern: Really? Thank you.

Robin Quivers: You know, you're not the first.

Howard Stern: You need to be spanked.

...

Howard Stern: Yeah, I hear you, that sounds good. Spice Girls, will you honour me by doing a song.

[Spice Girls sing their song.]

Howard Stern: All right, everyone, take off their tops now and do it.

Guests: Awww! You have to get rude, don't you?

Howard Stern: (laughing) Big deal.

Guests: Awwwww!

Howard Stern: Awwwww! I wish you were naked.

...

Guests: Well, actually there are some good Spice Girl websites that you can tune into and you get all the real stuff. Some young boy made up his own one and got an award. There's about twenty different pages at the web site.

Howard Stern: [Interrupting] Any of you girls got implants? I'm trying to check out if your breasts are real.

Guests: Ughhh! They're real. All of them.

Howard Stern: No kidding. Nice.

...

Then, on September 4, while interviewing a woman calling from Quebec, who was talking about the separatist issue, Stern began the following exchange.

Howard Stern: Let me get this straight. You're against separatism.

Caller Nicole: Yes.

Howard Stern: Which means - Let me think of what that means. What is separatism again, Robin?

Robin Quivers: That would be the segregation of people, Howard. The French and the English breaking apart.

Howard Stern: Oh, you're against that. Yeah, I'm against that, too.

Caller Nicole: I'm against breaking apart.

Howard Stern: I thought you meant, I thought separatism meant losing your husband.

Robin Quivers: It's a bigger issue.

Howard Stern: I see. So you're against separatism and then you had to get in touch with me, and then -

Robin Quivers: Because you were feeling bad.

Caller Nicole: I was feeling bad and I was panicking and I couldn't see anybody else that I could reach because here it's very bad, okay? And I couldn't reach you because then you weren't with CHOM.

Howard Stern: Now do you feel better?

Caller Nicole: Yeah.

Howard Stern: What is your cup size?

Caller Nicole: Oh, come on.

Howard Stern: No really, how big are your breasts?

Caller Nicole: No, come on Howard. Don't speak that way.

Howard Stern: Please, just tell me.

Caller Nicole: No, I'm not gonna tell you that.

Howard Stern: What is the big deal? Just, please. Are you a B cup?

Caller Nicole: Why should I tell you if I'm a B cup or not?

Howard Stern: I just have to know. I have to know if I'm talking to a foxy lady.

Caller Nicole: Well, I'm considered a foxy lady considering I'm 34.

Howard Stern: Oh, you must be an A. You must be flat as a pancake. Any girl who never answers you know is flat.

Robin Quivers: Oh, she's embarrassed.

Howard Stern: Yeah.

Caller Nicole: I'm not embarrassed.

Howard Stern: Don't be embarrassed. I got a small penis, I admit it. Most guys won't.

Caller Nicole: I have a B cup.

Howard Stern: A what?

Caller Nicole: A B cup.

Howard Stern: B as in boy?

Caller Nicole: Yes.

Howard Stern: Okay there you go. How much do you weigh?

Caller Nicole: How much do I weigh? 130.

Howard Stern: How tall are you?

Caller Nicole: 5'3".

Howard Stern: Oy vey. Oh boy. Oh boy. Cellulite city.

Robin Quivers: Do you work out?

Caller Nicole: Yes.

Howard Stern: Not enough.

Caller Nicole: Not enough?

Howard Stern: 130?

Robin Quivers: It could be all muscle.

Howard Stern: Oh, puleez. 130, 5'3" with a B cup. Oh, puleez.

Robin Quivers: You have the what?

Caller Nicole: Big bones.

Howard Stern: Big bones. I bet. Your bones better be about 6'5". Well it is cold in Canada, you need insulation.

...

Howard Stern: All right, ma'am, you gotta lose weight. I don't know what you're talking about in terms of Canada and stuff.

Robin Quivers: Yeah, stop worrying about what we say and start running.

Howard Stern: Stop worrying about separatism and start worrying about your weight.

Caller Nicole: I find you very insulting.

Howard Stern: Yeah, most of your country does. 130 pounds and what?

Caller Nicole: I'm not saying.

Howard Stern: 5'3".

Caller Nicole: You're very insulting.

Howard Stern: Yes. If your parents aren't going to tell you, I have to tell you. [Cow sound effects] That's too much weight.

Later in the episode, while discussing the question of the paparazzi and playing tapes of several Hollywood celebrities on the subject, Stern had the following exchange with Robin Quivers:

Robin Quivers: Kim Basinger, who is an actress of course, and she has a new movie coming out so she's out talking to the press. Her new movie is called "L.A. Confidential" and she was in New York. And she says it's about time for us to be quiet regarding this whole paparazzi issue.

Howard Stern: Oh.

[playing Kim Basinger tape, interrupting it, and putting the sound effect of a man yelling "shut up" throughout her statements]

Howard Stern: I just want to tie her to a bed naked and just fill her.

Robin Quivers: But, you know she always cracks me up because she's sitting around judging everybody all the time.

Howard Stern: Can you hear the beagles in the background through what she was trying to say? Shut up. [sound effects of dogs barking and man yelling "shut up"]

Robin Quivers: I just remember that time she came out and did that Oscar speech where she told everybody off about who should be nominated for an Oscar.

Howard Stern: Yeah, Spike Lee. But now she wants to shut up. Oh, I just wanna take that piece of ass body, put tape over her mouth, and do things to her. [Playing sound effects of a woman in a sexual encounter throughout the following passage.] And have her lay by my pool in a bikini and have her come out and service me. And I'm laying by my pool, in comes that nude with just a pair of heels. And then like, I reach in, I yank out her vocal chords and then she just orally satisfies me by the pool. Oh, she's totally a mute Kim. And she's totally nude.

Robin Quivers: That's a perfect world.

Howard Stern: Oh. And then I break her legs and position them in the back of her head so that she's sitting, and they're permanently fixed like that. We let them knit and mend.

On September 11, Stern also combined violence and sexual dialogue.

Howard Stern: You know why I dig that chick with the giant breasts, the big balloon breasts, the one who gets a little chunky every once in a while.

Caller Blake: Tiffany.

Robin Quivers: Oh, she's got that round face.

Howard Stern: I like that. I'd like to suck her cellulite out of her body.

Caller Blake: Man.

Howard Stern: Yes, I'd like to cave her head in.

In closing the episode of September 5, Stern made the following observation regarding Princess Diana:

Howard Stern: If she was a pig, no one would care.

During the episode of September 8, Stern interviewed a woman who had been raped. His interview with her began as follows:

Howard Stern: Do you want to talk to a woman who was raped by a psychic?

Robin Quivers: Oh, geez.

Howard Stern: Jillian?

Jillian: Ah, yes, is this Howard?

Howard Stern: Yes, hi, how are you doing?

Jillian: Pretty good.

Howard Stern: So how were you raped by a psychic?

Jillian: It's not quite that simple. I was dating a -

Howard Stern: Are you good looking, by the way? I mean, just so we have some background, not that it's relevant.

Jillian: By most standards, no. He's from India.

Howard Stern: No, are you good looking?

Robin Quivers: You.

Jillian: Oh, am I? Yes.

Howard Stern: What do you look like?

Jillian: I have light brown hair. I'm a 36-B, 125 pounds.

Howard Stern: How tall?

Jillian: 5'8".

Howard Stern: Oh, you're 5'8" and you weigh what, 125?

Jillian: Yes.

Howard Stern: That's nice, and you've got a B cup?

Jillian: I was in my first year in college.

Howard Stern: And how old are you now?

Jillian: 27.

Howard Stern: And you were, what, 20 at the time?

Jillian: No, 19.

Howard Stern: 19. Did you dress provocatively?

Jillian: No, I dress [inaudible...].

Howard Stern: Like what do you wear when you go to the psychic?

Jillian: Well, I was dating an actor who was starring in Torch Song Trilogy on Broadway.

Howard Stern: This must be some good looking broad if she was dating an actor.

Robin Quivers: An actor who's working.

Howard Stern: And you got B cup breasts and you wear a thong and stuff on the beach?

Jillian: On the beach, yes.

Howard Stern: So you're super tight?

Jillian: Yes.

Howard Stern: And who do you look like? Name someone you look like.

Jillian: It's confusing to me because I have one of these faces that reminds different people of a lot of different places. Alicia Silverstone to Dyan Cannon, for some reason.

Howard Stern: A young Dyan Cannon.

Jillian: Right.

Howard Stern: Not the old bag [inaudible...].

Robin Quivers: I couldn't even place her.

Jillian: It's confusing.

Howard Stern: So you've got a hell of a kick ass body, you're really a piece of ass.

Jillian: But the reason I called...

Howard Stern: Do you ever look at yourself in the mirror nude?

Jillian: Am I?

Howard Stern: Do you ever look at yourself nude in the mirror?

Jillian: Often, yes.

Howard Stern: Really, and what, do you work out, like non-stop?

Jillian: No, I'm not manic about it. I enjoy eating too much.

Howard Stern: But you're just very blessed with a gorgeous body.

Jillian: Right.

Howard Stern: And your ass is like super firm?

Jillian: Ah, ah, yes.

Howard Stern: Okay, all right. I just wanted to know who I'm dealing with, that's all. Not that has any relevance on -

Robin Quivers: Not to rape.

Howard Stern: Not to rape, but, you know.

...

Howard Stern: Would it be rude of me to ask for a nude picture of her?

Robin Quivers: Yes.

Howard Stern: It would?

Robin Quivers: Under these circumstances.

Howard Stern: She sounds really odd. Would you mind? Could you send me some bikini shots?

...

Robin Quivers: Are you okay now?

Jillian: I'm a lot better, yes.

Howard Stern: Would you mind sending me some photos?

Jillian: Yes, ask for teacher photos. That's what my students ask me for.

Robin Quivers: Oh, you're a teacher?

Jillian: Yes, I'm a teacher.

Howard Stern: Oh, you're a hot teacher?

Jillian: Ah, ah, ah.

Howard Stern: You're hot for teaching, huh? What subjects do you teach?

Jillian: I teach English, but I also teach English to Spanish speakers.

Howard Stern: And do you wear mini skirts to class?

On September 11, Stern had a vituperative dialogue with a Florida caller:

Howard Stern: Patricia, you're on the air.

