
**CANADIAN BROADCAST STANDARDS COUNCIL
QUEBEC REGIONAL COUNCIL**

CKAC re an episode of the *Gilles Proulx Show*

(CBSC Decision 98/99-1108)

Decided February 21, 2000

P. Audet (Chair), G. Bachand, R. Cohen (*ad hoc*) and S. Gouin

THE FACTS

On June 9, 1999, CKAC (Montréal)'s broadcast of the *Gilles Proulx Show* included a segment in which the host interviewed Raymond Villeneuve, the President of the *Mouvement de libération nationale du Québec* (a new separatist organization which included as members some former militants of the terrorist FLQ organization), on the subject of a recent graffiti spray-painting incident. Apparently, the letters "FLQ" had been painted on the homes of Quebecers alleged to be federalists. One of the spray-painted homes was that of Proulx's rival radio show host, André Arthur. Villeneuve, the President of the *Mouvement*, had been sentenced to 12 years in prison in 1963 for planting a number of bombs, one of which killed a security guard. An excerpt of the interview is provided below (the complete transcript of the interview can be found in Appendix A).

Proulx: Pourquoi est-ce qu'on appelle ça un Front de Libération du Québec? Quand on disait FLQ, ça voulait dire synonyme de bombe et là, c'est rien que de la peinture. Alors ça fait pas très sérieux, mais même si c'était des bombes dégueulasses...

Villeneuve: Vous savez que ça servit de méthode, de mode d'entraînement aussi au FLQ.

Proulx: Les badigeonnages?

Villeneuve: Les badigeonnages. Oui, parce qu'une cellule qui fait un badigeonnage, après ça, c'est facile d'aller poser une bombe sur la maison d'une ordure, d'un André ordure.

Proulx: Oui, mais c'est une bombe atomique que ça prendrait, dans le cas de ce puant, c'est une bombe atomique qu'il aurait fallut, M. Villeneuve, pas une cannette de peinture.

Villeneuve: Un cocktail Molotov serait suffisant.

Proulx: Oui, une bombe à neutron, par exemple. Mais M. Villeneuve, c'est très dangereux ce que vous dites-là, somme toute, non? Vous engagez pas à recevoir la visite de la police après cette entrevue?

[English translation, added after initial publication]

Proulx: Why is it called "Front de Libération du Québec" [Quebec Liberation Front]? When you say FLQ, it's synonymous with bombs and here it's nothing but paint. So it's not very serious, but even if it were disgusting bombs ...

Villeneuve: You know it's used as a method, a training method in the FLQ.

Proulx: Spray painting?

Villeneuve: Spray painting. Yes, because a cell that does spray painting, after that it's easy to bomb the house of someone who's trash, trash like André.

Proulx: Yes, but it would take an atomic bomb in the case of that stinking jerk, it's an atomic bomb you would've needed, Mr. Villeneuve, not a can of paint.

Villeneuve: A molotov cocktail would be enough.

Proulx: Yeah, a neutron bomb. But, Mr. Villeneuve, what you're saying there, it's pretty dangerous on the whole, isn't it? Do you expect to receive a visit from the police after this interview?

A listener wrote to the Secretary General of the CRTC (which forwarded the correspondence in due course), stating, in part (the full text of the correspondence is included in Appendix B):

I am writing this letter to complain about Gilles Proulx's noon talk show on CKAC Radio in Montreal. On June 9, 1999, he interviewed Mr. Raymond Villeneuve, a convicted murderer, in regards to a recent attack by vandals on the home of Mr. André Arthur. He made strong references to Mr. Villeneuve that it would have been better if they had bombed Mr. Arthur's home instead of just spray painting "FLQ" on it. This is totally unacceptable behaviour on the part of Mr. Proulx, Mr. Villeneuve and CKAC Radio.

The Vice-President and Director General of CKAC replied, in part, in the following terms (the full text of this letter is included in Appendix B):

L'entrevue de Gilles Proulx avec monsieur Raymond Villeneuve avait comme objectif de vérifier si ce dernier endossait les actes de vandalisme commis sur des maisons de citoyens. Endossement que Gilles Proulx qualifie dès le départ de très dangereux.

Nous croyons que l'auditoire aura saisi là toute la portée du propos. Le traitement nettement excessif et caricatural de la suite de l'entrevue nous apparaît tellement évident que nous ne pouvons comprendre qu'il y ait eu interprétation d'incitation à la violence. D'aucune façon, ni notre station, ni notre animateur ne peuvent tolérer ou sanctionner des actes de violences. Au contraire, nous les condamnons.

