
**CANADIAN BROADCAST STANDARDS COUNCIL
B.C. REGIONAL COUNCIL**

CKNW-AM re *The Peter Warren Show* ("Born-again" Christians)

(CBSC Decision 98/99-0277)

Decided October 14, 1999

S. Warren (Chair), H. Mack (Vice-Chair), R. Cohen (*ad hoc*),
D. Cooper, M. Loh and D. Millette

THE FACTS

The facts of this case are out of the ordinary CBSC experience since they refer to *but do not include* the actual wording of statements which were apparently originally made during a broadcast in December 1998. As will be explained below, it seems that, sometime in that month, CKNW-AM (Vancouver) talk show host Peter Warren stated that "[Born-again] Christians are the scum of the earth." Since no listeners complained of the statement in a reasonable time frame following that December broadcast, the logger tapes for that show were, in the ordinary course of events, recycled. On January 21, 1999, however, while Mr. Warren was discussing an entirely different topic with a guest on this show, a caller questioned him regarding those December statements. That brief exchange was as follows:

Peter Warren: Jack in Abbotsford.

Jack: Hello.

Guest: Yeah.

Jack: I was just wondering if you were the person who said that Born-again Christians were the scum of the earth or do I have the wrong person.

Guest: You've got the wrong person

Peter Warren: Sorry, he's talking to me.

Guest: Oh, okay.

Peter Warren: Yeah, you've got the right person but you're on the wrong topic. I did say that. I said it on air and I said it more than once. Okay, Gary.

The Letter of Complaint

A listener sent the following e-mail on February 3:

I preface this letter by saying that I have already written to radio station CKNW in Vancouver voicing my complaint re the matter below. I received a form letter reply of 6 lines obviously sent to ANYONE making a complaint so it neither offered any apology nor dealt with my specific case. I have enjoyed "talk" shows for over 50 years and this is the first time I felt compelled to express my extreme dismay and revulsion of a "talk show" host. I am quite aware that provocative statements and insults are the stock and [sic] trade of these hosts to attract listeners. I also understand the importance of free speech when within the bounds of decency and the law and I support that.

Nevertheless on a Sunday afternoon in late December which I believe was the 20th somewhere between 1 and 2 PM on radio station CKNW in Vancouver the host's right to free speech was replaced by a hate peddler. At that time Mr. Peter Warren a new fill-in host was broadcasting (I believe the first time) from CKNW. After spending considerable time berating any caller who identified himself as a Christian he came out with the unbelievable insulting statement that "CHRISTIANS ARE THE SCUM OF THE EARTH". This is not a paraphrase of his words but are given exactly as spoken. It was a bald slanderous statement of hate and not any sick parody or joke. Between it and the time I turned the radio "off" knob there was no hint of apology. My next experience with Mr. Warren was on tuning to CKNW on Thursday, January 21st soon after 10 AM when to my surprise I discovered he was filling for Mr. Rafe Mair. As confirmation of his (Warren's) arrogance, a caller by coincidence questioned him at that time whether he had indeed broadcast this earlier slander. He had no hesitation in answering in the affirmative and again there was no apology, explanation, clarification, or suggestion that it was taken out of context. Unfortunately it was not until this second broadcast of the slander that I determined to take action. Thus my recollection of the original one is restricted to the Sunday date given above which could be out by a week. I did not realize that station tapes were kept for only 4 weeks so it may be that particular one has been erased. However the tape of the slander on January 21st will fully confirm my case against CKNW and in particular Mr. Warren.

Since 75% of the Canadian population classify themselves as "Christian" (nominal or otherwise) it is inconceivable but true that this public broadcaster would be so ignorant and insensitive as to make such a scurrilous attack on some 20 million of his fellow Canadians by calling them "THE SCUM OF THE EARTH" without any reservation whatsoever. It is no secret that Christianity is under regular attack by the media (usually by their silent regard of the attacks of others) and the government, the recent SwissAir memorial service in which the use of Christ's name was prohibited being one of the later examples. My complaint is just another example but I refuse to be called "SCUM" and intend to pursue every avenue available in an effort to obtain an apology from CKNW.

I'm sure you are aware of the hate laws of this country and in particular B.C.'s Bill 33 and following amendment making the exposure of a "group of persons to hatred or contempt" a crime. The recent human rights case of Mr. Doug Collins was brought by the Jewish Council on a far less serious charge than the one I have just related. So this therefore is not a matter of "free speech" but of that of a possible crime. One can only imagine the outcry (and rightly so), of the stations you represent and print media had this hate been directed toward Jews, Moslems, Indian Spiritualism, or any other religion. It would be comforting if the same treatment and courtesy were afforded Christianity by the media. I now await your reply which I hope will resolve the matter and obviate the necessity of my taking the next step to the CRTC and the Attorney General of B.C. and whatever media coverage I can obtain.

The Broadcaster's Response

The Program Director of CKNW responded to the complainant's letter on February 19 in the following terms:

Thank you for your letter to both CKNW/98 and the CBSC regarding comments made by Peter Warren on December 6, 1998 and January 21, 1999.