Caller Patricia: I'd just like to voice my opinion about you, and I'm real sorry but I think you're very crude and that you have absolutely no respect for the dead.

Howard Stern: Where are you calling from?

Caller Patricia: From Florida.

Howard Stern: How's the weather?

Caller Patricia: The weather is absolutely wonderful because you're not here, dear.

Howard Stern: You want to know something? You fat cow! Let me tell you something, honey.

Caller Patricia: I weigh less than 100 and I didn't call about my weight.

Howard Stern: You anorexic worm!

Caller Patricia: No, you shut up.

Howard Stern: You shut your mouth!

Caller Patricia: Okay, you shut up for a minute and you listen to what people have to say.

Howard Stern: No, you shut up. All right, let me hear what you have to say.

Caller Patricia: Okay, you are the rudest, crudest son of a biscuit box I have ever come across in my life.

Howard Stern: Thank you.

Caller Patricia: And your show ain't going to last too long up in Canada because nobody can stand you, okay?

Howard Stern: Well, let me tell you something, honey. They've all said it about me. I've come up against every adversity there is in life and I'll tell you something. I've been successful for 20 years and if my show isn't successful in Canada, honey, I'll still be 50 times more successful than you, you miserable wretch.

Caller Patricia: I'm not a miserable wretch.

Howard Stern: Yes, what do you do for a living, you cow?

Caller Patricia: What do I do for a living?

Howard Stern: Yes, that's right, you big mouth.

Caller Patricia: I own my own business.

Howard Stern: Yes, what's the business? Let's hear this.

Caller Patricia: It's a lawn service business.

Howard Stern: Yeah, why don't you go mow a lawn, Patricia? Go ahead, that's important work.

Caller Patricia: I [inaudible...] doing it.

Howard Stern: You cow!

Caller Patricia: Well, you're a son of a bitch, asshole. Why don't you stick your head where the sun don't shine?

Howard Stern: Maybe I will. Why don't you come down here? All you want to do is bend over a chair and get a good high, hard one anyway, you horny cow. That's your problem. No penis. Hey, you left, huh? Coward! Hum...

Robin Quivers: Why do people want to call you and tell you?

Howard Stern: Well, it's funny. What a dumb broad.

Later in that episode, Stern had a dialogue with a husband and wife, Yves and Marie, part of which follows:

Howard Stern: Here's the deal. Men are different from women. A guy needs his space. You are a great husband.

Caller Yves: Thank you, thank you.

Howard Stern: I mean, you seem like a fun, nice, happy guy.

Caller Marie: Howard, what did I seem like?

Howard Stern: You seem like a woman who will never be satisfied, no matter what, and you know what? You'd probably be happier on your own.

Caller Yves: Howard, you know what? When a woman is demanding, she knows what she wants, she's out to do it and she's strong and men are intimidated by that, including you.

Howard Stern: Nah! You don't even give your man sex. I heard the guy complaining the whole time. Just get into bed and spread your legs.

Robin Quivers: Well, the problem was, it seemed to me, that he likes sports.

Howard Stern: Yes.

Robin Quivers: And she can't even let him watch a ball game.

Howard Stern: Yes, let the guy watch a ball game. He's a man.

Caller Marie: Howard, the problem was he was watching too many ball games.

Howard Stern: For you. I don't mean to be crude, ladies, but would a man ever spend ten seconds with a woman if she didn't have a vagina?

Robin Quivers: Ah, ah, ah.

Howard Stern: I mean, we are not built to be married. That's why I came away from that special so depressed because it's too much work to be married. It's just too much work. I'm married, but I eliminated all my problems by throwing money at it. We would have been divorced years ago, I'm convinced of that because we were going to kill each other. We couldn't even go food shopping.

Caller Marie: Honey, he's right, honey.

Howard Stern: I know what I'm talking about, and as far as you go, Marie, you gotta get into the sack, put on some nice outfits, and give your man every night at least hand manipulation.

Caller Marie: Howard, you're getting too crass for me.

Howard Stern: That's not crass. How am I supposed to talk about sex?

Appendix C

(Stern's Racist and Homophobic Comments)

Stern describes himself as "an equal opportunity offender". Some of his remarks related to identifiable groups other than the French and French-Canadians follow.

On September 4, in response to the news report of the Jerusalem bombings, he had the following dialogue with Robin Quivers.

Robin Quivers: Well, yes. We have an age-old problem that continues to rear its head. "There is a chaotic scene in downtown Jerusalem today after 3 back-to-back explosions in a crowded mall."

Howard Stern: When are the Israelis going to...

Robin Quivers: Leave?

Howard Stern: Leave and go to Mars?

Robin Quivers: "Israeli radio says 3 people are dead, at least 26 are others are wounded."

Howard Stern: I'm shocked.

Robin Quivers: "The blasts were only seconds apart and came as hundreds of shoppers packed an outdoor pedestrian mall in the middle of the day."

Howard Stern: I think all the Jews should move to Montreal. I think the French would really accept them with open arms.

Robin Quivers: As long as they speak French.

Howard Stern: Yeah, they're not racist up there.

Robin Quivers: An Associated Press reporter saw the body of a woman lying in an alleyway covered by a sheet of plastic.

Howard Stern: Bring skis, Jews.

Robin Quivers: Even in July.

Howard Stern: Yeah. Well, the Israelis have to blow up all of those Arab countries if they're gonna continue to live in that horrible swap of desert. It is a ridiculous piece of land that nobody wanted and now that there are Jews on it, everybody wants to kill them. As we've seen throughout history. Where there are Jews, people want to kill. What is it about the Jews? They really bring it out in people.

Robin Quivers: I don't know.

Howard Stern: I don't know what it is about them.

Robin Quivers: I have never understood it. I grew up with Jewish people, I never wanted to kill them.

Howard Stern: Yeah, well you're in the minority.

Robin Quivers: Always.

Howard Stern: Because the Jews said, where can we go on this planet? Now that we have Mars we might be able to send them there but where can we go on this planet that nobody would want and we could start our own little country?

Robin Quivers: Nowhere.

Howard Stern: They found a beach without water, a desert, and there was really nobody on it except some nomads and the reason they were nomads, Arabs didn't even want these people.

Robin Quivers: And there was no place to stay on this strip of desert for any great length of time. So they kept moving around.

Howard Stern: There was no - It was nothing. And they went there and now there's a problem. So either the Israelis are allowed to blow up all of their Arab neighbours, which I don't think is a bad thing because we would end up with all the oil.

Robin Quivers: Well, it was really interesting because they just re-opened something they had closed after the last bunch of explosions the other day and so right away there's more explosions.

Howard Stern: Yeah, so I would say...

Robin Quivers: As soon as people start moving around again, boom, everything blows up.

Howard Stern: Yeah, I would say let the Israelis loose, let them do another Six Day War number, and wipe out everybody who is different.

Robin Quivers: Well, that's a lot of people.

Howard Stern: Yeah, all right so give them two weeks.

Robin Quivers: There's a lot to take care of. How far do you want them to go? Iraq, Iran...

Howard Stern: Yeah, the Arabs have proven they can't fight unless they just drop a bomb in the middle of someplace. You know, so just get out there and kill them all.

Robin Quivers: But I'm just saying there's a lot of people to kill if you want to...

Howard Stern: Yeah, so? What else they got to do over there? Do a Twenty Day War. And then we'll take all the oil. And let the Montreal...

Robin Quivers: Oh, oh, the Israelis are gonna go free up the oil for us?

Howard Stern: Yeah, of course.

Robin Quivers: Are you out of your mind?

Howard Stern: That's our payment. And let Montreal take all the Palestinians. They'll be thrilled. They're very open, they're non-racist up there. Racist.

On September 8, he had a discussion with a caller, John, in the following terms:

Caller John: I'm engaged to a girl. Howard, I have two kids, which I know doesn't necessarily mean I'm not gay, but I have two kids.

...

Howard Stern: You must be black because you have two kids and you're not married.

Robin Quivers: Now, now, now.

Stern discussed young U.S. Open tennis star Venus Williams and blacks toward the end of that episode.

Howard Stern: Yes. Venus Williams has got a strange look.

Robin Quivers: What do you mean?

Howard Stern: She's got a real African look. She looks like she just stepped out of the...

Robin Quivers: Well, that's strange?

Howard Stern: Yes, she looks like she just stepped right out of Africa.

Robin Quivers: So?

...

Howard Stern: She looks like she just killed a lion.

Robin Quivers: Ah, ah, ah.

Howard Stern: You know what I mean?

Robin Quivers: You are so bad.

Robin Quivers: Like she just ate a lion. Rrrrh, good! Umm, lion good.

...

Howard Stern: Well, why not? I was glad to see the white girl win because it's nice to see a sport where the white guy gets to win. You know what I mean? Once in a while. Because there's hardly any sports left for white people.

On September 11, the comments were directed at blacks and Poles:

Howard Stern: I thought you were thinking about getting some help?

Gary: We're still thinking about it.

Howard Stern: What's the matter? You're uptight about black people living in the house?

Gary: No, you've never been to my house, but there's not enough room.

...

Howard Stern: Back in their own country, they're a doctor, but here they're being treated like this and then the trick is - You know, I don't like to make a stereotype. This isn't all Jamaicans, but don't go with a Jamaican. I mean, we went through three or four Jamaicans.

Gary: These are European white women.

Howard Stern: Oh, they are?

Gary: Yes, young girls.

Howard Stern: They have an issue, too. They're too young. That's the problem.

Robin Quivers: They're babies.

Howard Stern: You need someone who has got a good sensibility.

Robin Quivers: But I have friends and I hear their nanny problems. The girls come from the Midwest, let's say, and they don't wear clothes. They hang around the house.

Howard Stern: You want to know something? I'd appreciate that. That'll ruin your marriage. And by the way, if you're a woman and you get one of these... I know a guy, him and his wife are ready to kill each other. He didn't have a lot of money, but he says, I don't care. I'll get two jobs,

as long as we get some help. So listen to this. They hear about some Polish company that imports these Polish women. They can't speak a bit of English, but they work like horses. They'll do whatever you tell them. So they bring over this Polish chick. They're waiting for months for this Polish chick. They have to clear it through customs and the whole goddamn thing, but the guy who runs the agency swears that these Polacks are like robots. They listen to everything you say and they do it. Work good, potato, eat.