[English translation, added after initial publication]

The objective of the interview by Gilles Proulx with Mr. Raymond Villeneuve was to verify if the latter endorsed the acts of vandalism committed on the homes of certain citizens. An endorsement that Gilles Proulx characterized from the beginning as very dangerous.

We believe that the audience would have understood the overall thrust of the comments. It appears to us that the entirely exaggerated and caricatural treatment of the interview was evident and we cannot understand how anyone could interpret it as inciting violence. In no way does our station or our host tolerate or sanction violent acts. On the contrary, we condemn them.

The complainant was unsatisfied by the broadcaster's response and requested, on July 24, that the CBSC refer the matter to the appropriate Regional Council for adjudication. With his formal request for a ruling, the complainant added a note elaborating on his position. The text of this note is also included in Appendix B.

THE DECISION

The CBSC's Quebec Regional Council considered the complaint under Clause 6(3) of the *CAB Code of Ethics*, which reads as follows:

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

The Regional Council members listened to a tape of the program in question and reviewed all of the correspondence. The Council considers that the program in question is not in breach of the above-mentioned Code provision.

The Issues

The complaint raises two concerns. The first relates to the host's comments regarding the use of "atomic bombs" and "neutron bombs"; the question for the Council is whether the host was merely being sarcastic or was actually advocating the use of violence against his rival. The second concern relates to whether or not the interviewing of a convicted criminal, the head of a militant organization renowned for the use of bombs to further its political agenda in the 1960s and 1970s, was appropriate.

The Use of Sarcasm: The CBSC Jurisprudence

The Ontario Regional Council has previously dealt with the issue of the use of sarcasm in *CFRA-AM re The Lowell Green Show (Somalia Commission Report)* (CBSC Decision 96/97-0238, February 20, 1998). In that case, the host took a tongue-in-cheek approach in dealing with the controversy surrounding the findings of the Somalia Inquiry Commission. In adopting a facetious "Who cares?" attitude during his show, the host rhetorically disparaged the lives of the two Somali victims, calling them "wogs" and "flip flops". A listener complained that this broadcast was racist and incited hatred against people of Somali origin. The Council noted that, although the issue in question may "on the surface ... appear straightforward" as it involves "the use of terminology which has every appearance of being abusively discriminatory", it was rendered "necessarily more complex" by the broadcaster's contention that Lowell Green was "merely being facetious and

cynical, characteristics of the host which ... are well-known to his listeners.” Regarding the pertinence of this argument, the Council stated that

the rhetorical tools of sarcasm, parody, facetiousness, irony, hyperbole and the like may be an effective means of expressing an editorial perspective, [but] the use of these devices does not ... render the user impervious to any claim that the host has, in a particular instance, overstepped the bounds of Canada’s broadcast standards.

The Council found that, in that case, the host’s use of sarcasm had been poorly executed and did constitute a breach of the Code.

The Ontario Regional Council understands perfectly well that Lowell Green was trying to ridicule the decision of the Federal Government to disband the Somalia Inquiry. ... The Council does not consider that his attempt to achieve his goal was poorly conceived but it does consider that it was poorly executed. Careful thought before the fact would have led the host to understand that his comments would likely offend not only the brunt of his barbs, namely, the Federal Government, but also persons of Somali origin, as well as those right-minded Canadians who are sensitive to racial slurs about *any* identifiable group. ...

The effect of his rhetorical attempt to skewer the political decision-makers was not, as it could have been, moderated so as *not* to skewer the compatriots of the slain teenagers. He thus undermined the legitimacy of his own argument ... This was made the moreso true by his *repetition* of the offensive statements without, at any time in the show, offering *any mitigation* which would have left the sarcastic element operational *vis-à-vis* the actual target but not *vis-à-vis* the unintended target. Moreover, he had the perfect opportunity to offer that mitigation or at least some moderation of his position in his response to the caller Ashouk, who, after all, had missed the irony and could have been assumed not to be the only such listener in that position.