We apologize for not adequately responding to you earlier. This was due to the amount of letters and listener concerns received during this time.

Peter Warren has taken the time to respond to you directly regarding your concerns. His letter is attached.

We hope this letter explains the circumstances of the comment and satisfies your concerns.

As stated in the Program Director's letter, Mr. Warren had responded to the complainant on February 17. His letter went as follows:

I am in receipt of a copy of your letter of complaint regarding a statement it is alleged I made and later confirmed as part of two radio broadcasts.

In the interest of factual information and better understanding, please be advised you inadvertently missed three key words in the comment I made. What I said was that, in my personal opinion, "some born-again Christians were the scum of the earth."

I am certain you will agree there is, indeed, a major difference between what you allege I said and what I actually said.

As brief background, please allow me to explain that my comment related back many months ago, when, on another radio station, a spokesman for the Promise Keepers and, later, a self described 'born again Christian' both stated on the air that anybody who was not 'born again' would 'be condemned to eternal hell.'

Under my questioning about Jews, Muslims, Buddhists, B'hai, most citizens of China, followers of many other religions and thousands of other people of this planet who have never been exposed to Christianity ... I was bluntly informed that they, too, would be condemned to hell, presumably with me.

It was not the belief to which I objected, but the arrogance of any person claiming "my way or the highway" and blithely writing off the rest of the human race to eternal damnation.

I am a spiritual person, but I do not impose my belief on somebody of another faith and, in doing so, publicly announce they will go to hell. I do sincerely hope this clears up the misunderstanding.

Certainly on live, open line radio, emotions can run high at times. Sometimes comments are uttered without due thought. But, as somebody who has hosted open line radio programs for close to 30 years, and was featured on "God Talk" - hosted by two Christian Ministers for 45 minutes in January, I have to ask you to accept that my statement was not one of hate or slander.

Additional Correspondence

The complainant was unsatisfied with the broadcaster's response and requested, on March 5, that the CBSC refer the matter to the B.C. Regional Council for adjudication. His Ruling Request was accompanied by a letter which stated in part:

You will note that Mr. Warren uses word semantics in his defence of his repulsive insult in claiming it only referred to "some born-again" Christians. He takes me to task for omitting those three words in my complaint. In my defence, let me say that when I first heard this shocking comment, while driving my car, the thought of complaining was only a passing one.

It was not until January 21st when he confirmed to a caller that he indeed had called "born again Christians scum of the earth" without any qualifying remarks whatsoever that I decided I could not accept such a foul attack on my Faith. Not being privy, as Mr. Warren is, to a tape of what his exact words were on his broadcast I could only rely on memory. Obviously what he actually said can only be proven satisfactorily by parties to this dispute or a neutral one hearing the tapes in question. In the interests of accuracy I regret it if my recall [*sic*] was in fact not absolutely correct. I have no desire to make my case against Mr. Warren and CKNW through any untruthfulness or mis-statement. I consider hurling the "Scum" epithet on anyone for the doctrine they happen to follow, regardless of the number, damning enough and speaks for itself.

The importance Mr. Warren places on the words "some" and "born again" in justifying his classification of Christians as "Scum of the Earth" would be amusing were his insult not so despicable and far reaching. He explains that his aversion to "some born again Christians" stems from a previous interview with a Promise Keeper who classified himself as such and who stated his belief that one who was not (born again) would be "condemned to eternal hell". This is a belief of many millions of Christians all over the world whether they classify themselves as born again or not.

Is Mr. Warren ignorant of Christian doctrine? Further he is obviously unaware that the Islamic religion, one with the greatest number of adherents in the world, as well as other religions, hold to that very same belief. Mohammed himself spoke of the day of retribution and judgement with the words "Verily hell is the reward for the outrageous (non Muslims). They shall not taste therein cool nor drink." Are they also "Scum"?

In his letter Mr. Warren then makes the rather paradoxical statement "It was not the belief to which I objected but the arrogance of any person claiming 'my way or the highway' and blithely writing off the rest of the human race to eternal damnation". Perhaps you would be kind enough to assist Mr. Warren in understanding his offence by referring him to John 3:3 and particularly John 3:18 in the New Testament wherein the "arrogance" of another Person is quoted. While not using the contemporary language "My way or the highway", Jesus Christ himself says precisely those words as He did on many other occasions. Can we assume Mr. Warren includes Him in his "arrogant" and "scum" classification? Whether Mr. Warren realizes it or not there are very deep implications to his unthoughtful remarks.

It is hurtful and completely uncalled for to be labelled "Scum" before hundreds of thousands of listeners for one's Christian religious belief. Only a fool would deny the peril the media would face if the same label were used on a religious minority. The Canadian Association of Broadcasters Code of Ethics, Human Rights Clause 2 which you were kind enough to forward specifically prohibits such "abusive or discriminatory material or comment which is based on matters of religion".