So he's figuring he's going to get some 60 year old, big old fatso. One night, it's a rainy night. The doorbell rings and it's the guy the agency. He's bringing over the Polish chick. In walks Miss Vavavavoom! All right? Nineteen Marilyn Monroski. Nineteen years old. Like he said, like Cindy Crawford, okay? Big breasts and gorgeous body. The wife opens up the door, takes one look in the rain. She just looked in the rain. She slammed the door and said, get out. And that was it. And the girl, the Polish girl was sitting and crying and the guy from the agency says, listen, I brought her all over from the homeland. What are you doing? She hasn't had a peroghi in three weeks. She's got to eat. But she said, no way because my husband will do her.

Appendix D

(Stern's Improper Sexual Comments during Potential

Children's Listening Hours)

Excerpts from the September 3 Show:

Howard Stern: That's right, I've got my birthday coming up. But anyway, I'm 43 and I swear to you I have the sexual libido of an eighteen year old. Robin, when I was on vacation, okay while I was in Florida I didn't diddle myself at all because the kids, it was a family vacation and I was trying to sort of be a family guy.

Robin Quivers: And when you think of family you can't do it.

Howard Stern: Yeah, and my wife and I had sex very little on vacation, actually. Two times, maybe. Two times exactly, not maybe. Two times exactly. We forgot to bring the vibrators and that's what went wrong.

Robin Quivers: You're kidding, you have to travel with them?

Howard Stern: Yeah, oh, yeah.

Robin Quivers: My goodness.

Howard Stern: My wife said the second we got there, "You're not going to believe what I forgot." I go, "What?". She goes, "The vibrators". I said, "Well, there goes everything."

Robin Quivers: Well, there goes the party.

Howard Stern: I mean the second we got there she realizes. It's so embarrassing for me because I'm so bad in bed. And what my wife needs is an orgasm, a lot of orgasms, before actual sex. And then she doesn't care how long I last.

Robin Quivers: Right. But you couldn't provide her anything without the vibrators?

Howard Stern: Yeah, I did what I could, I'm good with my hands but when a woman is so accustomed to a vibration she's hooked. It's like a heroin addict, you don't go to pot after heroin. You know what I mean?

Robin Quivers: You know anybody who's ever done that?

Howard Stern: No, no. Her mother didn't have a vibrator. [Indecipherable.]

Robin Quivers: You tried to buy her mother a vibrator?

Howard Stern: But anyway, it really kind of put a damper on the vacation. I realized that when I'm with a girl who, someone said to me the other day, I was talking to a woman, she says, "I need a man who is good with his hands". I go, "I really am good with my hands, but I need a woman, like a young woman, first couple of times we're together." You know what I mean? My wife needs a vibrator.

Robin Quivers: She needs some motivation.

Howard Stern: Yeah. Well, my wife's been with me a long time. It's hard to motivate her. So, we forgot the vibrators, we had sex two times during the Florida trip. And that was okay because it was like, family and the kids, and it was for me to be with the kids. Because when I'm doing this radio job and I'm busy with all my other crap, I don't pay attention to anybody in my family. I ignore them. Like Prince Charles.

Robin Quivers: You could be a Royal.

Howard Stern: It's hard for me to concentrate on this and them.

Robin Quivers: What is Prince Charles concentrating on?

Howard Stern: Camilla Parker-Bowles. Uhh, you know, so Florida was weird. I wanted sex but at the same time I kind of, like, resigned myself to the fact that I wasn't going to have sex because I forgot the vibrators, and face it. You know, I'm working the dead here. I'm waking the dead.

Robin Quivers: Stop it.

Howard Stern: Well, because she's been with me for twenty years. She doesn't even realize how bored she is with me. So, as soon as we got home we got the vibrators, everything was fine. So, listen to this. We get home, and my wife and my kids are out of the house a lot, the housekeeper, too. The house was pretty empty. I started watching a porno because I was anxious to play with myself. And I was watching this movie by -

Robin Quivers: And even to do that you needed a porno?

Howard Stern: No, I didn't need porno but not only did I not need porno, listen to this, I get home, I'm so anxious I run into the bathroom and I do it. It takes a second.

Robin Quivers: Like a twelve year old.

Howard Stern: Like twelve years old.

The September 5 episode was opened by the following statement from pornographic film star Jenna Jameson:

Jenna Jameson: Good morning and welcome to another Howard Stern Show. My name is Jenna Jameson. I'm a famous porno actress. Howard thinks that I'm very beautiful. Do you know that I'm holding this microphone between my breasts, my firm, young 36D breasts? Now that I've gotten your attention, stop grabbing yourself and turn up the radio because it's time for the Howard Stern Show.

During the course of the episode of that date, Stern spoke and played the following taped excerpts:

Howard Stern: Isn't that a great question? Do you have any advice for any of the strippers out there who want to get famous? Aren't they like strippers or something? They look like strippers.

Robin Quivers: Well, one girl said she had done like those topless photos.

Howard Stern: They are hard to take.

Unidentified: If they didn't have a decent song, they'd be stripping again.

Howard Stern: They'll be stripping in a year.

[Tape excerpt:]

- Do you guys share dildos?

- Do we share? What sort of a question is that? I'm being asked serious questions here, serious issues, and then you come up with that.

- How about vibrators?

- I can't comment on that. Do you know what I mean? As if I'm going to tell you. Come on.

- Douchebags?

- Doo what?

- We are really, really excited. As I said, you know, we've watched this on television, so I'd love to be out there doing it. It's fantastic. My mom is watching me.

- Collectively, how many tampons you guys run through during a year?

- Well, how many do you get through in a year?

Howard Stern: I love it when girls try to be avoiding. Well, how many do you go through? Well, we don't use tampons. I'm a guy. I've got a penis. I asked you the question. How many do you run through a year? It's totally witless. I mean, not that your question is the wittiest question, but what kind of come back is that? Well, how many tampons do you use?

He then entered into a sexual dialogue with a gay man in the following terms:

Howard Stern: How tall is your young German friend?

Mark Harris: 6'1".

Robin Quivers: So he towers over you?

Mark Harris: Towers? I'm 5'11 3/4".

Howard Stern: And you're not doing anal sex?

Mark Harris: No, you fool! My God! Oh, Jesus, no.

Howard Stern: Just oral?

Mark Harris: You think that's so important? Are you anally fixated?

He then dialogued with David, Mark Harris' lover:

Howard Stern: Are you being safe when you're with Mark?

David: Safe? Yes, of course.

Howard Stern: You're wearing a rubber?

David: Yes, yes.

Howard Stern: And what's with him? No anal sex?

David: Oh, you ask so many personal things.

Howard Stern: Yes. But it's all right. Who's listening?

David: I beg your pardon?

Howard Stern: No anal sex?

David: What?

Howard Stern: No anal sex?

David: No, this is really very private and I don't want...

And he concluded the interview in the following terms:

Howard Stern: So, well, anyway, listen, good luck on not only your career, but when you come to the United States, I would like to be the one to introduce you to the American public and I will spread the word.

David: Oh, that would be nice.

Howard Stern: All right? And let me say goodbye to Mark.

David: Okay.

Howard Stern: I'll spread the word and you spread your cheeks.

During the course of the episode of September 8, Stern interviewed a woman who had sent him a letter, indicating that she wanted to get into show business. He made fun of her throughout the interview but added the following comments when he had jokingly discussed acting as her agent:

Howard Stern: You know, I need more profits. Profits have been low and maybe I should take her under my wing.

Robin Quivers: Money's good.

Howard Stern: But she's not into doing anything rude or anything. Like I'm going to need some sodomy for -

Robin Quivers: Yes, she's going to be a Meryl Streep.

Howard Stern: Oh, I see. In other words, what about since I'm your agent, you give me a little oral sex?

Robin Quivers: Ah, ah, ah.

Howard Stern: No offence to my brother-in-law whose sister I do on a regular basis.

Appendix E

(A Sampling of Complaint Letter Excerpts by Subject)

The Broadcast Licence Is a Privilege

- Radio frequencies are public property and are a limited resource. [CBSC Complaint 97/98-0310]
- Airwaves are a rare commodity and what is broadcast on them is to be of high quality and of service to the population. [CBSC Complaint 97/98-0034]
- Les ondes sont une propriété publique. Nous avons toujours su les gérer avec un souci du respect d'autrui et la sagesse d'éviter tout propos incitant à la haine. [CBSC Complaint 97/98-0238]
- The use of public airwaves is a privilege, not a right. If a station abuses that right by broadcasting racist and incendiary material, that in no way contributes to the expression of anything even resembling legitimate points of view in a democratic society, it forfeits that right. A broadcast license is a precious asset that many people would like to have. There are limits to the number of available licenses and accordingly, they should be awarded to those willing to broadcast responsibly. [CBSC Complaint 97/98-0306]
- The airwaves of this country are the common property of all the Canadian people and constitute one of our great natural resources. Stern is polluting that resource. [CBSC Complaint 97/98-0303]
- The stock answer of changing the dial if we don't like it is an answer that simply will not do. The public sphere and the air waves are so ubiquitous and too necessary for all to be delivered as a hostage to the profit-driven desiderata of media corporations and a minority of vulgar cultural activists whose sole objective is to earn as much money as possible by continuously pushing the envelope of the permissible and by capitalizing on shock as the ultimate attention getter. [CBSC Complaint 97/98-0019]

Sexist Comments

- Stern frequently asks female callers about their sex life and makes comments on their supposed physical appearance. On many occasions he has called them names such as "whores" and insulted them. [CBSC Complaint 97/98-0228]
- Permission is being given [...] for hatred to grow and to flourish, and I object. I object because, as a woman, I have been on the receiving end of hatred and that is a terrible experience. [CBSC Complaint 97/98-0342]
- ... public airwaves being a vehicle for comments such as he voiced about a woman celebrity "blindfolding her with her panties and throwing her on a bed, then filling her up" is a sickening thing to say. [CBSC Complaint 97/98-0221]
- Mr. Stern suggested killing the woman as a viable alternative for getting away with affairs. He then proceeded to invite himself over a woman's home for a threesome with the woman and her mother. [CBSC Complaint 97/98-0206]