The Use of Sarcasm: The Host's Explosive Comments

The Council does not for a moment believe that there was any intention on the part of the host to advocate violence. In a way, its conclusion is simplified by the exaggerated nature of the host’s “violent” suggestion. Had it been a *realistic* suggestion, it *might* have been reasonable for the Council to conclude that the host had *in fact* been advocating a criminal act; however, the utter absurdity of the “suggested” use of nuclear or neutron bombs, which are obviously inaccessible weapons, makes it clear that this is simply a hyperbolic device used as a part of the well-known rivalry between the two Quebec radio hosts.

Moreover, the Quebec Regional Council notes that, in the *CFRA-AM* case, the Ontario Regional Council emphasized the absence of any mitigation by the host regarding his offensive statements, which might have supported the use of sarcasm as a talk show device. In this case, the Council notes that the host did allude to the possible visit of the police at Mr. Villeneuve’s home following the interview, a clear reference to the potentially illegal nature of the actions discussed on the air and to the possible consequences of such actions. Accordingly, the Council does find mitigating circumstances which make it clear that there has been no breach of the Code in this case.

Comments Inciting Violence: The CBSC Jurisprudence

In an earlier case referred to the Quebec Regional Council, namely, *CIQC-AM re Galganov in the Morning* (CBSC Decision, 97/98-0473, August 14, 1998), this Council dealt with the issue of comments inciting violence. The Council had to rule on the comment “we have to ... beat the crap out of all these... crapheads” spoken by host Howard Galganov, well-known activist, anti-separatist campaigner and advocate for the rights of English-language Quebecers. The Council did not, however, find that the host, in making this statement, had seriously advocated violence against whoever he considered to be the “crapheads” at the time. The Council stated:

Leaving aside for the moment the issue of vulgar language which is dealt with below, the Council does not find the statement “we have to ... beat the crap out of all these ... crapheads” to be in breach of the fairness requirement of the Code. The Council does not view this statement as “[translation] a call to violence”, as contended by the complainant. While the meaning sought to be conveyed by Mr. Galganov in making this pronouncement is ambiguous, to say the least, the Council does not consider this isolated comment to be more than an unpleasant, tasteless, juvenile comment, but not a genuine pre-meditated attempt to encourage the commission of a criminal offence.

The Council considers this example to be analogous, to some extent, to the statements dealt with in *CIWW-AM re the Geoff Franklin Show* (CBSC Decision 92/93-0181, October 26, 1993). In that case, the Ontario Regional Council also dealt with an allegation that the host of an open-line radio show was advocating violence. In that case, the host had responded to a case of animal cruelty by encouraging callers to suggest methods of “getting even” with the perpetrator of the crime. The Council did not find any breach of a Code.

It determined that the host had, as a dog-lover himself, been motivated by anger in marshalling the listeners’ calls but that he had not ever meant to be taken as a serious advocate of criminal activities. In the result, it considered Mr. Franklin’s comments to be in poor taste but not constituting a breach of any of the provisions of the *Code of Ethics*.

Whether the reference to bombs in the segment under consideration amounted to bad taste, particularly in the context of their use in the murder of the security guard, must be left to be determined by the marketplace via the on/off switch.

An Interview with a Convicted Criminal

As to the issue of an interview with a convicted criminal raised by this complaint, the Council believes that the principle of free speech must be the operational rule. While it would always be wise for broadcasters to be cautious in their provision of a platform to a criminal who might wish to profit financially, psychologically or otherwise from his crime or to exploit the public, in the absence of the breach of a specific Code provision, it is up to the broadcaster alone to make such an interviewee choice.

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 the main issue raised by the complainant. Nothing more is required. Consequently, the broadcaster has not breached the Council’s standard of responsiveness.

This decision is a public document upon its release by the Canadian Broadcast Standards Council. It may be reported, announced or read by the station against which the complaint had originally been made; however, in the case of a favourable decision, the station is under no obligation to announce the result.

ANNEXE A
Décision du CCNR 98/99-1108
CKAC concernant une émission animée par Gilles Proulx

Voici une transcription de l'entrevue entre l'animateur Gilles Proulx et son invité Raymond Villeneuve qui fut diffusé le 9 juin 1999:

Gilles Proulx: Le président du Mouvement de libération national du Québec, Raymond Villeneuve dit ne pas connaître les gars qui ont fait des dégâts, c'est-à-dire des graffitis du FLQ en fin de semaine dernière à Ste-Foy dans une maison ou sur une maison d'un cochon et Lac Beauport et aussi St-Lambert, nous parlons près de Québec. Cependant s'il les connaissait, il les féliciterait. Des plans pour qu'il s'attire encore une fois les foudres du monde. M. Villeneuve, bonjour.