That Mr. Warren's comments were "uttered without due thought" is quite obvious. I am therefore willing to accept his statement that they were not intended as "hate or slander" to be a truthful admission. Nevertheless the sole purpose of my complaint from the outset has not been for any personal gain but to obtain a simple but clear apology from CKNW and/or Mr. Warren for abusively insulting their Christian listeners. It could have been given after my first letter of complaint to the station on January 26th and the matter would have ended. Certainly there was no evident apology contained in Mr. Warren's letter nor to the best of my knowledge of any CKNW subsequent broadcast. I am therefore appealing to your Council for a ruling favourable to my complaint. Further pursuit of the matter by myself will be completely dependent on that ruling. If a continuance is necessary I will take the next step by submitting my case to the CRTC. In closing may I say that Mr. Warren's objection to a Promise Keeper's "arrogance" rings extremely hollow considering his own comment which started this whole exercise.

THE DECISION

The CBSC's B.C. Regional Council considered the complaint under the Canadian Association of Broadcasters' *Code of Ethics*. The relevant clauses of that Code read as follows:

CAB Code of Ethics, Article 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 B.C. Regional Council members listened to a tape of the broadcast in question and reviewed all of the correspondence. A majority of the Council found that Mr. Warren's comments on January 21 were abusively discriminatory based on religious conviction and therefore constituted a breach of Clause 2 of the *CAB Code of Ethics*.

The Absence of Context

As indicated above in the setting out of the facts of this case, this is an unusual situation for the Council. It is quite clear that the CBSC is not presented with the "whole story", so to speak; there was a "history" behind the comment which is the subject of this complaint which cannot be understood from the January 21 broadcast alone. Nevertheless, the Council considers itself in much the same position as would be the occasional listener who may not have heard the December broadcast(s) to which the comments on the January 21 broadcast are apparently related.

It is troublesome, though, that the Council must adjudicate on such a serious comment based, not on the original statement by the host (which might have been more carefully crafted by him), but on his hasty acknowledgment of having made the statement as a result

of an impromptu interrogation on those comments by a caller. While the Council is not unsympathetic to the pressures of live talk radio and the fact that Mr. Warren may well have been taken off guard, it cannot for those reasons alone let the admitted discriminatory comment escape review. In this regard, the Council notes that the host did not end the exchange with a simple acknowledgment, the statement “Yeah, you’ve got the right person but you’re on the wrong topic”; he went on to add (almost self-righteously) that “I did say that. I said it on air and I said it more than once.” In the majority of the Council’s view, this constituted more than a mere brush-off but indicated that the host had reasserted his position.

It may be true that, in his haste to get rid of this caller, the host uttered the comments “without due thought” (as he stated in his response to the complainant), but the Council notes that such an argument merely goes to *intent* and is of little or no relevance in order to determine whether a breach of the Code has occurred. The Council’s mandate is not to judge a broadcaster’s *intention* in airing a statement, report or comment (rarely, if ever, is it a broadcaster’s intent to offend) but, rather, to evaluate *what was actually broadcast* in light of a set of standards to which broadcasters have agreed to adhere. Consequently, at the end of the day, the Council *did not* take Peter Warren’s letter into account in evaluating the January 21 on-air statement. That being said, the Council did actually *discuss* the host’s explanatory letter, in which he may have *meant* to circumscribe and contextualize the comment attributed to him but was not at all convinced that, had they taken it into account, it would have changed their view of the effect of what was actually broadcast on January 21.

Abusively Discriminatory Comment

Looking then at the statement “Born-again Christians [are] the scum of the earth”, the Council has no hesitation in finding that it constitutes abusively discriminatory comment based on religious convictions. In arriving at this conclusion, the Council considered the statements made by Howard Stern which were reviewed by the Ontario and Quebec Regional Councils in *CHOM-FM and CILQ-FM re Howard Stern Show* (CBSC Decision 97/98-0001+, October 17-18, 1997). In that decision, the two Regional Councils jointly concluded that the September 1997 use of “the expressions <peckerheads’, <pussy-assed jack-offs’, <scumbags’, ‘pussies’, <Frig the French’ and <Screw the French’ are ... abusive” and contravened the *Code of Ethics* and *Sex-Role Portrayal Code*. In this case, the expression “scum of the earth” is certainly as abusive as some of the expressions referred to above and, therefore, the Council must conclude that the broadcaster has breached Clause 2 of the *Code of Ethics* by broadcasting the statement of January 21.

Broadcaster Responsiveness

In addition to assessing the relevance of the Codes to the complaint, the CBSC always assesses the *responsiveness* of the broadcaster to the substance of the complaint. In this case, the Council considers that the broadcaster's response addressed fully and fairly all the issues raised by the complainant. Consequently, the broadcaster has not breached the Council's standard of responsiveness. Nothing more is required.

CONTENT OF THE ANNOUNCEMENT OF THE DECISION

The station 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 the complainants who filed a Ruling Request.

The Canadian Broadcast Standards Council has found that CKNW-AM breached a provision of the Canadian Association of Broadcaster's *Code of Ethics* in its broadcast of statements by talk show host Peter Warren on January 21, 1999. In the Council's view, by accusing a named religious group as being the "scum of the earth", the broadcaster has made statements which were abusively discriminatory in contravention of Clause 2 of the *CAB Code of Ethics*.

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