Other Racist Comments

- I refuse to have my French Canadian brothers and sisters maligned by this disgusting American pig. [CBSC Complaint 97/98-0064-65]
- He has demonstrated a serious lack of respect for most minority groups, including Afro-Americans, Latin Americans, other immigrants, gays and lesbians. He has also attacked women through derogatory comments and mean spirited humour. [CBSC Complaint 97/98-0313]
- Howard Stern called for the beating of Sikhs and - I quote him - "smack the guy on the back of his turban." It is most obvious to me that this person is spreading hatred against minorities that are the most distinct and vulnerable. [CBSC Complaint 97/98-0019]
- His opinions and racist messages of hate must surely border on the criminal. [CBSC Complaint 97/98-0016]
- When asked what is response might be if he caught his wife cheating on him, Mr. Stern asked it was a black man or a white man. [CBSC Complaint 97/98-0206]
- Mr. Stern "pushes the envelope" and directs his slurs against all groups without discrimination. [CBSC Complaint 97/98-0023]

Trivialization of Societal Standards

- La vie en société requiert un minimum de normes de comportement, à défaut desquelles on risque la banalisation de la médiocrité et de la violence verbale, qui est souvent à l'origine du passage à l'acte physique violent [CBSC Complaint 97/98-0348]
- Smut broadcasted normalizes and promotes licentious talk, thoughts and actions. [CBSC Complaint 97/98-0214]
- Howard Stern a dépassé les bornes avec son adaptation de la chanson Candle in the Wind de Elton John. [CBSC Complaint 97/98-0070]
- Howard Stern did a parody on the lady Diana tragedy via songs on the air. He made a comment [...] if he could take her body on tour across the country and raise money for her charities. Stern is using someone else's personal tragedy as material for a radio show. [CBSC Complaint 97/98-0228]
- Je trouve écoeurant qu'on aille vers la médiocrité pour attirer une cliente. [CBSC Complaint 97/98-0368]
- Perhaps you think that he is so outrageous that no one will take him seriously. This may be true initially, but it is well known that repeated exposure to anything, no matter how extreme, dulls the reactions to it, especially in the young. [CBSC Complaint 97/98-0057]
- Insulting people is easy to do. [CBSC Complaint 97/98-0164]
- ... this is adverse and futile broadcasting. [CBSC Complaint 97/98-0015]
- ... a person who toilet mouths his listeners daily with every possible low life lingo and profanity. In fact, it normalizes and mainstreams the vulgar, profane and disgusting, giving a foothold to this American jock within Canada's cultural norms. [CBSC Complaint 97/98-0214]

Vulgar Comments

- Continuous vulgar comments about genitals, rape and drug addiction are absolutely unwarranted. [CBSC Complaint 97/98-0225]

A Deliberate, Sustained Pattern

- This is not a one time verbal slip up. This is Mr. Stern's daily methodology of acquiring his desperate need for career success - smut for bucks. [CBSC Complaint 97/98-0214]

Uninformed Opinions

- His Shock Jock style of radio is yet another example of the media garbage that has been foisted upon the public. His opinions and comments are no more valid than the Enquirer. [CBSC Complaint 97/98-0253]
- This individual seems to think he has no set of parameters in what he says and discusses. [CBSC Complaint 97/98-0224]
- His statements about the French were not factual but represented hate literature. [CBSC Complaint 97/98-0039]
- Stern repeated that the world should let Israel kill the Arabs and Palestinians, dispossess them of their land and take over their oil fields. He also proposed that another solution could be to ship the Palestinians to Quebec. [CBSC Complaint 97/98-0019]
- Cette station de radio FM ne doit-elle pas refléter la société qu'elle divertit? Howard Stern n'a rien à voir dans le portrait canadien. [CBSC Complaint 97/98-0103]
- Some may argue that Howard Stern should not be taken seriously. Don't believe it. Words have consequences. Mr. Stern totally misrepresents the reality in Montreal. [CBSC Complaint 97/98-0004]
- [Avec Stern à CHOM], je déplore qu'il n'y ait plus d'informations sur l'actualité à Montréal et que l'on doive accepter la perte de notre identité canadienne face aux Américains. Les propos de Stern sont insensés et je ne vois pas ce qu'il peut m'apporter de nouveau à chaque jour de ma vie qui saurait augmenter ma faim de savoir et apprendre. La masse qui l'écoute mange des croustilles du coke pour déjeuner. [CBSC Complaint 97/98-0187]
- ... totally uninformed statements... [CBSC Complaint 97/98-0151-52]

Improper Commentary for Pre-School Hours

- I question the wisdom of any radio station turning its vital morning drive period to an American. Are there no men or women of principle and conviction left in the offices of Canadian programmers? [CBSC Complaint 97/98-0038]
- Je crois qu'une émission matinale se doit de divertir et d'informer justement les auditeurs, pas de les insulter. [CBSC Complaint 97/98-0369]

- Cette station est axée sur les jeunes et elle a une influence directe sur leurs comportements. [CBSC Complaint 97/98-0138]
- Howard Stern was talking to someone regarding a porno-flick. [...] Q-107 is primarily a teenage radio station. [CBSC Complaint 97/98-0244]
- Early, drive to work, a.m. radio is not 2 a.m. "for adults only" air time. [CBSC Complaint 97/98-0214]

Freedom of Expression

- I agree with the fact that in our nation, free speech is valued, but as Justice Felix Frankfurter of the US Supreme Court said: "Freedom of speech is covered by the Constitution, however, when you scream fire in a crowded cinema, your right of speech ends. [CBSC Complaint 97/98-0341]
- Since when did "free speech" come to mean "freedom to hate"? [CBSC Complaint 97/98-0342]
- Liberté d'expression ne signifie pas que l'on puisse cracher sur tout ce qui est différent. [CBSC Complaint 97/98-0090]
- Free speech without responsibility is not freedom, but rather it is license. [CBSC Complaint 97/98-0313]
- He simply has nothing positive to say about anything. Let's get it straight, I like freedom of speech but Howard Stern simply rapes at will. [CBSC Complaint 97/98-0037]
- La liberté d'expression est, dans une société libre et démocratique, limitée par les circonstances, par la loi, par les droits et libertés d'autrui. J'ai le droit de dire ce que je pense, mais je n'ai pas le droit de vous traiter en public de voleur. [CBSC Complaint 97/98-0073]

Humour as a Defence

- My comment is humour that necessitates continuous defence should be re-examined. [CBSC Complaint 97/98-0015]
- In the guise of jokes, he delivers prejudice and distortions, and will try to elicit this in his listeners, not such a hard thing to do. [CBSC Complaint 97/98-0305]
- L'humour peut être cruel et devient carrément meurtrier lorsqu'il détruit [...] le respect et la sympathie envers les sujets visés. Le ridicule fut une arme redoutable envers les Juifs dans l'Allemagne nazie. [CBSC Complaint 97/98-0118]
- By no stretch of imagination can Stern's material be classed as comedy! You admit it is shocking, outrageous, offensive, insulting, uninformed, and provocative. How you can possibly equate [these words] with comedy is beyond understanding. Your disclaimer is laughable. [CBSC Complaint 97/98-0012]
- The fact that he can even make his critics laugh at times has been misinterpreted to mean that he is harmless. He is not harmless! People tend to lose respect for those who are subject of scornful laughter. [CBSC Complaint 97/98-0313]
- It would not do either to say that this is humour or "equal opportunity humour" where one and all get their chance to be equally and vulgarly insulted and abused. [CBSC Complaint 97/98-0019]

- Entertainment is no excuse for hate propaganda. [CBSC Complaint 97/98-0245]
- He is not funny. He is not entertaining. He is rude, insulting and his main purpose appears to be to do as much damage to relationships among French and English Canadians as he possibly can. [CBSC Complaint 97/98-0243]

Controversy

- Controversy can only be good for the station's ratings, which is in all likelihood their chief concern. Yet the promotion of hatred is an issue that extends beyond individual preference. [CBSC Complaint 97/98-0013]
- Mr. Stern was trying to be controversial by using blatantly racist remarks. [CBSC Complaint 97/98-0022]
- The material is not controversial. It is out and out filth. It has no redeeming social value. [CBSC Complaint 97/98-0214]

The Broadcaster's Role

- Votre manque de jugement est si pitoyable qu'il laisse planer un doute sur vos propres opinions et sur celles de vos collaborateurs. [CBSC Complaint 97/98-0370]
- CHOM's airing of this program is, in fact, assisting Mr. Stern's socially downgrading agenda. [[CBSC Complaint 97/98-0214]
- [Dans sa réponse à ma lettre], M. Hambleton ne dit pas si des mesures strictes ont été prises par la direction du poste CHOM-FM pour éviter toute répétition de ce genre d'incident sur ses ondes. [CBSC Complaint 97/98-0207]
- What steps did CHOM take in advance to inform Mr. Stern of their expectations concerning the CBSC guidelines? What reparations have been made, to extend an apology to these remarks, and to ensure Mr. Stern does not repeat his performance? I see no indication that CHOM forewarned Mr. Stern nor that it intends to make reparation to anyone. [CBSC Complaint 97/98-0022]

All for a Buck?