Raymond Villeneuve: Bonjour M. Proulx.

Gilles Proulx: Donc ça n'a rien à voir avec votre organisation, vous, votre organisation de sous-sol, non?

Raymond Villeneuve: Non, non, je ne pense pas. Ce sont peut-être des sympathisants, mais je ne pense pas que.. nos militants sont occupés là à...

Gilles Proulx: Vos militants, à part de faire du badigeonnage, pas très fort...

Raymond Villeneuve: Ouais.

Gilles Proulx: Pourquoi est-ce qu'on appelle ça un Front de Libération du Québec? Quand on disait FLQ, ça voulait dire synonyme de bombe et là, c'est rien que de la peinture. Alors ça fait pas très sérieux, mais même si c'était des bombes dégueulasses...

Raymond Villeneuve: Vous savez que ça sert de méthode, de mode d'entraînement aussi au FLQ.

Gilles Proulx: Les badigeonnages?

Raymond Villeneuve: Les badigeonnages. Oui, parce qu'une cellule qui fait un badigeonnage, après ça, c'est facile d'aller poser une bombe sur la maison d'une ordure, d'un André ordure.

Gilles Proulx: Oui, mais c'est une bombe atomique que ça prendrait, dans le cas de ce puant, c'est une bombe atomique qu'il aurait fallu, M. Villeneuve, pas une cannette de peinture.

Raymond Villeneuve: Un cocktail Molotov serait suffisant.

Gilles Proulx: Oui, une bombe à neutron, par exemple. Mais M. Villeneuve, c'est très dangereux ce que vous dites-là, somme toute, non? Vous engagez pas à recevoir la visite de la police après cette entrevue?

Raymond Villeneuve: Non non non non non non. De toute façon dans les entrevues que j'ai donné, j'ai dit qu'il y avait des jeunes au Québec dans le désarroi, qui on y

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entendait tout le temps qu'il n'y aurait pas de référendum au Québec et que la solution c'était la lutte armée moi je pense que M. Bouchard n'a pas le choix, qu'il va en faire un.

Gilles Proulx: Oui, mais il va le perdre?

Raymond Villeneuve: Là, si...

Gilles Proulx: Il va le perdre par sa faute parce qu'il a détruit l'idéal québécois avec son école de derrière, les BS qu'il entretient, sa gauche-gauche qu'il entretient.

Raymond Villeneuve: La réponse, le message qui est envoyé à la jeunesse québécoise qu'on peut pas faire l'indépendance par la voie électorale, bien ça voudrait dire qu'on le fera par la lutte armée.

Gilles Proulx: Ah oui.

Raymond Villeneuve: Ce sera la seule solution.

Gilles Proulx: Allez-vous prendre la carabine vous, M. Villeneuve?

Raymond Villeneuve: Eh. Bien pour le moment, on va s'éduquer, se former, voir les méthodes d'organisation

Gilles Proulx: Ah oui mais ça prend des Rambos, des gars en forme, des jeunes, pas des bedaines, pas des anciens, des gars de soixante ans comme vous.

Raymond Villeneuve: Oui vous avez raison, donc c'est pas nécessairement moi.

Gilles Proulx: Non, décidément.

Raymond Villeneuve: Je soutiendrai.

Gilles Proulx: Ah oui, l'appui moral. Mais M. Villeneuve, ça visait la maison d'un cochon, bien sûr c'est une bombe à neutron qu'il aurait mérité, et l'autre personne, un dénommée Roy, qui est-il ce dénommé Roy

Raymond Villeneuve: Ah c'est un autre fédéraliste acharné. Au lieu de se battre pour libérer son peuple, il est allé défendre l'empire britannique puis ça fait vingt ans qu'il milite.

Gilles Proulx: Ah bon, ça c'est le gars qui a hurlé contre la statue de René Lévesque.

Raymond Villeneuve: Oui oui, qui a insulté De Gaulle, là.

Gilles Proulx: Ah oui oui, voilà.

Raymond Villeneuve: Il était présent justement quand ils ont inauguré la statue pour René Lévesque-là. Il était présent avec son drapeau canadien. Ma femme l'a fait bouger.

Gilles Proulx: Oui, mais ce sont des malades, des marginaux, ces clubs marginaux, vous leur donné de l'importance pour rien là.