- Si c'était pour conquérir l'auditoire anglophone, c'est d'une malpropreté et d'une malhonnêteté flagrantes. [CBSC Complaint 97/98-0330]
- How low will some enterprises stoop to make a buck? [CBSC Complaint 97/98-0012]
- La politique de ce poste qui désire augmenter ses cotes d'écoute au prix de la vulgarité, de la haine et du mépris de toutes les valeurs... [CBSC Complaint 97/98-0371]
- Hambleton avance que "CHOM accepte la responsabilité de toute sa programmation", puis affirme que les remarques de Stern du 2 septembre "ne reflètent aucunement les opinions de CHOM", et continue en disant que "ces remarques sont faites dans un but humoristique." Quelles contradictions et abdication de responsabilité! [CBSC Complaint 97/98-0074]

- The airing of this program is purely self-serving on CHOM-FM's part and should be questioned by the CRTC in the public interest. [CBSC Complaint 97/98-0305]
- The recent events surrounding the death of Princess Diana [...] point to the extremes that greed will drive those who care for nothing except the advancement of themselves. [CBSC Complaint 97/98-0249]
- Why is CHOM selling trash and saying "We've done nothing wrong. This is just entertainment"? [CBSC Complaint 97/98-0214]

Manipulating the Right of Reply

- Lorsque j'ai composé le 790-2255, un message enregistré m'a dit que mes commentaires pourraient être diffusés pendant l'émission en question. Étant donné que la publicité de l'émission de M. Stern comporte de tels commentaires, j'ai refusé de jouer le jeu et je n'ai pas laissé de commentaire. Sur le site Web de la station, la formule électronique qui nous permet de laisser des commentaires n'apparaît jamais à l'écran lorsqu'on clique pour l'appeler. CHOM fait preuve d'irresponsabilité en continuant de diffuser l'émission de M. Stern et de refuser les plaintes. [CBSC Complaint 97/98-0300]
- The statement that Montreal listeners have a high tolerance for provocative talk radio disgusts me. Why should I listen to something that is to be tolerated? I want enjoyment from what I listen to. [CBSC Complaint 97/98-01312]
- CHOM FM's response for the people who complained to "take a valium" is insulting in the extreme. [CBSC Complaint 97/98-0155-56]
- The heart of the issue lies in separating Howard Stern the persona [cf : Private Parts, the movie] from Howard Stern the everyday U.S. citizen, the citizen with no more rights than you and I to broadcast racist remarks. Mr. Stern has made it made it virtually impossible to distinguish one from the other. [CBSC Complaint 97/98-0022]
- CHOM has a responsibility to present all sides of an issue to its audience. To allow Mr. Stern to disseminate racist remarks ont its bandwidth, and then to offer bland justifications of these remarks as comedy is an abdication of its responsibility as a broadcaster. [CBSC Complaint 97/98-0022]

Contribution to the Social Climate

- I feel strongly that Mr. Stern's remarks are no different than Ernst Zundel's ravings about the holocaust, and indeed that they are far more inflammatory, considering CHOM broadcasts in both Montreal and Toronto. [CBSC Complaint 97/98-0022]
- ... les propos haineux qu'il propage ne sont pas pour arranger les choses entre francophones et anglophones du Canada. [CBSC Complaint 97/98-0123]
- Honest political disagreements in Quebec are normal. The odious and slanderous statements against the Francophone population have no place in a licensed public forum. [CBSC Complaint 97/98-0165]
- Je crois que l'animateur contribue à augmenter les tensions qui existent entre francophones et anglophones. [CBSC Complaint 97/98-0081]

- Canada needs Howard Stern like an anorexic needs to diet. [CBSC Complaint 97/98-0036]
- Nous, Canadiens, avons déjà suffisamment de difficultés à accepter nos différences et à apprendre à vivre dans le respect mutuel et l'harmonie sans que nous ayons besoin que des propos démagogiques comme ceux-ci soient tenus sur les ondes des radios publiques. [CBSC Complaint 97/98-0136]
- His remarks were registered not only by listeners, but by his targets at a time in our history when we don't need Howard Stern. [CBSC Complaint 97/98-0012]
- His insensitivity to the bitter world of Canadian politics and culture will deepen dangerous rifts in the country. [CBSC Complaint 97/98-0248]
- Compte tenu de la situation actuelle au Québec et au Canada, des propos d'une telle violence risquent d'entraîner des réactions tout aussi violentes et de cristalliser les positions. [CBSC Complaint 97/98-0132]
- Never have I heard of anyone saying so many things to incite anger and division in a population. [CBSC Complaint 97/98-0234]
- CHOM has chosen a course of minimum action. It demonstrates a lack of moral courage on an issue of real importance to Quebec, lack of understanding of the larger issues of self-governance and responsibility, and an unwillingness to engage in reconciliation. Like many Canadians, I have seen enough broadcast from Beirut, Belfast and Sarajevo to know that racism and intolerance are very dangerous whipping-boys, and must be mitigated in a civil society. [CBSC Complaint 97/98-0022]

Stern as Social Commentator?

- Stern is difficult to categorize. It is just as fair to place him in the category of "social commentator" as it is to place him within the "comedy" category. The moment one is willing to do this of course, the rules begin to change, Mr. Stern's remarks become more sinister, and our ethical and legal expectations begin to rise. [CBSC Complaint 97/98-0022]

Double Standard?

- Mais puisque les Québécois ne sont pas une minorité [...] des choses comme celle-ci passent et se font appeler Entertainment. [CBSC Complaint 97/98-0333]
- I heard him say the word "pussies" and he wasn't referring to cats. Are you going to be letting all Canadian broadcasters be freer with their language as Howard Stern is? [CBSC Complaint 97/98-0162]
- Changez les mots Canadiens-Français pour Juifs, Canadiens-Anglais ou Autochtones et la presse mondiale serait aux abois prenant fait et cause pour les groupes visés... [CBSC Complaint 97/98-0338]
- Substitute "black, Jew, Arab or Pole" for French and people would immediately shout racism, hate propaganda. [CBSC Complaint 97/98-0207]
- Il y a une limite - qui vient d'être franchie, je crois - aux attaques contre les Québécois à travers les médias canadiens [CBSC Complaint 97/98-0348]

- Now you can add to this the fact that the day after Howard Stern referred to French Canadians and "peckerheads", John Mitchell of CKTB St-Catharines, another talk show person who constantly attempts to impress his audience through vulgarity, repeated the words "peckerheads" many times during his discourse. [CBSC Complaint 97/98-0226]
 - Je n'accepte pas qu'un idiot d'arriviste, américain de surcroit, s'en prenne à 80% de la population d'une province et que personne ne réagisse. [CBSC Complaint 97/98-0146]
 - Equally important, in order to avoid doing a legal or semantic dance for the next twenty years, is that someone impose reasonable ethical limits of the Howard Stern show, if it is to be aired in Canada. Failure to do so renders the CBSC guidelines valueless. [CBSC Complaint 97/98-0022]
-

Appendix F

(A Sampling of Complaint Letters at Full Length) CBSC Complaint 97/98-0011

I am writing to protest the comments Howard Stern said on radio station CHOM - and probably others. Your own broadcasters codes are clear and precise enough to do something about his hate mongering.

You say that in Controversial public issues the radio hosts must be fair though provocative. Also that all should respect the dignity of people.

Howard Sterns diatribe against our French brothers should not be tolerated. CRTC has the mandate over broadcasting. The CRTC has been placed in a position to not tolerate such hate mongering. There is enough division in Canada as it is. We want Quebec to remain part of Canada, BUT what must they think when NO ONE goes to their defense when an american can come to Canada, vilify a whole nation of people for profit and for the stations Radio popularity. CHOM should be severely disciplined and Howard Stern should be prevented from doing this again. He wrapped himself in a Canadian Flag to deliver these insults to our French people. How humiliating that neither the Government, the CRTC or even the newspapers have not stood up and said **NO WAY WILL WE ALLOW THIS GARBAGE IN CANADA**. Nor will be tolerate such injustice for our French brothers and sisters. We are a united Canada - a bilingual nation and are respected far and wide. But we seem to have no respect for ourselves.

Please as an agency put in place to oversee this type of situation do something. If we can do it for the Mighty Morphins, how much more valuable and dear to our hearts are our french people. If we allow this to continue we and you should hang our heads in shame.

CBSC Complaint 97/98-0019

I would like to file a formal complaint against the "Howard Stern Show" and radio station Q107 (FM) Toronto. On this date of September 3, 1997 at about 8:55 A.M. Howard Stern called for the beating of Sikhs and I quote him "Smack the guy on the back of his turban". He was obviously referring to the Sikh cab drivers. I feel this kind of racist call for lynching of a visible minority should not be tolerated and his show should not be on the air in Canada. The rights of all Canadian Sikhs have been violated and the lives and physical security of of all turbaned Sikhs has been endangered and jeopardized. Howard Stern is spreading hatred against Sikhs and this can not be tolerated under our charter of rights and fundamental religious freedoms.

I also noticed that he was indulging in a similar tirade against the French Canadians and ridiculing the Justice Minister of Quebec. I was shocked to hear him say "the French should go back". It is quite obvious to me that this person is spreading hatred against minorities that are the most distinct and vulnerable. Please stop this hatred. We should not put up with this venom under the guise of freedom of speech and expression.

CBSC Complaint 97/98-0021

I wish to file a complaint with the CRTC against CHOM-FM 97.7 Montreal and its parent company CHUM Limited, in the matter of the broadcast of the Howard Stern show every weekday morning from 6 until 10 (varies).

I find the content to be offensive, hate filled, vulgar, and completely unsuitable for an audience that by its very nature includes children. This is a station that is broadcasting the show during a time when almost all children are awake and many are listening to the radio with their parents. Also, many children have access to both radios (in their rooms) and walkmans during the airing of the show, and are exposed to:

Vulgarity (One example I heard had Mr. Stern calling a Mr. Aaron Rand, local competitor, a "pussy".)

Offensive remarks (Talking about the resistance of French listeners, "Why don't the French just bend over and take it?")

Hate remarks (He often called the French of Quebec a variety of vulgarities, including "pricks" whom he hated, just like the French of France.)

In short, this is barely up to the standards of a midnight broadcast. It is certainly not something that should be on during the morning. It is well known that a bleep is used in most radio broadcasts when a vulgarity is accidentally used. I assume that Mr. Stern does not allow the station mentioned, CHOM, to do this, and it would cause a bleep-filled show in any case.

I question any censorship, and yet I cannot believe that the above mentioned CHOM station is living up to its part of the bargain by being self-conscious of what it puts on. We do not allow pornography on television at 6 AM, and that's not censorship. That's just common sense.

Perhaps Mr. Stern should not be on at 6 AM either. I would not complain if it was on at midnight.

CBSC Complaint 97/98-0035

This is the first time I have ever filed a complaint about a radio show. I am the normal French born Quebecer that also has the privilege of speaking English. I can switch channel at any time and still understand what the person is talking about.

I can go and work in any other province and still feel at ease. Canada still has a certain level of human respect. But even if I do speak English, I will not go to the U.S. to find a job. WHY?

Americans are at a level of tolerance that is beyond my understanding, they accept to be insulted by one radio host and still listen to him every day, just because they do not have the guts to react or is it the famous freedom of speech.

I do believe that Canadian laws can prevent this type of abuse from one individual and I wish that you will do what ever it is in your capacity to keep a level of respect on our radio stations.

CBSC Complaint 97/98-0044/45

First of all let me tell you how happy I am that we have an organization such as yours to help us in this type of matter, e.g. Howard Stern.

This is a formal complaint on this 'gentleman's program', and his racist and degrading comments on French Canadians.

Number 1: What is an American doing taking up our airwaves and causing trouble? This is insane. We have so much Canadian talent in our country, what are we doing hiring and paying this 'shock jock' from the United States?! What are we doing paying someone to insult us? and we're paying him in American dollars no doubt!!

Number 2: How can we allow this man to insult us??!! There is no way that this type of denigrating talk can be tolerated.

He should be off the air right now!

CBSC Complaint 97/98-0049

I would like to bring a formal complaint against the radio station CHOM-FM licenced by your agency to operate an FM transmitter in the Montreal area. I believe the said station to be in violation of the conditions of its licence for the following the reasons:

1- On the morning of September 4, 1997 between 10 and 11 a.m the station carried a "talk show" in the which the host insisted on and persisting in repeating that the world should let Israel kill the "Arabs and the Palestinians", depose them of their land and take over their oil field. He also proposed that another solution could be to ship the Palestinians to Québec. The deplorable statements were made in the form a comment on a terrorist bombing that took place in Jerusalem the day before. On September 1 the same host made similarly degrading comments about Québec, Québécois, the French and all those who count French as their mother tongue.

2- Within the same hour he commented on declarations made by an actress named Basinger about the death of Lady Diana Princess of Wales. The host's comments were to the effect that he would like to "tie her up next to a pool and fill her" and "have her satisfy him orally". The comments were accompanied in the background by sounds and noises of a women panting and groaning in the manner usually found in pornographic audiovisual material, material access to which is normally limited to adults.

I am unfamiliar with the conditions attached to the privilege of operating a radio station and having access to the publically-owned and regulated air waves. But I do not believe that the propagation of hate, incitement to mass murder and genocide, and the broadcasting of pornographic and obscene materials in broad daylight is part on the terms of licence of the station. As a citizen I refuse to accept that constitutional guarantees of freedom of speech that are a foundation of our democracy are infinitely elastic to the point of protecting that kind of speech. I believe some of what I am reporting is punishable- if proven in a law court- by this country's

criminal code. As a father, I also refuse to be continuously pushed in the back spending my time trying to "relativise", "contextualise", "correct" and "explain" in order to guide my children who are continuously bombarded with this "shit" because we have to live somehow according the agenda of the entertainment industry. I humbly submit to you that the stock answer of changing the dial or turning off the set if we don't like it is an answer that simply will not do. The public sphere and the air waves are too ubiquitous and too necessary for all to be delivered as a hostage to the profit-driven desiderata of media corporation and a minority of vulgar cultural activists whose sole objective is to earn as much money as possible by continuously pushing the envelope of the permissible and by capitalising on shock as the ultimate "attention getter". It would not do either to say that this is humour, or that it is somehow "equal opportunity humour" where one and all get their chance to be equally and vulgarly insulted and abused. I believe it to be your duty to see to it that there is a limit below which should not be lowered the standards of conduct, practice and speech in the area specific to your jurisdiction.

I trust the CRTC will give the appropriate follow up to this complaint as stipulated in its public mandat. I also appreciate being apprised of the results of this follow up at your earliest convenience. Respectfully.

P.S. Please Sir, let us try to retain what is left of what made this country different from the U.S. This goes to the heart of our collective sense of self and being. Thank you.

CBSC Complaint 97/98-0068

Je vous écris pour porter une plainte contre le poste de radio CHOM-FM (97,7) qui a permis à son représentant de l'émission du matin (6:30 à 10:00) du 2 septembre 1997, Howard Stern, d'insulter tout le fait francophone du pays.

En tant que Montréalais, je suis consterné et je me sens blessé par les propos haineux et racistes entendus à ce poste. J'ose espérer que le CRTC ne permettra pas à un animateur tel Stern de jeter un peu plus d'huile sur le feu en ce qui concerne les relations francophones/anglophones.

Je suis fermement convaincu qu'il faut que le CRTC remette rapidement les pendules à l'heure avec cette station de radio (CHOM-FM) et surtout avec leur animateur du matin (s'il l'est toujours - je n'ai pas ré-écouté cette station depuis 7:15 le 2 septembre 1997).

Vous remerciant de l'attention portée à la présente, veuillez considérer, Madame / Monsieur, l'expression de ma considération distinguée.

CBSC Complaint 97/98-0069

Je trouve inacceptable que soit toléré qu'un individu, opérant hors de nos frontières, puisse utiliser des antennes canadiennes, CHOM. pour mépriser et insulter les francophones de ce pays.

Je voudrais savoir ce que votre organisme fera dans ce cas.

CBSC Complaint 97/98-0070

Mercredi le 10 septembre 1997, sur les ondes de CHOM FM à Montréal, M. Howard Stern a dépassé les bornes avec son adaptation de la chanson de Elton John (Candle in the wind).

Honnêtement, je crois qu'il serait préférable de cesser la radiodiffusion de son émission avant que d'autres événements semblables ne viennent gâter la sauce.

CBSC Complaint 97/98-0071

J'aimerais formuler une plainte vis-à-vis ce jeune homme qui vient nous envahir de ses commentaires quelque peu (beaucoup) déplacé. Je respecte et je tiens à la liberté d'expression mais il y a toutefois une limite. Je trouve ignoble que vous puissiez accepter ce genre de personnage.

Ce n'est pas une question politique, mais plutôt un question de respect à un peuple qui se fait imposer ce genre d'idioties. J'aimerais beaucoup que vous fassiez quelque chose à ce sujet. En espérant que des milliers de plaintes soient faites pour l'arrêt de cette émission. S'il n'est pas content qu'il reste faire ses folles chez lui, nous avons pas besoin de lui...

Merci beaucoup de votre attention.

CBSC Complaint 97/98-0074/0075

Par la présente nous aimerions déposer une plainte officielle contre les stations de radio Q-107 de Toronto et CHOM-FM de Montréal. Lors de l'émission de radio du matin du 2 septembre, Howard Stern, l'animateur en provenance de New York a prononcé des commentaires haineux et racistes contre les Canadiens d'expression française de Montréal, du Québec et du Canada en général. Des propos comme "Anyone who speaks French is a scum bag... it turns you into a coward" sont provocateurs et incitent à la violence contre la minorité linguistique francophone dans le sud de l'Ontario. Nous croyons à la liberté de parole mais pas au détriment d'un groupe cible.

Nous exigeons alors que cette émission soit retiré des ondes et que les deux stations de radio en questions soient sévèrement réprimandées.

Dans l'intérim, recevez Mme Talbot-Allan, nos plus sincères salutations.

CBSC Complaint 97/98-0083

Permettez-moi d'adresser au CRTC un plainte formelle quant aux propos haineux et au langage ordurier de l'animateur radiophonique Howard Stern qui opère de New York via la station radiophonique canadienne CHOM FM qui émet à Montréal. Quant à moi les propos de Monsieur Stern sont contraires à l'éthique radiophonique que s'est fixé le Canada et n'apporte rien de nouveau à la culture du pays. Je compte bien voir le CRTC museler ce commentateur et/ou à défaut de retirer le permis de diffusion de la station CHOM FM.

CBSC Complaint 97/98-0091

Suite aux déclarations indues d'Howard Stern faites sur les ondes de Chom fm 97.7, je crois que l'interdiction de la version canadienne de son émission ne fait aucun doute.

Les propos discriminatoires qu'il a entretenus à l'égard des Québécois n'ont tout simplement pas leur place sur les ondes. La liberté d'expression que nous avons grâce à la charte des droits et libertés, nous impose le respect des autres et par conséquent de faire attention à nos paroles. Ce n'est pas exagéré que de demander le respect dans notre propre pays.

De plus, Howard Stern est déjà fort contesté dans son pays. Plusieurs groupes se sont formés pour lutter contre ce personnage irrespectueux. Je ne crois pas qu'il ait sa place au Québec ni nul part ailleurs au Canada.

J'espère ne plus entendre sa voix sur les ondes des stations de radio du Québec car il n'a aucun respect pour les Québécois, ni pour rien. Cet homme agit comme les anglais du dix-neuvième siècle, plus particulièrement Lord Durham qui dit de nous que nous étions un peuple sans histoire et sans littérature.

Si nous acceptons qu'un étranger tienne de tels propos à notre égard chez nous, la question sera: avons-nous une fierté quelconque?

CBSC Complaint 97/98-0099

En tant que francophone marié à une anglophone, père de trois enfants bilingues, j'ai été offusqué des commentaires racistes et orduriers de Howard Stern à l'émission de CHOM FM mardi matin, le 2 septembre. Je pense que ce genre d'émission ne convient pas à la nature et aux valeurs canadiennes. Bien que fidèle à CHOM FM depuis plus de 10 ans, j'ai changé hier mes habitudes d'écoute pour de bon. Par contre, je demeure inquiet des conséquences de tels propos sur les auditeurs restants de CHOM FM et sur les adolescents facilement influencés par de tels propos.

Je compte sur le CRTC pour s'affirmer face à ces comportements répugnants.

CBSC Complaint 97/98-0100

J'aimerais porter plainte officiellement contre la station CHOM-FM, à la fréquence 97,7 Mhz, de Montréal et son animateur américain affilié Howard Stern pour les propos discriminatoires contre l'ensemble des francophones du Québec, du Canada et d'ailleurs. Ces propos sont disgracieux et vont à l'encontre de la Charte des droits et libertés du Canada en matière de discrimination raciale et de la langue.

D'autant plus que la situation s'est produite à plus d'une reprise, et que la station CHOM n'a rien fait pour la régler. Cette station mériterait de perdre sa licence d'émission, dont l'auditoire, en plus, se compose de 70% de francophones.

En espérant qu'une action sévère et exemplaire puisse être portée contre la station CHOM, je vous prie d'agréer mes salutations distinguées.

CBSC Complaint 97/98-0104

J'aimerais vous faire parvenir mon dégoût devant les propos tenu par Stern sur les ondes CHOM 97.7. Je ne peux croire que de tel propos soit tenu sur les ondes ou encore que le crtc permette à une radio de le faire. J'espère que le CRTC sera montrer que une licence n'accorde pas tous les droits. Je crois que l'émission devrait être enlevée des ondes. Si aucune action n'est prise, ceci serait interprété comme un appui du CRTC à la diffusion de propos racistes et haineux!