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Raymond Villeneuve: Oui mais c'est un nombre de marginaux comme ça qu'il faudrait expulser du Québec.

Gilles Proulx: Oui mais M. Villeneuve en agissant de la sorte, ils ont des coups de téléphone du genre - «ouais, Roy Villeneuve t'attend avec le FLQ. Veux-tu avoir notre appui?», donc vous grossissez son mouvement, ce n'est pas très bon comme stratégie.

Raymond Villeneuve: Bien, je ne suis pas sûr.

Gilles Proulx: Alors, la prochaine fois, mettez-y donc une bombe atomique, M. Villeneuve ou une bombe à neutron. Une bombe à neutron ça ne fait pas de dégâts, ça laisse les maisons là, ça tue tout ce qu'il y a de charogne humaine et ça protège les insectes parce que tout ce qui est un pouce du sol c'est sauvé.

Raymond Villeneuve: [inaudible]

Gilles Proulx: Une bonne bombe à neutron. Merci beaucoup, M. Villeneuve. C'était la réaction de Raymond Villeneuve, le fondateur du mouvement de Libération National du Québec qui donne son appui moral à ceux qui se sont attaqués à la maison du charognard et d'un dénommé Roy, un autre arriéré mental paranoïaque qui vit au Québec et qui avec la libre circulation des idées peut dire n'importe quoi sur la place publique contre René Lévesque et Charles de Gaulle.

ANNEXE B
Décision du CCNR 98/99-1108
CKAC concernant une émission animée par Gilles Proulx

I. La plainte

Le 11 juin 1999, un auditeur envoya la lettre suivante au CRTC, laquelle fut acheminée au CCNR :

I am writing this letter to complain about Gilles Proulx's noon talk show on CKAC Radio in Montreal. On June 9, 1999, he interviewed Mr. Raymond Villeneuve, a convicted murderer, in regards to a recent attack by vandals on the home of Mr. André Arthur. He made strong references to Mr. Villeneuve that it would have been better if they had bombed Mr. Arthur's home instead of just spray painting "FLQ" on it. This is totally unacceptable behaviour on the part of Mr. Proulx, Mr. Villeneuve and CKAC Radio. If I were to utter such thoughts, the police would be questioning me immediately! I hope you will look into this matter. Thank you.

II. La réponse du radiodiffuseur

Le Vice-président et directeur général de CKAC a répondu au plaignant le 14 juillet 1999 comme suit :

L'entrevue de Gilles Proulx avec monsieur Raymond Villeneuve avait comme objectif de vérifier si ce dernier endossait les actes de vandalisme commis sur des maisons de citoyens. Endossement que Gilles Proulx qualifie dès le départ de très dangereux.

Nous croyons que l'auditoire aura saisi là toute la portée du propos. Le traitement nettement excessif et caricatural de la suite de l'entrevue nous apparaît tellement évident que nous ne pouvons comprendre qu'il y ait eu interprétation d'incitation à la violence. D'aucune façon, ni notre station, ni notre animateur ne peuvent tolérer ou sanctionner des actes de violences. Au contraire, nous les condamnons.

Si une distorsion dans la compréhension du message a pu blesser qui que soit, ou quelque groupe que ce soit, nous le regrettons. Nous retenons toute la sensibilité reliée à des épisodes tragiques de notre histoire.

Si pareil sujet devait à nouveau faire l'objet de l'actualité, nous pouvons vous assurer que la position de monsieur Proulx et de CKAC demeurera sans équivoque à l'égard du vandalisme et de la violence. Nous sommes contre.

III. Correspondance additionnelle

Le plaignant fut insatisfait de la réponse du radiodiffuseur et a demandé, le 24 juillet 1999, une décision du Conseil régional du Québec. Le 20 septembre 1999, le plaignant a acheminé la note suivante au CCNR qui explique davantage sa position.

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This letter is in reference to File No. 98/99-1108. I returned the "Ruling Request" over 2 months ago. I have yet to receive a satisfactory reply. Enclosed is a copy of the letter sent by "CKAC" radio. In it they try to cover the remarks made by Mr. Gilles Proulx and Mr. Raymond Villeneuve as sarcasism [*sic*]. When a talk show host interviews a convicted criminal such as Mr. Villeneuve, who has been convicted with a major violent crime, I do not see anything funny or amusing about it.

I would greatly appreciate a reply.