CBSC Complaint 97/98-0109

Concernant l'emission matinale de Howard Stern diffusee sur CHOM FM a Montreal, J'aimerais denoncer les radiodiffuseurs Canadiens qui encouragent la diffusion d'emissions contenant des propos haineux envers les francophones ainsi que tous les Canadiens.

M. Stern est deja bien connu pour sa scatologie quotidienne aux Etats-Unis, il n'y a rien de nouveau dans la grossierete du personnage. Ce qui m'indigne, c'est que des stations Canadiennes (elles semblent entre Anglophones) permettent que des individus comme Stern puissent insulter les Francophones et tous les Canadiens sur no propres frequences.

Ce genre de "divertissement", pour citer CHOM FM, ne devrait pas etre tolere dans aucun cas. Il en va de l'integrite de notre societe de ne pas tolerer la diffusion de tels propos racistes et haineux envers les Francophones ainsi que de considerer les Canadiens comme des etres de deuxieme classe.

Ne suivont pas l'exemple Americain qui glorifie les Stern et autres sous pretexte du droit a la liberte de parole. Ces individus qui ont une place si importante dans la "culture Americaine" est l'evidence meme de la pourriture de leur societe.

CBSC Complaint 97/98-0110

Je porte plainte contre la station CHOM-FM de MTL. En rapport avec les propos ORDURIERS dits par Howard Stern concernant les canadiens francais. J'espereque vous allez les réprimandertrès sévèrement et les mettre à l'amendepour avoir cautionné de tels propos disgracieux ainsi que des excuses au peuple québécois. Je n'accepterai rien de moins que cela, que ce soit des farces ou non.Laissons les Américains se complaindre dans la disgrace si ca leur chante mais ne les laissons pas venir polluer les ondes radio s du Québec surtout par la complicité de bas niveau d'une station du Québec en mal de cotes d'écoutes.Un peu de nerfs, bon sang par respect pour nos enfants SVP. Prenez note que je boycotte à TOUT JAMAIS cette station minable. Merci de m'avoir lu.

CBSC Complaint 97/98-0134

Aujourd'hui, mes oreilles de francophone en on pris un bon coup ce matin en écoutant Chom fm 97,7 à Montréal. Nouveau show avec un nouvel animateur. Cet individu a été insultant pour tous les francophons non seulement du Québec mais de l'Ontario aussi. Cet individu crois que les francais sont comme des chiens ou quoi. Ce n'est pas une maladie non plus.

Pour dire des insultes a un peuple et sans connaitre ce peuple il faut le faire. Si ca le dérange que l'on parle francais au Canada il n'as qu'a reste dans ses états unis point. Le respect des autres ce n'est pas quelque chose qu'il connait.

Le décès de Lady Diana: Ses propos à ce sujet était complètement déplacé degueulasse et j'en passe. J'espère que la famille royale n'as pas entendu ses commentaires. Je ne suis pas un fan de la lady mais cela ne m'empêche pas d'avoir de la compassion pour les gens affectes par cela. J'ai perdu des personnes proche et ce n'est pas drôle du tout. Avoir cet énerguemene en face de moi (dans ces moments la) avec ses propos y'en aurai eu quelque'un sur la gueule.

Je suis pour la liberté dans la vie je n'ai jamais insulté les personnes de langue autre que le francais. Plus souvent qu'à notre tour c'est nous qui se faisons insulter. Mais cet individu dépasse les bornes sur tout les points de vue. J'ai déjà entendu toute sorte de stupidité à la radio et télévision mais lui il est dur a battre. Ce n'est pas parce qu'il a 20 millions d'auditeurs au états que l'on est obligé d'endurer un con comme ca. Si il tolère des cons de cette espèce au états ce n'est pas notre problème et l'on n'est pas obligé de l'entendre.

Et ce n'est que la première journée de diffusion et je n'est pas été capable de continuer de l'entendre. Des énerguemene de ce cette espèce que l'on ne devrais pas tolérer cela. Dans notre grand pays il doit y avoir des animateurs qui serait capables de divertir les gens sans les insulter, en portant des commentaires qui reste dans les limites du respect en général.

J'ose espéré que cet énerguemene se fera retourne dans ses états (sans francophone) et que l'on ne devrais plus subir cet individu (plus de probleme Chom ne fais plus parti des stations radio que j'écoute.) Pour une station qui a 65 % d'auditoire francais il nous prennent pour des cons. Chom devrais présenter des excuse publics à tous les francophones du pays pour des propos comme cela. L'énergumène en question devrais aussi s'excuser, mais il trône sur son piedestal de stupidité, ca serai trop lui en demander.

En espérant que cette lettre ainsi que d'autre très certainement forcerons chom fm à retirer cet individu des ondes.

CBSC Complaint 97/98-0140

Ce mardi, 2 Septembre 1997, la station de radio Montrealaise CHOM-FM redifusait une émission de l'animateur americain "HOWARD STERN".

Plusieurs des commentaires tenu par celui-ci semble "Raciste" et tout a fait deplace compte tenu de la realite Canadienne. Notamment, les Commentaires raciste contre les "Français" et les "Canadien Français"

Extrait des reglements du CRTC

3. Il est interdit au titulaire de diffuser:

b) des propos offensants qui, pris dans leur contexte, risquent d'exposer une personne ou un groupe ou une classe de personnes à la haine ou au mépris pour des motifs fondés sur la race, l'origine nationale ou ethnique, la couleur, la religion, le sexe, l'orientation sexuelle, l'âge ou la déficience physique ou mentale;

c) tout langage obscène ou blasphématoire;

De plus, compte tenu de l'heure de diffusion, la programmation ne semble pas tenir compte des "enfants".

En raison des faits énoncés, je crois que "CHOM-FM" outrepassé l'esprit du règlement régissant sa licence. Pour cette raison, j'aimerais savoir si le CRTC prévoit prendre les mesures nécessaires à l'adresse de CHOM-FM?

CBSC Complaint 97/98-0151/52

Howard Stern is a sick American. Why do we need a sick American polluting our airwaves? I read this morning that, in order to "compete" with the expected "popularity" of this sick alien, other Canadian stations will "need" to hire like sickos. In this case, the alien is correct - we ARE the 51st state. He certainly worked ME into a "state" by making those totally uninformed statements about Francophones in Canada. Who knows, maybe fighting aliens will bring us ALL together in one cause - to fight sick American infiltration of our precious right to listen to informed, intelligent and CANADIAN radio. Please, oh please, do your best to squelch this sickness, before it becomes a full-blown virus for which there is no immunity. Thank you so much.

CBSC Complaint 97/98-0166

I would invite you to listen to the above noted broadcast between 7.30 a.m. and 8 a.m. today. I believe that the contents of this segment go well beyond mere vulgarity and are indeed obscene. I know that my choice is not to listen. I guess curiosity got the best of me, but there is a standard, a base line below which we need not go. If our neighbours in the US feel they need to, because of their devotion to their much vaunted notion of freedom of speech, which indeed is really licence, not freedom, that's their affair, but in this country, where we have always had a different view of the use that can be made of the airwaves, we don't need to go in that direction. I believe that as regulators, it is your duty to enforce our community standards.

CBSC Complaint 97/98-0205/206

I listened to a portion of the Howard Stern show September 4, 1997, during which Mr. Stern suggested killing the woman as a viable alternative for getting away with affairs. Mr. Stern then proceeded to invite himself over a woman's home for a threesome with the woman and her mother. When asked what his response might be if he caught his wife cheating on him, Mr. Stern asked if it was a black man or a white man. A caller, upset that the Howard Stern show had been cancelled in his area, discussed his desire to eat corn and defecate on the mayor's..... .

I am writing with the hope that you will remove Howard Stern's vile and insulting propaganda from our airwaves. We do not wish to tolerate his prejudice, sexism, and racism in this country. Further, it is my understanding that current regulations bar broadcasters from airing abusive comments that could expose individuals or groups "to hatred or contempt" on the basis of such things as sex or race.

CBSC Complaint 97/98-0221

I purposely listened to your station yesterday. specifically the new segment by Howard Stern, and around the 10:30 AM to 10:55 time slot.

Distasteful, rude, mind-numbing drivel!

My choice for the future would be never to listen to your station or this program again. That is my choice as an adult.

Specifically, I emphatically object to public airways being a vehicle for comments such as he voiced on a commentary about a woman celebrity, who I believe was Sharon Stone. "blindfolding her and throwing her on a bed, then filling her up" is a sickening thing to say. My twenty-four year old daughter, was recently subject to a sexual attack and attempted strangulation, at knifepoint, in her home, in her bedroom, at 4:30 AM, while she slept. This by an unknown intruder.

Did this misguided individual, manifest his problem by listening to this kind of crap on the radio? Who knows?

I'm sure you will agree, there are people out in our world, who have a problem knowing right from wrong, and who given the opportunity let others in positions of those like Stern, allow them to influence their thinking.

Do the right thing, get rid of this garbage, set an example for your listeners, choke on the bottom line a bit longer and satisfy your boards need for profits with something that bespeaks your right as a public broadcaster.

CBSC Complaint 97/98-0225

May I (representing my husband and family) add my name to the growing number of concerned Canadians that have contacted you to protest the outrageous, defamatory, slanderous and scandalous on-air behaviour of Mr. Howard Stern on Q-107. I am sure that for every person who has not bothered to write, there must be 100 who are equally appalled and disgusted.

Abusive and offensive opinion, for the sake of ratings, is one thing. But to insult and attack one-quarter of our population is reprehensible. (I am sure Mr. Stern has never met one of our fellow citizens from Quebec). In a time when everything expressed over the airwaves is critical to national unity, Canada cannot afford to risk the provocative, uncalled for, unwelcome and explosive statements of an ignorant self-promoting American.

In addition, continuous vulgar comments about genitals, rape and drug addiction are absolutely unwarranted. They have no place on Canadian radio. I applaud the Toronto Star's decision to remove their ads from his show.

I wish to add my voice to the groundswell of public opinion. We Canadians do not want to listen to obscenity or slander. I demand that you act swiftly. Give Q-107 a choice - remove Mr. Stern or their license to broadcast. I believe people are so utterly appalled by this man that it will soon become a political nightmare. I intend to make sure my member of parliament is aware of my disgust. His job is on the line, and so is yours.

The newspapers have reported that you might take up to one year to force this man off our airwaves. If this is so, the CRTC in my opinion has absolutely none of those dangling male genitalia that so fascinate Mr. Stern.

CBSC Complaint 97/98-0227

Dans le cadre de notre demande faite au CRTC le 3 septembre dernier, à savoir quelles étaient les actions que cet organisme prévoyait prendre suite aux propos cités en rubrique, le CRTC nous a informés qu'il vous avait demandé de vous occuper en notre nom de cette question avec CHOM-FM et que vous entendiez suivre le dossier de près.

Nous vous en remercions. Cependant, nous tenons quand même à déposer une plainte officielle auprès de votre organisme pour ces propos tenus sur les ondes d'une radio où tout genre de clientèle peut à tout moment être à l'écoute, tout particulièrement les jeunes qui font des annonceurs de radio ou des personnalités du show business leur héros et prennent souvent très au sérieux ce qu'ils disent. Monsieur Stern, à notre avis, a une responsabilité en tant que personnalité artistique (si on peut se permettre cette expression), du fait qu'il a accès à un véhicule privilégié pour diffuser différents messages qui s'adressent à une clientèle peut-être vulnérable au niveau des idées.

Dans une fiche info qui nous a été envoyée par le CRTC, on y lit que les règlements du CRTC prévoient généralement qu'il est interdit au titulaire de diffuser:

- *des propos offensants ou des images offensantes qui, mis dans leur contexte, risquent d'exposer une personne ou **un groupe ou une classe de personnes à la haine ou au mépris pour des motifs fondés sur la race, l'origine nationale ou ethnique, la couleur, la religion, le sexe, l'orientation sexuelle, l'âge ou la déficience physique ou mentale;***
- *tout langage ou toute image obscènes ou blasphématoires.*

Monsieur Stern a donc enfreint ce règlement et les canadiens français (dont nous sommes) avons été les victimes de cet acte de mépris. C'est pourquoi nous déposons une plainte à l'endroit de monsieur Stern pour ses propos et de CHOM-FM pour avoir accepté de diffuser de tels propos.

Nous espérons que notre plainte sera traitée avec tout le respect que nous devons attendre de votre organisme et vous prions d'agréer l'expression de toute notre collaboration.

CBSC Complaint 97/98-0244

I would like to voice my concern regarding the above-mentioned show.

During the past week there has been a lot of controversy regarding the Howard Stern morning show on Q107. I was curious to hear this show and tuned in on Friday September 12 at approximately 10:30 a.m.

I was absolutely appalled. Howard Stern had made up a song regarding the death of Princess Diana and he was singing it. There was much joking and laughter from the other commentators.

They were also making extremely tasteless remarks regarding Mother Theresa, flies on lepers etc.. etc. Howard Stern was also talking to someone regarding a porno-flick and some of the things that were said were definitely not suitable for teenage-ears. Q107 is primarily a "teenage" radio station.

I understand we have freedom of expression in Canada; however, there must be **some limits to what people can say on a radio station**. The comments regarding Princess Diana upset me very much.

I trust the Canadian Broadcast Standards Council is looking into this matter.

CBSC Complaint 97/98-0249

I can't understand why the racist comments of Howard Stern are not sufficient to rule that a violation of CRTC regulations has occurred. We cannot and should not tolerate the kind of extreme and insulting comments made about our French culture.

I have been raised in Ontario and unfortunately have never learned the language of my ancestors who came to Canada in 1660 but still I feel the sting of Mr. Stern's comments. My father and his 6 brothers fought for this country in the second world war and one, Roger Brunelle, was killed and is buried in Italy. Other brothers returned with injuries and damage that continued the misery long after the war ceased. My Grandmother received the Silver Star for sacrificing so many of her children to the defence of this country.

It is in their memory that I protest. You **MUST STOP** this condemnation of race. You **MUST NOT** allow this kind of racism, that my uncles fought and died to stop. To do otherwise is contrary to our history of tolerance. Not the kind of tolerance that allows cheapshots that are made solely in the interest of ratings and greed. The recent events surrounding the death of Princess Diana and the opportunism of the paparazzi point to the extremes that greed will drive those who care for nothing except the advancement of themselves.

I believe that one of the reasons that we have a regulatory body is to ensure that there is balance and fairness in programs. Surely no one who has heard Stern's comments can find any balance or fairness in them. **PLEASE**, exercise the authority invested in your office to put a stop to these unfair and inflammatory comments.

CBSC Complaint 97/98-0306

I wish to lodge a formal complaint with the commission regarding the Howard Stern show which made its Canadian debut this week. You are no doubt familiar with the nature and content of the offensive show which has been widely reported in the press.

I am a firm believer in freedom of speech. It goes against my every instinct to advocate any form of restraint on the expression of opinions. Canada is a free and democratic country and we are privileged in being able to write, speak and listen to what we wish. However, in any free and democratic society there are necessarily certain limits placed to protect the public and social peace. For example, I cannot shout "fire" in a theatre and then claim I was doing it to entertain, or that people had the option of not listening to me and could "tune me out."

The use of public airwaves is a privilege, not a right. If a station abuses that right by broadcasting racist and incendiary material (listened to by children and possibly emotionally unbalanced individuals) that in no way contributes to the expression of anything even resembling legitimate points of view in a democratic society, it forfeits that right. If Mr. Stern wants to express his views in a private location or on the Internet or in a magazine and semi-literate people want to listen to and read the garbage, that is acceptable. What is not acceptable is the use of limited public airwaves to air racism and hate, even under the pretext (unclear to many) of humour or entertainment.

A broadcast license is a precious asset that many would like to have. There are limits to the number of available licenses and accordingly, they should be awarded only to those willing to broadcast responsibly. The definition of "responsibly" can be extremely wide to accommodate many different, even extreme views. However, it is clear from any reading of the transcripts of the Stern show, that the a line has been crossed that takes us beyond even any stretched definition of "responsible."

I request that you investigate the content of this show and take any action warranted by Canadian law regarding the removal of the show or the renewal of CHOM's license. I will be contacting CHOM's and CKGM's advertisers urging them to cease advertising (many have already done so) and, hopefully, the station will stop the broadcast voluntarily. Criminal and civil charges are also being contemplated.

CBSC Complaint 97/98-0330

Cette lettre est pour faire une plainte contre Howard Stern. Nous avons été scandalisés et tragiquement déçus des propos dit par Monsieur à CHOM le mardi 2 septembre (matin) au sujet des francophones.

Car: il dépasse les limite de la tolérance, ces propos sont inacceptables car ils sont à caractères racistes, haineux, vulgaires, et en plus d'être insultants ils sont appuyés sur aucun fondement véritables.

Comment pouvez-vous accepter qu'un étranger, qui ne connaît aucunement notre histoire, peut-il diffuser en direct de tels propos, si le moindre petit propos haineux contre les Juifs cause un scandale comment celui là peut-il être tolérer.

Le sujet de sa parole suggèrent d'agrandir la division entre francophone et anglophone plus qu'elle ne l'est déjà.

J'espère que vous allez prendre en considération cette plainte et que vous allez prendre les démarches nécessaires pour enlever rapidement cet homme de sur nos ondes radio CHOM et qu'il soit interdit de les diffuser n'importe où au pays.

Nous sommes une civilisation polie, démocratique et respectueuse malgré nos différences comment peut-on accepter de tels propos. Si c'était pour conquérir l'auditoire anglophone c'est d'une malpropreté et d'une malhonnêteté flagrante. Howard Stern, attise les tensions avec ses propos haineux.

Il n'y a aucune race, aucune langue d'absolue. Il semble faire un énorme manque de jugement et de compréhension. Cela est immature et de votre part autant.

Beaucoup de gens ont apprécié à haute température ce qui a été dit. Alors avec toutes les plaintes que vous recevez annuler immédiatement ce "Show" entendre le grichement d'une radio fermer est beaucoup plus agréable et mélodieux que les flatulences d'Howard Stern l'ignorant impoli.

Grotesque, vulgaire, sans respect et sans aucune souciance des conditions et des conséquences néfastes que sont discutées occasionnellement.

CBSC Complaint 97/98-0342

I am writing to complain about the Howard Stern radio show. I tuned in for the first time last week and couldn't believe what I was hearing: a grown man verbally abusing a woman on the airwaves. He called her a slut, a whore, a bitch, and made degrading remarks about her body and body functions. What disturbed me the most was the extent of the hatred that he hurled at this woman. Each word he spit forth was full of violence and contempt: like a rape. I read in the newspaper that he verbally attacked the French by calling them all sorts of horrible names, and immediately felt sick to my stomach. I happen to like the French! They are still part of my country and I want them to stay in Canada. Howard Stern is telling them that they are bad, vile creatures, and that the English hate them, so why should they stay?

Please, someone tell me, what is going on here? Have we lost our minds? Since when did "free speech" come to mean "freedom to hate"? If I spit in your face, is my freedom to do so more important than your freedom to live safe from that kind of hatred? And make no mistake - Howard Stern is a spitter. His venom sprayed all over me, and it's hard to rub off.

People are suggesting that the best way to deal with Stern is to tune him out and hope that low ratings will finish him off. But I have no faith in that solution. There will always be Howard

Stern followers. The world is full of hate and full of impressionable people, and he will surely stimulate and excite others to think and act the way he does.

And that is what worries me the most. If Stern is allowed to continue broadcasting on Canadian airwaves, the hatred that he promotes and encourages will grow and fester, and will one day spew all over me and the people whom I care about. It will spew all over women in the form of harassment and violence, that Howard Stern thinks is hilariously funny, and that men listening to his show will also come to see as hilariously funny. It will spew all over the French, because permission will be given for mud to be thrown in their faces. His filth will be hurled in a thousand different directions and will affect more than us many people, as the media have the power to reach **all** of us.

Permission is being given by Howard Stern, by Q107 and by the CRTC for hatred to grow and to flourish, and I object. I object because, as a woman, I have been on the receiving end of that hatred and it is a horrible experience. Being hated hurts.

Please, get Howard Stern off our airwaves.